

Improved circular migration programs for a socially just agriculture!

Case study of Andalusia, Spain

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ABSTRACT OF THESIS submitted by:

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The aim of this thesis is to show how advanced circular migration programs, coordinating the processes and circumstances of contraction of migrant farm workers, could influence the potential of the agricultural sector to become more sustainable. This is done through constructing a theoretical framework on the inclusion of social justice into the requirements of organic production, and a case study within the context of the Southern Spanish intensive agriculture on the potential implementation of these requirements in form of advanced circular migration programs.

The sustainability of the sector could be achieved only by equally focusing on environmental health, economic profitability, and social justice (Shreck 2006). Unfortunately, the latter is rarely addressed directly within sustainability guidelines promoted by the sustainable agriculture movement. It is promising that the European Union's Sustainable Development Strategy recognizes the importance of integrated policies for sustainable production, which could serve as a framework for long-term strategies.

The study considers the social justice pillar and its role in sustainability by exploring the present situation of migrant workers and the potentials of the present supportive frameworks. The potential contribution of improved labour management within organized circular migration programs to the transition into sustainable production is assessed.

These programs with integrated social justice requirements require a certain level of commitment from the participating producers, which would eventually engage them into the framework of sustainable production. Some researchers argue that ethically conscious consumers could be receptive to domestic fair trade claims about local production securing fair labour practices. This market potential of improved production systems could serve as a motivating factor to break the *status quo* about the precarious working conditions of migrant workers, while circular migration programs with advanced social justice requirements could serve as a guiding framework engaging producers with sustainable production.

It is found that advanced circular migration programs, integrating certain social justice standards formulated by the sustainable agriculture movement, could have the potential to create commitment and engage producers in sustainable production.

Keywords: sustainable agriculture, social justice, immigration, migrant worker, integration, circular migration

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Table of Contents

1. INTRODUCTION	1
1.1 RESEARCH PROBLEM.....	4
1.2 IMPORTANCE OF THIS RESEARCH TOPIC – THE ROLE OF SOCIAL JUSTICE IN SUSTAINABLE PRODUCTION	5
1.3 RESEARCH FOCUS.....	9
<i>Migrant workers or immigrant populations?</i>	9
<i>Improved agricultural systems, in what form?</i>	11
<i>Addressing the social pillar, in what form?</i>	12
<i>Focusing on which group of immigrants?</i>	13
<i>Judging the feasibility of implementation, why focus on the circular migration programs of Spain?</i>	13
<i>Circular migration programs facilitating engagement in sustainable production</i>	15
1.4 RESEARCH QUESTIONS	16
1.5 SCOPE AND LIMITATIONS.....	17
<i>Improvements only within intensive production</i>	18
<i>Challenges to implementation</i>	18
<i>Comparative framework</i>	18
<i>Lack of long-term integration is a problem, but not to be addressed here</i>	19
<i>Overseas experience</i>	19
<i>Local consequences and broader implications</i>	20
<i>Driving forces of migration</i>	20
<i>Actual economic or environmental sustainability</i>	20
<i>Trade liberalization</i>	21
1.6 WORKING HYPOTHESIS.....	22
2. RESEARCH DESIGN	25
2.1 CASE STUDY DESIGN AND UNITS OF ANALYSIS.....	26
2.2 ARCHIVAL RESEARCH	28
<i>Strategy for document analysis</i>	28
<i>Concepts drawn from categorized literature</i>	29
2.3 INTERVIEWS AND PARTICIPANT OBSERVATIONS.....	31
3. SUSTAINABLE AGRICULTURE – CONSIDERING WORKERS’ RIGHTS AND CONDITIONS	32
3.1 SOCIAL SUSTAINABILITY - IN WHAT FORM?	33
3.2 THE SOCIAL JUSTICE AND ORGANIC PRODUCTION.....	35
3.3 SOCIAL JUSTICE AND ENVIRONMENTAL AND ECONOMIC SUSTAINABILITY	37
<i>Environmental pillar – Fair treatment with improved control, awareness-raising and engagement</i>	38
<i>Economic pillar – Social justice improving “corporate” image and market differentiation</i>	39
3.4 CIRCULAR MIGRATION PROGRAMS AND THEIR POTENTIAL ROLE IN SUSTAINABLE AGRICULTURE.....	50
4. CASE STUDY: MIGRANT WORKERS IN THE SOUTHERN SPANISH AGRICULTURAL SECTOR.....	57
4.1 DEFINITION OF MIGRANT WORKERS.....	57
4.2 HISTORICAL CHARACTERISTICS OF THE SPANISH AGRICULTURAL LABOUR MARKET.....	58
4.3 LEGAL SITUATION, CONTRACTION ISSUES	61
<i>The Law of Foreign Persons 2000</i>	61
<i>Unionization and Collective Agreements</i>	62
<i>Spain within the ILO framework</i>	64

4.4	CONTRACTUAL ABUSE, A BARRIER TO MIGRATION CAREERS.....	66
4.5	SOCIO-LABOURAL INTEGRATION POLICIES DOOMED WITH CULTURAL CLASHES – DAMAGING MOTIVATION.....	71
4.6	THE AENEAS CIRCULAR MIGRATION PROGRAM.....	73
	<i>Potential integration into the EU Sustainable Development Strategy, through sustainable production.....</i>	<i>80</i>
5.	DISCUSSION – IS THERE A REAL POTENTIAL BEHIND ORGANIZED MIGRANT LABOUR CONTRACTION IMPROVING SUSTAINABILITY?.....	82
5.1	IS THERE A POTENTIAL TO IMPROVE MIGRANT WORKERS LIVING AND WORKING CONDITIONS IN SPAIN?	82
	<i>Pro and contra on the efficiency of circular migration programs.....</i>	<i>82</i>
	<i>Recommendations</i>	<i>85</i>
5.2	HOW TO FIT SOCIAL JUSTICE INTO THE ANDALUSIAN ORGANIC / EU SUSTAINABLE PRODUCTION PROGRAM?.....	86
6.	CONCLUSION.....	89
7.	REFERENCES.....	92
ANNEX I.	LIST OF INTERNATIONAL LABOUR CONVENTIONS AND RECOMMENDATIONS REFERRED TO IN THE ILO MULTILATERAL FRAMEWORK ON LABOUR MIGRATION (SOURCE: ILO 2006)	101
ANNEX II.	LIST OF MAIN GUIDELINES FROM THE ILO MULTILATERAL FRAMEWORK ON LABOUR MIGRATION (SOURCE: ILO 2006).....	102

