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The Role of Circular Migration and Mobility Partnerships - integrating legal migration opportunities into the Union's external policies

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Introduction

Employer participation

Circular migration (CM) is a variant on short-term migration, which can either be highly structured or completely voluntaristic. This paper concentrates upon those schemes within the EU which fall under the broad heading of mobility partnerships, where there are clear parameters to schemes designed to encourage legal migration of a short-term nature. However these schemes can be quite varied across the EU, ranging from those designed for highly skilled workers to those which are intended to meet the shortage of seasonal workers in the agricultural sector (Brady, 2008:10). Demand for legal migration into the EU tends to outstrip the supply of available jobs; hence there is a temptation try to resort to irregular migration. CM schemes are designed to meet short-term demand for labour, whilst and rewarding legal migration. This paper is concerned with CM schemes in the agricultural sector in the South of Spain.

The problem of irregular migration has been a challenge for European economies for some time. The scale of movements has fluctuated depending upon a combination of social and political issues within the country of departure and the expected scale of opportunities at the point of destination. With the persistence of recession, slow economic growth and high levels of unemployment in the Western economies after 2008, it has becoming increasingly clear that the relaxed migration policies that

existed in the past could no longer be justified to many European electorates. Yet it may also be the case that there is a need for some migrant labour in certain sectors of the European economies. Spain, despite having the highest unemployment rate in the European Union (EU), standing at 20.9% in May 2011, with 44.4% unemployment amongst workers under the age of twenty-five (Eurostat, 2011), still feels the need to import migrant labour. In part this is because of the harsh working conditions faced by seasonal workers and the low social status of the agricultural labour force. Inevitably, the adverse economic climate has made Spain generally a less desirable destination for migrants, but the demand for the additional income, still makes Spain an attractive destination for many temporary migrants.

This paper discusses the operation of recently introduced circular migration schemes between Spain and third countries and the impact of the recession. Circular migration has been seen as a way to offer legal work opportunities to migrants from third countries and as such, helps to discourage the illegal and informal movement of workers. It has been heralded as a new solution with a triple win for the partners engaged in the process. The host nation receives the workers it wants; the migrant will have additional income and may acquire new skills, whilst the economy of the donor country may benefit from remittances sent home and perhaps an enhanced workforce.

The paper challenges the “triple gain” hypothesis (for workers, donor countries and employers). Whilst circular migration schemes have proved popular and offer real opportunities the schemes have tended to be highly restrictive on the participants and placed workers in unnecessarily vulnerable positions. The preferred participants working to harvest the strawberry crop in Southern Spain are married women with families, who have no viable option but to return home. This means that the client base for the schemes tends to be limited. Single workers or those without dependent children, are by the nature of things, discriminated against. There are also signs that the workers may on occasions be subject to abuse, in some cases sexual, without feeling empowered to deal with this. There has been a change in the balance of power between the migrant and the employer. This may be an unintended consequence, but demonstrates that the greater the degree of regulation of migration, the more likely it is that this change in the power relations will occur.

The Migration problem

One of the perennial concerns of the EU and the member states has been the problem of illegal migration. The general consensus is that, where possible, this group should be returned to their country of origin, but legal, humanitarian and practical considerations have meant that this is not always possible. The problem is that illegal migrants are prone to exploitation; they undermine local labour markets and slow down the transformation of the labour force. In addition, this group tends to make a smaller contribution to society and are often resented by the local residents.

Even where illegal migrant's presence is regularised, as in the case of Spain (reference our article) this process can provide a stimulus to further illegal migration. In their 2003 paper on immigration, integration and employment the Commission suggested that opportunities to provide secure temporary employment in the services sector might be found by exploiting the opportunities presented by the World Trade Organisation's General Agreement on Trade in Services (GATS) (Commission, 2003:34)

Whilst an adequate supply of cheap and reliable workers is an essential element of certain industries which are both labour intensive (such as harvesting salad crops) and rely upon tight profit margins, the overall level of migration has become a pressing issue with the depth and persistence of the recession in Western Europe. The EU and the governments of the member states are well aware of the macroeconomic pressures to permit greater migration from employers and some civil rights groups, but continuing domestic pressures, especially with respect to high levels of unemployment and stresses within society overall mitigate against it.

