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Multilateral Cooperation, Integration and Regimes: The Case of International Labor Mobility

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Introduction

Many states have established, or attempted to establish, multilateral agreements for the free movement of labor among them. This despite the fact that border control is a key feature of states sovereignty, and that migrant workers are often blamed for taking work from native workers. What explains such multilateral cooperation?

Two approaches that seem able to provide an answer to this question are regime theory and theories of integration. Studies have applied *regime theory* to explain cooperation in areas such as trade, services, the seas, and the environment. But the theory has hardly been tested with regards to labor mobility. The majority of *integration* literature has focused on the development of the European Community, but it scarcely dwelt upon the achievement of free movement of labor within the Community. During the past decade, this literature also overemphasized the success of the European project, while mostly neglecting attempts at integration in other parts of the world, thus offering a limited and potentially biased analysis.

The limited use of international political economy theories to analyze multilateral agreements on labor mobility, and the failure to test IPE theories based on these agreements, is surprising for two reasons. First, the labor market is one of three partial equilibria of international economics (the other two being the goods and the services/capital markets). There is an immense IPE literature that deals with international trade policy, and an extensive one dealing with services and capital, but there is almost no parallel literature with regard to labor migration policy. Second, the free movement of labor is one of the major differences between a

free trade area (or a customs union) and a common market. And yet, it was analyzed in this context mainly in the economics literature rather than in the IPE one.¹

Immigration policy literature, like the IPE one, also does not explain multilateral cooperation with regards to the free movement of labor. Most of this literature focuses on domestic explanations for immigration policy.² Some studies explore the influence of foreign policy considerations on immigration policies of specific countries.³ A third group of studies examines immigration policies in the European Community, especially towards immigrants from outside the Community.⁴ And a fourth group analyzes the international refugee regime.⁵ But there is very limited theoretically oriented exploration of labor mobility in the context of multilateral regimes or integration.⁶

The study attempts to fill this gap. It explores the ability of regime theory, theories of integration, and a bargaining model to explain multilateral cooperation with regards to the free movement of labor. It is based on a review of cooperation at the regional and inter-regional levels, and on a more detailed analysis of two regional cases studies.

The article is divided into five parts. First, it categorizes multilateral cooperation on the free movement of labor into four types, presents examples of each of these types, and offers several observations. Second, it analyzes the applicability of four common explanations for multilateral cooperation: two explanations for the rise of regimes, which are hegemonic stability theory and the game-theoretic approach; and two theories of integration – supranationalism (including neofunctionalism) and intergovernmentalism – to explain multilateral cooperation on labor mobility. Third, it presents an alternative model, which highlights bargaining between the

¹ See Balassa, 1962; El-Agraa, 1992.

² For a review of this literature see Meyers, 2000.

³ See Teitelbaum, 1984; Tucker et al., 1990; Weiner, 1990, 1993, 1995; Mitchell, 1992; Teitelbaum and Weiner, 1995.

⁴ See Miles and Thøgers, 1995; Brochmann, 1996; Unger and Puchala, 1997.

⁵ See Salomon, 1991; Hartigan, 1992; Loescher, 1993; Skran, 1994.

⁶ See Hollifield, 1992; Miller, 1992; Zolberg, 1992; Koslowski, 1998. Older studies, which explored the free movement of labor in the EC and elsewhere, were empirical in nature, often focusing on legal aspects, and did not relate to theories of integration or regimes. See Lewin, 1964; Holloway, 1981; Plender, 1988b; Brown, 1989.

countries of origin and those of destination. Fourth, it examines two case studies: the EC/EU and the West African ECOWAS. Finally, the article offers conclusions with regards to the theories mentioned above.

Categorization and Observations with regards to Multilateral Cooperation on the Free Movement of Labor

Multilateral cooperation on the free movement of labor, or attempt to achieve it, can be categorized into four types:

- (a) successful cooperation on the free movement of unskilled and skilled labor, for instance, the EEC/EC/EU, the Benelux Economic Union, and Nordic Community, and CERT A between Australia and New Zealand.⁷
- (b) attempt to achieve cooperation on the free movement of unskilled and skilled labor, which have experienced severe setbacks. They include the Economic Community of West African States (ECOWAS), the Economic Community of West Africa (CEAO), the Central African Customs and Economic Union (UDEAC), the Economic Community of Central African States (CEEAC/ECCAS), the Economic Community of the Countries of the Great Lakes (CEPGL), the Arab Maghreb Union (AMU), and the Central American Common Market (CACM). Mercosur and the Andean Pact are custom Unions, with the aim of eventually becoming a common market.⁸
- (c) cooperation limited to the free or free movement of skilled labor – ECSC, Euratom, GATS, the Caribbean Community (CARICOM), NAFTA (free between the U.S. and Canada, partially restricted as regards Mexico), and the U.S. – Canada Free Trade Agreement.⁹

⁷The latter is a bilateral agreement.

⁸Mercosur has made some progress towards encompassing the free movement of labor.

⁹The ECSC and Euratom were limited to the coal and steel industries and to the field of nuclear energy for various reasons other than those depicted by the model. The U.S. – Canada Free Trade Agreement (later replaced by provisions in NAFTA) was a bilateral agreement.

(d) free trade areas which have not included the free movement of labor – EFTA, the EU free trade agreements with Mediterranean countries, the Caribbean Free Trade Association (Carifta), and the planned Free Trade Area of the Americas.¹⁰

This categorization is obviously rudimentary. The success of multilateral cooperation depends on economic and political factors in the countries of origin and in those of destination, which change over time. The definition of a “severe setback” may also be debatable. I define it as a case where a participant violates the rules or principles of the multilateral agreement, bringing about its temporary or permanent suspension. Thus, the “Eurosclerosis” experienced by the EC during the 1970s did not constitute a severe setback because its members did not violate its rules on the free movement of labor. In contrast, Nigerian policies during the 1980s did violate the principles of the ECOWAS free movement of labor regime, and caused its temporary suspension.

Yet, the categorization of multilateral cooperation on the free movement of labor leads to several observations:

First, multilateral cooperation on the free movement of labor and attempts to achieve such cooperation are a common phenomenon. As noted above, this points to a significant gap in the IPE literature, which has focused on multilateral cooperation on trade and capital, but has mostly ignored that on labor.

Second, all multilateral agreements on the free movement of unskilled labor are an integral part of regional integration schemes. All such agreements, either on unskilled or skilled labor, are also linked to free trade agreements.

And third, multilateral cooperation with regards to skilled labor and the right of establishment is more common than that dealing with unskilled labor. Some agreements include

¹⁰Carifta was replaced in 1973 by Caricom.

both unskilled and skilled labor, while others only cover skilled labor, but none is restricted to unskilled labor.

The following sections analyze the ability of regime theory, theories of integration, and a bargaining model to explain these observations, and more generally, the emergence and durability of multilateral cooperation on the free movement of labor.¹¹

Alternative Arguments: Regime Theory and Theories of Integration

Regime Theory

Several studies suggest that international migration regimes exist in the European Union and in regard to refugees.¹² Regimes are institutionalized or regularized patterns of cooperation in a given issue area, based on principles, norms, rules, and decision-making procedures that make these patterns predictable.¹³ Most versions of regime theory postulate that regimes help to supply public (or at least collective) goods, despite the lack of a central authority. Two major explanations for regime development and change are the structural and the game-theoretic ones.¹⁴ Structural explanations show how the international structure determines the possibilities for cooperation. In particular, the theory of hegemonic stability links regime creation and maintenance to the existence of a dominant power, which helps to provide the collective good. Another structural explanation, Keohane and Nye's "issue-structural" model, predicts that "stronger states in the issue system will dominate the weaker ones and determine the rules of the game."¹⁵ Game-theoretic approaches incorporate exogenously determined preference ordering into the analysis. They argue that regimes facilitate communication, enhance the importance of reputation, lengthen the "shadow of the

¹¹The causes for the prevalence of agreements limited to skilled labor are explored in a forthcoming article.

¹²See notes 4 and 5. Hollifield (1992:587) and Koslowski (1998:159) argue that a regional labor migration regime is in place in the EU.

¹³Kegley and Wittkopf, 1997:33; Krasner 1983:2.

¹⁴The following description of the structural and game-theoretic approaches is based on Haggard and Simmons, 1987. Haggard and Simmons also deal with functional and cognitive theories. The main differences between

future,” and promote diffused reciprocity, thereby overcoming the collective action problem of supplying a collective good.

Regimes help to overcome collective action problems, and supply public (or at least collective) goods. I argue that regime theory cannot explain multilateral cooperation leading to the free movement of labor because such free movement is not a collective good, and because the countries of destination do not face a collective action problem.

In pure economic terms, it could be argued that the free movement of labor does represent a collective good. International labor mobility constitutes an equilibrating mechanism between supply and demand for labor, and between wages, in various regions.¹⁶ Several studies emphasize the contributions of free labor mobility to global welfare. Bob Hamilton and John Whalley analyze the influence of free movement of labor among 179 countries and conclude that it would produce enormous gains in global efficiency, which could exceed existing worldwide GNP.¹⁷ According to James Markusen and James Melvin's two-country model, the free movement of factors (including labor) benefits both countries involved.¹⁸

But the free movement of labor is not a collective good, and its supply does not represent a collective action problem. This derives from a key argument of this article, namely, that *the countries of destination do not require the free movement of labor*, because: (a) most international labor has moved in one direction, from the poor countries to the rich ones; (b) the countries of destination perceive the unrestricted inflow of migrant workers as detrimental because of its long-term economic, social and political costs; and (c) the global supply of unskilled labor is much greater than the demand for it.

The asymmetry of labor migration: Historically, most international migrant labor has been unskilled, and moved in one direction, from poor countries to richer ones.

the two versions of regime theory have to do with the distribution of power and interests among the players.

¹⁵Keohane and Nye, 1977:50-51.

¹⁶Greenwood, 1981.

¹⁷Hamilton and Whalley's, 1984.

Consequently, most countries can be characterized as either countries of origin or countries of destination.¹⁹ This asymmetry differs from the case of trade, where most countries import certain products, and export others.

The costs of migration : When the long-term economic, social and political costs of international labor migration are taken into account, it is questionable whether *unrestricted/free* movement of labor benefits the countries of destination.

There are several counter-arguments to the economic rationale for the free movement of labor. First, according to Jagdish Bhagwati, insofar as there is substitution between commodity trade and factor mobility, it would appear that the Hamilton-Whalley formula tends to exaggerate the output gains from reallocating labor.²⁰ Second, the mass movement of unskilled immigrants would generate structural changes, which could slow the adoption of advanced technologies. Even if the movement of unskilled labor is efficient in the short term, countries might prefer capital intensive production and advanced technologies because of their high surplus value and their contribution to the defense industry. And third, if immigrants obtain social services and transfer payments in excess of their economic contribution to production, consumption and taxes, the receiving country will lose.²¹ The long-term economic impact of immigration is a controversial issue among economists, but it is certainly a source of public opposition to immigration, especially during recessions.

More importantly, immigration also entails social and political costs. Immigration seriously infringes on a country's sovereignty. In fact, it could be argued that the ability to determine who enters and who is a citizen of the state is the core of sovereignty. According to Hannah Arendt, "sovereignty is nowhere more absolute than in matters of emigration,

¹⁸ See Markusen and Melvin, 1988:293; Bhagwati and Srinivasan, 1983:214.

¹⁹ Countries experience both immigration and emigration. But in most of them, either immigration substantially exceeds emigration, or vice versa.

²⁰ Bhagwati, 1984.

