

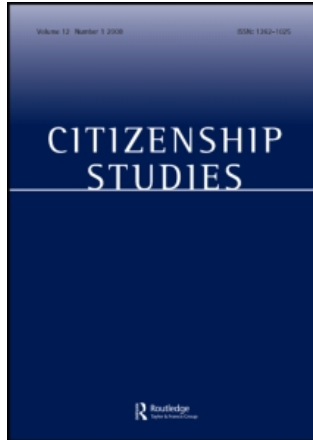
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Migration management for the benefit of whom? Interrogating the work of the International Organization for Migration

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This paper examines the relationship between the nation-state and migration through the activities of the International Organization for Migration (IOM). The IOM operates at the intersection of nation-states, international human rights regimes, and neo-liberal governance. We find that the IOM enforces the exclusions of asylum seekers and maintains the central role of nation-states in ordering global flows of migration. In addition, we argue that the IOM acts on behalf of nation-states by using the language of international human rights, as though working in the interests of migrants and refugees. In providing a geographic appraisal of the IOM alongside its image and presentation with an analysis of its activities on voluntary returns, we address the new spaces of 'networked' governance that control and order migratory flows in the interests of nation-states.

Keywords: International Organization for Migration; nation-state; migration; detention; neoliberalism

So we have two lines, then. Along the first the state is reterritorialized as a particular place, a territory with an inside and an outside. Along the second its border controls are dispersed and laid over other states, intergovernmental organizations, private agents like airlines, and mobile task forces. In the space between these two lines we find something new.

William Walters (2004, p. 253)

Introduction

Although some refugees are selected by states for resettlement from camps abroad, others travel great distances to make claims once arriving on sovereign territory of states that will hear and assess claims on the basis of a well-founded fear of persecution. Increasingly, however, nation-states are enacting ever more exclusionary measures to stop migrants from accessing sovereign territory by preventing an individual's ability to legally gain employment or seek political asylum (Mountz 2010). They are doing so with a series of informal practices through which they operate beneath the radar of the international community by collaborating and contracting out work on migration. As the above quote suggests, nation-states operate transnationally in enacting projects of exclusion and excision through non-governmental entities that effectively use the language of human rights and international civil society to thwart migrants and refugee claims. This transnationalization of state activities (Glassman 1999, Walters 2004, Sparke 2005,

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Mountz 2006, Coleman 2007) must be understood through analysis of those institutions that enable reconfigurations of state sovereignty. To look only at the nation-state as transnational subject is a 'red herring' of sorts, for the nation-state relies on a range of non-governmental institutions to enact neoliberal projects. By far, the largest and the most well-resourced institution to have taken up this work is the International Organization for Migration, known globally as the IOM.

The IOM does important humanitarian work, such as rebuilding housing after the tsunami in Sri Lanka and reintegrating internally displaced people in Colombia, the IOM's largest field expenditure of 2008 (IOM 2009b). The IOM also, however, engages in some ethically and politically questionable work along the edges of sovereign territory and jurisdiction. With over 400 field sites around the world as of October 2009 (IOM 2009c), the IOM steps into work where the nation-state reaches its sovereign limits, finding itself constrained by international law and guided – if not restricted – by UN conventions. While anti-detention and anti-deportation activists and human rights groups are increasingly targeting the IOM and asking for accountability, recent scholarly work on the securitization of migration (e.g., Bigo 2002, Huysmans 2006) seems to have overlooked the IOM as a key player in the process. Border enforcement strategies, in particular, rely on the ability of the IOM to operate on behalf of, yet beyond the traditional bounds of the sovereign state. Yet in recent research undertaken by the authors on offshore border enforcement practices, the IOM emerged repeatedly in seemingly unlikely and unseemly sites between states.¹ There, the IOM engaged not only in border enforcement but also in transport and detention practices that contained rather than facilitated human mobility.

Due precisely to its in-between nature and in-between locations, the IOM proves difficult to locate geographically and institutionally. Geographically, the IOM is headquartered in Geneva, with most 'back office' administrative functions based in Manila and Panama City's City of Knowledge (IOM 2009a), once the US Army Base of Fort Clayton. In terms of categories of institutions, the IOM is 'neither fish nor fowl.' It is an inter-governmental organization whose 'members' are nation-states, its constitution shared in the broad and ever increasing range of global governance organizations that were formed after the World War II. Like the International Monetary Fund and the World Bank, institutions that have been analyzed as exemplars of neoliberal globalization (Peet *et al.* 2003, Harvey 2005), the IOM represents a novel form of neoliberal governance and is indicative of the transformations of sovereignty that extend beyond capital flows to include the management of migrant bodies. Federal governments contractually employ the IOM to carry out a range of migration-related services that governments find themselves unable or unwilling to carry out for legal and political purposes. This difficulty of categorization works productively for the IOM, which is able to position itself in creative ways to carry out the transnational work of states, while turning a profit and employing the language of rights. For these reasons, the IOM stands at the intersection of the nation-state, international human rights regimes, and neo-liberal governance.

The IOM acts on behalf of 'member states' and makes consistent appeals to what Ong (2006) has described as the 'ethical geographies' of NGO administration. As we will discuss, however, the IOM is not an NGO. In carrying out its work of managing migration, the IOM reveals how states structure migratory flows through inclusions and exclusions legitimized in the language of humanitarianism that has been aptly referred to as a 'colonialism of compassion' (Hyndman 2000). Furthermore, the geography of this work matters. As Ong argues, 'interactions between neoliberalism and state action produce a variety of outcomes for unconventional spaces of government' (2006, p. 75). What *kinds*

of 'unconventional spaces' of governance does the contracting of the IOM enable? We seek to answer this question.