List of Figures

Figure.1. Dimensions of CSR in the food supply chain.....	41
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List of Tables

Table 1. Research questions of the study, organized in five levels.....	26
---	----

Table 2. Survey question on assessing public perception on organic agricultural production ...	28
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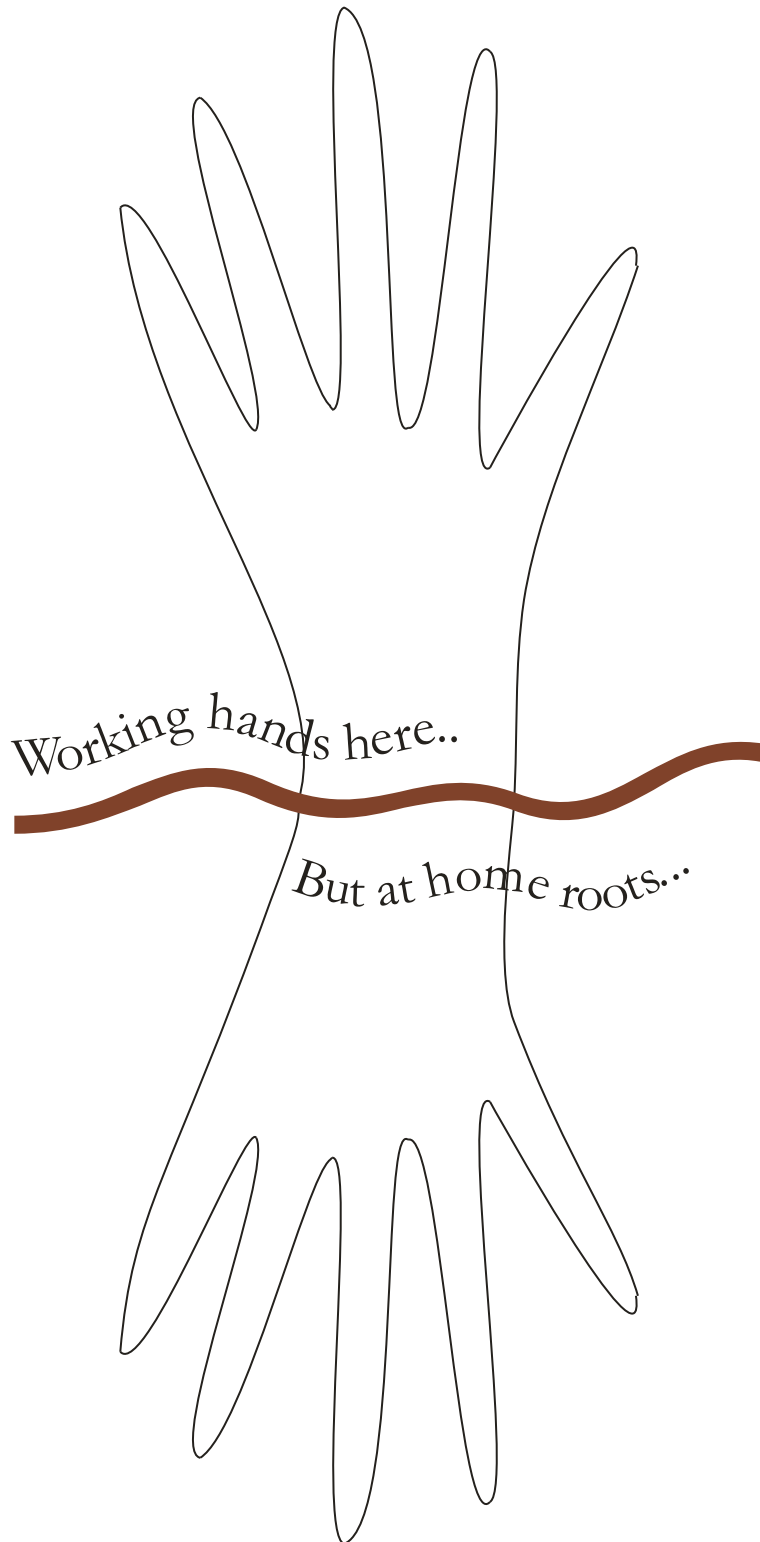
Table 3. Considerable actions within the human rights aspect of a CSR framework.....	42
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List of Abbreviations

AENEAS	- Financial and technical assistance to third countries in the field of migration and asylum, a European Commissions programmed
CAP	- Common Agricultural Policy
CCOF	- California Certified Organic Farmers
CC.OO	- Comisiones Obreras (Trade Union Confederation of Worker's Commissions)
COAG	- Coordinadora de Organizaciones de Agricultores y Ganaderos (Coordinating Organization of Farmers, Spain)
CSR	- corporate social responsibility
EC	- European Commission
ELIN	- Electronic Library Information Navigator
EU	- European Union
FLO	- Fair Trade Labeling Organization International
IFOAM	- International Federation of Organic Agriculture Movements
ILO	- International Labour Organizations
ISEAL	- International Social and Environmental Accreditation and Labeling Alliance
MAPA	- Ministerio de Medio Ambiente y Medio Rural y Marino (Spanish Ministry of Environment, Rural and Marine Affairs)
MIPEX	- Migrant Integration Policy Index
PCUN	-Pineros y Campesinos Unidos del Noroeste (Northwest Treeplanters and Farmworkers United)
SAI	- Social Accountability International
SAN	- Sustainable Agriculture Network
SAREP	- University of California Sustainable Agriculture Research and Education Program
SASA	- Social Accountability in Sustainable Agriculture
SAWP	- (Canadian) Seasonal Agricultural Workers Program
SDPI	- Sustainable Development Policy Institute
SDS	- Sustainable Development Strategy
UFW	- United Farm workers
USA	- United States of America

“We wanted working hands, but people have come.”