²¹ Ehrenberg and Smith, 1988:382-83.

naturalization, nationality, and expulsion." ²² Migration influences the ethnic, linguistic and religious composition of the society, as well as its politics. Thus, immigrants who are of a different ethnic and cultural background than the majority of the local population are likely to face opposition. This is especially true for permanent immigrants, who are admitted as eventual citizens, more than for migrant workers, who are supposed to return to their country of origin. But in practice, the differentiation between the two types of immigrants is problematic because many temporary migrant workers decide to stay in the country of destination, and thus constitute a potential social and political burden. As a result, the social and political costs of labor migration might make its free movement detrimental to the countries of destination and inefficient at the global level, the pure macroeconomic theory notwithstanding.

The supply of labor : High levels of unemployment in the Third World and substantial demographic and wage differentials between the countries of origin and those of destination cause the global supply of unskilled migrant labor to substantially exceed the demand for it. Thus, each country of destination can recruit sufficient labor on its own, without resorting to multilateral cooperation

To conclude, the unidirectional character of most international migration creates a differentiation between countries of origin and countries of destination. The latter are uninterested in the free movement of labor because of its perceived long-term economic, social and political costs. They also do not require the free movement of labor, because the global supply of unskilled labor is much greater than the demand for it. Countries of destination do support labor migration during periods of economic prosperity. But they are opposed to the free movement of labor, because it prevents them from restricting immigration when they do not need it, notably during economic recessions. And given that the supply of unskilled labor is

²² Arendt, 1973:278.

much greater than the demand for it, countries of destination prefer to sign bilateral agreements that regulate the recruitment of labor, or just allow labor immigration during economic prosperity, rather than agree to the free movement of labor. Indeed, most multilateral treaties for the free movement of labor were preceded by bilateral agreements for regulated migration, which involved the same countries of destination and at least some of the same countries of origin.

Regime theory cannot explain multilateral cooperation leading to the free movement of labor. The free movement is not perceived as a collective good because of its long-term economic, social and political costs to the countries of destination. And the countries of destination do not face a collective action problem nor require a regime because they can individually guarantee an adequate supply of labor.²³ Finally, even if a regime of free labor mobility did emerge, it would be inherently unstable because a country of origin would not be able to reciprocate in kind if a country of destination halts immigration. This is different from the case of trade, which is assumed to be bi- or multi-directional.

In addition to the difficulty of depicting multilateral cooperation on the free movement of labor as solving a collective action problem, regime theory also fails to explain the aforementioned empirical observations. Regime theory attempts to explain multilateral cooperation despite the lack of a central authority. While not entirely a contradiction, this does not correspond with the fact that all multilateral agreements on the free movement of unskilled labor are an integral part of regional integration schemes. Regimes are also supposed to operate in specific issue areas, which contradicts the fact that all agreements for the free movement of labor are linked to free trade agreements.

Finally, the structural or hegemonic stability theory explanation for regime creation is particularly inadequate with regards to the free mobility of labor. The hegemon is the most

²³ A similar argument appears in Zolberg, 1992 and Hollifield, 1992.

economically advanced state, and thus it is likely to be a country of destination for labor migration. But based on the costs (or perceived costs) of migration, it is especially prone to oppose the free movement of labor rather than to promote it. The same is true for Keohane and Nye's version of the structural explanation, which focuses on the role of several stronger states in the issue system.

To conclude, neither the game-theoretic explanation for the creation of regimes, nor the structural one, can explain multilateral cooperation leading to the free movement of labor.

Theories of integration

Integration is defined as "the process by which national states transfer parts of their autonomy to a common institutional framework in order to allow for common rules and policies."²⁴ Two major approaches that explain this process are supranationalism / neofunctionalism on the one hand and intergovernmentalism on the other. Supranationalism and neofunctionalism emphasize the role of a supranational process in advancing integration. Neofunctionalism stresses the spillover process. It "expects functional linkages between policy areas to yield progress. If integration in one policy sector is hampered by nonintegration in adjacent (i.e. functionally linked) areas, then efforts to overcome these problems will lead to further integration... The neofunctionalist focus is directed primarily toward nonstate actors; the European Commission is seen as the organizer and interest groups as the catalysts of the process."²⁵ Supranationalism focuses on the state rather than on interest groups, but still ascribes the leading role to the European Commission, being the architect of compromises between the states.²⁶

In contrast, intergovernmentalism focuses on the role of the state and asserts that the state retains its dominant role throughout the process of integration. It rejects the importance

²⁴Corbey, 1995:254 -55.

²⁵Corbey, 1995:255 -56. Based on Haaas, 1958.

of spillover between issue areas, and argues that only in cases where policy preferences of the states converge, will new steps toward integration be taken. The supra-national organization (e.g. the EU) "is seen as an instrument to be called upon whenever member states wish to do so." But it is not expected to alter interstate relations.²⁷ Derived from the neo-realist approach, this theory focuses on bargains between the largest member states. In the context of the EU, Moravcsik focuses on bargains among Germany, France and the UK, while Garrett argues that the economic rules and political institutions governing the internal market reflect the preferences of France and Germany.²⁸ Finally, Moravcsik "locates the sources of regime reform not only in the changing power distribution but also in the changing interests of the state," which in turn are influenced by changes in the domestic political system.²⁹

Theories of integration are better able to explain multilateral agreements leading to the free movement of labor than is regime theory. Firstly, the focus on integration shows why all multilateral agreements on the free movement of unskilled labor are nested within regional integration schemes. Secondly, integration theories can explain the durability of some multilateral agreements and the failure of others. All multilateral agreements on free movement of labor that have suffered setbacks are located in the Third World, and most of them are African. According to the integration literature, many Third World and particularly African integrative ventures have broken down for a variety of reasons, including unfavorable "background conditions" (size-power homogeneity, limited transactions among the states, the lack of pluralistic sociopolitical structures, and conflicting elite values), limited authority, unequal sharing of economic gains, nationalism and competing ideologies.³⁰ And thirdly, neo-functionalism can explain why multilateral agreements on the free movement of service-related

²⁶Corbey, 1995:258-9.

²⁷Corbey, 1995:259. Based on Keohane and Hoffman, 1991; Moravcsik, 1991.

²⁸Moravcsik, 1991; Garrett, 1992.

²⁹Moravcsik 1991:46,48. In referring to the domestic political system, Moravcsik also derives from the liberal approach.

³⁰See Haas and Schmitter, 1966; Okolo, 1985; Johnson, 1991.

labor are linked to free trade agreements. This theory would argue that a spillover process occurs between the two policy areas, because free trade would be hampered without the free movement of workers who provide services.

But integration theories also have some difficulties in explaining multilateral cooperation on the free movement of labor. First, they do not explain why some free trade areas do not include the free movement of labor, while others do. As noted earlier, the difference between a free trade area (or a customs union) and a common market has mainly been analyzed in the economics literature rather than in the IPE one. Second, according to the intergovernmental approach, the preferences of the strongest states, and bargains struck between them, determine the economic rules and political institutions governing the common market. But I demonstrated that the affluent countries, which are also the countries of destination, do not require the free movement of labor and are expected to oppose it. *Thus, according to the intergovernmental approach we would expect to find no free movement of labor at all.* Third, neo-functionalism explains the linkage between the free movement of service-providing labor and free trade. But it fails to explain the linkage between the free movement of unskilled labor and free trade. And fourth, the neo-functionalism assumes that interest groups are the catalysts of integration processes. But the interests of groups in the countries of origin, and those in the countries of destination, are not necessarily compatible, and some are likely to oppose further integration. For example, unions in the countries of origin are likely to support the free movement of labor because it decreases the supply of labor, and thus increases the wages of the remaining workers. In contrast, unions in the countries of destination are likely to oppose the free movement of labor because it increases the supply of labor, and thus decreases the wages of workers.

To conclude, theories of integration successfully account for various aspects of the multilateral agreements leading to the free movement of labor, but fail to account for others. I

will use the case studies to further explore the relevance of the supranational and intergovernmental approaches.

A Bargaining Model

The model offered here assumes that state attitudes with regards to multilateral cooperation on the free movement of labor depend first and foremost on whether it is a country of origin or of destination. I demonstrated that the countries of destination do not require the free movement of labor, and are expected to oppose it, because of its potential long-term economic, social and political costs, and because they can recruit sufficient labor in a regulated manner without resorting to multilateral cooperation on free movement. The countries of origin would prefer economic growth to reduce economically motivated emigration. But where this goal is not achieved, unemployment is high, and the country of origin benefits from emigrants' remittances, it supports emigration and the free movement of unskilled labor. Thus, *Countries of origin are likely to support the free movement of labor, while countries of destination are likely to oppose it.*

The free movement of labor does not represent a public good or collective action problem. Instead, it is the product of bargaining between countries of origin and those of destination.³¹ Countries of destination agree to the free movement of labor in return for the countries of origin accepting their requests in other issue areas. Usually, the countries of origin grant the countries of destination, which are more economically advanced, unrestricted entry into their markets and the right to purchase property, and/or they accept their leadership status.

This kind of a tradeoff, or cross-issue linkage, is likely to emerge in formal organizations – notably regional integrations schemes – because organization guarantees long-term interaction

³¹ A rich literature explores bargaining in international relations, although much of it – unlike the model presented here – is based on formal modeling. See Sutton, 1986; Rasmusen, 1989.

(i.e. the “shadow of the future”), the ability to reciprocate, central monitoring and enforcement mechanisms. In addition, international organizations “provide forums for meetings and secretariats that can act as catalysts for agreement.”³² But the model still assumes that the state is the dominant player, while supra-national organizations only facilitate the process and the linkage. Thus, of the four aforementioned theories, the model most resembles the intergovernmental theory, although there are also substantial differences between the model and the theory.

The above analysis, explaining the emergence of multilateral cooperation on the free movement of labor, is summarized by the following hypotheses:

Hypothesis 1 : countries of origin are likely to support the free movement of labor, while countries of destination are likely to oppose it.

Hypothesis 2 : countries of destination are likely to agree to the free movement of labor in return for the countries of origin accepting their requests in other issue areas.

Hypothesis 3 : the free movement of labor is likely to emerge in formal organizations.

The conflicting attitudes also explain setbacks to multilateral cooperation on labor migration. I argued that countries of destination are likely to agree to free migration in return for the countries of origin yielding to their requests in other issue areas. Thus, countries of destination are likely to violate multilateral cooperation on free labor migration, or withdraw from it, causing setbacks to cooperation, in two cases:

- (a) if the agreement does not yield the expected benefits in on other issues (i.e. it does not facilitate entry into the markets of the countries of origin, or does not facilitate the countries of destination quest for regional hegemony);

³²Keohane, 1984:90.

(b) if the economic or political costs of the agreement are greater than expected –because of economic and/or political instability in the country of destination, together with large -scale migration.

Hypothesis 4 : countries of destination will violate multilateral cooperation on free labor migration because the agreement did not yield the expected benefits in trade or regional hegemony, or because of domestic economic and/or political instability together with large -scale migration.

The emergence of multilateral cooperation on free labor migration, as well as setbacks to such cooperation, are linked to the volume of migration. Migrant workers become a burden on the countries of destination during economic recessions. The greater the number of workers, the greater the burden (or potential burden) on the countries of destination, and the more they will oppose the free movement of labor. Thus:

Hypothesis 5 : the larger the number of migrant workers, the less likely it is that an agreement on free movement will emerge, and the more likely it is that it will suffer a setback during economic recessions.

