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Tracing mobilities regimes: The regulation of drug smuggling and labour migration at two airports in the Netherlands and Indonesia

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Conclusions

Chapter 7

Mapping contemporary mobilities regimes

Introduction

Border scholars have stressed how the economic value and meaning of mobilities transform as they cross borders (Cunningham & Heyman 2004, p. 295; Kearney 2004). This is what makes it worthwhile for a drug smuggler to engage in the dangerous activity of transporting drugs in his stomach from the Caribbean to the Netherlands, and for an Indonesian woman to leave her family behind for two years or more and become a domestic worker in Saudi Arabia. For the Dutch and Indonesian governments, the international mobility of drug smugglers and labour migrants came to pose problems, and special mobilities regimes to regulate these mobilities emerged. In the preceding chapters, I have empirically examined the regulation of migrant return journeys and the regulation of drug smuggling by asking four interrelated questions: How are mobilities problematized and how are practices of regulating them legitimized? What technologies of classifying, examining, and controlling mobilities are used to regulate mobilities? What actors are involved in regulating mobilities? Where and when does mobility regulation take place? In this final chapter, I seek to answer the main research question: how can we better understand the regulation of international mobilities by viewing it as a mobilities regime? I will explore what the tracing of mobilities regimes in the previous chapters can teach us about mobilities regimes more generally; in other words, I will attempt to map contemporary mobilities regimes. I refer to regimes in the plural, because I consider the cases I discuss as only two empirical examples of a wide range of similar phenomena. I suggest that the two cases of regulation – of drug smuggling and of labour migration – can provide insight into common features of mobilities regimes. Finally, I use the word 'contemporary', and not the word 'new', because although these mobilities regimes are regimes in the present time, we should not overlook the roots of contemporary regulation of mobilities that often go far back in history (see for example Weber & Bowling 2008; Cresswell 2010).

Tracing mobilities regimes (I): how I started

Chapter 1 started from the premise that in today's mobile world, the mobility of people, objects, capital, and information is viewed as a major regulatory problem. Seeking to enrich critical approaches in mobilities studies with insights from border studies, I proposed to study the regulatory practices that have been introduced in response to the problematization of a particular kind of mobilities as a mobilities regime. Chapter 2 took the airport as a methodological starting point for this endeavour. The airport is a site where the regulation

of international mobilities is an everyday practice, and it provides a particular lens through which to view the regulation of mobilities. As such, the airport helped me to trace mobilities regimes and make them 'researchable'. First, as a node and a border, the airport exemplifies how efforts to facilitate mobilities and efforts to restrict mobilities work in tandem. Second, as a constellation of different actors, the airport encourages us to identify the multiple actors that are involved in regulating international mobilities. Third, the airport as a linked and grounded site requires us to be sensitive to transnational connections as well as local contexts ; and fourth, the airport as a place of different types of mobile subjects draws our attention to the politics of mobilities. These four 'points of departure', as I call them, guided me in tracing two mobilities regimes empirically in Chapters 3, 4, 5, and 6. Hence, in this book, 'mobilities regime' functions as a concept that entails a particular method of tracing it.

Rather than starting from a specific notion of what a mobilities regime is, I examined case studies in which I took regulatory practices as a starting point for understanding mobilities regimes. In this way, I avoid viewing the regime itself as an actor, which I argue would turn the regime into a black box and obscure the practices that constitute it. My method of tracing mobilities regimes thereby differs from traditional interpretations of a regime, in which what a regime is, is defined beforehand. In international relations theory, for example, regimes are classically defined as 'sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations' (Krasner 1983, p. 2). This definition has also been used by Koslowski in his analysis of 'global mobility regimes'. Koslowksi analyses cooperation between states at a global level on labour migration, international travel, and refugees. These three issue-areas, he argues, are often treated separately even though they all involve global mobility. He concludes that although global mobility regimes have emerged for the governance of international travel and refugees, there is currently no global mobility regime for labour migration (Koslowski 2012). Koslowski's analysis of mobility regimes is limited to multilateral cooperation among states at a global level, and thereby neglects the role of non-state actors, who play in important role in the mobilities regimes I studied. In addition, while Koslowski's analysis focuses on the global level, my approach of selecting two airports from which to trace mobilities regimes, and focusing on two particular kinds of travellers, offers a different way to examine mobilities regimes.

Tracing a mobilities regime also involves tracing its emergence. In Chapter 1 I argued that we should not take 'malafide', 'bonafide', 'vulnerable' or 'illegal' mobilities for granted, but

instead understand these categories in terms of a problematization of mobilities in order to make them governable. Hence, as a first step in tracing mobilities regimes, this thesis examined how the mobility of air passengers from the Caribbean and the mobility of migrant workers returning to Indonesia were problematized to become the object of regulation in two particular mobilities regimes. The extortion of migrant workers at Soekarno-Hatta Airport negatively affected the image of the Indonesian government, the airport authorities, and the labour recruitment agencies, who were seen as responsible for arranging, regulating, and protecting migrant workers' movement. Similarly, large-scale drug smuggling at Schiphol Airport cast doubt on the Dutch government's ability to control its borders. Both the mobility of people on incoming flights from the Caribbean and the mobility of returning migrant workers were framed as risky in order to make them governable. Returning migrant workers were seen as running the risk of being treated inhumanely upon arrival, while drug smuggling was viewed as a risk for society – Caribbean and European societies alike[127] (drug-related crime, and the health risks attached to drug use). Migrant workers' mobility was viewed as posing a risk to the migrants themselves, rather than to society more generally. Tracing mobilities regimes in this way helps us to understand how some mobilities become problematic and are made the object of regulation of a particular mobilities regime.

