

EMMANUEL COMTE

THE HISTORY OF THE EUROPEAN
MIGRATION REGIME

GERMANY'S STRATEGIC HEGEMONY



THE HISTORY OF THE EUROPEAN MIGRATION REGIME

After the Second World War, the international migration regime in Europe took a course different from the global migration regime and the migration regimes in other regions of the world. The free movement of people within the European Union, European citizenship, and the Schengen agreements in their internal and external dimensions are unique at the global level for the openness they create within Europe and for the closure they produce towards migrants from outside Europe. On the basis of relevant national and international archives, this book explains how German geopolitical and geo-economic strategies during the Cold War shaped the openness of that original regime. *The History of the European Migration Regime* explains how the regime was instrumental for Germany to create a stable international order in Western Europe after the war, conducive to German reunification, the rollback of Russian influence from Central Europe, and German economic expansion. The book embraces a large time frame, mostly between 1947 and 1992, and deals with all types of migration between and towards European countries: the movements of unskilled labourers, skilled professionals, and self-employed workers, along with the migrants' family members, examining both their access to economic activity and their social and political rights.

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ABBREVIATIONS

AAMS	Associated African and Malagasy States
AAPA	Auswärtiges Amt, Politisches Archiv, Berlin
ACCUE	Archives centrales du Conseil de l'Union européenne, Brussels
ACE	Archives centrales du Conseil de l'Europe, Strasbourg
ACP	African, Caribbean, and Pacific States
AHCE	Archives historiques de la Commission européenne, Brussels
AHUE	Archives historiques de l'Union européenne, Florence
AN	Archives nationales, Paris
AOECD	OECD Archives, Paris
CAP	Common Agricultural Policy
CEEC	Committee for European Economic Cooperation
CFDT	<i>Confédération française démocratique du travail</i>
CFSP	Common Foreign and Security Policy
CGT	<i>Confédération générale du travail</i>
COREPER	Committee of Permanent Representatives
CSCE	Conference on Security and Cooperation in Europe
DGB	<i>Deutscher Gewerkschaftsbund</i>
DOM	<i>Département d'outre-mer</i>
ECA	Economic Cooperation Administration
ECSC	European Coal and Steel Community
ECU	European Currency Unit
EEC	European Economic Community
EFTA	European Free Trade Association
EPC	European Political Community
ESC	Economic and Social Committee
EU	European Union
FRG	Federal Republic of Germany
GEQ	Council Group on Economic Questions
GDR	German Democratic Republic
GSQ	Council Group on Social Questions

ABBREVIATIONS

ICEM	Intergovernmental Committee for European Migration
ICM	Intergovernmental Committee for Migration
ILO	International Labour Organisation
INSEE	<i>Institut national de la statistique et des études économiques</i>
IOM	International Organisation for Migration
JORF	<i>Journal officiel de la République française</i>
MSA	Mutual Security Agency
NATO	North Atlantic Treaty Organization
OCT	Overseas Countries and Territories
OECD	Organisation for Economic Co-operation and Development
OEEC	Organisation for European Economic Cooperation
OJEC	Official Journal of the European Communities
OJEU	Official Journal of the European Union
SNCB	<i>Société nationale des chemins de fer belges</i>
TOM	<i>Territoires d'outre-mer</i> , French overseas territories
UNICE	Union of Industrial and Employer Confederations of Europe

INTRODUCTION

In the beginning of the twenty-first century, the European migration regime had emerged as the distinctive feature of European Integration. The European migration regime refers to the set of rules, formal or informal, at the European level governing international migration movements.¹ Until this book was written, this regime was unique in the world through the free movement of people within the European Union, European citizenship, and the Schengen agreements in their internal and external dimensions. In comparison to migration regimes in other regions of the world, those instruments created a higher degree of openness for migrants within Europe, with the absence of border controls, a general right of residence, the access to employment, the right of establishment, the recognition of qualifications, the export of social security benefits, and certain electoral rights. Elsewhere, for instance in North America, Southeast Asia, or the Middle East, migration movements were more constrained. The rules of the migration regime in Europe were also unique insofar as they had created a deeper closure for migrants from outside Europe than was the case for any other region in the world. Europe's external borders became the bloodiest globally, with 9,000 migrant deaths in 2015 and 2016 in the Mediterranean alone, accounting for over 60 percent of all deaths worldwide.²

Its uniqueness at the global level is not the only reason why the European migration regime deserves attention. It was also an engaging regime in its internal dimension, insofar as it entailed the management of international inequalities associated with international migration in a way that minimised coercive restrictions against migrants. Migration may open up new opportunities, allowing people to make a better use of their talents and fulfil their aspirations. Those born in poorer countries may improve their condition by accessing the opportunities existing in richer countries. The primary focus of this book is therefore to explore the formation of the open migration regime within Europe and, in doing so, investigate an instance in which an open international migration regime was able to occur. The presence of both great openness and closure in this regional migration regime makes its existence even more intriguing.