Whilst passively permitting large-scale additional migration is now off the agenda of EU states, where labour shortages persist there is a pressure to permit short-term migration for seasonal work or short-term projects. This is important to individual employers and to the regional economies where the large scale use of migrant workers is a feature. Spanish employers have generally favoured increased migration. Although the Spanish Confederation of Employers' Organizations (CEOE) have become increasingly sensitive to problems associated with irregular migration and prefer recruitment via quotas (Balch, 2010:91).

Domestic pressure to limit migration comes from the belief that with more than four million unemployed, as much domestic work as possible must be done by the domestic work force. The work of Marañón-Abreu *et al* suggest that;

“The need for foreign workers has undergone various phases: from Spanish nationals to foreign men, from Moroccan men to Eastern European women and then to African women. All these phases occurred within a period of 20-30years. Currently we are entering a fourth phase where ex-patriots are returning to Spain in search of employment.” (Marañón-Abreu *et al.*, 2011:5).

The return of ex-patriots to find work is generally motivated in part by the prevailing economic conditions.

Migrant numbers and Spain

Temporary migrants are a heterogeneous group ranging of highly skilled workers moving within companies to low skilled seasonal workers.

Temporary Worker Migration in OECD Countries 2005 – 2009 (thousands)

	2005	2006	2007	2008	2009	2009/08 change (%)
Trainees	106	122	139	137	115	-16
Working holiday makers	312	335	397	430	403	-6
Intra-company transfers	84	98	116	118	117	-1
Seasonal workers	605	611	614	610	529	-13
Other temporary workers	1 093	1 165	1 138	1 085	827	-24
All categories	2 200	2 331	2 404	2 381	1 991	-16
Annual change (%)	7	6	3	-1	-16	

As we see from the table above, temporary migration of all types increased significantly in the OECD over the course of the decade, only for the numbers to decline sharply as a consequence of the recession. Spain experienced this trend, having recorded 42,000 temporary migrants in 2005, 85,000 in 2006, 82,000 in 2007, 92,000 in 2008 and only 6,000 in 2009. There was a 93% fall in the numbers between 2008 and 2009 (OECD, 2011:45). The impact of the recession meant that overall migration into Spain declined from 690,000 in 2008 to 470,000 in 2009. The numbers leaving Spain increased from 230,000 to 320,000 over that same period. Hard times in Spain and better policing of borders with better enforcement of domestic labour laws meant that irregular migration fell from an estimated 13,000 in 2008 to 7,000 in 2009 to 4,000 in 2010 (OECD, 2011:322). According to the OECD, the requirement for temporary seasonal workers fell from 46,000 in 2008 to 2000 in 2009, due in part to the ability of Spanish employers to attract domestic labour (OECD, 2011:46). It is not clear if this fully reflects the situation however, with the doubt being cast in the past upon the recording of Spain's actual needs and the extent to which they are being met (Balch, 2010:57). Also claims to have sourced workers from the domestic labour market, run contrary to the the comments from the Spanish press. The following is a translation of a typical item in El Pias in July 2011. Reflecting the fact that low wages, a remote location and the nature of the work is a disincentive to the majority of the unemployed Spanish workers.

"This year [2011] the Employment Service of Catalonia (SOC) has not sent letters to the unemployed with profiles suited to work in the fields, contrary to what they did last year. Then it didn't go well. The mobilization of 21,000 people in 2009 and 7,800 in 2010 was a failure: only 6.5% of the Spanish unemployed invited to pick fruit accepted the jobs. The majority rejected the offer with many excuses." (Visa, 2011)

Unintended Consequences

The EU's interest in migration policy started with the launch of the European Economic Community (EEC) in 1958 when the Treaty of Rome (1957) made provision for the free movement of labour amongst the member states. This

provision was taken advantage of by Spain when it joined the EU in 1986. External migration by Spaniards had started to decline by the 1980s with the growth and modernisation of their economy. By the 1990s and into the new millennium Spain had become a major labour importer, with falling levels of unemployment. By the time of the global economic downturn, Spain had a large numbers of migrants at a time when their domestic economy was suffering high levels of unemployment (Barnes and Cherino 2010)