This paper places the IOM alongside recent ideas about migrant exclusions and the geographical reconfigurations of the nation-state. Contemporary understandings of the nation-state have shifted from indicators of its decline to its rescaling and calls for locating political and social processes beyond its territories (Agnew 1994). Conceptualization of these transformations in sovereignty has ranged from Hardt and Negri's (2000) territorially boundless global system of contemporary Empire, to the state's 'internationalization' marked by an increasing dependence on a transnational elite (Glassman 1999), to Brenner's (2004) analysis that examines contractions and expansions of states that produce distinct scales of control and activity. Regardless of how these geographies of power are conceptualized, what remains certain is that these changing forms of state power regulate the movement of bodies that Ong (1999) has described as the formation of the hierarchical or 'flexible' regimes of citizenship and, more recently, as neoliberal exceptions (2006).

Using the IOM as our laboratory, we suggest that the dynamics underlying the shifting geographies of the nation-state can be best illustrated through an analysis centered on migratory flows and nation-state exclusions carried out through non-state institutions. We argue that the IOM works entrepreneurially in its occupation of spaces between states, categories of institutions, and scales of operation. The IOM profits from this fluidity, which has implications for conceptualization of geographies of sovereign power and practice. The contemporary salience of the nation-state is simultaneously maintained while seemingly undermined through appeals to international human rights regimes carried out and 'enforced' by organizations like the IOM. The language of rights and international humanitarianism allows the IOM to operate in these geographically ambiguous zones, legitimized by the nation-state, but operating transnationally.

Holding both the nation-state and the IOM in concert and in tension as symbiotic transnational objects and subjects of study, we proceed in the next section by providing a historical and geographical appraisal of the IOM. The third section addresses the language of legitimacy deployed by the 'migration agency,' representative of both the failure as well as the transformations of normative, nation-state centered understandings of human rights. The fourth section offers evidence and discussion from the field of the IOM's practices of voluntary return to highlight the consequences of IOM services on the lives of migrants and on the politics of national belonging. Our conclusions discuss the implications of our argument for conceptual understandings of nation-states and the IOM in structuring contemporary landscapes of human migration and displacement.

From logistics agency to migration agency²

Although IOM has no legal protection mandate, the fact remains that its activities contribute to protecting human rights, having the effect, or consequence, of protecting persons involved in migration. IOM (2009b)

States increasingly curb migrant agency and mobility by stopping potential asylum seekers from reaching sovereign territory to make claims (Mountz 2010). The USA detains asylum seekers on Guantánamo Bay, Guam, and Tinian where their access to asylum is mediated by distance and isolation. In addition to detention on islands, states station immigration control officers in foreign airports where they try to identify potential asylum seekers before they reach sovereign territory of the USA, Australia, New Zealand, the UK, or Canada. The IOM is at the center of these efforts with services that effectively mask these

practices of the nation-state through the language of ‘humane and orderly migration.’³ For these reasons, the IOM has been typified as a humanitarian organization (Beigbeder 1991), but this language effaces the coercive practices inherent in detention and the ordering of movement.

The origins of the IOM can be traced to the emergence of international human rights norms following the World War II. Stateless persons, characterized by Hannah Arendt as having been ‘ejected from the old trinity of state-people-territory’ (1951, pp. 281–282), were given legal status and limited protection as refugees in the 1951 *Convention Relating to the Status of Refugees*. In December of that year, the US-organized Brussels Conference on Migration established the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME), followed by the Intergovernmental Committee for European Migration (ICEM) 2 years later (IOM 2009e). Mr George Warren, who led the US delegation, successfully promoted the creation of an inter-governmental committee that would focus exclusively on the transportation of displaced persons in Europe through arrangements with governments that would also support the ‘free movement of persons’ (Karatani 2005, p. 537).

During the 1970s and the 1980s, the ICEM expanded beyond Europe with operations that included the resettlement of refugees from Bangladesh and Nepal to Pakistan during the 1971 Bangladesh War and Indo-Chinese resettlement in 1975. These activities were reflected in the 1980 rebranding of the ICEM as the Intergovernmental Committee for Migration and by the end of the decade, the IOM. According to IOM’s legal advisor, Richard Perruchoud, the IOM was established to address the shifting geographical focus of refugee services ‘as migratory movements developed outside Europe, particularly between relatively poor and less poor countries’ (Perruchoud 1989). As an inter-governmental agency, the IOM shapes migration flows through exclusionary practices on behalf of member states. As shown by Hyndman and Mountz (2008), governments have abrogated international commitments through policies that prevent refugees from making claims on sovereign territory. Writing about the intensified denials of asylum in France and Europe, Derrida (2001) notes that international law has not changed since Arendt’s (1951) ruminations on the rise of stateless persons, but is still relegated to treaties between sovereign states. Beyond the texts of these treaties and state-sanctioned rights, the IOM steps in.