In addition, this open migration regime deeply shaped European economies and societies. A closed migration regime within Europe until the 1950s had resulted in emigration overseas outstripping emigration to Europe.³ As late as 1954, 57 percent of Italian emigrants still moved to non-European destinations.⁴ With more open migration arrangements in Europe, by the mid-1960s nearly 80 percent of Italian emigrants moved to continental countries of North-West Europe.⁵ The same happened with Greece, which benefited from more open migration arrangements in Europe as early as the beginning of the 1960s. Whereas two-thirds of Greek emigrants went overseas in the 1950s, 70 percent migrated to West Germany by 1964. In parallel to that change, annual Greek emigration increased fivefold, from 20,000 to 100,000.⁶

The more open migration regime contributed to the convergence of living standards with the rest of Western Europe for Italy, and later on for Greece, Spain, and Portugal. Italian gross domestic product (GDP) per capita was still 15 percent lower than the average in Western Europe in 1960: twenty years later it was equivalent.⁷ With the enlargements of the European Union in Central Europe in 2004 and 2007, the populations of European Union citizens living in another country than their own more than doubled, from 5.9 million in 1999 to 13.6 million in 2012. Between 2000 and 2012, the number of Romanians residing in Western Europe multiplied tenfold and reached 2.4 million. Britain integrated a large number of Eastern European migrants in the decade following the 2004 enlargement: whereas there were only 1 million European immigrants in Britain in 2001, the number increased to 2.3 million by 2012.⁸ Such flows had a profound influence on British society.

In 2015 and 2016, the regime entered a period of uncertainty for its future, as did European Integration in general. Voters' concerns about immigration in Western Europe triggered the outcome of the June 2016 referendum on British membership of the European Union. Anti-immigration had been a major theme for British politicians opposing the European Union well before the referendum.⁹ During the referendum campaign, immigration was the key concern for 'Leave' voters.¹⁰ This theme included the impact of European and non-European immigration on the labour market, the payment of benefits to European immigrants, and the control over non-European immigration. Meanwhile, migratory crises in the Mediterranean highlighted the restrictive side of the European migration regime, in the face of increasing migration inflows. For instance, in August 2015 – just one month – almost 200,000 migrants entered the European Union.¹¹ Between November 2015 and March 2016 the heads of state and governments of the European Union met three times with their Turkish counterparts. The European Union granted €3 billion to aid the Turkish government in stabilising refugees from Syria. The Europeans also promised to make progress regarding the liberalisation of visas for Turkish citizens in the European Union and for the talks related to the Turkish

accession to the Union. Those considerable concessions were all driven by the importance of securing Turkey's participation in stemming the flow of migrants to Europe.¹²

To highlight this situation, both within Europe and at its borders, it is necessary to know how and why the regime that prevailed until 2016 was formed. Such development started around 1947 with the first European negotiations intending to define lasting rules for migration movements in Europe. This was the time when the first European international organisation, the Organisation for European Economic Cooperation, was created in the wake of the Marshall Plan. The year 1992 marked an attainment in the formation of the regime. The Treaty of Maastricht, creating the European Union, and coinciding with the end of the Cold War, introduced the final elements of the regime that prevailed for the following twenty-five years, by establishing Union citizenship and a common policy on extra-European migrants. After 1992, already negotiated agreements, such as the Schengen Convention, entered into force and the regime, initially centred on Western Europe, gradually expanded to encompass almost all the continent.