All new policies require policy and regulatory space, when they apply to crowded policy areas like the control of migration there are particular problems (Hogwood, 1984). In the case of policy towards migration, the EU and the member states share competence, which given the national concerns with this issue make it a crowded and somewhat confused picture. The policies concern a wide range of issues, including asylum seekers, the rights to nationality, the concept of EU citizenship, development and the social aspect of the way migrants are treated. Given this, it comes as no surprise that when policies are adopted to resolve one problem, their impacts overspill into another area in the way that neo-functionalists predict. Neo-functionalism sees the integration process as being sporadic and subject to conflict, in part, due to spill-over effects. The resolution of these conflicts frequently results on agreement for greater involvement at a regional (EU) level.

The incorporation of Schengen into the Treaties, which gives EU citizens considerable rights to move across borders and to seek work, is part of this process. Later, the EU started to develop policy to deal with specific problems such as the treatment of asylum seekers and illegal and irregular migration. Whilst collective action was thought appropriate to deal with many issues, some were country specific and so devolved down to the member states.

As early as 1994, the Commission expressed the view that EU immigration policies should favour legal migration as against illegal migration (Commission, 1994). With the entry into force of the Amsterdam treaty in 1999 and the Tampere Special European Council (European Council, 1999), the main components of the creation of an area of freedom, security and justice started to be put into place. At Tampere it was decided to try and integrate the EU's immigration policy relations with third countries with specific priorities such as the eradication of poverty and the re-entry of migrants to their home countries. The process of dealing with illegal migrants across the EU's external borders became particularly pressing in the new millennium and this led inevitably to moving forward an agenda based upon cooperation with the EU's neighbours. The European Council held in Seville in June 2002 suggested that;

“...an integrated, comprehensive and balanced approach to tackling the root causes of illegal immigration must remain the European Union's constant long-term objective. With this in mind, the European Council points out that closer economic cooperation, trade expansion, development assistance and

conflict prevention are all means of promoting economic prosperity in the countries concerned and thereby reducing the underlying causes of migration flows. The European Council urges that any future cooperation, association or equivalent agreement which the European Union or the European Community concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration.” (Council of the EU, 2002: 33)

The Commission called for an effective legal migration policy involving the management of flows by third countries. There was to be a special emphasis on the equal treatment of legally employed foreign workers. The use of temporary working permits was seen as one of the ways of regulating the demand and supply of low skilled labour and reducing the flow of illegal migration into the EU (Commission, 2002:23).

In 2005 the Commission produced its Policy Plan on Legal Migration (Commission, 2005). As part of this it was proposed that a directive be produced which set out the conditions of entry and residence of seasonal workers. It was acknowledged that seasonal worker would be needed in sectors such as agriculture, construction and tourism, largely because many of these jobs were of little interest to many workers in the member states. Multi seasonal permits were thought to be a good idea to avoid workers falling into illegality.

The advent of the recession and a growing public disquiet about the level of migration, especially into the EU, led to the European Pact on Immigration and Asylum. This was a statement of purpose and called for an annual discussion on migration issues in the Council of Ministers (Council, 2008)

In 2010 the Commission produced a draft directive dealing with the issue of migration of seasonal workers; which would give fair and transparent rules for entry and residence, but at the same time ensure that migrants return home (Commission, 2010). The issue was considered to be important, despite the recession, because it was felt that there would be a more permanent need for short-term unskilled labour because national workers found these tasks unattractive. Also it was these sectors which were prone to hiring illegal workers. The proposal was said to comply with that of all EU policies which required a high level of human health protection and respect for human rights and be non-discriminatory. The aim was to provide a common legal framework for seasonal workers across the EU. The proposed directive did not contain anything which suggested the right of entry of workers, only the conditions which by which they were to be treated. The period of time for the workers to remain was suggested as a maximum 6 months, so that the work covered was genuinely seasonal. Single season or multi-seasonal permits (up to three years) where the work was stable could be issued. The provision had as its purpose as promoting:

“...circular migration of third-country national seasonal workers, that is, their movement between a third country and the EU for temporary stay and work in the latter. Such type of migration will potentially benefit the country of origin, the EU host country and the seasonal worker him/herself.” (Commission 2010:10)

Migration is a policy area where competence is shared between the member states and the EU, in which case EU intervention has to be justified by the principle of subsidiarity (House of Lords 2010:4). The EU’s justification for intervention was fourfold. The first was that one member states decision on migrants could impact on other member states. The second was that Schengen requires rules to reduce the risk of overstaying. The third concerned the need to overcome exploitation of workers. Finally, there was a need to ensure that the need to have a global approach when dealing with third countries.