Max Frisch



1. Introduction

The aim of this thesis is to show how the present situation of migrant workers within circular migration programs influences the potential of the agricultural sector to become more sustainable. It is presented through a case study of organized labour contraction within the intensive agriculture in Andalusia, Southern Spain. The production in this region experiences serious intensification, which requires stable and continuous labour supply. While circular migration programs are often criticized about their often exploitative practices, the Spanish case is promising due to its liberal immigration policies offering wide legal recognition of the right of migrant workers. The case study means to assess the potential of a present organized labour supply program in Cartaya to contribute to the transition into a more sustainable form of production, partially based on social improvements. Incorporating social criteria into certain organic standards and certification requirements could improve the validity of the sustainability movement. This is crucial in the region, as Andalusia experiences a strong dependency on foreign migrant labour, while not recognizing the importance of sustainable labour management practices. The social and economic situation of immigrant workers is far below acceptable levels, which disables the potential conversion into a truly sustainable form of production. Meanwhile, the Regional Council of Andalusia has an ambitious plan to convert its agricultural sector into organic, it fails to consider seriously the socio-laboural requirements of such a conversion (Junta de Andalucía 2007).

Spain, being a member of the European Union (EU), should consider the Union's Sustainable Development Strategy (SDS) and its potential contribution to it. Its guiding principles and key challenges should be reflected in its national initiatives, like its circular labour management programs. The EU's SDS mostly focuses on the economic and environmental aspects of sustainability, while the social pillar would require more attention. The EU recognizes

the challenge of gradually changing its “current unsustainable consumption and production patterns and the non-integrated approach to policy-making” (EU 10917/06).

Many key challenge areas of EU SDS address social justice issues. One of the operational objectives of sustainable consumption and production is: “improving the environmental and social performance for product and processes and encouraging their uptake by businesses and consumers” (EU 10917/06). Awareness raising and policy coherence are considered to be the main factors for success. Green public procurement, corporate social responsibility (CSR), and extended labeling schemes combined with information campaigns are given as potential tools for the achievement of the given objectives, as these have the qualified to engage the producers based on their economic potential. As it is clear that the EU SDS finds the social pillar to be an equally important part of the equation, it is crucial to understand how the agricultural sector could address this challenge. A rarely addressed social factor is the critical labour management of immigrant workers. Therefore, this thesis studies the importance of the social pillar focusing on fair treatment of immigrant workers in production, how it is addressed within the present circular migration programs. The interrelation with the other two pillars (economic and environmental) is also to be analyzed. The reason to study social justice requirements within the framework of sustainability is to show how the interconnectedness between these pillars could motivate improvements for a more successful transition into a sustainable production system.

This study has a special focus on the situation of agricultural migrant workers in Spain. The case study introduces a framework of a partially EU-financed pilot project of circular migration, called AENEAS. This program addresses some labour management issues, and it could be the first stepping stone for many farms to get engaged in the sustainable (or in many cases organic) agricultural movement, which is also coordinated by the EU. This study aims to show how these two programs, focusing on two different pillars of sustainability could lead to a more coherent EU sustainability strategy combined together.

The paper introduces the general problems of the agricultural migrant workers within given circular migration programs. It also assesses the feasibility of how these improved schemes could contribute to the introduction of social requirements into certification standards for sustainable agriculture in order to stabilize the system.

Looking at some boycotts against products based on abusive production practices, the exploitative use of immigrant labour to sustain intensive agricultural production seems to be risky and unstable. Seemingly both parties get what they need: cheap labour for the farmer and employment in a developed country for the migrant workers. But the devil hides in the details, as the migrant workers are in a vulnerable and dependent situation, being easily exploitable. They are victims of the circumstances, as they have to accept low wages and precarious working and living conditions, in order to keep their jobs. While producers risk their reputation and acceptance of their products on the market.

Addressing social justice issues within the transition into a more sustainable agricultural system is crucial, as production is dependent on vulnerable migrant workers. Based on moral and economic arguments, it is unacceptable and unsustainable that an intensive production sector within a developed country is based on exploitation of human capital, originating from developing countries. It is morally condemned as exploitation at certain cases rises to levels of “modern slavery”. And economically foredoomed as it is unable to match the requirements of the present trend of ethical consumerism, therefore risks the stability of the production system. The usual ethical critique of this exploitative phenomenon ranges from extremes, like judging even the existence such practices, to milder versions asking for improvements to grant just working and living conditions. The critics warning about instability offer certain strategies to make the investments required for improvement profitable.

1.1 Research problem

As it was mentioned above, the aim of this research is to reveal how labour management issues, particularly those of migrant labour organized under circular migration programs, are influencing the feasibility of transition into a more sustainable agricultural production system.

There is a certain denial and negligence about the importance of social justice to be addressed in the agricultural production system. According to Schwind's (2007) Californian experience with organic farmers, many producers claim to conduct sustainable farming practices without actually addressing the improvement of their labour management practices. While Shreck *et al.* (2005) found that despite the fact that sustainable agriculture is categorized to be more labour intensive, researchers are not eager to explore the role of migrant labour in that production system. They claim that the research on organic agriculture usually „focuses on the benefits it provides to consumers (in the form of pesticide-free foods) and to farmers (in the form of price premiums). By contrast, there has been little discussion or research about the implications of the boom in organic agriculture for farmworkers on organic farms”.

The facilitating potential of improved, fair circular migration programs easing the transition into a more sustainable production is rarely discussed. This research gap causes the underestimation of the potential role of well organized circular migration programs in the transition into certified sustainable production. Morén-Alegret and Solana (2004) also found that most studies on agricultural immigrants elaborate mainly on their residence conditions and integration policies. The potential influence of improved labour management on the transition into a more sustainable agriculture and rural society is hardly discussed. Shreck (2006) and her research group argue that by studying the issues affecting the farmworkers, a deeper understanding could be achieved on the relationship between social sustainability and organic agriculture. In their exploratory research analysis they tried to find answers to some interesting questions regarding the organic farmers' perception of the interconnection of the three pillars of

sustainability enhanced by organic agriculture; and their level of support regarding the “possible incorporation of social standards into organic certification criteria” (Shreck *et al.* 2006).