I argue that the concept of mobilities regime allows us to analyse the regulation of movement in a new way. The concept forms a bridge between mobilities studies and border studies because in tracing mobilities regimes, diverse practices and aspects of regulation can be shown to be interconnected. I have shown how specific technologies are used in regulatory practices, how different actors participate in these practices, and how these practices take place at different times and spaces. By connecting these aspects of regulating mobilities, it becomes possible to think of all these regulatory practices together as constituting a particular mobilities regime, and to analyse the characteristics of that mobilities regime. While 'mobilities regime' is not a word travellers on risk flights and returning migrant workers themselves would use to describe the regulation of their journeys, I argue that the mobilities regimes that 'emerge' in my study are not just my own construction, but have an empirical basis in the regulatory practices that constitute them. In what follows, I argue that the two mobilities regimes studied in my thesis share four characteristics that are also found in other contemporary mobilities regimes. Yet, in discussing these common characteristics, I also pay attention to how the specific workings and politics of the mobilities regimes for

[127] Drug smuggling of course also presents a risk for the smugglers themselves (the health risks of swallowing cocaine can be severe), but this plays a less important role in legitimizing the mobilities regime.

drug smuggling and for labour migration differ. In reviewing the characteristics of mobilities regimes, this chapter also discusses how the concept of mobilities regime can contribute to existing theories and debates about the regulation of movement in a mobile world.

I) Four characteristics of mobilities regimes

1. Each mobilities regime has a specific mode of regulation in which the enabling and restricting of mobilities work in tandem

Instead of interpreting mobilities regimes as aimed at blocking and containing movement (Shamir 2005; Turner 2007), my research emphasizes how mobilities regimes restrict *and* enable mobilities. In other words, I argue that a mobilities regime needs to be seen as a set of regulatory practices that both enable and restrict mobilities. By investigating how the technologies[128] of regulating mobilities classify, examine, and control mobilities, I gave examples of how the duality of enabling and restricting works in practice. The technologies in the two mobilities regimes are not used to simply stop, block, or contain mobilities, but also to allow most travellers to move more easily. In both the anti-drug-smuggling regime and the labour migration regime, enabling movement goes together with controlling, restricting, or even preventing movement. The mode of regulation of mobilities in the two mobilities regimes, however, differs: the anti-drug-smuggling regime is characterized by selective immobilization of travellers, and the labour migrant mobilities regime by encapsulation of travellers.

Using the term 'selective immobilization' in examining the anti-drug-smuggling mobilities regime allows us to take into account that the goal is not to immobilize *all* travellers, but to selectively immobilize travellers, namely those who are, might be, or have the intention of, smuggling cocaine into the Netherlands, while at the same time seeking to disrupt the mobility of other travellers as little as possible. In the mobilities regime for labour migration,

[128] Although for the anti-drug-smuggling mobilities regime I discussed several 'new' technologies (body scanners, digital profiling) that facilitate regulation, and for the labour migration regime I emphasized technologies such as counting, interviews, queuing, forms of speech, instructions, notes and banners, this does not mean that the technologies in the migrant mobilities regime are less advanced. The tracking of migrants by equipping the minibuses with GPS, and the online registration system in the terminal are examples of 'new' technologies in the migrant mobilities regime. Nevertheless, as a departure from the tendency in much scholarly work on technologies at airports to emphasize 'new' technologies, the case of the migrant mobilities regime urges us to view technologies in a wider sense.

mobility is regulated in such a way that migrants can only travel home by virtue of restrictions on their movement. Here too, the mobilities regime is not aimed at immobilizing the migrant workers, but rather at controlling and channelling their mobility. In studies of migration in and from China, the term mobility regime is also used to understand the regulation of mobilities in a broader sense, rather than viewing such regulation as 'systemic processes of closure and containment' (Shamir 2005, p. 197). Xiang (2007, p. 2), and following him, Pál Nyíri (2010), define a mobilities regime as 'a constellation of policies, cultural norms and networks that condition, constrain or facilitate migration'. Both authors use the term to understand how Chinese citizens are becoming increasingly mobile. Nyíri, for example, looks at how the loosening of government restrictions on migration in and from China results in a new mobility regime that 'selectively mobilizes' people. The Chinese government promotes an ideology of movement, but at the same time seeks to limit and control mobility, in particular that of 'illegal' internal migrants. My case study of Indonesian migrant workers similarly shows how facilitating mobility may go hand in hand with restricting and controlling mobility. However, instead of facilitating the mobility of one group while restricting that of another group, the migrant mobilities regime enables and restricts the mobility of one and the same group of people. Through the provision of strictly supervised transport services for their return to their home villages, the mobility of migrant workers is enabled, restricted, and controlled at the same time. Encapsulation as a metaphor allows us to see these twin aims – of facilitating and restricting – as constituting a single mobilities regime.