The IOM enforces sovereign exclusions through the management of refugee camps and detention centers that, following the work of Agamben (1998, 2005), are the new spaces of exception. Those excluded are reduced to ‘bare life,’ an exception decided by the sovereign, a suspension of law that is the very ground for its rule (Agamben 1998, 2005). The concentration camp, Arendt noted, served as the only ‘country’ provided to the stateless, which is precisely why for Agamben (1998) the camp represents the ‘*nomos* of modernity.’ Through scholarship on deportation and detention the camp has been extended to the different contested sites of modernity through which sovereign power and refugee exclusions are co-constituted. Today’s camps and exceptions traverse the spectacular and the mundane, from the crossing of state borders where each traveler is reduced to bare life through routine bureaucracy (Salter 2008), to the uneven zones of indetermination characterized by Didier Bigo (2007) as the ‘banopticon’ where new forms of control and juridical power emerge and are contested. In the ‘borderscapes’ (Rajaram and Grundy-Warr 2007) of Europe (Walters 2002, 2004), Australia (Perera 2007, Rajaram 2007), and the USA (Gregory 2004, De Genova 2007), the IOM manages the blurred boundaries between international law and national sovereignty.

The following sections show that the IOM has cast itself as a global institution of cosmopolitan ethics by using the language of unconditional hospitality and

humanitarianism as expressed in Immanuel Kant's 1795 essay, *Perpetual Peace* (1991). Such language masks the organization's activities that assist states in preventing refugees from crossing their borders. The IOM represents a form of institutionalized 'strategic cosmopolitanism' that, as Katharyne Mitchell reminds us, readily becomes 'a technology of rule' (Mitchell 2007, p. 709). Such technocratic forms of rule transform the coercive mechanisms of the state that include exclusions and removal into actions largely seen as consensual through the 'weak legal gloss' of human rights (Douzinas 2007, p. 151). The IOM, then, can be seen as a significant consent-generating apparatus of the neo-liberal state, and a neoliberal form of what Wolch (1990) called 'the shadow state,' wherein functions of the social welfare state are devolved to other servicing institutions. The rise of international human rights regimes, as Benhabib (2006, p. 27) suggests, 'ought to govern the behavior of sovereign states' and is therefore 'one of the most promising aspects of contemporary political globalization processes'. Yet the underbelly of this order, that weaves states together while simultaneously subordinating them under the language of international human rights, is confronted in Nauru, Lombok, Libya, Iraq, and the multiple transit routes of global migrations in the global economy.

Shifting geographies of exclusion called 'transport' accompany shifting moralities. The language of human rights is redeployed as a means of restriction and excision that functions through national sovereignty and yet, in discourse and jurisdiction, transcends and transgresses sovereignty, operating just beyond its limits. States are thus using coercive apparatuses in the name of consensual legitimacy. Consensual modes of operation include consultative processes, creative language, and corporate practices with a bottom line. States are appealing to public audiences with the language of human rights regimes, but in practice excluding migrants and undermining responsibilities as signatories to the 1951 UN Convention relating to the status of refugees and its 1967 Protocol.

The language of humanitarianism is essential to the IOM's projects in the liminal zones between nation-states. In this sense, the IOM can be seen as a component of Hardt and Negri's *Empire* (2000) as the organization presents itself as committed to global peace and order transcendent of the nation-state. Sparke (2005) critiques *Empire* as an 'anemic geography' in which the ahistorical illusions of a territorially limitless, post-imperial ascendancy of transnational capital are conflated with the specific geographies of political power and control. Keeping Sparke's critique in mind, we examine both the language of the IOM and its practices at the limits of sovereign territory.

Headquartered in Geneva, near the United Nations Educational Scientific and Cultural Organization (UNESCO), and down the street from the World Health Organization (WHO), the IOM promotes the orderly flow of migrants by providing services for the transfer of migrants and refugees as well as a forum on international migration. The headquarters is located a few kilometers north of the UN's Palais des Nations, the former League of Nations headquarters, and the United Nations High Commission on Refugees, 'the refugee agency.' As the 'migration agency' the IOM adopts the lexicon of the UN, showcasing large flags of its 127 'member-states' in the front windows of its Geneva headquarters (Figure 1).

The trails of transnational capital and humanitarian organizations centered in Geneva attest to the IOM's insertion into these networks of power (Hyndman 2000). Visitors to the IOM's headquarters must mimic entry to the United Nations by handing over their passports at the front desk to enter. Although it is not part of the United Nations, the IOM 'maintains close working relations with UN bodies and operational agencies' (IOM 2001), leading some to confuse it as a UN-affiliated organization, an association in which the IOM is perfectly sanguine (e.g., Glanz and Rubin 2007).⁴



Figure 1. Photograph of IOM headquarters, Geneva, May 2006, Alison Mountz.

The presentation of the IOM can be fruitfully conceptualized through what Erving Goffman characterizes as ‘front-stage’ and ‘backstage’ behaviors of the individual. The former consists of ‘the expression that he gives,’ the latter ‘the expression that he gives *off*’ (1959, p. 2). In Goffman’s analysis of the individual, the front consists of elements such as setting, tone, manner, and appearance (1959, p. 29). The epigraph that opens Goffman’s book highlights the importance of what lies on the surface in the form of language and image: ‘Words and images are like shells, no less integral parts of nature than are the substances they cover, but better addressed to the eye and more open to observation’ (George Santayana, quoted in Goffman 1959, p. ix). Also central to the front-stage performance is ‘idealization,’ clues that the individual ‘aspires’ to a higher social class. In a similar vein, our analysis of the language of the IOM shows its aspiration to UN status in the stratification of organizations, as made clear in its Kosovo program: ‘while not part of the United Nations system, IOM maintains close ties with the UN and has established partnerships with a wide range of international governmental and non-governmental organizations worldwide’ (IOM 2003). Front-stage behavior also includes a degree of mystification, ‘in which the performance of an individual accentuates certain matters and conceals others’ (1959, p. 67). Meanwhile, the backstage performance transpires out of sight, ‘being cut off from [the front stage performance] by a partition and guarded passageway’ (Goffman 1959, p. 113). Again, the labyrinthine global architecture of the IOM – its administrative back offices and hundreds of field projects – mirror Goffman’s juxtaposition of the symbiotic front and backstage performances.