According to classical economic theory, the bigger the economic gap between countries, the greater the volume of labor migration between them will be. Other theories note additional factors affecting migration, such as investments in the countries of origin and failures in capital and credit markets in these countries, and the distance, cultural links and migration networks between the countries of origin and those of destination. ³³ But differences in economic

³³ See Sassen, 1990; Stark, 1991; Massey et al., 1993; Massey and Espinosa, 1997; Massey, 1998.

development and wages clearly influence the volume of migration, at least in its early stages, and more importantly – they are perceived as such by policymakers. ³⁴Based on the economic argument and on the previous hypothesis, it follows that:

Hypothesis 6a : the bigger the economic gap between countries, the less likely it is that an agreement for free movement will emerge, and, if it is nevertheless established, the more likely that it will suffer a setback.

When we deal with more than two countries, the above hypothesis refers not only to the economic gap in terms of per capita GNP or hourly wages, but even more to the degree of asymmetry of economic development among them. For example, the volume of labor migration in a region where the per capita GNP of most countries is less than \$500, while that of one country is \$2000, is likely to be larger than the volume of migration between Canada (per capita GNP of \$20,082 in 1997) and the United States (per capita GNP of \$28,780). The asymmetry of economic development is especially important where there is one rich country and many poor ones, because most labor will migrate to that one country, rather than spread among several countries of destination. Thus:

Hypothesis 6b : the more asymmetrical economic development among countries, the less likely it is that an agreement for free movement will emerge, and, if it is nevertheless established, the more likely that it will suffer a setback.

³⁴For example, according to a European Commission report (2001:27), the wage gap appears a key factor, and first in the list of factors influencing the movement of labor. In addition, a comparison of wage differentials and the distribution of migrant workers in the EC during the 1960s shows a strong correlation between the two.

From the above analysis it also follows that the countries of destination will be concerned about the free movement of labor as long as the countries of origin are substantially less developed than they are. Thus:

Hypothesis 7 : the countries of destination will attempt to delay the implementation of free movement clauses until the economic gap between them and the countries of origin is narrowed.

Finally, an explanation of the bargaining model for cooperation leading to the free movement of skilled and service -related labor is detailed elsewhere.³⁵ In short, the model argues that the countries of destination support the free movement of skilled migration because it embodies human capital. They support the free movement of service -related labor because it facilitates the international trade of advanced goods and of services, which mostly originate in the industrialized countries.

To conclude, multilateral cooperation on the free movement of labor is a product of bargaining between the countries of origin, which tend to support such free movement, and the countries of destination, which tend to oppose it. The countries of destination are more likely to agree to the free movement of labor, and multilateral cooperation on the free movement of labor is more likely to emerge, in the following cases:

- a) within the framework of formal organizations;
- b) when the economic gap between the countries is small (or expected to narrow), and economic development is symmetrical, leading to expectations of limited labor migration;

³⁵See "Multilateral Cooperation on Skilled Labor: A Bargaining Model," forthcoming.

- c) when the countries of origin grant the countries of destination unrestricted entry into their markets and the right to purchase property, and/or accept their leadership status, in return for the free movement of labor;
- d) when the labor is skilled or related to the supply of services.

Countries of destination are more likely to violate multilateral cooperation on the free movement of labor, and such cooperation is more likely to suffer setbacks in the following cases:

- a) when a substantial economic gap and an asymmetrical development between the countries result in a large labor migration between the countries;
- b) when the free movement agreement does not yield the expected benefits for the countries of destination in terms of trade and regional hegemony;
- c) when the countries of destination suffer domestic economic and/or political instability.

Level of Analysis

Immigration policy is shaped by both domestic and international considerations. Therefore, a two-level model, such as Putnam's, should represent it the most accurately.³⁶ The model offered here assumes that agreements on the free movement of labor are the product of bargaining between countries of origin and those of destination. But it also presumes, for example, that countries of destination tend to oppose immigration during economic recessions. There is a clear domestic politics rationale for such an assertion: at times of economic decline and increasing unemployment, workers push for restrictions on immigration. The employers, who face a reservoir of workers willing to work for lower wages, limit their investment in immigration advocacy because the marginal utility of such an effort declines. Consequently, the government tends to restrict immigration.³⁷

³⁶Putnam, 1988.

³⁷See Freeman, 1995.

While the study does occasionally mention pressures by interest groups and the general public on the government, the model depicts a unified state. The addition of domestic players to the model would enhance its accuracy, but at the same time would make it less parsimonious, and would only marginally improve its ability to predict *multilateral cooperation with regards to labor migration*. As long as I assume that changes in the domestic arena (e.g. the coming into power of a right wing party versus a left wing one) do not influence the state's attitudes towards multilateral cooperation on labor migration, it suffices to argue that external economic shocks cause changes in the national interest, and consequently in the state's attitudes towards migration.³⁸

Comparison to Other Theories

The model offered here incorporates elements from different theories, but it also differs from each of them in some aspects:

- In contrast to regime theory, it does not assume a collective action problem in any issue area;
- In contrast to the supranational/neo-functional approach to integration, the model assumes that the state is the dominant player, while supranational organizations only facilitate the process of linkage. And while domestic interest groups and public opinion influence the state's policy on immigration, its policies with regards to multilateral cooperation on migration are mostly determined by whether it is a country of origin or a country of destination.
- In its focus on the state rather than on the supranational institution as the key player, the model resembles the intergovernmental approach. But in contrast to that approach, the

³⁸It should be noted that such the model, which depicts a unified state, is only relevant to multinational cooperation with regards to labor mobility. In the case of permanent migration, the political process differs, the range of domestic players involved is greater, and the likelihood of multilateral cooperation much smaller, than in the case of labor mobility. See..., 2001a, forthcoming.

model assumes that trade off takes place between the countries of origin and the countries of destination, rather than among the more affluent states, which are all likely to be countries of destination. Thus, the economic rules governing cooperation on the free movement of workers reflect the preferences of both stronger and weaker states.

Where cooperation literature is concerned, the model here probably most resembles Lisa Martin's findings with regard to British policies during the Falkland Islands conflict.³⁹ Similar to the British/Falkland case, I find that asymmetric preferences characterize the migration issue area, and that international institutions (the EC in the British case) facilitate issue linkages by offering credibility. But there are also several differences between Martin's case and my model. First, the model here explored labor migration, and IPE in general, while Martin's study focuses on security.⁴⁰ Second, Martin describes a case where "cooperation resulted from the intense interest of one state," while in my model bargaining may equally serve the interests of any number of states. Third, I attempt to offer a much more comprehensive model, based on a set of hypotheses. Finally, while Martin's study explains a specific case, related to specific circumstances, the model presented here applies to various regions and numerous cases.

Empirical Analysis

The bargaining model successfully accounts for various aspects of multilateral agreements for the free movement of labor. First, it explains that all multilateral agreements on the free movement of unskilled labor are an integral part of regional integration schemes because such formal organization facilitates the long-term trade off between the interests of the countries of origin (i.e. the free movement of unskilled labor) and those of the countries of destination (i.e. free trade and regional dominance).

³⁹Martin, 1992.

⁴⁰Both studies do link security and IPE to some extent, but the focus differs significantly.

Second, the trade off between free trade and free mobility of labor accounts for the fact that all multilateral agreements on the free movement of labor are linked to free trade agreements.⁴¹

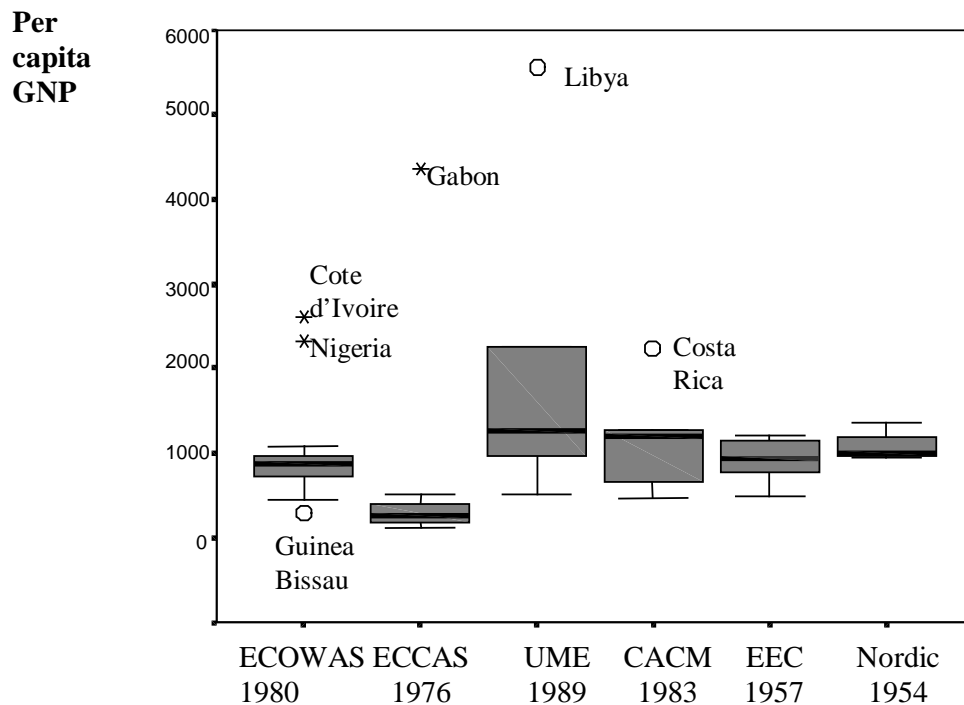
And third, the model explains why some regional integrations schemes are limited to free trade, while others include stable or unstable agreements for the free movement of labor. The more asymmetrical economic development among countries, the less likely it is that an agreement for free movement will emerge, and, if it is nevertheless established, the more likely that it will suffer a setback. Regional integrations schemes are especially unlikely to encompass the free movement of unskilled labor when (a) the degree of economic development among countries is highly asymmetrical, and (b) when the country of destination is already the uncontested regional hegemon, and does not require access to the markets of the countries of origin. Table 1 and figure 1 support these arguments. The distribution of per capita GNP in ECCAS, ECOWAS, AMU, NAFTA, the Sahel-Benin Union, and CACM was heavily skewed. This produced uni-directional migration from the poor countries to the wealthy ones, and impeded attempts to achieve cooperation on the free movement of unskilled and skilled labor in these regional organizations. In contrast, the distribution of per capita GNP in the EEC and the Benelux economic union has been more symmetrical, and they succeeded in establishing the free movement of unskilled and skilled labor.

The validity of this explanation is qualified by the problem of over-determination, because all multilateral agreements on free movement of labor that have suffered setbacks are located in the Third World, and most of them are African. As noted above, integration literature offers numerous explanations for the failure of Third World and particularly African integrative ventures. Thus, it is hard to determine the influence of the economic gap without looking at the case studies. Nevertheless, the fact that some successful regional integrative ventures (e.g.

⁴¹In addition, agreements devoted to the free movement of service-related labor are common and related to free trade agreements because such labor facilitates the international trade of advanced goods and services.

NAFTA and EFTA) encompass free trade areas but not the free movement of unskilled labor. This indicates that the factors facilitating the free movement of labor are not identical to those promoting regional integration as a whole.

Figure 1: Variance of Per Capita GNP in Regional Organizations (Box Plots)



Note: The shaded area indicates the 25th to 75th percentile. 50 percent of cases have values within the box. The thick line indicates the largest observed value that is not an outlier. The thick line indicates the smallest observed value that is not an outlier. The * indicates values more than 3 box-lengths from the 25th and 75th percentile (extremes). The o indicates values more than 1.5 box-lengths from the 25th and 75th percentile (outliers).

Table 1: Distribution of Per Capita GNP in Regional Organizations - Degree of Skewness

ECCAS 1976	3.254
ECOWAS 1980	1.943
AMU 1989	1.727
NAFTA 1993	-1.258
Sahel-Benin 1973	1.362
CACM 1983	0.947
Benelux 1956	-0.716
EEC 1957	-0.603

Note: The skewness measures for NAFTA, Benelux and the EEC are negative because the per capita GNP distribution is skewed toward the poorer countries.