Because enabling and restricting function in tandem, tensions may arise. The previous chapters have shown how selective immobilization and encapsulation and their respective technologies are fraught with tensions. Technologies of classification include the profiling of drug smugglers and migrant workers on the basis of their appearance, behaviour, and travel data, and although in the case of drug smuggling there is an official list of swallower criteria, officials who select migrant workers simply rely on their experience. I have shown how people sometimes unknowingly cooperate in being classified through digital profiling and self-sorting, but also how travellers react to being classified: migrant workers who tried to pass as a regular traveller, or ask to be reclassified as a *bermasalah*, Surinamese Dutch travellers who challenged the swallower criteria in court, and travellers who wrote letters of complaint to Customs. Technologies of examination serve to make visible the concealed contraband on and in travellers on risk flights, and the mental, physical and financial condition of returning migrant workers (which some migrants may prefer to conceal as well).

Through exposing the bodies of travellers on risk flights to searching and scanning, and urging migrant workers to report problems such as underpayment and mental or physical abuse abroad, intimate body parts and painful experiences become visible and knowable to the authorities. Other technologies control the movement of bodies (sitting and queuing), and movement through space on different scales (the special migrant lane at the airport arrivals hall, the black list to block movement to parts of the Caribbean).

In the anti-drug-smuggling mobilities regime, selective immobilization requires distinguishing drug smugglers from non-drug-smuggling passengers by using intrusive technologies. Some technologies may be experienced by travellers as making them 'automatically suspect', for example when they are questioned about their journeys and occupations and when their suitcases are turned inside out. In addition, there is always the risk of mismatches. In an extreme case, even after people have spent several days in a detention centre being suspected of drug smuggling, it may turn out that their faeces are 'clean' and therefore that they were wrongly suspected. In the migrant mobilities regime, the Indonesian government seeks to protect migrants by encapsulating them in separate and recognizable infrastructures. The dangerous bus journeys home, however, reveal that marking the buses as migrant transport and registering the roadside restaurants they stop at makes these vehicles and places visible not just to government officials who do random checks along the routes, but also to criminals. Hence, one of the tensions of this regime is that the very practices of the regime that are intended to provide protection may at times enable the extortion practices the government seeks to eradicate. In addition, encapsulation is a mode of regulation in which care and control merge (see Moore 2011 for similar observations on therapeutic surveillance in drug treatment courts), and some practices of the regime may be experienced by migrants as coercion rather than care, for example the rule that requires each migrant to return to the address stated in her passport.

In both regimes, the movement of travellers is characterized by frictions: delays and detours in arriving home, extortion, intrusive examination practices in airport terminals, mismatches in profiling, and sometimes journeys that get blocked through pre-flight checks, or are blocked in the migrant terminal. In both regimes, the control of travellers over their own movement is restricted, and travellers have little control over the movement of their 'data doubles'. Yet despite such tensions, both regimes have a goal that most people consider beneficial, namely security and safety. Migrant workers not only experience control, but also care, and travellers on risk flights may say the screening practices make them feel like suspects, but at the same time agree with the need for security. Instead of seeing security

and mobility, or safety and mobility, as contradictory aims or conflicting imperatives, as some airport scholars cited in Chapter 2 tend to do, I argue that a mobilities regime, through practices of enabling and restricting movement, produces a particular level of safe mobility and secure mobility that entails a particular form of actual movement, access to movement, and control over movement.

Critical mobilities studies according to Mimi Sheller is concerned with examining 'in what situations mobility or immobility might be desired options, coerced, or paradoxically interconnected' (Sheller 2011a, p.2). It is precisely detailed case studies of mobilities regimes that can shed light on such situations. My two cases show that mobilities and immobilities should not be seen in a dualistic way, but as relational (see also Cresswell 2010; Adey 2006). In the current migrant workers regime, migrants can only travel home 'safely' by virtue of restrictions on their movement, and the case of the anti-drug-smuggling checks showed how the immobilities of travellers may be accompanied by increased mobilities of their data doubles. Hence, a mobilities regime produces a politics of mobility that we cannot grasp if we think in dichotomies of movement–stasis, slow–fast, or free–coerced.