The aim of this paper is to create the first stepping stone for the journey of mapping the expanding Southern Spanish organic agriculture’s potential to incorporate such social considerations into their human resources management policies, influenced by integrated certification criteria and improved requirements of advanced circular migration programs. Assessing such a potential requires a broader understanding of the general context of traditional and sustainable agricultural production. At the same time, the characteristics of the present labour market (with high immigrant dominance), its relevant policies and labour management programs (immigration, integration and co-development policies), and its perceptions should be described in order to assess the feasibility of such transition.

1.2 Importance of this research topic – The role of social justice in sustainable production

In this chapter a further introduction is given to help the understanding of the broader implications and importance of the research problem. The focus is on the potential influence of social improvements on the economic and environmental stability of the agricultural production system. “Not only does sustainable agriculture address many environmental and social concerns, but it offers innovative and economically viable opportunities for growers, laborers, consumers, policymakers and many others in the entire food system ... Stewardship of human resources includes considerations of social responsibilities such as working and living conditions of laborers, the needs of rural communities, and consumer health and safety both in the present and future” (Feenstra 1997). Therefore, the expansion of the social pillar of sustainable agriculture by introducing fair labour management requirements for production has a crucial role in enhancing the success and the image of sustainable agriculture. The following sub-chapters

show how advanced treatment of workers influences directly each pillar of sustainability, and what the potential risks of lack of commitment are.

Social pillar

It has to be acknowledged that the case of employing immigrant labour is special, as this group is already in a vulnerable situation. Díaz (2003) found that this vulnerability derives from various factors. Farmers strive to reduce their production costs, and they choose to cut it where they meet less resistance. As migrant workers are usually not in a position to negotiate, their wages are usually perceived as sources of savings for the employers. This form of abuse and other scenarios are partially due to the lack of assistance and representation assigned to migrant workers. The presence of foreign migrant workers is “as necessary, as unwanted”. This provokes a symbolic denial of their efficiency, which eventually results in their social exclusion. Díaz (1999) found that irregularity creates sharp competition among the migrants, which also favors their exploitation. Designing and implementing improved labour management policies within circular migration programs requires a deeper understanding of the complexity of the immigrants’ situation. In theory there should not be any difference between labour management practices directed to nationals and foreigners, but in reality the essence of the problem derives from the fact that the majority of the workers are immigrants in vulnerable situation (Martínez Veiga 2001a, Díaz 2003). Lack of equity, labour market segmentation, and failed integration policies are usually manifested in precarious wages, working and living conditions. This usually leads to sharpened cultural clashes, social exclusion and xenophobia (Martínez Veiga 2001). In the case of the agricultural sector this might negatively influence the trends in rural development, which is gradually becoming more and more dependent on the immigrant population (García Sanz and Izcarra Palacios 2003). A socially just agricultural system has the potential to enhance the social stability of the region, and alleviate the risks of dependency of the sector on its labour input.

Such improvements have the potential to enable workers to be future agents of co-development and contribute to greater systematic changes, while this thesis focuses only on the origin of this empowerment in the form of improved labour management practices.

Economic pillar

Immigrant workers are the engine of the Andalusian agriculture. There is a clear dependency of this Mediterranean agricultural sector on foreign labour (García Sanz and Izcarra Palacios 2003). Therefore, the stability of the production system requires continuous and reliable source of labour force. The requirements of sustainable production go far beyond the pure availability of workers (IFOAM 2005). Their conditions could further influence the strength and viability of the sustainable agricultural movement. Environmental ethics do address social issues as well. From an anthropocentric point of view ethically conscious consumers should expect sustainable production to focus on social improvements regarding both consumers and producers. Producers not integrating fair labour management into their production systems might risk rejection on the market triggered by social justice movements failing to address certain ethical concerns. Fair treatment of migrant workers ideally should be a priority for circular migration programs. This study aims to see how the improvement of these programs based on the social requirements of sustainable agriculture could influence the general transition in the region.

Unfortunately, there are various studies show that when farmers complain about the inefficiency of their Moroccan workers, they are just finding ways to keep the power relations advantageous for them, strive to loosen their dependency on them. Contracting less experienced workers from new sources, with no formal representation system favors exploitative practices (Castellanos y Pedreño 2001). Contraction in country of origin is usually perceived as a strategy to get fresh manipulable workforce, while organized circular migration programs might have the potential to avoid exploitative practices, if under vigilance by humanitarian efforts.

Low wages, precarious working and living conditions, lack of compensation and respect could also lead to lower commitment, efficiency, and work quality. This is a vicious circle in which a reluctance to invest in capacity building could result in hostile workers, and higher rotation of employees entailing higher costs for training and surveillance (Strochlic and Hamerschlag 2006). Therefore, it is clear that the future competitiveness of the sector cannot be based on a low-wage, anti-investment strategy (Hoggart and Mendoza 1999). Stability and a positive image are crucial basis for a sustainable system to prevent boycotts deriving from environmental or social accusations (The Independent 2007, Swissinfo 2000).

Failing to address social justice in production raises questions about the credibility of organic claims on the market. It is found that the common perception of ecological products expects social improvements as well (see Shreck *et al.* 2005). This might be a promise never made, but indirectly communicated through a greener, more responsible image. Therefore, inappropriate labour management and broader social problems deriving from it could raise the public's attention and damage the reputation of the organic and sustainable agriculture movement. This could directly lead to economic losses and indirectly disable the achievements of the movement, which could weaken the weight and position of a more environmentally sustainable production system on the global market.

Environmental pillar

The latter economic argument could also have environmental aspects as well. As sustainable production is believed to cause less negative impact on the environment, the cut in its market share would automatically result in dominance of the traditional production methods. Therefore, all the socially and economically advantageous improvements boil down to benefit the environment by strengthening the position of sustainable production schemes on the market and lowering the sector's overall impact on the environment.

More concretely, improved worker health and safety conditions by themselves have the potential to lower the production's impact on the environment (Shreck *et al.* 2005). As informed and engaged workforce can better understand and keep the rules applied agrochemical usage. They are also able and also willing to act in case of an emergency, cause less accidents (Strocholis and Hamerschlag 2005). A farm engaged in implementing better labour management practices is more likely to work on the environmental aspects of sustainability as well (Strocholis and Hamerschlag 2005). Another more structural problem migrant workers face in the agricultural sector is seasonality, resulting in periodical employment. In many cases a more diversified crop production could enhance year round employment, which provides increased security for the employees. Besides it is more environmentally favorable (Blade *et al.* 2002), as “diversified farms are usually more economically and ecologically resilient” (Feenstra *et al.* 1997).