Finally, figure 1 highlights exceptionally wealthy and poor members in each multilateral cooperation.⁴² The exceptionally wealthy members are also the main countries of destination, and according to the model they are the ones likely to oppose the free movement of labor in the first place, and violate the multilateral agreements during economic downturns. This prediction of the model is validated with regard to each of the exceptionally wealthy countries:

- Nigeria, one of the two wealthiest countries in ECOWAS in the early 1980s, was also a main country of destination. In 1983 and 1985, when faced with declining oil prices and a political crisis, it violated the spirit of the ECOWAS Treaty by expelling over two million illegal migrants.
- Côte d'Ivoire, the wealthiest country in West Africa, opposed the implementation of the Sahel-Benin Union in the late 1960s.⁴³ In 1998–2001, in the midst of an economic and political crisis, it restricted and then practically expelled migrants from Burkina Faso despite an assertion that this would slow economic integration.

⁴² These exceptionally wealthy countries – Nigeria, Côte d'Ivoire, Gabon, Libya and Costa Rica – are defined by the box plot figure as “outliers” or “extremes”. NAFTA, the Benelux Economic Union and the Sahel-Benin Union do not appear in figure 1 because the box plot figure does not present outliers for groups of fewer than five cases.

⁴³ The Sahel-Benin Union does not appear in figure 1, but the per capita GNP of Côte d'Ivoire was two to four times larger than that of the other Member states.

- Gabon, the wealthiest country in Central Africa and in the Economic Community of Central African States, experienced a 31 percent drop in its per capita GNP between 1976 and 1978. Consequently it expelled migrants in 1978. ⁴⁴In 1994, again during a recession, Gabon enacted laws that caused the departure of over 50,000 foreign nationals. ⁴⁵
- Libya was the wealthiest member of the Maghreb Economic Union and its main country of destination. The AMU, established in 1989, was dormant between 1993-99 due to political difficulties. But earlier, in 1985, when faced with an economic decline, Libya repatriated 30,000 Tunisian workers.
- Costa Rica, the wealthiest member of the Central American Common Market, feared a labor invasion and objected to moving towards a free flow of labor. Consequently, the decision about joining an agreement on the free movement of labor in the CACM was made voluntary. ⁴⁶
- The United States, the wealthiest member of NAFTA, has opposed the inclusion of free movement of unskilled labor in the regional scheme, fearing large-scale migration from Mexico. ⁴⁷ Mexico, the poorest member, and in particular its President Vicente Fox, has supported the free movement of labor. ⁴⁸

The theoretical and empirical analysis demonstrated the failure of regime theory, the partial success of integration theories, and the ability of the bargaining model to account for various aspects of multilateral agreements leading to the free movement of labor. I will use the following case studies to further explore the applicability of integration theories and the bargaining model. The EC/EU is an example of successful cooperation on the free movement

⁴⁴ Adepaju, 1988:36-37,82.

⁴⁵ *Migration News* 2(3), March 1995.

⁴⁶ Simon and Purcell, 1995:66-67.

⁴⁷ The United States did sign a bilateral agreement on the free movement of skilled labor with Canada, which has a much higher per capita GDP than Mexico.

⁴⁸ See *Migration News* 7(1), January 2000 and *Migration News* 7(5), May 2000.

of unskilled and skilled labor, while ECOWAS is an example of an attempt to achieve such cooperation that has experienced a severe setback.

The EC/EU ⁴⁹

The free movement of labor in the EC/EU

The most advanced multilateral agreements on the free movement of labor is part of the European Communities (EC)/European Union (EU). The basic concepts of the freedom of movement for workers were introduced in the 1957 Treaty of Rome, which established the European Economic Community. The Treaty of Rome also set in motion a transition period, during which the relevant regulations and directives implemented. The free movement of workers within the Community was mostly achieved by 1968, with several elements added in the early 1970s. ⁵⁰

Then, during the 1970s and early 1980s, the advancement of the EC was slowed, in what became known as “Eurosclerosis”. The main developments related to migration during that period had to do with the accession of Greece, Portugal and Spain to the Community, and with the growing recognition of the need to regularize the status of third country migrants (i.e. migrants who originated from outside the Community). Since 1985, the Single European Act, the Schengen agreement, and the Maastricht and Amsterdam Treaties advanced the free movement of persons by eliminating obstacles to movement, and awarding EC citizens and migrants with certain political rights. During the past decade, the EC/EU has also attempted to establish a common immigration and asylum policy with regard to migrants from outside the Community. The focus of discussion and legislation since the 1970s has changed from a purely economic view focusing on the movement of labor to a more social and political

⁴⁹The European Community went through several phases, in which its title changes from the EEC to the EC and then to the EU. I will use the term EU for the post-Maastricht period.

⁵⁰The 1968 regulation did not create a complete common market. The free movement of persons and capital was only added after the SEA and the Maastricht Treaty.

approach, geared towards European citizenship and an eventual political union.⁵¹ Since this study analyzes multilateral agreements on the free movement of labor, it will focus on the crucial period in this respect, that is, between the 1950s and 1970s, and on the later accession of new members to the EC regime of free movement of labor.

Title III of the Treaty of Rome (Articles 48-66) established the principles governing the mobility of workers for the purposes of employment, the right of establishment, and the provision of services.⁵² The Treaty called upon the Council to issue directives and make regulations in order to implement these principles by the end of a transitional period. The freedom of movement for workers was implemented in three phases: Regulation No. 15/61 of 1961; Regulation No. 38/64 and Directive 64/221 of 1964; and Regulation No. 1612/68 and Directive 68/360 of 1968.⁵³ Under the 1968 Regulation and Directive, Community nationals have the right to pursue work in any member state (for three months); work permits are abolished for Community nationals; if the worker secures employment, he or she is automatically entitled to a residence permit valid for at least five years; discrimination on the grounds of nationality is prohibited; and the worker and his family are entitled to various social security benefits.⁵⁴

Supranationality versus intergovernmentalism/bargaining

In the theoretical section I suggested that bargaining among the member states (a process envisioned by intergovernmentalism and the bargaining model), rather than acts of supranational institutions explains the free movement of labor. Several scholars support the supranational approach, arguing that the Community's institutions played a major role in advancing the free movement of labor in the EC. Dahlberg, for example, focuses on the

⁵¹ See Garth, 1986: 105-7; Geddes, 2000.

⁵² EEC, 1973.

⁵³ European Council 1961, 1964a, 1964b, 1968a, 1968b. These regulations were supplemented by Regulation 1251/70 (EC Council 1970).

Commission, “because as initiator of free movement legislation it becomes the nexus of the demands, complaints, and pressures of those concerned with European labor problems.”

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Garth and Geddes emphasize the role played by the European Court of Justice and the Commission in expanding the freedom of movement for labor.

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The Commission was more supportive of the free movement of labor than most member states, and together with Italy it played a role in advancing it. This was partially because most states originally opposed various aspects of the free movement of labor. For example, during the discussions leading to Regulation 15, the Commission and Italy supported Community priorities (i.e. the notion that Community workers should have priority in employment over third-country workers), while other member states opposed it.

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Moreover, a conflict developed between the Commission and the Council with regards to controlling the process. The states that opposed the free movement of labor backed the Council, because it more closely represented their interests. For instance, on the matter of Community priorities, the Germans made a reservation that any implementing directives would have to be unanimously agreed upon in the Council.

⁵⁸The Commission, for its part, attempted to use the Technical Committee as a forum where government representatives could express their views informally without having to worry about pressure from domestic interest groups, and where experts would play a greater role in consultations. But the Consultative Committee – whose members were formally appointed by the Council and practically by the states – attempted to prevent the Technical Committee from becoming the major advisory body on free movement.

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⁵⁴European Council 1968a, 1968b; Holloway 1981:264 -65; Garth, 1986:102 -11.

⁵⁵Dahlberg, 1968:310.

⁵⁶Garth, 1986; Geddes, 2000.

⁵⁷Lewin, 1964:312; Dahlberg, 1968:313.

⁵⁸Dahlberg, 1968:313, n.9.

⁵⁹Lewin, 1964:319 -20; Dahlberg, 1968:314 -18.

Nevertheless, I argue that the development of the free movement of labor depended on the interests of the member states, and on bargaining among them, rather than on the Commission. First, the large political questions, such as the degree of priority that Community workers should have over third country workers, were passed onto the Council, where negotiation took place.⁶⁰ Second, according to the Treaty of Rome, the Council must unanimously agree upon proposals from the Commission on most matters related to the free movement of labor.⁶¹ Third, before going forward with its proposals, the Commission conducted informal consultations with governments and with interest groups in order to see what was possible.⁶² Thus, the Commission's proposals already took into account what was politically realistic in terms of the interests of the various states. And fourth, the Commission attempted to promote an institutional change, whereby it would judge the validity of decisions by member states to abrogate the rights granted by the regulation. But the member states rejected that proposal because they did not want to grant the Commission further supranational powers.⁶³ Similarly, when the Commission pushed for a broad interpretation of its powers on collaboration in the social field, the Council reached a unanimous conclusion that only the national governments are competent to take decisions on that matter.⁶⁴

To conclude, I argue that while the Commission did play a role in promoting the free movement of labor in the EC, it was mainly the interests of the member states, and bargaining among them, that determined the pace and scope of that process. Italy - whose actions are described in the following sections - was the main force behind the implementation of free labor migration in the EC.

⁶⁰Dahlberg, 1968:312,323.

⁶¹Under the SEA, Article 6(3), the Council is to reach its decisions on matters falling under the Treaty provisions governing the free movement of workers by a qualified majority. But this change was made long after the principles of the free movement of labor regime were determined. Other matters related to the free movement of persons remained subject to unanimity. See European Union 1992, Title II, Part Three, Title III, Articles 39 -55; Geddes, 2000:69; Plender, 1988b:214, n.109; Garrett, 1992:545.

⁶²Dahlberg, 1968:317 -18.

⁶³Dahlberg, 1968:323.

⁶⁴Dahlberg, 1968:330.

The bargaining model: from 1954 to 1968

The model presented here argues that multilateral agreements on free labor migration are a product of bargaining between the countries of origin and those of destination. The countries of destination are inclined to oppose free labor migration. But they agree to it, and in return the countries of origin grant them unrestricted entry to their markets, and/or accept their leadership status or legitimacy.

In the EEC of the 1960s, Germany was the main country of destination, receiving 71.4 percent of EEC migrant workers in 1961, and 78 percent of them in 1964. It was followed by France (18.9 percent in 1961 and 10.1 percent in 1964) and Luxembourg. Italy was the main country of origin, the source of 79.8 percent of EEC migrant workers in 1961 and 75.2 percent of them in 1964, followed by the Netherlands.⁶⁵ This distribution of migrant workers corresponded to wage differentials: Germany, Luxembourg and France had the highest wage per hour for manual workers, while Italy and the Netherlands had the lowest.⁶⁶ Germany, France and Luxembourg were also the major destinations for Italian workers, although Italian workers comprised a sizable part of the labor force only in Germany and Luxembourg. But these countries of destination did not need a multilateral agreement promoting the regional free movement of labor: France already signed bilateral labor recruitment agreement with Italy in 1904 and again in 1951, while Germany signed similar bilateral agreements with Italy during the Nazi regime and again in 1955. The two countries of destination also had alternative sources of labor: Germany signed bilateral labor recruitment agreements with Spain, Greece, Turkey, Portugal, Tunis, Morocco and Yugoslavia during the 1960s. France signed agreements with Spain, Portugal, Morocco and Tunisia during the 1950s and 1960s, and accepted unregulated

⁶⁵Yannopoulos, 1969:234 -39.