The selective (im)mobilization of travellers is an issue that is often discussed in very general terms. It is the 'vagabonds' (Bauman 2000), or the 'kinetic underclass' (Adey 2006a) that are either forced to move or are trapped in certain places, and that are subjected to increased scrutiny at the airport. Lyon (2007, p. 162) argues that surveillance technologies facilitate 'social sorting' by categorizing personal data in such a way that passengers who are thus classified are treated differently. My cases, however, lead to the standpoint that a juxtaposition of transnationally moving elites and underclasses that are either forced to move or are stuck in place (Bauman 2000) is oversimplified. In discussing the workings of the anti-drug-smuggling mobilities regime, I have tried to demystify the selective aspect as much as possible, by examining the criteria by which people are classified, the categories they may end up in, the consequences of ending up in a particular category, and people's own ways of dealing with such categorizations. The questions of who or what gets examined, whose journeys are blocked at departure, and whose journeys are prevented altogether can be answered in a much more nuanced way than by juxtaposing elites and underclasses. In Chapter 2 this juxtaposition was seen to be challenged by scholars who describe how the same infrastructures for air travel are used by very different mobile subjects. As Adey has argued, 'the kinetic underclasses may move in the same networks as the elites, although perhaps not in the same luxury' (Adey 2006a, p. 208). Martin (2011), for example, mentions how migrants as 'desperate passengers' travel on the underside of lorries or the wheel wells

of aircrafts, and Sparke (2006) notes that in the US the same luxurious Gulfstream Jet that is used for transporting the global elite was also used for the 'expedited removal' of terrorists out of the country. The case of the migrant mobilities regime, however, complicates this notion of a kinetic underclass even further. Chapter 6 discussed several parallels between the regulation of elite mobility, pilgrimage, and labour migrant mobility. While elite travel is often viewed as travel in protective cocoons, or capsules (Martin 2011), the chapters on the migrant mobilities regime show that unskilled labour migrants are similarly encapsulated in designated terminal spaces and means of transport. Similarly, one could argue that the supervision of the migrants' return journeys, as a form of travel in which everything is taken care of, resembles commercial tourism, for example the strictly arranged tours offered by Thomas Cook in the 19th century, with travellers being 'dependent on the conductor to see to their needs and desires, to protect them and see to their well-being' (Newmeyer 2008, p. 265; see also Lash & Urry 1994; Peters 2006). This again shows that instead of speaking about differences in actual movement, access to movement, and control over movement on a general level, we need to understand the politics of mobility in the context of a specific mobilities regime, or in other words, to analyse what kind of mobility is produced in that mobilities regime.

2. Mobilities regimes are constellations of state and non-state actors

Tracing mobilities regimes showed how the regulation of drug smuggling and the regulation of labour migration bring together a variety of actors. In Chapter 2, the assumption that states alone regulate and check the mobilities of people and goods at airports was dismissed and replaced with the notion that a wide range of public, semi-public, and private actors, among them Customs, border police, airlines, airport operators, and private security companies, are involved in regulating mobilities. The case of anti-drug-smuggling measures illustrated how public and private actors share some of the responsibilities of regulating mobilities. Chapters 3 and 4, in examining the role of airlines in digital profiling, pre-flight checks, and the black list, revealed how airlines not only facilitate mobility, but are also involved in categorizing travellers and blocking (potentially) malafide mobility. Chapter 4 also highlighted how attempts to incorporate other states or regions in the mobilities regime may be a sensitive issue, in particular when it is a former colonizer who wants to influence border control at a Caribbean airport.

Chapter 6 discussed how in the Indonesian migrant mobilities regime, the National Agency, a government body, is responsible for the return journeys of migrant workers, and is assisted by a coordinating team consisting of 12 different state actors. Private parties too play a role in the mobilities regime. Indonesian airline Garuda tries to attract arriving migrant workers by offering its own corridor, several commercial businesses such as money changers, restaurants, and small shops operate inside the migrant terminal, and no less than 29 different private transport companies have the task of transporting the migrants to their home addresses. Chapter 6 moreover showed that 'entrepreneurs' at a local level – individuals as well as organized groups – provide services and sell souvenirs and snacks to migrants at stops along the routes, or engage in more violent extortion practices by blocking roads and demanding cash. Even family members are co-opted in the mobilities regime through the signing of a receipt to declare that the migrant has arrived home. Other actors such as the Ministry of Manpower, labour recruitment agencies, NGOs and local public actors aspire to become involved in arranging and regulating the return process, but are kept out of the regime by the National Agency. Hence, while the argument that a mobilities regime brings together a variety of actors remains valid for this case, this constellation of actors is not necessarily a stable arrangement, and different actors with differing interests may or may not being willing to cooperate.

The incorporation of non-state actors in mobilities regimes is a more general development. In Chapter 4 I gave several examples of migration scholars who discuss how airlines have been co-opted in immigration control. As part of anti-terrorism measures, airlines are also required to forward passenger data of travellers flying from the EU to the United States and Australia to the country of destination. In addition, fast border passage programs for registered travellers, such as the Privium program at Schiphol and the Saphire program at Soekarno-Hatta Airport, are managed by airport operators, but sanctioned and supervised by governments. Furthermore, hospitals and public health agencies may participate in health security regimes for air travellers (see Budd et al. 2011).