Member states have different views about the extent to which the EU should rely upon migration from within the EU, a process which should become relatively simple once the post accession restrictions run their course. The UK for example, found that it could source most of its needs from the new accession states. However, Spain has relied upon workers from within the EU, Latin America and crucially (for seasonal work) from North Africa. For the UK therefore the process could be managed mainly by market forces, although the UK does control the activities of gang masters to try and limit the danger of exploitation. For Spain, the choices generated by the EU labour market are less, and there is a need for seasonal workers from outside the EU who are required to return home. EU law with respect to working conditions applies to all labour that is hired, but access to benefits varies for non-EU citizens, depending upon their country of origin. Also the actual process hiring of labour depend upon the member state concerned. So focus of attention tends to be on the labour market requirements of that state, rather than the needs of the actual migrants. In this respect the migrant’s needs are essentially an afterthought, and although negative outcomes for migrants are not sought, they may still arise.

What is circular migration? Why has it risen to prominence?

Circular migration is a political inspired approach to deal with the problem of illegal and irregular migration (Neerup). However, it is an approach which is said to have a number of practical benefits. This article is concerned with the type of CM which has been defined by the EU:

“...as a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries.” So that “Circular migration could create an opportunity for persons residing in a third country to come to the EU temporarily for work, study, training or a combination of these, on the condition that, at the end of the period for which they were granted entry, they must re-establish their main residence and their main activity in their country of origin.” (Commission, European, 2007)

Therefore circular migration (CM) is characterised by a repeating cycle of temporary migration in which workers move backwards and forwards between their home country and a host nation, to perform temporary work contracts. This is often linked with seasonal work usually more affluent host countries, where large numbers of workers are required at specific times. There is no exact and formal definition of what circular migration is, because it can take different forms based on the specific circumstances of the time and place. However, in a European context it can generally be taken to be the ability of employers to take on workers from outside the EU, with the prospect that they will return as needed after their contract has been completed. This therefore implies that workers can also return back at another time, should they choose to do so and given that they have behaved in a way which is acceptable to their hosts (Terrazas¹, 2009).

The tendency is to see circular migration as being something of a partnership, where it is hoped that both the donor and the receiving country gain as well as the individual migrant worker. In this sense, it is envisaged that, because the same individuals could be involved over several years, there may be a payoff to the training of workers. Newland and Terrazas make the point that; “Employers have little interest in training a migrant whom they will never see again for higher skills or responsibility.” (2009) Circular migration is therefore said to have a triple benefit. The host nation receives the workers it wants; the migrant will have additional income and may acquire new skills, whilst the economy of the donor country may benefit from remittances sent home and perhaps an enhanced workforce.

The employment of migrant workers in areas like Heulva (the second largest strawberry producing area in the world, after California) came about in large numbers because of a shortage of local workers and the changed methods of cultivation with adoption of very intensive growing and cropping. Generally migrants do not take their jobs away from local workers, because either local people would prefer not to be engaged in this work, or because there are insufficient workers in the locality to meet the short-term needs of the industry. With the greater use of irrigation, higher concentration of fertilizers and the planting of genetically engineered crops, growing cycles became shorter. There was a use of plastic tunnels which made working conditions particularly difficult, but despite the use of more advanced production methods, certain tasks had to such as planting and picking had to be carried out manually. The crop not only offered employment for workers directly, but also in a whole range of support industries such as transport. So although the migrants were employed in the production process, local and regional employment was also created, It created the so called “red gold”, which was a strawberry crop that could be sold across Europe and throughout the seasons.

Negative overspill all policies have a tendency to create outcomes which have negative connotations for one of the policy’s stake holders. These may be

unintended or simply acceptable because of the overall policy benefits that accrue to others.