⁶⁶Yannopoulos, 1969:239.

migration from Algeria and from its former colonies. ⁶⁷ As a result, France issued only 9 percent of its new work permits to Community workers in 1964, while Germany issued 39 percent of its new work permits to Community workers. ⁶⁸

Because of the potential economic and social burden of free labor migration, and the availability of alternative sources of labor, the countries of destination – notably Germany and France – were inclined to oppose free labor migration within the EEC. Already in 1955, an ILO report on the "Social Aspects of European Cooperation" noted that ever since World War II, Italy and the other states of southern Europe had been urging a liberalization of the international labor market. ⁶⁹ But that demand constantly met with resistance from the northern countries. The Report thought it unlikely that the southern governments could persuade the northern countries to accept the free movement of labor unless they, in return, lowered tariff barriers or made similar concessions. ⁷⁰ This kind of package deal was not concluded by 1957. Instead, the Treaty of Rome established a transition period, during which Italy and the northern member states conducted tough negotiations until the free movement of labor was agreed upon.

Germany and France eventually agreed for the free movement of labor in return for unrestricted entry into the Italian market. ⁷¹ Some scholars also argue that Germany promoted the EEC in an attempt to achieve legitimacy after World War Two. While this argument corresponds to the model presented here, I could not find evidence of a direct link between this goal and Germany's acceptance of the free movement of labor. During the 1958 – 1968 period, the opposing interests of the countries of destination and those of the country / countries of origin produced conflicts over five matters: the free movement of labor; the

⁶⁷ Plender, 1988b; Essera and Korte 1985; Holloway, 1981; Mehrlander, 1979.

⁶⁸ Yannopoulos, 1969:237; Dahhlberg, 1968:326 – 27.

⁶⁹ Ohlin, 1955:120.

⁷⁰ Holloway, 1981:255. Based on Ohlin 1955:121.

⁷¹ Germany's need for foreign markets for its increasing industrial output is a common explanation for its role in establishing the EEC. See Dagoglou 1984:150.

degree of priority that Community workers should have over third country workers; the eligibility of Community workers to be elected to workers' councils in their country of destination; the definition of family members allowed to accompany the migrant worker; and the inclusion of frontier and seasonal workers in the agreement.

The trade-off between labor policy and trade policy was particularly evident in the case of the free movement of labor. The French and Germans proposed to complete the common markets in agricultural and industrial goods by July 1, 1968. The Italians demanded, in return, that the free movement of labor be achieved by the same date.⁷²

The conflict of interests between these countries also applied to the priority that Community workers should have over third country workers. This was a crucial element of the regulations because without such priority, employers would opt for extra-Community workers, who did not enjoy the same rights as Community workers. It led an Italian official to argue that, "if this principle (Community priority) has not been established, free movement would have remained a theoretical right."⁷³ The Italians, together with the Commission, supported such priorities, while the other member states—especially Germany and France—opposed them. And as noted above, the Germans stipulated that any implementing directives on that matter would have to be decided by unanimously agreed upon in the Council. Eventually, it was the Belgian and Dutch delegation that suggested a compromise on the matter, which was accepted.

The eligibility of Community workers to be elected to workers' councils in the country of destination was again an area of conflict between Germany and Italy. Italy argued that such eligibility fell under the 'working conditions' mentioned in Article 48 of the Rome Treaty. The Germans, in contrast, opposed that interpretation. And again, a compromise was reached after hard bargaining.⁷⁴

⁷²Dhalberg, 1968:310.

⁷³Falchi 1971:17. Quoted in Holloway 1981:265. See also Lewin, 1964:318-19. In practice, European employers recruited extra-Community workers despite Community priority.

⁷⁴Dhalberg, 1968:318-22.

With regards to which family members would be allowed to accompany the migrant worker, Italy (as well as the Commission) argued that all dependent blood relatives of the worker and his spouse should be allowed to accompany him, while Germany opposed this definition. The definition reached in Regulation 28/64/EEC eventually represented a compromise between the provisions of the previous regulation and the proposal of Italy and the Commission.

Finally, the inclusion of frontier and seasonal workers in Regulation 38/64 caused a somewhat different constellation of interests, with the Dutch most strongly supporting the idea. This is explained by the fact that the Netherlands was a country of origin in terms of EEC migration, and moreover, much of its migration was short-term (and thus frontier or seasonal) to Germany. For example, many Dutch construction workers were employed in the Dutch-German frontier area, driven by higher German wages.⁷⁵ In contrast, Italian migration to Germany was more long-term, and most seasonal workers to France were Spaniards rather than Italians.⁷⁶

An important contention of the model is that the attitudes of the various countries with regard to free labor migration are derived from their roles as countries of origin or countries of destination, rather than from their relative power. Thus, when a country of destination becomes a country of origin for another type of labor, its attitudes change accordingly. In the case of the Netherlands, which held the middle ground and offered a compromise on Community workers priority, but was the main force behind the inclusion of frontier and seasonal workers in the Regulation. An even more striking example is that of migrants from overseas territories and former colonies. In this case, France and the Netherlands were the countries of origin, while Germany and Italy, which did not have extensive empires and lost their few colonies in an earlier stage, were the countries of destination. During bargaining, Germany and Italy succeeded in having an article inserted that prevented salaried workers from French and Dutch

⁷⁵Lewin, 1964:323.

⁷⁶Dhalberg, 1968:312, table in p.327.

territories and former colonies from claiming the benefits of the 1964 regulation, while France was able to keep a provision that granted certain benefits to Algerians.⁷⁷

Interest groups versus state interest

In the theoretical section I suggested that while adding domestic interest group to my model would make it more accurate, it would also make it less parsimonious, and would only marginally improve its ability to predict multilateral cooperation with regard to labor migration. There is some evidence of the influence of interest groups on state attitudes with regard to the free movement of labor in the EC. The Consultative Committee was composed of thirty-six members: two union, two management, and two governmental representatives from each of the six member states. At least in three cases, local interest groups pressured their governments to vote in certain ways: (a) Dutch and Belgian artist and musician unions wanted certain exemptions that would allow them greater mobility; (b) the representatives of German unions and employers opposed the right of Community workers to be elected to workers' councils in the countries of destination; and (c) German employers opposed the principle of Community priority.⁷⁸

Nevertheless, as I argue in the model, the attitudes of EC member states can usually be inferred from their roles as countries of origin or countries of destination. For example, on the question of Community workers' right to be elected to workers' councils, only the six German representatives in the Consultative Committee (two union, two management and two government) supported the German position. On the question of Community workers priority, the Italian proposal was only supported by the two union and two government representatives, with the two management representatives abstaining, and all other representatives from the other member states opposing the proposal. These findings also contradict the neo-functional

⁷⁷Dahlberg, 1968:322.

⁷⁸Dahlberg, 1968, 314-18; Geiselberger, 1973:47, quoted in Holloway, p.266.

approach, according to which transnational interest groups are supposed to directly pressure the Commission rather than work through their governments.

The 1970s: From Free Movement of Labor to Regional Policy

The recession of the 1970s tested the EC's multilateral agreement on the free movement of labor. It also constitutes a test of the validity of the various theories. The intergovernmental approach predicts that the changing economic environment would cause the member states to revise their policies, which possibly would lead to changes in or even the collapse of the free movement agreement. The supranational approach predicts that sufficiently strong supranational institution would retain the same system even under diverse circumstances. The model presented here predicts that the countries of destination would probably revise their policies to some degree, but that the fate of the multilateral agreement would depend on whether the agreement caused large-scale migration, and on whether it produced the expected benefits in other issue areas for the countries of destination.

The EC's system of free labor migration did not collapse during the 1970s. In contrast to policies towards migrant workers coming from outside the Community, member states did not close their borders to Community workers. But the cooperation on free movement did not make much progress during the 1970s either. The main developments related to migration during that period had to do with the accession of Greece, Portugal and Spain to the Community, and with the growing recognition of the need to regularize the status of third country migrants. Only in the mid-1980s did the principle of free movement (and the Community as a whole) rejuvenate, this time leading towards the free movement of persons and in the longer run to the establishment of a common immigration and asylum policy with regards to migrants from outside the Community.

The fact that the agreement on the free movement of labor did not collapse is explained, according to the model, by two factors. First, the volume of migration within the Community was limited, and did not constitute a substantial burden for the countries of destination. In 1958, 65 percent of new migrant worker permits were issued to EEC workers. By 1964 their share declined to 29 percent, and by 1969 it was about 20 percent.⁷⁹ The number of Italians emigrating to other Community countries fell from 205,530 in 1961 to 145,526 in 1969.⁸⁰

Secondly, the basic tradeoff between the willingness of the countries of destination to accept the free movement of workers and the willingness of the countries of origin to open their markets to the products of the more industrialized countries still endured. Now the bargain especially applied to the new southern members – Greece, Spain and Portugal. And the number of potential migrants from these countries was limited by the establishment of transition periods in which labor mobility from the new members was restricted.

Finally, the Community did revise its policy to a certain extent, attempting to keep its workers at home rather than encouraging the free movement of labor. It did so by using a regional policy. In 1977, Anthony Kerr described the costs of migration to the countries of destination and those of origin. The example he gave was of Italian immigration to Germany and France. Consequently, he observed, “While the Treaty of Rome does provide for freedom of movement and freedom to seek and take up work anywhere, it is not in the interest of Western Europe as a whole that too many people should take advantage of this possibility.... It is better for Europe, for the individual member states, and for their regions, that people should be able to make an adequate living where they belong.”⁸¹ Based on this rationale, the EC accepted the need for a regional policy, together with the general principle that it should be based on encouraging people to stay in their countries of origin. The need

⁷⁹Yannopoulos, 1969:237; Dahhlberg, 1968:326 -27.

⁸⁰Falchi, 1971:19. Quoted in Holloway, 1981:264.

for a Community regional policy was first officially recognized by the Conference of Heads of State and Government in 1972, and it became more urgent with the accession of new member states.⁸² It included allowing the member states greater latitude in aiding poor regions, and granted Community aid through the Regional Fund.

In the economic environment of the 1970s, the regional policy suited the interests of the countries of origin and those of destination. The countries of origin - who probably could not rely anymore on substantial migrant remittances due to increasing unemployment in the countries of destination - benefited from the Community aid. The countries of destination, faced with unemployment and social unrest, also supported the new policy. An influential German report, published in 1974, recommended a reduction in the number of migrants employed in Germany, and suggested that the Federal Government direct overseas aid to building up the infrastructure of the countries of origin and so providing a basis for the profitable investment of capital there. Within the EEC, the report noted, this could be done through the proposed regional fund.⁸³ In practice, the Germans halted labor recruitment from countries outside the Community, attempted to encourage the return of migrant workers to their countries of origin by offering them financial incentives, increasingly invested abroad, and contributed to the Regional Fund.

The Accession of New Members

The process leading to the free movement of labor (although not to that of persons in general) was completed, for the most part, by the early 1970s. But the conflict between the interests of the countries of origin and those of the countries of destination reemerged with the accession of new and poorer member states to the EC. First, Greece joined the Community in 1981,

⁸¹Kerr, 1977:88 -89.

⁸²Kerr, 1977,86,89. The regional policy was also established in order to overcome gaps in development within the Community unrelated to the question of migration.

⁸³Wissenschaftlicher Beirat 1974:573 -74. Quoted in Holloway, 1981:270.

and Portugal and Spain in 1986. And currently, the Union is planning to accept additional countries, mostly from Eastern Europe. In both cases, the wealthier countries of the Community have been worried about becoming the destination for large-scale migration from the new members. And in both cases, the accession agreements included, or are expected to include, transition periods in which labor mobility from the new members is restricted. During these transition periods, the economy of the new members is expected to benefit from joining the Community, thereby narrowing the economic gap between them and the older members, and decreasing the incentive for migration.