Argument

In this book, I will show that the internal opening of the European migration regime had, despite widespread conviction,¹³ little to do with the negotiation tactics of the governments of emigration countries. The largest countries of emigration in Europe never had the privilege of introducing migration questions in international negotiations. Often, European states debated about migration in international frameworks that excluded them. In many cases, raising the question of migration was a counterproductive move for the governments of emigration countries. Above all, there was no trade-off between trade liberalisation and migration liberalisation.¹⁴ Even though these governments sometimes tried to threaten to block trade liberalisation if no progress was achieved in migration liberalisation, they were never credible and always ended up as the main supporters of trade liberalisation, which was vital for their exports.

More generally, I will show in this book, contrary to widespread conviction, that domestic demands in secondary states implying concessions from foreign governments do not explain European Integration.¹⁵ The weakness of certain states to fulfil the economic needs of their populations never played any major role in achieving that process. It is exact that European Integration was decisive in helping a number of governments in their efforts to eliminate important domestic social and political tensions.¹⁶ But those states that thus benefited from this process were not driving change. Above all, European Integration did not happen as a way for other European states to control Germany.¹⁷ European Integration had nothing to do with a quest for preventing German resurgence. Quite the opposite: most other

governments became heavily dependent on German support and were desperately looking for German help.

In this book, I will show that West Germany emerged as the most important actor in the European migration system in the post-war decades and led other immigration states into an open migration regime in Europe that favoured German geopolitical and economic interests over the long-term. I will show that the German economy was the main stabiliser of the open migration regime in Europe. German companies provided the jobs that the vast majority of migrants occupied, and German institutions paid the overwhelming majority of social transfers associated with migration flows between European countries. Without the German support, social tensions in destination countries would have rapidly led to the suppression of open migration arrangements, so that such arrangements probably would never have been implemented at all.

I will explain that West Germany accepted extensive concessions to other countries in order to define an international order in Western Europe favouring German interests over the long run. After the Second World War, the West German government had to cope with a geopolitical predicament that had considerably reduced German territory, divided it in two parts, and led to foreign occupation. It was of major importance to stabilise Western Europe and prevent any development that could lead to further German isolation in the long run. Additionally, it mattered to create a liberal international order in Western Europe that would help to absorb immigrants from Eastern Europe and act as a magnet for people of that region. This would not only contain Soviet influence, but also undermine it. By the end of the Cold War, the open migration regime in Western Europe was a powerful force, prompting support in Eastern Europe for membership to the European Union. An important contribution of this book will therefore be to emphasise that the formation of the European migration regime was a major political enterprise by West Germany in the unfolding of the Cold War in Europe.¹⁸

I will also highlight how West Germany integrated in the migration arrangements in Europe a number of provisions that were likely to promote German economic and social interests. Those arrangements facilitated the movement of German companies' staff. They facilitated the establishment of German independent professionals, such as lawyers, architects, and doctors, who could play an important role in the subsequent installation of German companies. I will demonstrate that the rules governing the transfer of social security benefits, even though expensive for Germany, aimed at reducing tensions in the German housing market and public infrastructure by promoting circular migration movements. Families of migrant workers could stay in the origin countries and still receive all the benefits to which they were entitled. These benefits included first and foremost family allowances, but also health care. In this way, workers too would return more

easily in their countries of origin or move to another country as they could receive abroad their unemployment benefits and their pensions.

I will highlight that the open migration regime in Europe rested as well on some kind of support by secondary immigration states. These were chiefly France and Britain. But even though France played a role at the beginning of this story and Britain an important role at the end, I will show that none of these players was deeply enthusiastic about the open migration regime in Europe, and accepted it in many instances as long as Germany supported the most important part of migration flows and benefit transfers. I will present evidence about how their support was based on German concessions to them in other fields of European Integration, such as the Common Agricultural Policy, the Single Market, and the Economic and Monetary Union.

As a result, it will be the argument of this book that the open migration regime in Europe emerged in the Cold War under German hegemony. *Hegemony* refers to the superior position of a state in the hierarchy of power of an international system, and the use of that position to promote the interests of that state.¹⁹ This power derives from the control by the hegemon of the scarce resources in the system, making other actors vulnerable to its decisions. In the European migration system, the scarce resources were the means of production that provided the jobs that migrants sought. With the largest economy and the greatest number of job vacancies, West Germany was in position to define the rules within the Western European migration system. This does not mean that the rules of the European migration regime were tyrannical;²⁰ it only means that they developed under German guidance and matched German preferences over the long run. The objective of long-term stability precisely invited to some balanced distribution of costs and gains in the European migration system.²¹

As I will show, the restrictive side of the regime derived from this same reason. There were geographical limits within which an open migration regime could actually foster German interests. Protectionist concerns both in Germany and other immigration countries should find compensation to greater openness within Europe by greater closure towards the rest of the world. More generally, I will depict European Integration as the result of extensive German concessions to create in Western Europe an international order conducive to German reunification and the rollback of Russian influence from Eastern Europe.