It is also expected that it is easier for environmentally responsible farms, already engaged in some sort of sustainability program, to introduce social programs as well, and vice versa.

1.3 Research Focus

The research problem and the importance of the research topic described above outlined the areas that define the research focus followed throughout this study. The research focus is set on foreign migrant labour managed through circular migration programs. The feasibility of such programs to introduce social justice requirements into the local sustainable production should be assessed, in order to see their contribution to the overall success of sustainable production.

Migrant workers or immigrant populations?

First of all, it should be noted that a clear distinction between migrant workers and immigrants cannot be made in the long run. Many of them are officially employed as seasonal agricultural workers, but in reality stay in Spain all-year-round (Martínez Veiga 2001a and 2001b).

Therefore, although this study focuses on migrant workers in the agricultural sector, it has to be kept in mind that many of them are actual immigrants partially working within the agricultural sector. Why is this important? While immigration strategies in the long run should include integration policies, many policies managing migrant workers tend to miss to address such provisions and focus more on co-development issues and circular migration programs only. This study aims to see how improved working and living conditions could influence the sustainability of the agricultural system. It is crucial to acknowledge that such improvements should positively influence both the integration of immigrant populations (advancing rural development), and the co-development between home and host communities.

The circular migration programs' potential to act as a starting point for transition into a more sustainable production system should be assessed, with a focus on how a more integrated EU policy approach could address issues of sustainable production, migration control and co-development in a coherent way. A more sustainable framework for these programs would integrate the social justice requirements of the sustainable agriculture standards, constructing corporate social responsibility and advocating sustainable public procurement.

Transnational labour migration according to Kearney's definition (1986) is "the movement of the people through geographic space... [where] contemporary migrants are predominantly workers moving from areas where they were born and raised to others where they can find a higher return for their labour". The dynamics of such migration can be described by so called "push" and "pull" factors. These factors are "most important during the establishment of a migration flow, but, as the migration flow becomes more entrenched, network factors increasingly play a greater role" (Kearney 1986). Formal guest-worker programs can provide a link creating a network, as a "wire running between the plus and minus charges on a battery" (Ferguson 2007).

The integration programs designed for immigrants and for migrant workers are different in many aspects, as the circular migration programs might underestimate the importance of long-term integration strategies.

Improved agricultural systems, in what form?

Most of the North American studies found certification to be a prospective tool to improve migrant workers' conditions in the form of introducing social requirements as well among the sustainability standards given. It seems obvious that achieving further progress is easier in a system, which is already under inspection and on the way to transition, but it is still not common practice. Shreck *et al.* (2005) claim that a broader notion of sustainability could be achieved by integrating social justice issues into movement for the transition into organic agriculture, and as Feenstra (1997) argues that "each small decision can make a difference and contribute to advancing the entire system further on the 'sustainable agriculture continuum' "

In order to establish a clear research focus, some definitions are asserted regarding improved agricultural practices and about whether and how these address social issues. One of the main differences between the notions of sustainable agriculture and organic agriculture is their public perception. Sustainable agriculture as such could be looked at as a long term strategy to follow as a policy initiative. While organic agriculture is more viable, visible on the market, it is easier to comprehend. It also has concrete production regulations and strong established marketing differentiation value based on those. The definition of sustainable agriculture is quite vague, while understanding what organic agriculture is seems to be easier (IFOAM 2005). While Shreck *et al.* (2005) found that "there is a general perception that organic agriculture is more socially sustainable than conventional agriculture, few [Californian organic] farmers ... felt the criteria regarding working conditions should be codified to ensure this was the case in practice." Therefore, the surveys for this study focus on organic agriculture as a branch of certification to

analyze opportunities. It is found (Howard and Perez 2004) that consumers have a growing interest in “how their food is produced, processed, transported, and sold”. Information on these elements could influence their purchasing decisions. Their study asked American consumers to rank five “potential eco-labels”, the three most popular were: humane (30%), locally grown (22%), living wage (16.5%). This proves that there is a positive interest and also a certain demand that the market does not seem to meet so far.

Chapter three further deals with sustainable agricultural production systems, and focuses on how the potential role of social justice could be formulated within.

Addressing the social pillar, in what form?

The concept of a comprehensive sustainable agricultural system is introduced, with an essential need to address the social pillar. Unfortunately this social focus is usually placed on the consumption side not on the production side (Shreck *et al.* 2006). But some general guidelines for sustainable labour management are already articulated by some fore-runner certification agencies. The Rainforest Alliance (2005a) addressed it in the form of its sustainability guidelines, and the International Federation of Organic Agriculture Movements (IFOAM) (2008) within their “principle of fairness”. Such guidelines are partly to be introduced in chapter three, in order to serve as bases for comparison that would help us to find out whether such requirements could be introduced to the presently evolving circular migration programs. Therefore, in contrast to the general focus on social implications of organic certification most farms and certifiers have (Shreck *et al.* 2005), this paper focuses on the implications of such certification on the improvements of workers’ working and living conditions controlled by certain migration programs. And on how participating in controlled labour management frameworks could influence and encourage producers to join into certification schemes for sustainable production.

The goal of describing the present state and dynamics of immigrant labour force management in the sector is to find out how these prevailing dynamics and its relevant perceptions influence the potential of implementing improvements. By understanding these dynamics described in chapter four, it becomes easier to understand the main obstacles of improvement.

Focusing on which group of immigrants?

There are three main sources of agricultural migrant workers targeting Spain. People arrive from Latin America, Africa, and Central and Eastern Europe (Amuedo-Dorantes and de la Rica 2006). This study will focus on the migrants coming from African countries, mainly working in the greenhouses of Southern Spain, due to the present cultural conflicts. The main reason to choose this group is that they are found to be in the most difficult situation upon arriving in Spain. The other reason to focus only on this group is to avoid the risk that the complexity characterizing the other two groups' immigration patterns would have distracted the readers' attention from the main issue to be presented. The focus of this paper is not to deeply elaborate on certain immigration policies, but to show what could be changed and show the feasibility of such change, by presenting the social problems of a given immigrant group.

Judging the feasibility of implementation, why focus on the circular migration programs of Spain?