When Greece, Spain and Portugal joined the Community, EC members were troubled by the prospect of large-scale immigration. The Commission argued that the central “social” problem of the enlargement was the extension of the right of free movement of workers to the three countries with lower standards of living and less developed welfare states.⁸⁴ Germany's government and trade unions were worried of an influx of foreign workers following the accession of the three Mediterranean countries. In the negotiations with Greece, the Federal Republic insisted on a long transitional period and finally settled on seven years, between 1981 and 1 January 1988. During this transition period, the countries of destination could stop Greek immigration. Full labor mobility from Spain and Portugal was also delayed for seven years, between 1986 and 1993, although the transition period was eventually reduced to six years. France, too, demonstrated serious concern about the free movement of workers, but allowed Germany to defend the interests of the host countries.⁸⁵

The introduction of transition periods was based on the expectation that the accession of these new members to the Community would advance their economy, thereby decreasing the incentive for migration. This expectation was supported by the Italian precedent, where emigration to France and Germany decreased after restrictions on labor mobility were fully

⁸⁴*Bull. EC, Supp. 1/78, 2/78, 3/78. Quoted in Garth, 1986:113.

⁸⁵. Tsoukalis, 1981:146-51; Cornelius and Martin, 1993:504; Dagoglou, 1984:151-52.

lifted in 1968, because the expanding Italian service and manufacturing sectors were able to absorb most of the new work force.⁸⁶ And indeed, Southern European economies grew rapidly not only as a result of their incorporation into the EC, but also in anticipation of it, thus reducing the incentive for their nationals to emigrate.⁸⁷

But the willingness of the countries of destination to accept the new members into the free labor migration regime was not only based on the expectation of decreasing migration. Similar to the Italian case, they hoped to reap some benefits from the bargain. First, the accession was facilitated by a trade linkage: German industrialists saw a great opportunity in exporting to the three markets. They also had big investment interests in the three and membership was seen as a guarantee for the future.⁸⁸ And second, the accession was also facilitated by a security linkage. Membership was seen as a factor of stability in the area and a means of strengthening parliamentary democracy in those countries. Political stability was in turn a prerequisite for economic and military security.⁸⁹

The conflict of interest between the countries of origin and those of destination, and the solution, based on a transition period, is currently repeated. The EU is planning an enlargement by accepting 12 mostly Eastern European countries and possibly Turkey. The first new entrants are expected to join in 2004.⁹⁰ But given the economic gap between the old members of the EU and the countries on the east, the former are worried that free movement of labor will cause large-scale migration from the east. Current per capita income differences between the EU and the central and east European countries (CEECs) range from 1 to 2.5 to 1

⁸⁶ Cornelius and Martin, 1993:504-5.

⁸⁷ Cornelius and Martin, *Ibid.*; Alba, 1998:263-275.

⁸⁸ Tsoukalis, 1981:147.

⁸⁹ Kohler, 1979. According to Tsoukalis, membership was also linked to the strengthening of the Atlantic alliance, which in the case of Greece meant the country's reintegration into the NATO military command and, in the case of Spain, the transformation of a bilateral agreement with the United States into full membership in the alliance.

⁹⁰ Cyprus, Estonia, Hungary, Poland, Slovenia and the Czech Republic hope to join the EU by 2004. Latvia, Malta, Lithuania, Slovakia, Romania and Bulgaria, are next in line. Turkey was invited to begin accession talks after it deals with EU concerns.

to 20. ⁹¹ The European Commission released a report in March 2001, which quoted estimates that the early years flow from the eight Central and Eastern European candidate countries aspiring to accede in 2003 will be 70,000 - 150,000 workers per year. ⁹² Germany is expected to receive two-thirds of the additional CEEC migrants, followed by Austria, which will take in over 10 percent of the flow. As a result, German Chancellor Gerhard Schröder called in December 2000 and in March 2001 for a seven-year transition period before the Eastern Europeans gain full free movement of labor rights. ⁹³ A similar demand was voiced by Austria. Other EU members are expected to be influenced by the westward migration only marginally. And yet, the Commission observed that in parts of the EU, there is considerable anxiety regarding the possible short-term effects of such migration on labor markets, and that this may well affect overall public support for enlargement. ⁹⁴ In practice, Irish voters in June 2001 voted 54 - 46 percent against the Treaty of Nice, with the “no” vote inspired by fear of a wave of migrants from Eastern Europe. ⁹⁵

In contrast to the anxiety in parts of the EU, the new members favor the free movement of labor. According to the Commission’s report, the right of freedom of movement represents one of the important benefits of enlargement for the people in the candidate countries. ⁹⁶ And while the countries of destination, particularly Germany and Austria, demanded a seven-year transition period, most countries of origin initially opposed that demand. Poland’s foreign minister rejected the seven-year restriction, and Hungarian Prime Minister Victor Orban proposed a bilateral quota agreement with Austria as an alternative. But by the end of July 2001, five of twelve countries that were candidates for EU

⁹¹ *Migration News* 8(4), April 2001.

⁹² European Commission, 2001:8.

⁹³ *Ibid.*

⁹⁴ European Commission, 2001:2 -3,18.

⁹⁵ *Migration News* 8(7), July 2001.

⁹⁶ European Commission, 2001:18.

membership agreed to a transition period, according to which the free movement of labor will be restricted between two and seven years.⁹⁷

As was the case with Italy, Greece, Spain and Portugal, the current accession is based on trade offs and on the assumption that the transition period will help to narrow the economic gap between the newcomers and the old members, thereby decreasing the incentive for migration. The EU runs a significant trade surplus with the CEE countries, and also invests substantially (mostly FDI) in that region. The European Commission's report noted that current member states stand to benefit from expanded trade and investment opportunities.⁹⁸ During negotiations, Poland, Hungary and the Czech Republic opposed the transition period on freedom of movement, but at the same time also wanted restrictions on the right of "rich Germans and Austrians" to buy land in their countries. Poland was talking of an 18-year transition period before foreigners could buy farmland, and Hungary and the Czech Republic of 10 years, with five years for buying holiday homes. Finally, in June 2001, Hungary indicated that it would accept the maximum seven-year wait for freedom in movement, and in return it expected to bar foreigners from buying land in Hungary for seven years after EU entry.⁹⁹

The Economic Community of West African States (ECOWAS)

The free movement of labor in ECOWAS

ECOWAS was established in 1975 to promote cooperation and development in economic, social and cultural affairs among West African States, including the removal of obstacles to the free movement of goods, capital and persons.¹⁰⁰ It aims at creating a regional

⁹⁷ *Migration News* 8(5), May 2001; *Migration News* 8(8), August 2001

⁹⁸ European Commission, 2001: 10.

⁹⁹ *Migration News* 8(5-7), May-July 2001.

¹⁰⁰ ECOWAS, 1975: Article 2; Plender, 1988b: 278.

market of 16 member states and 210 million consumers. ¹⁰¹ The community's founding treaty declares that: "Citizens of Member States shall be regarded as community citizens and accordingly Member States undertake to abolish all obstacles to their freedom of movement and residence within the community. Member States shall, by agreement with each other, exempt community citizens from holding visitors' visas and residence permits and allow them to work and undertake commercial and industrial activities within their territories." ¹⁰² These objectives were advanced by the 1979 Protocol, which outlined a program to be implemented over a period of fifteen years, in three phases of five years each. During the first phase, which entered into force on June 5, 1980, the right of entry was to be secured together with the abolition of visas. The second phase, which was signed on July 1, 1986, was devoted to the achievement of the right of residence. The third phase, which was signed on May 30, 1990, dealt with the right of establishment (in this context, meaning the right to take up employment as well as the right to set up a business). ¹⁰³

Given the region's history, one would expect the successful adoption of free movement of labor in ECOWAS. People have moved relatively freely (albeit not under multilateral agreements) throughout the region because of (a) boundaries artificially created by colonial powers, which divided socially homogeneous units into separate states; (b) historical patterns of labor migration under common colonial administration; and (c) the inability of many governments to effectively control their borders. ¹⁰⁴ But in practice, the free movement agreements have been only partially implemented. According to an ECOWAS Executive Secretariat report, nearly all member states still maintain numerous check-points; ECOWAS citizens are subjected to administrative harassment and extortion; and the ECOWAS travel

¹⁰¹ ECOWAS Executive Secretariat, 2000d. The ECOWAS members were Benin, Burkina Faso, Cape Verde, Gambia, Ghana, Guinea, Guinea-Bissau, Cote d'Ivoire, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo. Mauritania notified ECOWAS of its withdrawal on December 26, 1999.

¹⁰² ECOWAS 1975: Article 27.

¹⁰³ ECOWAS 1979: preamble; ECOWAS 1986; ECOWAS 1990: preamble; Plender 1988: 278; Brown, 1989: 255-6; Makinwa-Adebusoye, 1992: 72.

certificate has entered into circulation only in seven member states.¹⁰⁵ These difficulties have also been highlighted in numerous newspaper articles, one of which argued that decisions reached in ECOWAS are hardly implemented or are achieved only on paper.¹⁰⁶ And studies of African migration noted that national legislation prevented the full implementation of free movement protocols in ECOWAS as well as in other agreements.¹⁰⁷ Even more important is the fact that the free movement agreements (or at least their spirit) have been violated by ECOWAS member states. In 1983 and 1985, Nigeria deported over two million immigrants. And in 1999-2001, the C?ted' Ivoire pressured tens of thousands of immigrants from Burkina Faso to leave the country.¹⁰⁸

Supranationality versus intergovernmentalism/bargaining

The development and difficulties of the ECOWAS agreement on the free movement of persons, and indeed, the history of the organization as a whole, better fit an intergovernmental approach, as well as the model offered here, than a neo-functional/supranational one.

With regard to the community in general, there is some debate concerning its influence, although there is little doubt that the states are stronger than the community institutions. On the one hand, Julius Emeka Okolo views the institutional structure of ECOWAS as one of its strengths in comparison to several other supranational organizations in the Third World. And while he describes the Authority of Heads of State and Government and the Council of Ministers as the most important ECOWAS institutions, he highlights the establishment of an

¹⁰⁴ Adepoju 1988:78; Makinwa -Adebusoye, 1992.

¹⁰⁵ ECOWAS Executive Secretariat, 2000b.

¹⁰⁶ See, for example, "ECOWAS: 20 years of unfulfilled hopes," *Deutsche Presse -Agentur*, June 9, 1995; "Africa-Transport: 'Free' Movement has Limits in West Africa," *InterPress Service*, June 22, 1997; "Remove Trade Barriers, Obasanjo Tells Leaders," *Africa News*, March 28, 2000.

¹⁰⁷ Ricca, 1989, chapter 4; Adepoju, 1991.

¹⁰⁸ Benin also deported at least 700 Ghanaians, Togolese and Nigerians in 1996. See "African immigrants get mixed reception," *Manchester Guardian Weekly*, October 13, 1996; Titus Edjua, "C?ted' Ivoire: Anato myofa Welcome Coupd'Etat," *African Financial Review*, January 2000; *Migration News* 8(2), February 2001; *Migration News* 8(3), March 2001.

independent secretariat and of specialized and technical commissions. ¹⁰⁹ On the other hand, the ECOWAS institutions are weaker than the EU ones, and their decisions, directives and regulations do not automatically become part of the national law. In 1989, Sunday Babalola Ajulo concluded that ECOWAS is predominantly an intergovernmental mechanism rather than a supranational organization. ¹¹⁰ But this might be changing: in the 1993 summit in Cotonou (Benin), the member states decided on a contract revision to the ECOWAS, and on the transformation of the organization into a supranational one by creating a parliament and a court of justice. According to the Secretariat, ECOWAS was endowed with supranationality, as the member states agreed to partial surrender of national sovereignty in order to make possible the creation of a regional economic identity. ¹¹¹ The Justices of the Court of Justice were sworn in in January 2001, and the West African Parliament was inaugurated in November 2000. So ECOWAS is gradually moving towards becoming a more complete supranational organization, but during the period studied here, it was either a relatively weak supranational organization, or only an intergovernmental mechanism.