While border scholars do pay attention to the involvement of non-state actors in border control, I argue that the concept of mobilities regime requires us to consider the broader question of all those involved in the regulation of movement, and their different and overlapping stakes. This means that we should focus not only on who performs border control, but on the actors that engage in mobility regulation during the entire journey. Mobilities regimes are enacted by a wide range of state and non-state actors, including government actors (national and foreign) at national and local levels, airlines, transport

companies, local actors, and NGOs. While the interests of different actors do not necessarily coincide, these interests are linked through the common goals, or the expected (beneficial) results of the regimes: security and safety. When security is assigned the meaning of facilitating transnational mobility while at the same time blocking movements that are considered malafide, it has the potential to bridge the interests of government actors, airlines, and travellers. Similarly, when safety is defined as protecting and assisting migrant workers during their return to their home villages, it can bridge the interests of government actors, airlines, transport companies, and travellers[129]. If, as I have shown throughout this thesis, mobilities regimes do not work exclusively against movement, but facilitate and restrict movement at the same time, then airlines, transport companies, and even roadside restaurants, as actors that facilitate travel or provide travel-related services, are by no means odd participants in a mobilities regime.

3. Mobilities regimes have extended spatial and temporal contours

Tracing the mobilities regimes for labour migration and for drug smuggling also showed that mobilities regimes have extended spatial and temporal contours. Chapters 4 and 6 discussed how practices of regulating international mobilities take place at many different locations and times. Some regulatory practices take place not at the border, but at check-in, or at the gate. Other regulatory practices take place at sites beyond the airport of arrival. The introduction of pre-flight checks, for example, changed the spatiality of the anti-drug mobilities regime to extend well beyond the physical space of Schiphol Airport and Dutch territory to airports in the Caribbean. In addition, by regulating movement before a journey to the Netherlands begins, pre-flight checks also changed the temporality of the regime in the sense that mobility is now regulated earlier in time, namely when travellers depart. Pre-flight checks at Schiphol Airport that block future return journeys of potential drug smugglers entail the mobilities regime temporally extending to the future, to prevent future malafide mobilities. The spatial and temporal contours of this regime become even wider and more complex when the data doubles of travellers move to other countries as a result of the sharing of data from the black list with other European countries.

In the Indonesian case, the 2005 regulation that only allowed government-licensed minibuses to transport migrants to their home villages transformed the mobilities regime

[129] Although security and safety might be expected to bring actors together, in practice there may be different interpretations of these goals, which may lead to tensions, as seen in the previous section.

spatially and temporally because it now extended to the final destination and the moment of arrival in the home village. Procedures such as the *berita acara terima TKI* even make it necessary for drivers to deliver migrants at the doorstep and wait for a family member to sign a receipt. Such regulatory practices also led to an increase in the duration of the return journey: many migrants complained that travelling home via Terminal 4, where they often have to wait several hours, and in government buses that deliver migrants one by one to distant villages, made their return journey longer compared to if they were allowed to travel home independently.

Hence, spatially and temporally, both mobilities regimes extend beyond the airport, but in different ways. The case studies show that mobilities regimes can extend spatially to sites outside the nation-state borders, such as overseas territories, but also to sites that are, as Vaughan-Williams phrased it, 'more electronic, invisible, and ephemeral'. For example, when the data from the black list are entered in the Schengen Information System, people who are on the black list will face increased scrutiny at airports all over Europe. In addition, a mobilities regime can extend to other localities within the nation-state, such as to roadside restaurants where migrants are counted and recounted, and to the migrants' home villages. Temporally, a mobilities regime can extend to pre-departure, regulating and controlling the movement of travellers before their journey starts, to arrival at the destination, and even to future journeys.

These different ways of extending are by no means unique to the two mobilities regimes discussed in this thesis. In regimes to curtail undocumented migration and terrorism, screening practices similarly take place at airports overseas and before journeys start (Amoore 2006; Wilson and Weber 2008) Also, local programs to facilitate the mobility of particular groups of 'low-risk' travellers are now being linked in order to create an international network of fast lanes. Mobilities regimes for air travellers also extend to other places within the country. Lucy Budd in her work on health security regimes for air travellers shows how some travellers who are granted permission to enter the UK are subsequently invited for follow-up health screenings in local hospitals (Budd et al. 2011). Similar to what happens in the migrant mobilities regime, this health regime extends to other spaces within the nation-state, and temporally to times long after a traveller has reached his destination. And while the contours of the anti-drug-smuggling mobilities regime extend to the future through flight bans, a mobilities regime can also extend to the past through practices in which mobilities are regulated retroactively. An example of this is the way the Australian government dealt with the arrival of a boat carrying Kurdish migrants on Melville Island in

2003. The government retroactively declared the beach 'outside Australia's migration zone', which meant that the beach was extraterritorial at the time the Kurds arrived there, making it impossible for them to apply for asylum (Weber 2006). Such examples show that the temporalities of a mobilities regime can be complex, not just extending to departures as well as arrivals, but also to departures and arrivals in the future and in the past.