The importance of the transition to a socially just agriculture for Spain lies in the sector's heavy dependency on foreign labour force (García Sanz and Palacios Izcara 2003) and their unstable situation. The dependency is created as the precarious labour and living conditions, the adverse social reputation, and low wages are no longer accepted by nationals (Hoggart and Mendoza 1999). The Spanish government and the respected sector are aware of their own dependence on immigrants, both as workforce and future citizens of an aging society (Godet

and Durance 2006). Consequently improved integration strategies are becoming critical, besides strengthened immigration policies. The problematic conditions of migrant workers should be addressed in order to enable social stability both in the host and home countries. It is crucial to see that the circular migrant programs will not erase the tension created by the presence of thousands of low-skilled immigrants already residing in the country (in regular and irregular situation); the challenge lies in avoiding somehow the exclusion of this group.

Spain is a promising focus country for this case study as it experiences massive immigration (presently about 11% of the total population are foreign residents) mainly in the form of low-skilled workers, from which about 16% work in agriculture (Amuedo-Dorantes and de la Rica 2006). Many studies on immigrant communities focus on the agricultural sector for two reasons. First of all, it employs many irregular immigrants (Martínez Veiga 2001a) and it is the first sector that required a formal governmental migrant worker program to solve its labour demand shortage, with a seasonal circular migration program. Therefore, the experiences of this pilot project, and those of further suggested improvements, could serve as a learning point for the rest of Europe.

Spain is one of the most important fresh fruits and vegetables producers in the Mediterranean region. Agrifood is representing 20% of total Spanish exports (MAPA 2008) despite of its evident “physical and sociocultural constraints”. These are mainly severe issues about water shortage and an evolving social tension deriving from the mass presence of immigrant workers. A new trend of transition into a more integrated or organic agriculture system is developing. More sustainable production schemes are promoted in order to ease the dependency of the sector on its problematic inputs and to improve its performance. It is supported both by the national and the regional governments through the Environmental Ministry’s “Integrated Plan for Organic Agriculture and Animal Husbandry”, in line with the relating EU framework (CEE 2092/91). The most successful region in the transition into organic

agriculture is Andalusia, with more than 400.000ha of organically cultivated lands in 2005 (MAPA 2008), which is about half of the total converted organic production areas and equals the total size of converted fields in México.

The migrant worker programs promoted by some local municipalities seem to satisfy the employment needs of local farmers. It is not clear how this new coordinated form of employment could fit into the transition into a more sustainable form of agriculture. Until now no concrete program were found, which would idle the capacity deriving from the new coordinated system within the framework of sustainable production.

Circular migration programs facilitating engagement in sustainable production

Circular migration programs have a potential to act as a starting point for transition into a more sustainable production system and be integrated EU policy approach to address issues going far beyond controlling immigration. Sustainable production, migration control and co-development should be managed in a coherent way within these programs.

Further suggestions should be analyzed in order to set up a more sustainable framework for these programs. These would entail evolved programs such as introducing socially improved sustainable agriculture standards within the migration program. Its role as first stepping stones in engaging producers in responsible and controlled production, in direction of further certification should also be analyzed. Participation in such organized programs might require complying with certain regulations that equal to the social requirements of sustainable production. Therefore well articulated circular migration might have the potential to engage producers in further transition into sustainable production. Its potential compatibility with the EU Sustainable Development Strategy should be also considered. The aim is to show how these programs could positively enhance each others performance in a more integrated, thus more sustainable manner.

1.4 Research questions

Following Yin's (2002) suggestion on constructing various levels of questions, this thesis contains five levels of questions. Defining the role of these questions on different levels could be based on their relation to the actual case study research. The first two levels were included in the case study research protocol, as those are focused on concrete data collection. The first level questions were asked concretely during the field research. Those on the second level were derived from the theoretical framework. The second level questions were articulated during the literature review, in order to guide the logic of data collection, focusing on the individual case, and determining the questions on the first level. Questions on the third level are articulated to find certain patterns in the answers to the first two levels of questions. A case study protocol is set in order to guide the work with the first three level questions. Those of the fourth and fifth level are focusing more on the entire study. The fourth level questions are asked to find out more about the broader contextual situation, not just about the chosen units of analysis, therefore evidence to answer these questions was drawn from a more broad revision of the relevant contextual literature. The fifth level questions are more comprehensive, aiming at future recommendations and final conclusions for the phenomenon studied.

The previously described levels of questions are forming a certain chain of logic in order to achieve a more comprehensive set of answers. The theoretical framework constructed during the literature review helped to articulate these questions and the relevant propositions for their guidance.

In Table 1. below, the main research questions of each level are given in order to better understand the research conducted.

Table 1. Research questions of the study, organized on five levels.

Levels of questions	Research questions
Level 1 – specific	Questions asked directly and kept in mind while analyzing available documents on how social justice contributes to the strengthening of sustainable agriculture.

Level 2 - unit specific	<p>These are the questions articulated around the research focus:</p> <ol style="list-style-type: none"> 1. What are the influencing factors that led to the present situation of migrant workers? 2. How are the main characteristics of such a situation affecting the feasibility of implementing labour management practices that could lead to social sustainability? 3. What kind of changes are expected to enable a socially just agricultural system? <ol style="list-style-type: none"> a. Are those changes feasible in the given context? b. What are the main factors influencing the feasibility of such changes?
Level 3 - on patterns	<p>What could be the difficulties, problems, and motivations of implementing improved labour management practices? How is the given Southern Spanish context?</p> <p>How is the actual perception of farmers on the acceptance of social requirements to achieve ecological certification?</p>
Level 4 – on entire study	<p>What kinds of requirements are set for circular migration programs to fit within the process of transition into sustainable agriculture?</p> <ul style="list-style-type: none"> • Are those changes feasible in the given context? (Spain) • What are the main factors influencing the feasibility of such changes? • Could these changes improve the general sustainability of the system? • Could improved circular migration programs be engaging factors for producers?
Level 5 – normative The main research question.	<p>How socially just circular migration programs could enhance the transition into sustainable agricultural production?</p>

The assessment of the feasibility of introducing improved management strategies within the given circular migration programs should be based on the deeper understanding of its social context. The answers should indicate how the proposed changes could improve the other two pillars of sustainability, improving production efficiency, and controlling its environmental impacts.