Sources

For this research, I have used the archives of all the international organisations at the European level involved in the formation of the European migration regime.²² These were the European Coal and Steel Community (ECSC) and the European Economic Community (EEC), whose records are held by the Archives of the

European Union. They also included the Organisation for European Economic Cooperation (OEEC) and the Council of Europe. In the archives of those various organisations, I have exploited exhaustively the documents of intergovernmental institutions: the Council of Ministers of the ECSC, then of the EEC, including the Committee of Permanent Representatives (COREPER) and the various Council working groups; the Council and the Executive Committee of the OEEC; and the Committee of Ministers of the Council of Europe.²³ In those documents, I could directly observe governments debating. The minutes of meetings reveal not only the positions taken by different governments, but also the underlying reasons for those positions. Government representatives explained their motives to their partners as often as they could in order to strengthen their positions.

In the archives of the European Union, I have also used the documents of non-intergovernmental institutions, which provide information on intra-national interests. The documents of the Economic and Social Committee show debates among trade unionists and employers. The documents of the European Parliament allow observing local interests. The Commission documents are useful to monitor the application of agreements made by governments and to go beyond an official approach to the functioning of the regime, even though, most of the time, governments respected these agreements, which were incorporated into national law. The documents of cases before the Court of Justice of the Community, available in the Commission documents, provide a similar clarification. They sometimes allow observing domestic political tensions and violations of European agreements.

International archives offer rich material on most questions, and I have used national archives only selectively. International archives are underdeveloped for the period from 1947 to the mid-1950s. To fill this gap, I focused on the archives of German diplomacy, the *Auswärtiges Amt*, as Germany was about to become the most important immigration country in Europe in the following years. I also used the documents of the French Ministry of the Interior on immigration in French Eastern borderlands for the period until the mid-1950s, to observe considerations against German immigration that were unlikely to be expressed in an international organisation. I also used national archives for the late 1980s, when Western European states negotiated outside the European Community questions related to Schengen cooperation. French archives are the most important, because France was the most concerned about the migratory consequences of the abolition of border controls and wielded important power to decide whether to abolish these controls. The presidential archives of François Mitterrand hold the most useful documents on the subject. I was able to access international and national documents despite the thirty-year rule governing such access. My information has been equally complete for the entire period covered by this book.

Outline

This book is divided into five chronological chapters that reflect the evolution of the European migration regime from the beginning of change in the wake of the Second World War until the full-blown configuration that the new regime assumed after 1992. In the period from 1947 to 1954 (Chapter 1), the prevailing migration regime in Western Europe was still a legacy of the Depression of the 1930s and the Second World War. Immigration states controlled bureaucratically every aspect of migration. The defeat of Germany had led to a regime unfavourable to German interests. The excess workforce in certain countries could often not find even temporary migration opportunities in neighbouring countries. That regime was a regular source of international tensions in Western Europe. France initially attempted to transform it, but could not absorb alone the increased migration flows that a more open migration regime with Italy would create. The U.S. government intervened and developed a large Western organisation allowing migrants to move towards other Western countries overseas. Meanwhile, the migration regime started becoming more open between the countries of North-Western Europe (i.e. between the Nordic countries, the Benelux countries, Britain, Ireland, France, and Switzerland). West Germany, Austria, and the Mediterranean countries in Europe (Italy, Spain, Portugal, Greece, and Turkey) remained outside this more open migration regime. During that period, the West German government started promoting a new migration regime in Western Europe, based on the principle of the free movement of persons. The economic difficulties in West Germany in the years following the Second World War meant that these attempts were overall unsuccessful.