Bringing the Migrants to Europe -Taking Part in the Scheme

It is easy to understand the economic imperative for participating in CM. Only 52% of Morocco's population was reported as being economically active, with 61% of the agricultural labour force being women (World Bank, 2011). About 40% of the population work in agriculture, where traditionally there is a high degree of underemployment. The level of unemployment in Morocco appears comparatively low. It was reported to be standing at 8.7% by the end June 2011 which was under half the level for Spain. But 30.2% of Moroccans less than 34 years old were unemployed and unemployment in the cities was reported to be 13.5%. (Morocco World News, 2011).

Morocco's gross national income (GNI) per capita was \$2850 US per capita in 2010, compared to Spain's at \$31,650 US. However, the main intensive agricultural areas like Huelva are generally located in one of the impoverished regions of Spain where average incomes are much lower. Even though workers only earn €37.06 for a 6.5 hour working day, this represents a massive increase in their individual earnings potential compared to what they might expect to get in Morocco¹. They are expected to work at least 39 hours per week, during the strawberry season (officially from 15th March to 15th June) Sunday is considered a working day. Workers are typically employed for between 2 to 8 months.

Farmers are expected to anticipate their need for migrant workers in advance, although the process cannot be entirely precise because of the vagaries of the weather and the availability of domestic labour. Once they have decided what they want in terms of numbers. The selection of the workers participating in the CM scheme discriminates against certain groups of workers and the process does not comply with Spanish equality laws. Moroccan workers taking part in the 2007-8 seasons organised by the AENEAS-Cartaya programme were required to be female, between 18 and 40, from a rural area with agricultural experience, be in a good physical condition, married, divorced or widowed and with dependent children under the age of 14 (GAATW) Global Alliance Against Traffic in Women.

The cost of travel to and from Spain is met by the employers, although the cost of the work permit (€66) must be met by the worker (a potential source of indebtedness). Once workers arrive in Spain they are bused to the centre where they are to work – a cost met by the employer). At that point they sign their work contract, although this is in Spanish and therefore not comprehensible to many of the women

¹ They might earn three times the annual average Moroccan wage in the six months that they work in Spain, with relatively low living costs.

who participate in the scheme². Workers are paid €37.06 per day and work a 6.5 hours a day and 39 hours per week. Very basic barrak type accomodation of a reasonable standard is provided by the employer on site.

Within the context of the European Union, it can be seen that CM is also perceived as an effective method of combating illegal immigration. Illegal migrants are replaced with temporary workers who are able to legally enjoy ongoing employment benefits linked to the labour requirements of the host nation.

Circular Migration: Spain and Morocco

The potential for CM can be illustrated by the movement of workers between Spain and its former colony Morocco. Traditionally, workers have migrated illegally from Morocco to participate in Spain's seasonal work, such as harvesting. Farmers have found it expedient to hire illegal workers, partly because they can be employed on a flexible basis, matching the farmer's uncertain and variable requirements. There was a financial advantage in employing illegal workers because they typically commanded considerably lower wages than legally employed workers. This practice has continued despite government action to curtail illegal migration into Spain (e.g. the new Immigration Act approved on the 26th June 2009, which seeks to prosecute "those who instigate and support illegal immigration"). However, the enforcement of labour laws has suffered from a shortage of Labour Inspectors in the past (Juan Antonio Márquez Domínguez, 2009).

CM schemes have been implemented as a solution to the problem of illegal immigration relating to agricultural work. An example of this is the AENEAS-Cartaya programme, which started operation between Spain and Morocco in 2005, allowed for the circular migration of Moroccan workers into Cartaya (Huelva), southern Spain, to engage in seasonal strawberry harvesting work (European Commission, 2009). An EU funded scheme "programme de gestion intégral de l'immigration saisonnière (2005/103564)" had operational dates of January 2006 to June 2008 with the lead partner being the Municipality of Cartaya. The project was estimated to cost €1.495.000 of which €1.196.000 came from the EU's AENEAS 2004 budget.