1.5 Scope and limitations

This study focuses on how fair labour management practices promoted by improved circular migration programs could improve the transition into sustainable agriculture. The main aspects that characterize the production system are restricting this transition within certain limits.

These also set the limitations of the study. This section clearly shows the diversity and complexity of social issues, and emphasizes the importance of a narrow research focus in order not to “get lost in translation.”

Improvements only within intensive production

The Andalusian agriculture is working under a globalized, free trade regulated market. It experienced a fast transition into intensive production under greenhouses from traditional family farming (Ruiz Sánchez 1998). Rural development programs and many sustainable agriculture programs focus on conventional, family farming; while this study aims to see the potential role of improved labour management practices within this intensive production. Therefore the scope of the study is set within industrial agriculture employing foreign labour.

Challenges to implementation

The AENEAS circular migration program in Cartaya, Huelva is considered to be a special case. But certainly it is not a real-life implementation of improved labour management practices, which this line of investigation would require. Such case, where social justice requirements are implemented within a circular migration program in order to assist sustainable agriculture, was not found to be present. Therefore the Spanish example will be introduced in Chapter five, analyzing its potential to become a system like that.

Comparative framework

The program and its experiences are critically compared with the similar Canadian Seasonal Agricultural Workers Program (SWAP) for discussion. One of the serious limitations of this study is the lack of time and space to study the whole context of both the Canadian and the Californian (USA) cases. Instead of a real-time comparison, the relevant critics on the SAWP program are analyzed in order to find similarities between the dynamics of the given

phenomenon. Unfortunately this might risk the accuracy of the conclusions. For that reason, the outcomes of the critical comparison can be taken only as suggestions to raise awareness of critical issues that should be taken into account while constructing such a system.

While constructing the case study design it was clear that an embedded multiple-case study would have given more comprehensive results on the respected issues. A further case of Californian agriculture could have been added in order to multiply the cases. Unfortunately, due to serious time constraints, a comprehensive pattern matching strategy required to achieve sufficient accuracy of the results could not be conducted. The scope of this study is partly determined by the definition of the chosen type of case study.

Lack of long-term integration is a problem, but not to be addressed here

These coordinated circular migration programs represent a new trend in the Spanish migration policies, considering these people to be migrant workers and not immigrants. This has several implications, such as justifying the lack of long-run integration policies, while promoting the role of the program as an actor of co-development; and clearly satisfying the demand for cheap seasonal labour. Nevertheless, analyzing the deeper consequences arising from the lack of long-run integration policies is not an objective for this study.

Overseas experience

Based on the working hypothesis applied, certification could play an important role in implementing better labour management guides, and vice versa. Unfortunately due to the lack of investigation done about certification programs' potential to improve the migrant workers situation in Spain, the recommended guidelines are based on overseas experience. Later, the dynamics present in the case study country are analyzed in order to assess the feasibility of

implementation of integrating social justice requirements within the given context of the Spanish migration program.

Local consequences and broader implications

The research boundaries set enable this paper to focus on the local effects of changes in labour management on the farms and in the surrounding local environment. Nevertheless it should not be forgotten that these changes have the potential to influence the life of these immigrants' families, and their home countries' economies, social structures and labour markets. Such changes are due to the potential capacity building of workers and the remittances sent home. Describing this broader context exceeds the nature and boundaries of this paper. Therefore, these issues will not be further discussed, but mentioned wherever it is required.

Driving forces of migration

Labour migration itself is not “less than voluntary”, as it is “frequently motivated by unequal distributions of wealth, poverty, and resources” (Rapport and Overing 2000) but addressing all these issues would fill another thesis if not more, therefore the reader should just keep in mind that these migrant workers all made their choices to leave their countries not as voluntary as many might argue.

Actual economic or environmental sustainability

It is also important to note that this paper does not try to judge the economic or environmental sustainability of the agricultural practices used in the region. The aim is only to show how changes in labour management practices could lead to the improvement of these systems, and vice versa. Some arguments could be cited about the risks of environmental unsustainability of the system, as Downward and Taylor (2007) found that “it is a paradox that one of Europe’s most arid regions is also the continent’s most productive agricultural area.”

However, this paper is not meant to judge such issues, except their potential implications on the migrant workers' lives, through improved labour management issues.

Trade liberalization

The issue of trade liberalization highly contributes to the discussion on the lives of migrant workers, as O'Neil (2003) finds that "labor migration continues to be part of the discussion on trade liberalization in the context of the WTO's General Agreement on Trade in Services ... [and although] free trade arrangements have not reduced migration pressure, migration remains relevant to developed countries when considering trade policy". These facts are acknowledged while analyzing the situation of migrant workers, but are not further discussed to preserve the focus on their concrete living and working conditions.

As a conclusion, it should be acknowledged that this study envisions only changes feasible within the present agricultural system, regarding land ownership. It focuses on how the improvement of migrant workers' living and working conditions could influence their situation within the rural communities of the host countries. Unfortunately, addressing how the dynamics of the system actually influences the sustainability of the countries of origin is out of the focus of this study. This study tries to see how the sustainability of the present system could be improved and does not strive to find how higher systematic changes, like change of land ownership. Nevertheless, it aims to see how workers' exploitation could be avoided and how social justice could be integrated into the system. It is crucial to see the broader implications of such social changes as this way their financing by several integrated EU projects could be justified. The study aims to work under focused boundaries, while understanding its limitations. Therefore the working hypothesis to be described below focuses within a given context on how the improvement of living and working conditions of migrant workers could contribute to the organic transition in the region.

1.6 Working hypothesis

Based on the literature review and some connecting interviews it is found that the present dynamics around agricultural migrant workers in Spain created a hostile environment, which makes the upgrading of their situation and their inclusion into the organic transition movement more difficult. On the other hand it is found that the circular migration programs' potential to promote socially just labour management in Spain is better than in North America, due to the favoring immigration policies and liberal recognition of immigrant workers' rights. Spain has improved policies but still has problems with its practices (Cachón *pers. comm.*).