From 1955 to 1964 (Chapter 2), owing to economic growth in the country, the West German government gained a greater influence on the European migration regime. Cold War constraints determined the German strategy. Providing permanent migration opportunities for Italian workers, and later on for Greek and Turkish workers, would firmly fasten those countries to the German camp. Securing strong alliances in Western Europe would in turn reduce German vulnerability towards the USSR and lead to German reunification. A more open migration regime started in a geographical setting matching German preferences. Centred on the six countries of the European Coal and Steel Community and then the European Economic Community, it was manageable and excluded the populations from the colonies. In accordance with French and Belgian preferences, opportunities were subject to labour demand increases in immigration countries in order to avoid downward pressure on local workers' wages. To discourage family flows, West Germany started exporting allowances for the families of Community migrant workers. France followed the German positions, not without linking this to German support for the Common Agricultural Policy, which was to enormously benefit French farmers.

From 1965 to 1973 (Chapter 3), West Germany managed to make further progress towards a new migration regime in Western Europe, but growing disagreements with France and increasing tensions within Western European labour markets slowed down this movement. France became less and less eager to accept unfettered migration flows of workers and arranged to tailor immigration in accordance with the interests of local workers. The French arranged various barriers in the Western European migration regime in order to prevent immigration from threatening French workers' status and wages. As immigration was increasing in West Germany, the government was eager to prevent huge family migration flows; it exported even more generously social benefits and arranged for other countries to do the same, with France obtaining a temporary exception. During that period the regime also touched independent professions. In that sector, flows were in the majority directed towards France, with farmers, shopkeepers, and self-employed professionals (e.g., architects) opposed to foreign competition there. This prevented significant opening, with several barriers subsisting such as public monopolies or the lack of recognition of qualifications. Regarding immigration from outside the Community, West Germany, France, and Britain, which joined the Community in 1973, favoured opening up towards different regions. Yet, none of them, including West Germany, had the capacity to support an open migration regime with any of those regions characterised by rapid population growth and expanding emigration. The distinction between migrants from inside the Community and outside the Community started being consolidated during that period.

From 1973 to 1984 (Chapter 4), the evolution towards a more open migration regime in Western Europe came to a standstill. In West Germany, a decline in the demand for goods and services led to a decline in the demand for labour. The government consequently stopped immigration from outside the Community. This policy provided an additional incentive for Greece, Spain, and Portugal to join the Community. The demographic growth of these countries was weak and the GDP per capita was comparable with those in the Community; this helped accession talks to succeed. In the case of Turkey, with a lower GDP per capita and higher demographic growth, the Community did not respect the already signed migration agreement. For Community migrants, migration opportunities stagnated because of higher minimum wages in immigration countries and the absence of progress on the recognition of qualifications and on the movement of self-employed professionals. In addition, infractions of Community rules increased as governments strove to protect their national workers. While Western European governments developed employment policies to foster the employment opportunities of their national workers, they could not agree on specific programmes to help migrant workers. Eager to limit its financial commitments, the West German government even called into question the amounts of family allowances to be exported, after increases in German family allowances to stem population decline. A stalemate in

those negotiations ensued and the exception recognised to France persisted. European cooperation developed during this period only to reduce migration from Arab and African countries.

The new migration regime in Western Europe took on its final shape between 1984 and 1992 (Chapter 5). The regime, even though open, developed a selective and regionalist character. This was at the time of the negotiations of both the Single Market, of great interest for Britain, and of the Economic and Monetary Union, of great interest for France. These negotiations helped secure British and French support to German plans affecting the European migration regime. This led to the abolition of internal border controls through the Schengen agreements, with Britain opting out, and France and Germany agreeing on strong external borders for the Community. Where Britain and West Germany converged was in the willingness to move forward in the recognition of qualifications in the Community. This was a necessary precondition for the movement of managerial staff – itself essential for the expansion of their firms in Europe. The upheavals in Eastern Europe, which led to the end of the Cold War, interfered with these developments. In such an unstable environment, it mattered for the German government to reinforce diplomatic or even military integration among the states of the European Union. That signal was intended to discourage Russia to try to preserve the status quo or to use force. European citizenship became an important piece of a common foreign and security policy, as it was a way to create the civic base necessary to make this common foreign policy credible. Citizenship rights included the right for European migrants to reside in any country of the Union, and the right to vote and stand in local and European elections. Finally, as immigration flows were increasing in the early 1990s, the member states of the European Union agreed on greater closure towards trans-Mediterranean migration flows.

After 1992, continuing along those lines, the European Union implemented previous decisions, integrated Central Europe, and kept developing its policies to stop immigration in the Mediterranean. By then, the migration regime in Europe was quite different from what it was in 1947.