In the context of the free movement of persons, the power of ECOWAS institutions seems to be relatively limited. Sergio Ricca asserted in 1989 that in no ECOWAS member state does national legislation reflect the notion of Community citizenship conferring privileged foreign status. ¹¹² More recently, the ECOWAS Executive Secretariat concluded that the Protocol on the Free Movement of Persons has been contravened, that nearly all member states still subject ECOWAS citizens to administrative harassment and extortion, and that the ECOWAS travel certificate has entered into circulation only in seven member states. The Authority of Heads of State and Government adopted a decision calling for national committees to be established to monitor implementation of ECOWAS decisions and protocols

¹⁰⁹ Okolo, 1985:136 -39.

¹¹⁰ Ajulo, 1989.

¹¹¹ ECOWAS Executive Secretariat, 2000c: paragraph 383.

¹¹² Ricca, 1989:72 -73.

on the free movement of persons and vehicles. So far, this decision has been implemented by ten of the sixteen member states, but the Community institutions have reached the conclusion that given the numerous obstacles to the free movement of persons and goods, the monitoring committees have failed in their set objectives.¹¹³ And when Nigeria expelled the illegal immigrants, in violation of the spirit of the Protocol, the organization's Secretariat refrained from criticizing Nigeria for the expulsions.¹¹⁴

The bargaining model: the case of Nigeria

When ECOWAS was established, Nigeria and the Côte d'Ivoire were the wealthiest countries (with a 1980 per capita GDP of \$1,100 -1,250 in comparison to \$185 -536 for other countries) and the main countries of destination for migration.¹¹⁵ According to the model, this large economic gap helps explain the difficulty in implementing the free movement of labor. It contributed to substantial and mostly uni-directional labor migration in West Africa, which in turn produced reservations with regards to the free movement of persons from the main country of destination.¹¹⁶ I will use the policies of Nigeria in the 1970s and first half of the 1980s in order to examine the model. During that period, Nigeria was the main country of destination, and played the major role in establishing the regional market and Community. It then violated the spirit of the protocol on the free movement of persons by expelling over two million illegal migrants, closing its borders, and placing unilateral conditions on its implementation.

¹¹³ ECOWAS Executive Secretariat, 2000b.

¹¹⁴ Afolayan, 1988:23 -25; Ogunbadejo, 1987:A126.

¹¹⁵ Since then Nigeria has turned into one of the poorest countries in West Africa, but the economic gaps among other members of ECOWAS remained large.

¹¹⁶ According to Afolayan (1988:4), spatial mobility of people in the West African region assumed more dramatic and higher proportions as a result of the establishment of ECOWAS. According to Adepoju (1984:431), The protocol contributed to the massive surge of illegal immigration into Nigeria. The ECOWAS regional integration as a whole also suffered difficulties and setbacks for various other reasons. See ECOWAS Executive Secretariat, 2000a.

Nigeria is the dominant country in ECOWAS in terms of its population (over 50 percent of the region's population), and its GNP (approximately 70 percent of the region's GNP in 1979-1980, and still the largest GNP to day). In the early 1980s it also had the second -highest per capita GNP, and was the region's main destination for migration. As predicted by the model, Nigeria did not need a multilateral agreement promoting the regional free movement of labor, and had reservations about it. Nigeria drew millions of migrant workers from other ECOWAS members and non-ECOWAS countries even without a multilateral agreement on the free movement of persons. And during the 1960s, it entered into bilateral agreements with Cameroon, Chad, Côte d'Ivoire, Dahomey/Benin, Guinea, Morocco, Niger and Togo, which exempted their visiting citizens from visa requirements. ¹¹⁷In addition, the Protocol on the Free Movement of Persons produced much debate and antagonism in Nigeria. According to Oye Ogunbadejo, the protocol on the free movement of people was the most politically provocative issue of all the key provisions of the ECOWAS treaty and its protocols in Nigeria's relations with the other member states. It remained unpopular with both the Shagari and Buhari regimes. ¹¹⁸According to Brown, "fears generated by the Protocol caused many Nigerians to question their country's participation in the Community itself. As a commentator observed as early as 1978 in the *Daily Times*: 'If the influx into Nigeria continues and it becomes clear that Nigeria is merely paying the ECOWAS piper without knowing what tune to call, this is likely to further weaken the already weak domestic support for the Community.'" ¹¹⁹

Nevertheless, Nigeria led the formation of the regional market because of two other reasons: it wanted to assert its regional leadership, and to use the Community as an expanded market for its industrial products. From an economic perspective, Olatunde Ojo concludes that a major factor in Nigeria's active role in the formation of ECOWAS was its desire to become the

¹¹⁷Brown, 1989:257.

¹¹⁸Ogunbadejo, 1987:A125.

¹¹⁹*Daily Times*, May 6, 1978, quoted in Brown 1989:257.

industrial heart of West Africa. ¹²⁰ Realizing that oil was a finite resource and in an attempt to provide alternatives to oil dependency, the Nigerian government made investments in industry. ¹²¹ But it also noted that the Nigerian market, although large in size, was still too poor, and thus regional integration was needed in order to sustain large -scale industries. ¹²² Predictably, a major supporter of this initiative was the Nigerian Chamber of Commerce, Industry and Agriculture. ¹²³ From a political perspective, Nigeria aspired to regional hegemony by developing close ties with francophonic West Africa, especially after the Côte d'Ivoire and Benin sided with the rebels during the Nigerian Civil War. ¹²⁴ The *Daily Times* explained that a West African integration scheme would provide an institutional framework for Nigeria's leadership and help erode French political and economic influence. ¹²⁵ Thus, as the model asserts, Nigeria was willing to accept free labor migration in order to gain benefits in other issue areas (regional hegemony and trade).

In contrast, the poorer members of the Community feared that they might be swallowed by the bigger and richer members, and that they would suffer losses as a result of the reduction of duties on goods. ¹²⁶ The Francophone states were also alarmed by the growing dominance of Nigeria. ¹²⁷ These states gained from the free movement of persons, as well as from a compensation scheme (Article 52 of the Treaty) and direct financial support from Nigeria.

The model argues that during economic recessions, migrant workers become a burden on the country of destination, which would be interested in halting the free movement of labor. Between 1979 and 1982, Nigeria's production of high quality crude oil declined significantly. In 1982, Nigeria's GDP dropped by 2 percent, as a result of a 16 percent

¹²⁰ Ojo, 1980 :601-2.

¹²¹ Ojo, 1980:577 -78,584,601.

¹²² Ojo 1980:574. See also Eze, 1986.

¹²³ Ojo, 1980:586 -90.

¹²⁴ Makinwa -Adebusoye, 1992:72 -73; Brown, 1989:258 -59, Ogunbadejo, 1987:A124; Ojo, 1980:576.

¹²⁵ "What does Nigeria Gain from ECOWAS?" *Daily Times*, May 6, 1979.

¹²⁶ Yerokun, 1980:305.

¹²⁷ See Ogunbadejo, 1987:A125.

decrease in the petroleum sector's contribution to national revenue.¹²⁸ This led to severe unemployment, high levels of inflation and major balance-of-payment difficulties. Nigeria also suffered from social and political instability, including religious riots, rising crime rates, and the military coup of 1983. Consequently, in January 1983 and in May 1985, the Nigerian government ordered all illegal aliens to leave the country, resulting in the expulsion of some 2.7 million aliens unlawfully residing in Nigeria (i.e. staying beyond the 90-day visa limit). Nigeria also closed its borders with the other member states between December 1983 and March 1986, and called for a two-year postponement of the Protocol's second phase in 1985. It reopened its borders, and signed the second phase of the Protocol that grants the right of residence in 1986. But it imposed unilateral conditions on the implementation of the Protocol, stating that unskilled workers who might compete for jobs with Nigerians could not exercise that right, and limiting the types of professional people that would be allowed unrestricted admission. In addition, Nigeria took steps to implement indigenization policies that displaced or excluded foreigners from participation in certain types of business.¹²⁹

The Nigerian expulsions did not technically violate the ECOWAS protocol on the free movement of persons because the first phase of the protocol only granted ECOWAS citizens the right to enter the state and reside there for a maximum of ninety days. Beyond that period they had to obtain permission from the appropriate authorities if they wished to extend their stay. But, as Brown indicates, Nigeria's act was a blatant example of a policy decision contravening the spirit of the regional economic community initiative.¹³⁰ Similarly, the heads of state of several ECOWAS countries denounced the Nigerian move as "contrary to the spirit of African hospitality and various international agreements."¹³¹ The closure of its borders, and the

¹²⁸ *Nigerian Yearbook*, 1983:100, quoted in Brown 1989:261-62.

¹²⁹ Makinwa-Adebusoye, 1992:76; Plender, 1988b:279.

¹³⁰ Brown, 1989:252

¹³¹ Afolayan 1988:19.

unilateral conditions it set on the implementation of the second phase of the Protocol, further weakened that initiative.

Nigeria violated the spirit of the agreement on the free movement of persons because of the combined effect of an economic recession and a feeling that the agreement did not yield the expected benefits in the other issue areas. Firstly, the increase in unemployment led to pressures for the expulsion of illegal migrants working in Nigeria, the strongest pressures coming from unions in the industries hardest hit by the recession.¹³² Secondly, Nigeria did not reap the expected economic benefits from the organization. During its first decade, ECOWAS failed to significantly expand intra-regional trade.¹³³ Nigerian exports to ECOWAS increased between 1979 to 1980, thereafter declining each year, until in 1983 they were at a level lower than that of 1979.¹³⁴ In 1985, Nigeria's trade with the Community still constituted only 2.4 percent of its total exports. And thirdly, Nigeria did not gain the expected political benefits from the organization either. A correspondent in the *Daily Times* claimed in 1981 that ECOWAS existed "at the expense of Nigeria and yet one hardly finds a Nigerian in any responsible position in that organization."¹³⁵ And Brown notes that despite the expenses of locating the Community's headquarters in Lagos, Nigeria was not profiting much from its participation in the organization.¹³⁶ He concludes that the Protocol on the Free Movement of Persons was widely perceived as causing or exacerbating Nigeria's severe economic, social and political problem.¹³⁷ No wonder, therefore, that as the economic crisis developed, a Nigerian scholar suggested that (a) the Community should discourage excessive mobility of persons into attractive areas; and (b) that the Community should undertake a

¹³²Fafowora, 1983:391-92; Brown, 1989: 263-65; Onwuka, 1982:200.

¹³³Ogunbadejo, 1987:A131. Recent studies debate the degree to which ECOWAS has influenced intra-regional trade.

¹³⁴Nigeria, Federal Office of Statistics, 1983.

¹³⁵*Daily Times*, February 20, 1981.

¹³⁶Brown, 1989:261.

¹³⁷Brown, 1989:27-1.

population study, and compensate countries of destination, such as Nigeria, for costs engendered by ECOWAS immigrants.¹³⁸

It is also important to note that, as predicted by the model, it was specific member states, rather than the organization's Secretariat, which criticized Nigeria on the expulsions. Moreover, the attitudes of the member states were derived from their position as countries of origin or countries of destination. The sharpest attack on Nigeria came from Ghana, the main source of labor migration to Nigeria. Benin, the second most important source of labor migration to Nigeria, also criticized the expulsions.¹³⁹ Most of the member states, which had far fewer migrants in Nigeria, refrained from criticizing Nigeria.