Through its 127 ‘member states,’ 17 ‘observer states,’ and a wide range of partnerships with NGOs, the IOM is involved in all manner of migration-related activities, from organizing workshops for migrants and displaced people to training border patrol employees and managing off-shore processing centers. Member states – ‘states with a demonstrated interest in the principle of free movement of persons’ – comprise the IOM’s governing council. Each member state has one representative and is allocated one vote. The executive, composed of 35 member states elected for 2-year periods, reviews the IOM’s policy (IOM Constitution).

Of particular interest, given analysis of the IOM, are the five key functions are delineated in the organization's constitution. The first two relate to the 'transfer' of migrants and 'refugees and displaced persons . . . for whom arrangements may be made between the Organizations and the States concerned.' The next two functions of the IOM involve a wide range of 'migration services' including 'medical examinations' and 'similar services' for 'voluntary return migration.' Finally, the IOM also seeks to 'provide a forum to States as well as international and other organizations for the exchange of views and experiences' on migration (IOM 1989).

The IOM has grown remarkably over the last 10 years in terms of budget, employment, and projects in 'the field.' In 1998, the IOM had 67 member states. By 2006, member states numbered 116. As of December 2009, there were 127 member states. During that same time frame, expenditures nearly quadrupled, from US\$242 to US\$952 million in 2005 (IOM 2008a) and currently exceeding US\$1 billion (IOM 2009b). As of December 2008, the IOM had over 400 field locations, with the greatest number of field locations in Colombia, Indonesia, and Sudan (IOM 2009c). Whereas there were 686 projects carried out in those locations in 1998, projects numbered 1400 in 2005 and over 2000 in 2008 (IOM 2009a). Finally, and remarkably, the IOM employed 1100 operational staff members in 1998, but by 2006, this number had nearly quintupled to 5400 employees. By the end of 2008, the IOM staff totaled 7127, of which 6069 were officials, while 1058 were employees (IOM 2009a). The organization's largest operational expenditures were in the areas of 'movement, emergency, and post-crisis management' followed by 'regulating migration' (IOM 2009a). This recent, rapid, and significant increase in size, scope, and profit signals the success this for-profit entity has found. The IOM succeeds by occupying a niche with migration-related services provided to nation-states. This success also suggests the importance of researching its expanding and expansive role in what governments and suprastate agencies alike call 'migration management.'

We are all citizens of the same humanitarian world⁵

The IOM works not only in the legal gray zones between domestic and international law but also in geographically ambiguous zones, where state jurisdiction remains unclear. It is precisely through this ambiguity that 'disorderly' flows of migration and displacement are ordered and regulated by the nation-state. The decentralized structure of the IOM represents a constitutive node in this network, the institutionalized and state-sanctioned underbelly of global flows that promotes state policies on immigration. To accomplish this, the IOM relies on the importation of flexible labor, made clear in the following quote.

The demographic and social structure in the industrialized world has created the need for workers and professionals from other countries. Large-scale migration for work represents potentially difficult adjustments, but economies that desire to remain competitive cannot ignore the need for change. Facilitating migration for work can be a win-win proposition. (IOM 2009d)

As we have argued, the IOM strategically synthesizes the language of international humanitarianism and equally prevalent discourses of national security. This latter discourse manifests in the control over migrant bodies at a variety of scales, from 'biometric borders' (Amoore 2006, Sparke 2006) to what Dick Marty, the EU's rapporteur on secret rendition, called the 'global spider's web' of US detention facilities on sovereign territory (Council of Europe 2006, p. 10). It is in these transformations of the nation-state, from an emphasis on the unity of national territory (Scott 1998) to a networked command over global space (Hardt and Negri 2000), that the IOM's practices become paramount.

They represent a blurring of what Appadurai delineates as two contrasting forms of global organization: the vertebrate world ‘organized through the central spinal system of international balances of power’ and the ‘cellular world, whose parts multiply by association and opportunity rather than by legislation or design’ (Appadurai 2006, p. 129).

The IOM carries out a broad range of projects related to human migration that it categorizes as ‘managing migration,’ ‘counter-trafficking,’ ‘migrant movement and processing assistance,’ and ‘migration research.’ The IOM runs humanitarian projects designed to protect migrants and their human rights, like the 2006 anti-trafficking campaign that featured pop star Ricky Martin of ‘Livin’ la vida loca’ fame as its spokesperson. The IOM also played a key role in building housing in tsunami-affected areas and has recently garnered attention for its partnerships with the United Nations High Commissioner for Refugees (UNHCR) in Iraq in assisting internally displaced persons. In 2008, IOM provided ‘movement assistance’ to 190,647 persons, mostly through ‘resettlement programs’ and ‘refugee repatriations’ (IOM 2009b). The organization labels its programs with beneficent names like ‘Managing Migration for the Benefit of All,’ a slogan we will return to in the context of the IOM’s voluntary return program (IOM 2009d).