If we want to identify the particular spatial and temporal contours of a mobilities regime, we need to approach the mobilities regime as a 'situated' set of practices (Suchman 1999). More specifically, we need to pay attention to how mobilities regimes do not 'float in the air', but are grounded in particular geographical circuits and historical contexts. I have shown how the regimes are grounded in particular airports where particular mobilities have become a problem, and are focused on particular routes. Schiphol Airport has good air connections with the Caribbean, dating back to colonial times, and Soekarno-Hatta Airport is a major node in circuits of labour migration from Indonesia that are 'superimposed over similar historical circuits' of labour migration and pilgrimage (Rudnyckyj 2004, p. 408; see also Spaan 1994). The differing extent to which the mobilities regime for combating drug smuggling extends to Zanderij Airport in Suriname and Hato Airport in Curacao is related to present socio-spatial relationships and the colonial past. The extension of the migrant mobilities regime to the home village needs to be viewed in the wider context of labour migration of female workers in particular, which is characterized by encapsulation not only during the return journey, but also during the recruitment process, outward journey, and work period abroad[130]. Because the regulatory practices of the regimes are carried out only on certain routes and at certain airports, it is possible for travellers to circumvent them. Many Surinamese Dutch travellers acknowledged that if you fly a different route from Suriname, for example via Cayenne in French Guyana to Paris, you will be treated like an ordinary traveller. Also, a migrant worker has various possibilities to avoid going through the special migrant lane at Soekarno-Hatta Airport. Some migrants fly via other airports like Bandung in West Java, while others try to pass as 'normal' travellers and leave via the regular exit at Soekarno-Hatta Airport.

As seen in Chapter 1, in studies about migration and borders, the changing character of borders has led many scholars to deconstruct the notion of the border as a

[130] Although beyond the scope of this research, this thesis occasionally touches upon the notion that mobilities regimes are also situated in particular *cultural* contexts. The differential treatment of lower-class migrant workers at Soekarno-Hatta Airport, for example, may be more easily accepted in a society in which travel is more stratified than in a more egalitarian country such as the Netherlands, where the difference between travelling first class and second class is very small.

physical line coinciding with the territorial boundaries of a nation-state, and many studies now deal with the ways border functions take place at other sites and times as well. This has led to notions of 'mobile borders' that follow mobilities wherever they go, and of borders that are dispersed over global routes and infrastructures. Yet, as an alternative to seeing borders (potentially) 'everywhere' (Lyon 2005), or seeing the body as the carrier of the border (Amoore 2006), I propose to trace mobilities regimes by focusing on particular mobilities (which encompass people, objects, and information) and the practices through which their movement is regulated. The empirical chapters show that the mobilities regimes studied have specific spatial and temporal contours, which are shaped by historical circuits of colonial mobilities, religious travel, and labour migration. By tracing their spatial and temporal contours, we acknowledge that a mobilities regime may cross (geographical) boundaries, but also that it is situated, and therefore bounded.

4. Mobilities regimes are on the margins of legitimacy

Tracing mobilities regimes revealed a fourth characteristic that did not feature in the sensitizing framework of Chapter 2. The moral and legal legitimacy of certain practices of both mobilities regimes are contested, and I argue that we can characterize both these regimes as being on the margins of legitimacy.

In a chapter on mobility, rights, and citizenship in the United States, Tim Cresswell argues that mobilities are produced in court rooms, and gives a number of examples of legal cases in which meanings are ascribed to particular instances of mobile practice (Cresswell 2006, p. 158). The court room is also a site where the legality of practices of mobilities regimes is produced, in other words, where it is established whether practices are in accordance with the law. Chapters 3 and 4 mentioned several examples of travellers who went to court to challenge particular procedures – a traveller who challenged her boarding refusal by KLM, a traveller who challenged the pre-flight checks at Hato Airport, and travellers' organizations who challenged the legality of the 100% check. Although the courts sympathized with some of the travellers' complaints and called for 'improvements' in procedures, such as introducing a body scanner at Hato Airport to allow travellers to prove their innocence, in all cases the practices were deemed lawful. Nevertheless, there were two procedures that the Supreme Court judged unlawful: visual body cavity searches by Customs, and travel prohibitions through the confiscation of passports.

The empirical Chapters 3 and 4 also showed several example of 'creative regulation'. While in the case of negative travel advices, the legal basis for blocking journeys is the airline's conditions of carriage, it is the border police that are authorized to issue a negative travel advice. Legal constraints related to travel prohibitions were circumvented by seeking collaboration with airlines, which led to the introduction of a black list of drug smugglers. Also, laws were adapted to make particular regulatory practices lawful. The new Customs Act, for example, now provides a legal basis for physical and virtual body searches. Furthermore, new technologies such as virtual body searching, digital profiling, and black lists were first introduced as 'pilots' before they became routine and before they acquired a legal basis[131]. When the pre-flight checks were introduced at Schiphol and Hato Airports, there was no adequate procedure for travellers to request a reconsideration of a negative travel advice. This shows that in this mobilities regime, some regulatory practices preceded laws, formal rules, and procedures. It could be argued that this mobilities regime operates on the margins of the law, and to a considerable extent this regime works through learning by experience, or through trial and error.