The aim was to establish a legal system to manage the seasonal migration of Moroccan workers to assist the planting and harvesting of the strawberry and citrus fruit crops. In particular employer-worker relations were to be managed and be assured that workers returned home at the end of the season. Two "Seasonal workers Centres" in Benslimane and Cartaya were established, and an Internet server was put in place for communication between these two centres. An NGO was created to ensure that the programme was sustainable.

² There is also a high level of illiteracy in Arabic

The agricultural economy in Huelva requires about 90,000 seasonal workers. One third of this demand is met by local inhabitants; another third comprises Spanish workers from other regions, or resident immigrants with work permits who travel to Huelva. The remaining third was in the past, sourced from foreign workers recruited in their country of origin, including Moroccans participating in the AENEAS-Cartaya-Morocco programme. Typically, these workers deliver 300,000 tons of strawberries during the harvest season (Jiménez, 2009). However, the first years of this programme highlighted a major concern with CM: in 2005, only 10% of the Moroccan workers who migrated actually returned to their home country at the end of their seasonal contracts. In 2006, again, only 50% of migrants returned home. The workers who remained simply became the illegal immigrants that the Spanish government had sought to replace.

There were in fact considerable incentives for workers to return to Morocco under the AENEAS-Cartaya programme. Workers were “guaranteed” to be able to return in subsequent years, and after several years could potentially earn residency rights in Spain³. The failure of workers to return was linked with the fact that mainly young men were recruited into the programme. In order to try to combat this problem, subsequent years saw the exclusive recruitment of young women with children. These young mothers left their children in Morocco, and travelled to Spain to work for periods of several months. This development of the scheme really amounted to using the family as a hostage to ensure the worker’s return. It was considered much more likely that these women would return home at the end of their seasonal contracts, in order to be reunited with their children, but if they do not, then they face problems of trying to reunite at a later date and they would be unlikely to be able to return under the CM scheme.

In 2007, 12,000 women travelled from Morocco to Huelva to work under this programme, and 95% returned voluntarily at the end of their contract; a considerable improvement compared to previous years. The substitution of male workers to female workers with children has effectively solved the problem of workers not returning home. Moroccan females are also perceived as good workers by their Spanish employers, partly because they are traditionally familiar with agricultural work, and are considered to produce higher quality work than their male counterparts. In 2008, the programme expanded further with more than 18,000 women participating (El País, 13/06/2010). The women workers displaced many of the male African informal migrants, who might have taken up such roles in the past. (Bozonnet)

Spain’s worsening economic situation caused the government into a major reduction in participants in the scheme, so that the numbers dropped from 183,600 in 2007 to

³ The fact that workers were rarely resident long enough to qualify for this benefit was generally overlooked.

less than 20,000 in the country as a whole in 2009. The number of legal fruit pickers in the Huelva area, which were the largest group, dropped, from 16,500 in 2009 to 4,500 in 2010 (Bozonnet, 2010). This demonstrates that the introduction of CM also further politicised the process of temporary migration by introducing limits which are heavily influenced by the levels of domestic unemployment. It is tempting to see the controlling of migrant flows as the main driver behind the programme, rather than the participant's welfare.

This situation was not well received by the employers who suggested that there would be a shortage of suitable workers. Despite the high level of unemployment in 2011, the Secretary of Social Policies in Huelva (UGT), Francisco Javier Perez, suggested that Huelva farmers had asked for 4,800 CM workers, a similar number to last year." (Globedia, 2011)

How much of a “triple gain”?

The programme has brought tangible social benefits to the Spanish and Moroccan communities. Firstly, it has helped to combat racist sentiments in Spain, by replacing fear with a largely positive experience of migrant communities. Secondly, it promoted the employment of women in Morocco, which has traditionally been restricted. The AENEAS-Cartaya has helped to emphasise positive aspects of the employment of women. Finally, it has helped to maintain ancillary employment in areas where there was a lack of locally based labour for the harvesting of crops.