The IOM serves agendas of what policymakers call ‘managed migration’, assisting nation-states in a desire for *order* over what many consider *disorderly* flows. While much global migration is characterized by disorder and displacement, the IOM offers services to its clients (read ‘member states’) to control, particularly in the management of detention and deportation regimes. Many of these projects involve the housing and transport of transnational migrants. Castles (2007) establishes a pervasive ambivalence surrounding ‘migration management’ and urges caution against a ‘top-down’ model and its ‘technocratic undertones.’ Yet in technocratic fashion, the IOM effectively traverses the global with the effective use of discourses on humanitarianism (Castles 2007, pp. 50–51).

While making order out of disorder and exercising control in the chaos of displacement, however, the IOM traffics in another language altogether: that of ‘protection’, ‘opportunity’, and ‘partnership.’ But the IOM also has a dark side that its more savvy higher-ups proved reluctant to discuss in interviews. In some ways, the ‘good’ work done by the IOM serves to obscure some of its ‘shady’ operations. The corporation operates entrepreneurially where opportunities arise to profit from the landscape of human migration. Sometimes, these activities involve assistance to migrants, but they also offer assistance to states in forms that can put migrants at risk, imperiling well-being and infringing on human rights. This work is often couched in the broader organizational language of ‘opportunity, assistance, membership, and partnership.’

Human rights organizations have asked exactly who the IOM aims to protect. Some of its programs appear to operate in the interest of the protection of states over asylum seekers. In an interview, one official explained that the IOM ‘provides the opportunity’ for ‘weaker’ (meaning poorer, source country, and transit states) to bring border enforcement up to the standards of stronger states (meaning wealthier, western states). Sometimes, such opportunities were granted in the form of brokering bilateral arrangements for return, and at other times, the IOM was contracted to do the material labor of exclusion. As one example, the IOM was contracted to run the detention of asylum seekers on islands as part of Australia’s ‘pacific solution’ to reduce the arrival of asylum seekers by sea. The IOM often brokers these ‘partnerships’, including bilateral arrangements for return, easing the issue of travel documents, and providing charter flights for return. These are among the reasons why No Borders warns us that the IOM is ‘a Janus faced organisation, aiming to win trust, cooperate with and using NGOs on the one hand but acting as a reliable partner

of national governments. Be aware!’ (No Border Network 2009). Human Rights Watch, furthermore, has pointed out that the IOM adopts the language of protection but has no mandate to protect and no protocol to investigate human rights violations that transpire under its watch.

IOM policy statements have evolved and been fine-tuned over the years to reflect the language of ‘effective respect’ for migrants’ rights. While the adoption of rights language and development of policy reflecting such language is encouraging, we feel that IOM has not appeared to have learned from past mistakes. Human Rights Watch calls on member states of the Governing Council to send a clear message to IOM that it must observe international human rights and refugee protection norms in all its operations. (Human Rights Watch 2003)

By brokering bilateral arrangements between the member states behind closed doors, the IOM facilitates collaborative measures of exclusion and eases the way for ‘voluntary returns.’ The timing of this growth corresponds with a steady decrease in the granting of asylum among the largest states with managed refugee resettlement programs (UNHCR 2006, Castles 2008). We see this correspondence as significant, given that one of the largest, and most popular programs run by the IOM in recent years is called ‘Voluntary Return’. This program provides ‘opportunities’ for displaced persons, often asylum seekers, to return home to conflict-ridden source countries such as Iraq and Afghanistan. Individuals receive free transit home and a small cash sum to restart their lives in exchange for the withdrawal of their asylum applications – requests for protection on the basis of a ‘well-founded fear’ of return home from ‘host’ countries such as the UK. A paper issued by UNHCR further clarifies the ways in which the IOM assists states in return migration after state interception.

IOM recognizes the sovereign right of States to determine which non-nationals may be admitted to and remain in their territories Many States which have the ability to do so find that intercepting migrants before they reach their territories is one of the most effective measures to enforce their domestic migration laws and policies. While mindful of the protection issues raised in interception programmes of States . . . IOM’s role with respect to persons intercepted by States is focused on facilitating voluntary return, including related counselling (sic) IOM’s role is (1) to support States in their implementation of orderly migration practices, including return migration and (2) to complement that of other organizations such as UNHCR in ensuring that the protection needs of refugees are met. (UNHCR 2001)

IOM support of state policies is clearly articulated here in the language of human rights. Its complementary role with respect to international organizations is used as a restriction and means of excision, restricting policies that function through national sovereignty and yet, in discourse, transcend it. States are thus using coercive apparatuses in the name of consensual legitimacy. Consensual modes of operation include consultative processes, creative language, and corporate practices with a bottom line. States are appealing to public audiences with the language of human rights regimes, but in practice excluding migrants and undermining responsibilities as signatory to Convention and Protocol.

The contractual relationship between states and the IOM cultivates ambiguity and concealment of abuses. Who is responsible for offshore activities that preclude access to asylum? If a person held in detention has a choice between indefinite detention and return offered by the IOM, is return ‘voluntary’? Who is responsible for human rights violations in facilities managed by the IOM, acting on behalf of member states?