In the migrant mobilities regime, the issuing of acts, decrees and regulations became a means to challenge the existing regime. Chapter 6 showed how the Ministry of Manpower, discontent with their marginalized role in the current regime, tried to regain their authority over the management of migrant workers' return journeys by issuing a new decree and new policy plans, causing turmoil until the Supreme Court interfered. Nevertheless, I argue that this regime is on the margins of legitimacy because of the intertwining of legitimate practices of providing return services with illegitimate practices of extorting migrant workers. NGOs criticize the regime by arguing that the return services in practice are dominated by a profit-making mentality. While some practices are obviously criminal – stealing money from migrants, changing their money at false exchange rates – other practices are less easily identifiable as illegal. When drivers force migrants to pay voluntarily (*seikhlasnya*), when tipping is a common practice, and when transport companies even make rules about how much tip money drivers are allowed to accept, the boundaries between legitimate and illegitimate practices blur.

In both regimes there are attempts to make the regulatory practices that constitute the regime lawful. Hence, when I argue that both regimes are on the margins of legitimacy, I do not mean that the regimes are illegal, but rather that there is room for manoeuvre. On

[131] Digital profiling is not mentioned explicitly in the Customs Act, but the Minister of Security and Justice claims the practice is in accordance with the Dutch Customs Act and with the European Community Customs Code (*Aanhangsel Handelingen II* 2010/11, no. 3536).

the one hand, laws and regulations (acts, directives, decrees, conditions of carriage) form the legal basis of the regime, and practices of the regime are limited by legal constraints. On the other hand the establishment of new acts and regulations and the incorporation of new actors and technologies is used to circumvent legal constraints, while other practices of the regime are simply extralegal or illegal. If we traced other mobilities regimes through airports, we would find regimes that are similarly on the margins of legitimacy. In Chapter 4, for example, I mentioned that Guiraudon (2006) argues that involving airlines in immigration control represents a way for governments to avoid legal norms that stand in the way of restricting migration flows, and Bigo has argued that the legal status of overseas liaison officers is unclear. As Salter (2008, p. xi), referring to Bigo, argues, 'public and private authorities have taken advantage of the liminal character of airports to conduct policing and border functions, which take place inside the state, but at the margins of law.' What these examples also show is that the traditional definition of a regime as principles, norms, rules, and decision-making procedures that govern state behaviour in a specific issue-area is far too narrow and rigid for an inquiry into the contested moral and legal legitimacy of the mobilities regimes for drug smuggling and for labour migration.

Tracing mobilities regimes (II): looking back

Tracing a mobilities regime entails understanding how the technologies, actors, laws and regulations, and spatial and temporal aspects of regulation are interrelated and form a set of practices that can be seen as a mobilities regime. This maps mobilities regimes as 1) entailing a particular mode of regulation in which mobilities are both enabled and restricted; 2) a constellation of state and non-state actors; 3) having complex and extended spatial and temporal contours; and 4) being on the margins of legitimacy. Although the word regime may in some contexts have associations with fixity, imposition by a state, and keeping people immobile, the tracing of mobilities regimes in this thesis reveals them to be flexible and dynamic, based on collaboration between state and non-state actors, and at the same time facilitating and restricting movement. The mobilities regimes for drug smuggling and for labour migration are both characterized by frequent changes in technologies, actors, laws and regulations, and spatial and temporal contours: the use of body searches as a technology for detecting drugs required adaptation of the Customs Act; when the National Agency became responsible for the return journeys of migrant workers, the spatial and temporal contours of the regime came to extend to the migrants' home villages; and when Dutch airline KLM showed an interest in participating in screening practices, pre-flight checks at the airport in Curacao became possible.

Tracing mobilities regimes through a practice-oriented approach allows us to view mobilities regimes not as being imposed on people in a top-down way, but as being continually produced and reproduced in regulatory practices. There is no single 'creator' behind these mobilities regimes; instead, there are various actors who have some room for manoeuvre and negotiation. Travellers too need to be seen as actors in this regime. Their most obvious interest is that they want to travel from A to B. On the one hand, travellers comply with the regulatory practices of the regime, partly due to their excitement and impatience to be home soon, like the migrant workers who explained that 'the most important thing is that I arrive home safely'. On the other hand, travellers were shown to object to being categorized, to have room to manoeuvre, and to challenge certain procedures. Instead of seeing travellers as either resisting a mobilities regime, or as 'victims' of a mobilities regime, I argue that it makes more sense to see people and goods as 'entangled in complex and shifting regimes of mobility' (Henry 2009, p. 136). Travellers are entangled in a particular regime that produces a specific type of mobile subject, but this does not mean that the mobilities regime *determines* travellers' experiences and behaviour. In following and interviewing travellers in this research, travellers as mobile subjects do not appear as an abstract category, or as passive subjects, but as actors. In addition, analysing a mobilities regime through its practices makes it possible to link different scales of mobility regulation, from the level of the body to the international level. As D'Andrea, referring to the work of scholars like Giddens, argues, 'clear-cut micro-macro distinctions are misleading, for, as subjects and objects move across spatial, social and cultural settings, they are not doing so independently of the political and economic structures that shape subjectivity, locality and mobility, but are actually embodying, recoding and updating larger material and symbolic regimes' (D'Andrea et al. 2011, p. 158).