The success of this programme is further reflected in the farmer's requests to continue the programme after the economic downturn. Following the serious rise in unemployment in Spain after 2008, the government has sought to curtail CM programmes in favour of unemployed nationals. This development has not been supported by farmers: as Marañón-Abreu et al. point out, strawberry farmers prefer to minimise uncertainty in the production cycle. This is because of the large “up front” costs: planting in the most expensive part of production. Farmers perceive the local labour force to be unreliable and unaccustomed to hard physical work, and fear that the investment of planting may not be converted into profitable harvest if they are reliant on local planters and pickers. Farmers in Huelva preferred the reliable Moroccan workers provided by AENEAS-Cartaya, to the extent that they reduced planting in response to reductions in availability of CM workers (Marañón-Abreu et al., 2011:El 46% restante trabaja en labores hogareñas.17)

The strength of the circular migration schemes is that it is claimed that everyone who participates in it gains. The EU and the individual member states look as though it is still open to migrant workers, so there should be less reason to risk participation in illegal and informal migration. However we know that only those who can be “trusted” to return home are recruited. This means that CM is targeted at precisely those workers who are less likely to engage in illegal migration in any case. However, CM should reduce the temptation of employers to employ illegals, although the main

disincentive should be the rigorous enforcement of labour laws, with high fines for those who transgress.

Vulnerability and Abuse

The situation of many women in Morocco is generally not good. Attempts have been made to improve the status of women in Moroccan, but it is still essentially a patriarchal society where women tend to be excluded from public roles. Indeed, prior to 1993, Moroccan women required marital authorisation to enter employment. The removal of this restriction represented a step to gender equality in employment law. Despite the removal of legal barriers, inequality persists with almost two thirds of Moroccan women being unemployed (Jadidi, 2008). In spite of greater independence being given to married women they still require permission from their husbands before engaging in CM. Women who work abroad also risk bringing shame to themselves and families (Nieto, 2009).

Despite the very positive aspects of CM, and AENEAS-Cartaya in particular, some serious and perhaps sinister aspects of these programmes have started to emerge. Employers, despite the regulation of the sector, are in a much more powerful position. They can insist upon informal conditions which might well be totally unacceptable in a normal open market situation. Working conditions are harsh in the open fields and in the polyurethane tunnels where the crops are grown, certainly not at all acceptable to many Spaniards, hence the need for the migrants in the first place. The migrant workers, who receive the same minimal wages as their Spanish counterparts, are expected to work hard, within their regulated hours and in the odd, extreme case, they may even be expected to provide sexual favours. Moroccan women do not have a feminist mentality which might enable them to resist this kind of abuse.

Questions have been raised concerning the ethics of deliberately separating young mothers from their families in order to fulfil other socio-political objectives. Groot and Verberne consider that "mobility can include direct costs, opportunity costs and psychological costs" (1997). The potential psychological consequences of participating in CM schemes can be enormous. The women have to leave their children and husbands in order to be eligible for this kind of project, and there are effects on their families themselves. For example, Saida Zwin, a mother of four, is on her third season picking strawberries but not satisfied with her temporary status. Speaking in Arabic through a translator, she stated, "My husband is going crazy, left all alone." (Gerson, D. 2007).

Certainly, the participants in this programme are essentially forced and vulnerable migrants: "forced job mobility seems to be more prevalent among weaker groups of workers" (Coppin and Vandenbrande 2004), who often find it difficult to adapt to their situation in the new country. There are several reasons for this: problems with a foreign language; exclusion, as locals may be less accepting of migrants (sometimes

linking immigration to crime and insecurity, or with an alleged loss of identity); and lack of appropriate infrastructure in small communities to accommodate such large numbers of new temporary inhabitants.

The Global Alliance against Traffic in Women (GAATW), which promotes the rights of women migrant workers, and trafficked persons, believes that ensuring safe migration and fair workplaces should be at the core of all anti-trafficking efforts. GAATW has conducted research into the effects of the CM programme operating in Huelva on the migrant workers who participate, and published their conclusions in a report "Female Temporary Circular Migration and Rights' Protection in the Strawberry sector in Huelva, Spain". Their investigation included interviews with the AENEAS-Cartaya programme director and staff (including cultural mediators), trade unions, non-governmental organizations (NGOs), farm owners in Cartaya, and academics. Their key conclusions are that the main beneficiaries of this programme are the farm owners, that the model has a discriminatory basis (only women with dependents). The 'losers' are those women who do not fit the profile, and male migrants. They mention the reinforcement of a restrictive view of human mobility, and doubt whether the programme will be effective in controlling migration due to its temporal nature. (GAATW, 2009).