After the events of 1983-85, Nigeria partially returned, or attempted to return, to what the model describes as a tradeoff between labor migration and trade policies. In the 1986 ECOWAS summit in Abuja, President Babangida announced his Administration's willingness to commence the second phase. This also meant that ECOWAS citizens would no longer be labeled as "illegal aliens" by any of the member states.¹⁴⁰ At the same time, Bolaji Akinyemi, the Minister of External Affairs, argued that sooner or later Nigeria was going to need a regional market for its burgeoning economy. It was therefore prudent "to lay the foundations for that enhanced future economic interaction now, *whatever its immediate costs.*"¹⁴¹ Similarly, Innocent Oparadike of the *New Nigerian* argued that Nigeria should not allow its reservations or past objections to intra-ECOWAS free movement of persons to stultify the Community's initiative to achieve greater integration. He linked it to the country's potential and the government's commitment to meaningful industrialization, which was expected to turn Nigeria into a net exporter of industrial goods.¹⁴²

¹³⁸Onwuka, 1982:204.

¹³⁹See Ogunbadejo, 1987:A126; Afolayan 1988:11.

¹⁴⁰Ogunbadejo 1987:A127-28.

¹⁴¹"Balance and Credibility in Nigeria's Foreign Policy," *Sunday New Nigerian*, 19 October 1986.

¹⁴²"No Force Can Reverse our Course," *New Nigerian*, 8 July 1985: 1-3.

The countries of origin were eager to renew the free movement of persons and labor. This was certainly true for Ghana, the main source of labor migration to Nigeria. During the 1985 ECOWAS summit, Kwesi Botchwey, its Secretary for Finance and Economic Planning, argued in a message to Nigeria that the most significant development on the road to integration would be the implementation of the protocol of free movement of people, the right of residence and of establishment.¹⁴³ And again, the link between Nigeria's willingness to accept immigrants and the willingness of other members to recognize its leadership became apparent. During the 1985 and 1986 summits, the Nigerian President was unanimously elected as chairman of the organization, in a move deliberately intended "to render Nigeria more community-minded and, consequently, less likely to engineer more expulsions."¹⁴⁴ So the linkage between free labor mobility on the one hand, and securing markets and regional hegemony on the other hand, was reestablished, although in practice it was only partially implemented.

Summary and Conclusions

This article attempted to explain multilateral cooperation on the free movement of labor. It demonstrated that such cooperation, and attempts to achieve it, have been widespread, which indicates a substantial void in the IPE literature. In order to fill this void, the study reviewed attempts to promote cooperation in various regions, and analyzed the EC/EU and ECOWAS case studies. The analysis was used to test five explanations for multilateral cooperation: two explanations for the rise of regimes (hegemonic stability theory and the game-theoretic approach), two theories of integration (supranationalism and intergovernmentalism), and an alternative bargaining model.

¹⁴³Kwesi Botchwey, *West Africa*, 1985:1411.

¹⁴⁴"North-South Monitor", *Third World Quarterly* 8(1), January 1986.

Neither regime theory nor theories of integration could adequately explain multilateral cooperation leading to the free movement of labor. In contrast to the regime theory assumptions, free movement is not a collective good, and the countries of destination do not face a collective action problem. In contrast to the hegemonic stability theory, the hegemon does not play a major role in achieving cooperation at the global level. Moreover, bargaining positions and results are not determined by relative military or economic power, but by whether the participants are countries of origin or those of destination. For example, in the EC, Italy (the main country of origin) succeeded in advancing the free movement of labor, despite the initial opposition of Germany (the main country of destination) and France. When it came to migrants from overseas territories and former colonies, their stands changed. In this case, France and the Netherlands were the countries of origin, while Germany and Italy were the countries of destination. The latter two succeeded in limiting the rights of most workers from French and Dutch territories and former colonies, while France was able to keep a provision that granted certain rights to Algerians.

Theories of integration better explain multilateral cooperation in this field. First, all multilateral agreements on the free movement of unskilled labor are nested within regional integration schemes. Second, the more developed the community institutions (i.e. EC/EU versus ECOWAS versus NAFTA), the more advanced the agreements for the free mobility of labor. Third, the neo-functional theory can explain the free movement of service-related labor as a spillover of the free movement of trade. And fourth, Community institutions in the EC/EU and possibly ECOWAS helped advance the free movement of labor, in cooperation with the countries of origin. Nevertheless, the study demonstrated that in contrast to supranational and neo-functional theories, state interests rather than the actions of community institutions or interest groups primarily shaped multilateral cooperation on the free movement of labor, as well as its relative success. In the EU, it was mainly bargaining between Italy

and the countries of destination (especially Germany) that determined the advancement of the agreement. The large political questions, such as the priority for Community workers, were passed on to the Council, where negotiations took place. And on several occasions, the member states limited the influence of Community institutions by ruling that decisions on these matters will remain with the national governments, or (more recently) by retaining unanimous voting on the movement of persons. In ECOWAS, member states have only partially implemented Community agreements. And when Nigeria expelled illegal immigrants, in violation of the spirit of the Free Movement Protocol, it was the countries of origin rather than the organization's Secretariat that criticized Nigeria on the expulsions.

The analysis of the EC/EU and ECOWAS accorded more validity to the intergovernmental approach. But in contrast to that approach, the study demonstrated that bargaining between the poorer and more affluent countries, rather than among the various affluent countries, shaped multilateral cooperation on the free movement of labor.

Finally, the study strongly supported the bargaining model presented here. According to the model, multilateral cooperation on the free movement of labor is based on bargaining between the countries of origin and those of destination. The countries of origin favor the free movement of labor in order to overcome unemployment and gain remittances. The countries of destination oppose the free movement of labor because it prevents them from restricting immigration when they do not need it, notably during economic recessions. The study found that the countries of origin - such as Italy in the EC, Mexico in NAFTA, and Ghana and Benin in ECOWAS - supported the free movement of labor, while the countries of destination - such as Germany (and to a lesser degree France) in the EC, the U.S. in NAFTA, and Nigeria and Côte d'Ivoire in ECOWAS - opposed it. In accession agreements with the EC/EU, where there was freedom of movement already existed, the older members, which are the

countries of destination, demanded a delay in applying that freedom to the new members. The latter, which were the countries of origin, opposed the delay.

Such agreements are completed, and the countries of destination agree to them, in return for the countries of origin yielding to the requests of the former in other issue areas. Usually, the countries of origin grant the countries of destination, which are more economically advanced, unrestricted entry into their markets and the right to purchase property, and/or accept their leadership status. Thus, Germany gained greater access for its industry to the Italian market, and Nigeria gained access to the home markets of ECOWAS members. The linkage was sometimes made explicit by linking the transition period governing the movement of workers with that for opening the market (e.g. in the case of Italy) or purchasing land (e.g. in the case of Hungary). In the migration -status tradeoff, Nigeria aspired to regional hegemony by developing close ties with francophonic West Africa, and Germany possibly attempted to achieve legitimacy after World War Two.¹⁴⁵ Similar regional leadership aspirations also characterized other countries of destination, such as Libya in the Maghreb Economic Union, which were not discussed in detail in the study. In contrast, NAFTA does not include the free movement of unskilled labor. According to the model, the United States did not reach a similar bargain with Mexico because it expected substantial labor migration between them, because the U.S. is already the uncontested regional hegemon, and because trade between Mexico and the United States is (at least) as important for Mexico as it is for the United States.

According to the model, this kind of a tradeoff, or cross-issue linkage, is likely to emerge in formal organizations – notably regional integrations schemes – because they guarantee long-term interaction, easy linkage between trade and labor, etc. Thus, all multilateral

¹⁴⁵I could not find evidence of a direct link between this goal and Germany's acceptance of the free movement of labor.

agreements on the free movement of unskilled labor are nested within regional integration schemes.

The model hypothesizes that setbacks to multilateral cooperation on free labor mobility are caused by violations by the countries of destination. These countries will violate multilateral cooperation on free labor mobility because of domestic economic and/or political instability together with large-scale migration, or because the agreement did not yield the expected benefits in other issue areas. The inter-regional review demonstrated the role of the countries of destination in causing setbacks to the free movement of labor, especially during recessions. The ECOWAS case study further showed that Nigeria violated the spirit of the agreement on free movement because of (a) economic and political instability together with large-scale migration from other member states; and (b) a feeling that the agreement did not yield the expected economic and political benefits. In contrast, the EC agreement on free movement did not collapse during the 1970s (although greater emphasis was put on regional policy) because (a) the volume of migration within the Community was limited and constantly decreasing, and (b) the basic tradeoff between free movement and free trade remained, and was expanded to include new member states.

The economic theory links the economic gap between countries to the volume of immigration between them. Consequently, the model predicts that the more asymmetrical economic development among countries, the less likely it is that an agreement for free movement will emerge, and, if it is nevertheless established, the more likely that it will suffer a setback. Table 1 and figure 1 supported this assertion, but the findings are qualified by the problem of over-determination, because all multilateral agreements on the free movement of labor that have suffered setbacks are located in the Third World, and broken down for a variety of reasons

The model also assumes that the countries of destination will attempt to delay the application of free movement clauses until the economic gap between them and the countries of origin is narrowed. The main reason for the lack of free movement of unskilled labor provisions in NAFTA is U.S. opposition, fearing that such provisions would further increase immigration from Mexico. Moreover, one of the reasons for establishing NAFTA was the U.S. hope that the increased trade and investments would cause a decrease in migration from Mexico. The countries of destination in the EC/EU introduced transition periods in the accession agreements with Greece, Spain, Portugal, the Eastern European countries, and, in reality, with Italy as well.

The model leads to a paradoxical conclusion. The multilateral agreements on the free movement of labor that are most likely to emerge and survive are the ones that involve relatively small numbers of migrants, and contribute the least to economic efficiency. Most international labor migration is unskilled, and according to the analysis of Hamilton and Whalley, its free movement would produce enormous gains in global efficiency. But when politics are taken into account, as they are in the bargaining model, the countries of destination oppose large-scale free labor migration, due to its long-term economic, social and political consequences.

Multilateral agreements on the free movement of labor between economically and politically stable countries of similar levels of economic development are the ones more likely to emerge and survive. Frequently, they are sub-regional, and they gradually add member states that approach their level of economic development. The EEC/EC, which accords with these parameters, advanced the free movement of labor, while the Schengen group facilitated the free movement of persons. Decreasing labor mobility among EC member states during the 1960s further facilitated the durability of the free movement agreement during the recession of the 1970s. A sub-group in ECOWAS, which includes seven member states of similar levels of per capita GNP, might advance the free movement of labor and persons.¹⁴⁶ In contrast, CARICOM,

¹⁴⁶ These seven members are Benin, Burkina Faso, Ghana, Mali, Niger, Nigeria and Togo, all with 1998 per capita GNP between \$204 and \$399. They do not include the currently wealthiest countries in the region, such as the

which is in the process of adding Haiti (a larger and poorer country than other members), decreases the possibility of forming a zone of free labor mobility that would include unskilled labor.

The model depicted here helps us understand multilateral cooperation on the free movement of labor, which is an important component of international political economy and of regional integration. Because of the particular characteristics of labor mobility, more research is needed in order to determine whether the model is consistent with other realms of IPE. The bargaining model is especially likely to apply to other situations where an asymmetrical distribution of interests requires issue-linkage in order to achieve multilateral cooperation.

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