For return to Iraq, press ‘1’⁶

Just before the US invasion of Iraq, the IOM established an ‘Iraq Response Team’ at Cyprus’ Flamingo Beach Hotel (IOM 2008b). After the invasion, the IOM established the Iraq Transition Initiative, focusing on the rehabilitation of key infrastructure, suspended in 2004 because of violence. They have had more success with their Assisted Voluntary Return (AVR) program. The quote that headlines this section was taken from the automated voicemail system of the London office of the IOM in June 2006 and is a reference to AVR. While the voluntary return program for Iraqi nationals represents the diversity of work done by the IOM, it also highlights the intermingling of neo-imperialism and neoliberal policies through the regulation of migrant bodies. When interviewed, a respondent at the IOM offices in London explained that the rationale behind ‘Press 1 for Iraq’ was the popularity of the program. According to the IOM spokesperson, many people were agreeing to a free return trip to Iraq and cash that would enable them to restart their lives. In exchange, the returnee also agreed to withdraw her asylum application from consideration by the Home Office. This interview was conducted in June 2006, the height of fighting and civilian deaths in Iraq.⁷ IOM Iraq’s AVR program has assisted 13,890 Iraqi nationals, located primarily in the UK, Lebanon, and Germany, to return to Iraq (IOM 2008b).

A brief analysis of materials distributed to potential clients of the IOM’s return program illustrates the language we have discussed here. IOM’s slogan dominates the package visually, announced in large block letters on the front cover of the file: ‘MANAGING MIGRATION FOR THE BENEFIT OF ALL.’ Inside, various materials explain the return program. Glossy pages feature ‘Stories of return,’ large photos with short texts depicting people who were returned and started small businesses with their financial incentives. A list enumerates the benefits of return and another page addresses ‘frequently asked questions.’ There, a language of order prevails, ‘The objective of the Voluntary Assisted Return and Reintegration Programme is to help individuals to return to their home country in an orderly and dignified way’ (IOM 2007). The materials also draw on the language of opportunity; the leading line on a large, colorful poster explains the opportunity of return: ‘IOM helps every asylum seeker who wishes to return to his/her home country.’ Where asylum seekers who withdraw claims are eligible for financial incentives through the Voluntary Assisted Return and Reintegration Program (VARRP), ‘irregular migrants’ are not. The package pays for travel documentation, flights, and assistance with departure and arrival.

Charts and graphs, meanwhile, list the numbers of applicants and returnees per year, mirroring conflicts around the world. In 2006, the program was expanded from the UK and new offices were opened so that VARRP could be operationalized from London, Liverpool, and Glasgow. With support of the European Refugee Fund, the IOM offered additional financial incentives for return through the ‘Pilot Enhanced Returns Scheme.’ For 6 months, the normal reintegration package increased from 1000 to 3000 pounds per family member. In the UK in 2006, the largest number of applicants and returnees came from and were returned to Iraq. In sum, 4618 Iraqi citizens applied and 2420 departed. These numbers were triple those of the next largest group of returnees, this one to Afghanistan, with 1261 applicants and 831 departed. The ‘Stories of Return’ are organized by continent with examples from countries in Africa, Asia, South America, and Europe. Although Iraq is the largest group returned, there are no stories that feature returnees to Iraq.

Although daily we hear of military participation in conflict in Iraq and Afghanistan and even of the plight of the estimated 2 million refugees in the region, we hear less of the plight of asylum seekers who flee conflict, chaos, and persecution at home, yet remain hidden from view and forgotten by an international community that profits from the promise of return. Another example involves the IOM's work in Australia's thwarting of migrants trying reach the shores of the nation-state through interception that rested upon Australia's interception in the South Pacific. Under Prime Minister John Howard, the Australian government was not sympathetic to asylum seekers. In 2001, Howard implemented the Pacific Solution in response to the Tampa incident (Mares 2002). The MV Tampa was a Norwegian vessel that came to the assistance of a smuggling ship in distress that was carrying 433 asylum seekers. Australia refused to allow the ship to dock at the nearest port. A stand-off ensued in the following days, not unlike a more contemporary boat carrying Sri Lankan asylum seekers off the coast of Indonesia that Indonesian authorities refused to allow to port in Merak (Refugee Action Collective 2010). The Tampa incident proved a turning point in Australian investments in interception and detention offshore. The migrants were brought to detention centers on Nauru and Christmas Island in order to inhibit access to asylum in Australia. Poor treatment and lack of access to legal representation have been well documented in the years that followed in this limbo in detention on islands (see Mares 2002, Gordon 2005).

An aggressive detention and deportation regime internal to sovereign territory accompanied these substantial investments in interception at sea and the towing of boats of asylum seekers to islands offshore. Some of these islands were Australian territory (such as Christmas Island), others foreign territory (including Nauru). Australia's Pacific Solution also included the 'power of excision', a parliamentary decision in 2001 to retroactively remove small islands and coastal lines from Australia for the purposes of migration, effectively removing the opportunity of those detained on Pacific islands to ever seek asylum.

In order to carry out its 'Pacific Solution,' Australia has proven an important client of the IOM. The IOM played a key role in the Pacific Solution under Howard by managing the detention center at Nauru. Nauru, which became an independent republic in 1968, has long been a strategic site in the territorial domination of nation-states. A German possession occupied by Australia during World War I, followed by a Japanese occupation during World War II, Nauru became a United Nations Trust Territory under Australian administration. With the depletion of phosphate mining at the hands of Australian mining companies, Nauru's financial crisis worsened, providing a basis for Australia to further entrench its influence. Australia contracted detention on Nauru, a facility that was both part of and yet beyond Australian state territory. Nauru was in financial crisis at the time of detention, and conditions in the center there reflect this paucity of resources (Mares 2002, Gordon 2005). Detainees lacked ample access to the most basic needs, including fresh and clean water. Instead, limited access to salt water for a few hours during the day exacerbated medical issues that were not tended to due to the lack of medical care (Mares 2002).