However, the report does not go so far as to mention alleged sexual abuses suffered by many of the women employed by AENEAS-Cartaya. In 2010, two cases of sexual abuses were brought against five Spanish employers, by eight Moroccan women aged between 18 and 30. The emergence of these cases has encouraged further discussion of the abuse of vulnerable workers, alleged sexual harassment and forced prostitution, and other humiliations. As Diego Cañamero (Secretary General of the Union of Workers) stated; "'silence' is a logical consequence: these women have debts, children, but not a feminist mentality. They fear being blamed for the maltreatments". There is some evidence that systemic abuse is being covered up: "Everyone has heard about abuse: judges, politicians, businessmen, journalists and Civil Guard, but is not a topic of conversation; the strawberry is the livelihood of half of the province". (El País. Andrew and Jiménez, 13/6/2010). (Huelva is the main producer of strawberries in Spain and Europe, it has been described by Merino-Pacheco (2008) as the 'red gold', and it has helped the economy of Andalusia tremendously, when this region was traditionally one of the poorest ones in Spain. Strawberry farming brings in an annual profit in the region of 320 million Euros).

A series of documentaries in France and Germany, have attacked the working conditions in Huelva. A delegation of MEPs visited Huelva fields and described the situation as "tragic". Green MEP H. Flautre protested about the lack of drinking water, overcrowded and "complicated" situation of women, "very vulnerable and utterly dependent on their employers. A stroll through the town's law offices reveals a showcase of horror stories". (Vadrot: 2009). In spite of these problems, the Moroccan women interviewed by Bosco in 2009 seemed content to continue: they

make ten times more money during the season of strawberry picking than what they would make in their home country. However, it is a choice made primarily against the background of their poor living conditions in Morocco (Bosco, radio1812). When these women were interviewed their worst-case scenario was that they would be to be denied work in Spain (Zeneidi, 2011).

Conclusion

One of the primary benefits of CM could be said that its introduction has coincided with a steep fall in illegal migration, but much of this may be due to the recession, more effective border controls and diplomatic agreements with neighbouring states. Indeed the trend was reversed in 2011, with the rise in the numbers seeking asylum as a result of the “Arab Spring” and the general political upheavals in North Africa. Will such schemes offer a robust solution to surges in illegal migration once the European economy recovers?

The main problem associated with CM from the point of view of those workers participating in it, is that it is legitimized by the benefits that accrue to the businesses and the regions which actually receive the workers. There is for example, a clear economic driver for CM programmes in Huelva. A suitable and able seasonal agricultural workforce cannot be sourced locally, despite recent campaigns by the Spanish Ministry of Employment to attract both Spanish and foreign residents to engage in this work. CM fulfils the needs of farmers whilst removing the advantages of using illegal migrant workers. Indeed, the farmers have expressed a preference for using the CM migrant workers to the extent of reducing planting in response to a reduction of their availability. However, a number of social issues have been raised which warrant further investigation and possible action. These relate to the ethics of separating women from their young children, the living conditions of the women workers participating in the programme, and their vulnerability to abuse.

Women are selected for this work based upon their physical strength to endure the harsh conditions in the growing areas and their willingness to return home. However, with the downturn in the Spanish economy, a return back to this work is difficult to achieve. It would seem reasonable that these workers be offered the three year multi seasonal permits, as proposed by the EU in 2010. This would have the advantage of balancing the powers of the employees against those of the employers, especially if there were freedom to choose their employer. In an economic sense it might ensure that migrants get a greater share of the economic benefits from CM. This might also protect them from a degree of abuse, although this situation can only be remedied by thorough inspection and monitoring.

Finally, whilst CM has the advantage of allowing employers to have a greater role in the managing the flow of migrants, it may well be the case that they are the root of the problem. The whole edifice of the intensive agricultural sector is based upon the exploitation of migrant workers. A radical solution would be to allow the industry to decline or relocate to an area that has a comparative in cheap labour. However, that might be a question of just relocating the injustices elsewhere. Perhaps the answer is that we require better development tools elsewhere, but this is essentially a long-term aspiration.

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