II) Mobilities regimes: a research agenda

Around the time of the arrest at Schiphol Airport of the Surinamese band, whose members turned out not to have smuggled drugs, and the opening of a Garuda counter for returning migrant workers at Soekarno-Hatta Airport, a new program to regulate international mobility was introduced. In April 2009, the CEO of Schiphol Group and the Dutch Minister of Justice travelled to the United States for the official opening of the FLUX program. FLUX stands for Fast Low Risk Universal Crossing, and is a joint initiative of several countries to facilitate the

fast border passage of registered travellers. The aim behind FLUX is to link up local programs for fast border passage in order to create an international network of fast lanes. At the opening event, the Dutch minister praised the program: 'In a world with growing numbers of travellers and a strong demand for border control and safety, the United States and the Netherlands have managed to promote mobility for well-intentioned travellers, without making concessions to safety and security' (Flux, 23-04-2009).

This aim of this thesis is to understand the regulatory practices that were introduced in response to the problematization of drug smuggling and labour migration as 'mobilities regimes'. How does the approach outlined in the previous chapter allow us to study other practices of regulating international mobilities? What questions and themes would appear on the research agenda?

The concept of mobilities regime allows us to pay attention to particular modes of regulation in which the enabling and restricting of mobilities work in tandem. The Minister of Justice in his speech hints at how the FLUX program combines mobility with safety and security, but to understand how this works in practice, I argue that we need to examine what technologies are used to regulate mobilities and how this entails a particular *mode of regulation*. Studying the FLUX program as a mobilities regime also requires examining its *spatial and temporal contours.* And, in addition to the Schiphol Group and Dutch and US government authorities, what other *state and non-state actors* play a role in this regime? While these questions allow us to examine the workings of a mobilities regime, I have argued that another important theme in studying mobilities regimes is their politics. Mobilities regimes may be politically controversial and problematize issues of sovereignty, accountability, and illegality, and this raises questions about their legal and moral legitimacy. The practices of mobilities regimes also have other political effects. Questions about what kind of mobile subjects are produced in mobilities regimes and how travellers deal with this should also be included in a study of the workings of a mobilities regime. I have shown how a mobilities regime produces differences in terms of access to mobility, actual movement, and control over mobility, and we need to pay attention to how these differences relate to existing social differences.

The politics of mobilities regimes is also the subject of public debates about mobility rights. Migration scholars have argued how mobile borders shrink the space of asylum (Mountz 2011) or 'diminish the spaces that human rights and social justice might occupy' (Wilson and Weber 2008, p. 136). Elspeth Guild has argued that '[t]he most important

challenge in respect of these changing borders is the right of an individual to know where these borders are and to have remedies where these borders conflict with his or her human rights' (Guild 2001, p. 71). If we understand the regulation of mobilities in terms of a mobilities regime instead of a changing border, the question where 'borders' are becomes even more problematic, and the traveller may be seen to be even less aware of how, where and when he is being regulated. To what extent can and should travellers be informed about the complex and dynamic mobilities regimes in which they are entangled as they move internationally? At the same time, understanding the politics of mobilities regimes also necessitates a careful approach to idealistic notions of 'equal mobility rights for all'. While the Universal Declaration of Human Rights (article 13, 2) states that 'Everyone has the right to leave any country, including his own, and to return to his country', there is in fact no absolute right to enter another country (since this depends on passport and visa requirements), nor to movement as such. The case of migrant workers in particular shows the problematic notion of an abstract right to 'freedom of movement'. What is the benefit of freedom of movement for migrant workers if it makes that free movement more dangerous?

I have argued that my approach to studying the regulation of drug smuggling and labour migration can be used to examine and compare similar phenomena. These may include other regimes of selective immobilization, such as migration control regimes and anti-terrorism regimes, but also regimes that could be characterized as regimes of selective mobilization (see Nyíri 2010), such as fast border passage programs. There are also regimes that may display elements of encapsulation, for example tourism regimes, hajj travel regimes, health security regimes, and refugee regimes. For other regimes, such as forced return or removal regimes, incarceration may be a more appropriate term than encapsulation. For all these regimes, the airport is a crucial site from which to trace them.

While many of the regulatory practices discussed in this thesis were relatively new and experimental when this PhD project started a few years ago, they have become standard practices in a very short time. Recently, the Dutch government announced plans to make it obligatory for airlines flying to Schiphol to forward their passenger data to the Dutch authorities, which would allow Customs and the border police to do targeted checks upon arrival. The introduction of self-service passport checks with biometric passports at Schiphol Airport will soon make automated border passage possible for travellers who are not members of a privileged border passage program. All these examples show the need for mobilities studies to critically examine contemporary mobilities regimes in order to better understand experimental and border-crossing regulatory practices for the increased international mobilities of today's world.