According to a fact sheet released by Australia's Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), the IOM managed the offshore processing facilities and provided a range of 'holistic programs' that included excursions for shopping and swimming and 'freedom of movement' between 8 am and 7 pm, Monday through Saturday. Oxfam has challenged the assertion made by the Australian government that since these 'processing centers' are managed by the IOM, detainees are not held in 'Australian immigration detention' (Oxfam 2002, p. 18).

Australia also contracts the IOM and funds the Indonesian government to hold hundreds of asylum seekers on Indonesian islands (Human Rights Watch 2002). These detentions are key to Australia's 'Pacific Solution', a policy designed to intercept and detain those attempting to reach sovereign territory by sea to make an asylum claim. Unlike Australia, neither Indonesia nor Nauru is a signatory to the 1951 Convention, which means that a person does not have the right to make a claim there. In a document released by the UNHCR, the IOM affirmed the sovereign right of States who 'find that intercepting migrants before they reach their territories is one of the most effective measures to enforce their domestic migration laws and policies' leaving the IOM to 'assist' with return migration. They further go on to state that 'when IOM encounters migrants presenting claims for asylum or other forms of protection in its activities, IOM refers them to the relevant authorities – national or UNHCR – for appropriate consideration' (UNHCR 2001).

Even after the change in leadership in the Australian government and new Prime Minister Kevin Rudd's announcement in 2008 that the Pacific solution had ended, Australia continues to contract the IOM and Indonesian authorities to house hundreds of migrants in limbo on various Indonesian Islands. Detentions in remote locations raise concerns about the protection of human rights in offshore detention centers that are funded by signatory states to the Refugee Convention, but carried out by the IOM. The means by which this is achieved, however, is through the language of international human rights.

One example of work in the zones between states involves a facility managed by the IOM on the small island of Lombok east of Bali. There, it is estimated that hundreds of would-be asylum seekers are housed in open facilities, grouped by country of origin. Twice a month the IOM brings them a small ration to buy food. On a visit to Hazara asylum seekers from Afghanistan in the city center of Mataram, the capital of the Indonesian island of Lombok, the profitable 'order' the IOM attempts to impose on the displaced became clear. This group was intercepted by the Australian navy at Ashmore Reef and sent to Indonesia. They originally numbered 240, but many were accepted by Canada and Australia on humanitarian appeals; 21 adults and children who remained were asylum seekers who had fled the Taliban in 2001 in search of peace and safety. Hazara minorities were persecuted by the Taliban, and in 1998 over 2000 were killed by the Taliban in Mazar-e-Sharif (Mares 2002).

During a visit by the second author in December 2007, detainees spoke poignantly of life in limbo in Indonesia and their efforts to seek asylum elsewhere. They did not believe that Afghanistan was safe for return and shared the recent announcement that the Taliban controlled 50% of the country. One of their friends had been recently returned by the IOM and fled subsequently to Pakistan. From there, he emailed the group on Lombok and pleaded with the IOM *not* to send anyone else back.

While isolated on islands for several years, this group developed a web presence and worked with highly organized advocates and lawyers in Australia. After being on the island for so long, two Afghan men married Indonesian women and had children born on Lombok. During the visit, I first met the men in the courtyard and then women and children in the more private interior spaces of the shoddy hotel called Wisma Nussantara.

The asylum seekers in Indonesia were not allowed to work or leave the island and depended on stipends provided by the IOM. The cumulative stress of uncertainty led to poor sleep and stomach and head pains. The migrants learned Bhasa as well as English. Whereas the IOM would not provide access to language classes or local schooling for the small group of children, the adults made their own arrangements to learn English and to send one of the remaining children to school.

The fact that asylum seekers are held in limbo in Indonesia on behalf of Australia for several years highlights the deployment of international humanitarianism in the name of thwarting the largely ineffectual human rights regimes predicated on the involvement of nation-states. The UNHCR turned down their claims, but Canada, New Zealand, and even Australia provided many who used to live here with humanitarian visas to start their lives anew. Meanwhile, the IOM continued to hide those who remained from view, alongside more recent arrivals from Sri Lanka, Iraq, Vietnam, and Iran. After visits by outsiders, they were issued warnings and accused of lying about their situation. They are visited every few months by the Indonesian immigration authorities and asked if they would return home. Each time they chose to remain, convinced that Afghanistan was not in fact safe for return.

In December, 14 police officers and immigration authorities arrived at the hotel at 8 am and again asked the men if they would return home. 'We can't,' they replied, according to women family members left behind. All nine men were then removed with one extra change of clothes and flown to quarantine prison in Makassar on Sulawesi. At that point, the local office of the IOM stopped returning telephone calls or answering the door, refusing accountability or even admission in Geneva to the work of detention.

The women and children remained and were up all night and repeated, 'We are worried. What can we do?' Three generations of mothers, sisters, and children alternated between tears, defiance, and silence. The IOM ceased daily visits on the day of the removal. One of the children had been in the hospital. The women believed that the authorities had waited until the father returned home with the child in order to remove all of the Afghan men at once.

Imprisoned on the island of Sulawesi, the men were in isolation and separated from the women and children in the family. They were hungry, receiving only meager amounts of rice. Their mother and sisters could not leave the island of Lombok, some 300 miles away. They worried constantly about brother, husband, father, son – all of the men in their small community who were taken away by Indonesian authorities after refusing to return to Afghanistan.

Seven months later, on July 2, 2008, and in a different context related to the management of migrants and refugees, the IOM office in Damak, Nepal was bombed. In a joint statement, the IOM, UNHCR, and UN World Food Program condemned the 'senseless violence' of the act and suggested that the number of attacks on the IOM would impede all services related to the over 100,000 refugees in seven UN camps in the eastern region of the country (Apfanews.com 2008). Although no group has taken responsibility for the attacks, the IOM's third-country resettlement of over 20,000 refugees from Bhutan primarily to the USA has been controversial, as evidenced by the underground Bhutan Communist Party – Marxist Leninist Maoist's dubbing of resettlement as 'human trafficking.' In another statement, the Bhutan Gorkha National Liberation Front (BGNLF) condemned third-country resettlement for the denial of repatriation that prevents the Bhutanese refugees from demanding their fundamental rights in Bhutan (Adhikari 2008).

As demonstrated by these brief examples, the volition that is seemingly inherent in the IOM's programs of voluntary return raise fundamental issues regarding the organization's role in maintaining geo-political divides that attempt to keep 'others' out of national territories, while masking such practices through effective use of discourses of globalization and 'win-win' propositions. The relationship between coercion and consent, when it involves the regulation of migrants, seems to have favored a largely celebratory language of consent while practices remain coercive. Hidden from view are the migrants and would be refugees that are caught between state-based exclusions and the compassionate assistance provided by the IOM. As Hannah Arendt wrote in earlier contexts,

these migrants remain stateless within an international regime that curiously only furthers their inability to make appeals to the guarantor of rights, the nation-state.

Conclusions

The IOM functions as a state apparatus in supranational guise, suggesting that the contemporary global order hardly ‘undoes’ the Westphalian state. The nation-state contracts human im/mobility out to the IOM in order to further entrench state territoriality with dominant national cultures that give rise to stateless persons. The roles played by the IOM suggest that the Westphalian state is not finished, but in a process of becoming through what Ong (2006) identifies as ‘neoliberalism as exception.’ By analyzing the IOM as an institution strategically placed between the nation-state and international civil society, we have called into question the scales of governance that attempt to order migration and the very sites where this governance transpires, looking at ‘a checkered geography of governing resulting not from an anemic state apparatus but from a deliberative neoliberal calculation as to which areas and which populations are advantageous or not advantageous in appealing to global markets’ (Ong 2006, p. 77). It is in these exceptional sites – migrant bodies in in-between territories – that the IOM transforms the state through the language of international humanitarianism, giving the appearance of state subjection to global protocols that would otherwise signal the limits of the nation-state.

The IOM creates networks across governmental, inter-governmental, and non-governmental actors. Within this nexus, the IOM is able to ‘regulate’ migration through seeming egalitarianism that enforces the ‘rights’ of migrants and marks the transformations of citizenship, moving away from notions of citizenship as a right, to citizenship as a gift (Hage 1998). Just as Honig (2001) argues that democracy must have a ‘foreigner’ to function, so too must the IOM maintain the gift of citizenship as a privilege that can be given and taken away. States, meanwhile, retain power with ironic gestures toward migrant rights that are couched in the language of empowerment promulgated by the IOM. States retain their powers precisely through the idiom of human rights, whose conceptual power emerges from the contestations over human rights discourse that is centrally important for refugees, but also acts as the very means by which the nation-state can further centralize itself in the production of global flows. When the IOM works on behalf of states, its collusion must be treated in the realm of international ethics of migration and mobility; not as exclusive from the law or subject to a separate set of standards for for-profit institutions.

Human rights and refugee advocacy organizations have worked creatively in Australia to overcome the tactics of isolation employed by the government. They designed letter writing campaigns to reach those on islands and were in the process of assembling a case to submit to the government on humanitarian grounds on behalf of one family in the hotel that served as a detention facility. Meanwhile, No Borders and other activist campaigns and reports by Human Rights Watch (2003) and Amnesty International (2009) have targeted the IOM. In response to criticism by advocates, the IOM started a series of consultative processes that happen annually. Refugee and migrant advocacy organizations have an opportunity to provide feedback to the IOM at these meetings. Those interviewed between 2006 and 2008, however, expressed frustration with the superficial nature of these exchanges. While given the opportunity to share concerns, they did not feel that this process had resulted in any meaningful changes to the work of the IOM. They asked on whose behalf the IOM acts and called attention to those projects enacted quietly in the name of national security in ambiguous sites between states. They raised the important

question of who can be held accountable for human rights violations that occur in liminal zones managed by the IOM.

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Notes

1. This research consisted of semi-structured interviews, visits to detention centers, and archival analysis in Australia, Indonesia, Italy, Switzerland, England, and the USA between 2006 and 2008.
2. Subheadings are taken from IOM publications, websites, and voicemail messages.
3. <http://www.iom.int/jahia/jsp/index.jsp>.
4. Also see IOM (2008), 'While not formally part of the UN system, IOM has a similar intergovernmental structure consisting of a Council, a Standing Committee on Programmes and Finance, an Executive Committee and a Subcommittee on Budget and Finance' (footnote 1).
5. Please see McKinley (2000).
6. IOM voicemail.
7. Interview, London, June, 2006.

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