The working hypothesis of this thesis states that the improved circular migration programs and the sustainability certification programs with social justice requirements could positively enhance each others performance in an integrated, thus more sustainable manner. These programs combined together could improve both the immigration practices and facilitate the producers' engagement in sustainable production. This would require proper integrated and coordinated policies and programs both on migration control and at setting sustainable production requirements.

Participation in circular migration programs with social justice requirements could have a great influence in a country's potential to turn its agriculture into a more sustainable form, as a first stepping stone for engagement in the system would be organized. Farm owners should be motivated to leave the safe *status quo* they live in based on low-wage labour and anti-investment strategies (Hoggart and Mendoza 2002) and start to think about the future competitiveness of their business. Presently they partially base their competition on low prices, achieved through the over-exploitation of immigrant labour force with high level of instability and vulnerability (Díaz 1999).

This study tries to identify both the difficulties that disable transition and the potential sources of motivation. With a positive approach taken in formulating the working hypothesis, the driving forces for implementation could be the following:

- Improved monitoring of the compliance with international agreements on contractual labour conditions, and the respect of the legal rights of immigrant workers. Special focus is put on health and safety regulations
- Legal representation to be improved: trade unions and other associations with focus on immigrant labour
- Enforcement issues, mainly at local and regional level
- Awareness raising and capacity building programs promoting social justice within the sustainable and/or organic agriculture movement
- Certification standards including social justice issues, improving labour management standards

On the other hand, with a negative approach, the difficulties of such transition also play a great role in formulating the working hypothesis for this paper. These are the following:

- the producers' present market strategy is based on low prices, partially achieved through low wages and overexploitation of the labour force (Díaz 1999)
- deep segmentation of the labour market, and devaluation of agricultural tasks (Hoggart and Mendoza 1999)
- accumulated vulnerability of the immigrants regarding their legal situation, and lack of integration (Veiga 2001a, b)
- problems with the national immigration strategies

- absence of the ratification of the U.N. Migrant Workers Convention (*Cachón pers. comm*)

The goal of this paper is not to further elaborate on each actor's potential for improvement, but to show what has to be changed in order to achieve a more sustainable system. It is noticeable that different key actors have different motivations and reasons to take or not to take action, while the action taken will alter different factors of the situation of those immigrant communities. It should not be forgotten that the more factors activated above, the better results can be achieved.

2. Research Design

The aim of the chosen methodology is to construct a qualitative, comparative, and exploratory embedded case study. Archival research, in-depth interviewing, and some participant observation were conducted. The study is based on qualitative evidence. One part of the study is to create a theoretical framework, and the other is in form of a metaevaluation, as it is partially based on previous academic evaluation of the situation.

The construction of the applied case study research design was based on Yin's theoretical framework (2002). According to his definition, a case study is an "empirical enquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between the phenomenon and the context are not clearly evident." Conducting a case study research was the most appropriate methodology due to the complexity and social nature of the issues investigated. The importance of contextual conditions and their proper understanding was crucial. Therefore while constructing the relevant theoretical propositions those were also taken into account.

The research design follows the five stages recommended by Yin (2002), constructing the research questions of the study, their propositions and the units of analysis as well. At the same time using logical linking of the obtained data with the propositions set up. The interpretation of the finding should also meet certain criteria in order to enhance the credibility and validity of the conclusions drawn. In parallel with the previous literature review a theoretical framework was built. Being aware of the relevant theories and the logic other researchers use improved the research design. While conducting the research, a protocol of flexibility was kept in mind, ensuring that due to new discoveries the design of research could be modified, but only with strict consideration of its consequences.

A comprehensive research design was constructed, based on a previous literature review. The embedded single-case study analysis had multiple levels of questions for the archival research. The theoretical framework and the working hypothesis were articulated continuously from the beginning in order to ensure flexibility and inclusion of issues that came up during the investigation.

Unfortunately there were no studies found during the archival research directly discussing the issues mentioned above from the particular angle applied in this thesis. Therefore, an exploratory case study analysis had to be conducted. This study is based on an analysis of the presently available relevant academic studies and governmental programs; complemented by interviews with national and international experts on immigration and agricultural labour management issues.

2.1 Case study design and units of analysis

The selection of the units of analysis was based on their specific characteristics. The chosen provinces, Almería and Huelva are two regions of Andalusia, Spain. Both regions experience transition into intensive agricultural production dependent on immigrant labour force. What makes these two regions different is their present stage of expansion, which affects the type of labour force present. Almería has lived with the dire consequences of intensification and the problems derived from it for decades now, while Huelva is just about to experience a further period of growth, having the chance to learn from the case of Almería. In the region of Almería most migrant workers stay all-year-long in the country, while those working in Huelva fall under the category of migrant workers commuting between their home countries and Spain. No comparison is made between the pilot migrant worker program takes place in Huelva, and the negative experiences and problems that are more visibly manifested in Almería, but a certain shifting of experience from one region to the other should be expected. In the case of Huelva, a

circular migration program has been implemented in order to solve the labour shortage and the illegal immigration problems of the region. This gives an opportunity to examine how this program could be more than a strategy to avoid the “Almerian syndrome”, but be a driver of the transition into sustainable production.

The type of case study design was chosen from the suggested basic design types by Yin (2002). The four design types are placed into a 2x2 matrix, based on whether they are single-case or multiple-case designs and whether they are holistic or embedded.

In this research an embedded single-case design is constructed. It is embedded, as more than one unit is studied within the same single case, where the context has a major importance. A case study protocol was constructed in order to facilitate the conducting of case study required for this thesis research. It contained all the guidelines about the procedures and general rules that apply to the research. The construction of documented guidelines before the actual data collection is crucial to enhance the reliability of the case study research (Yin 2002). The protocol gives an overview of the research, explains its objectives and the phenomenon being investigated. It introduces the data collection procedures, and the questions that are raised throughout the research, based on a theoretical framework, also explained in the protocol.

Finally a „summative evaluation” is to be constructed during the discussion and the conclusion, as an assessment of the general effectiveness of the migration program in question, and its potential contribution to sustainable production. The goal is to see whether the „idea itself is or is not effective and, therefore, has the potential of being generalizable to other situations ... deciding if that program or policy is effective within its limits context and under what conditions it is likely to be effective in other situations or places” (Apap 2000).

2.2 Archival research

Strategy for document analysis

The aim of the archival research was to familiarize with the existent relevant literature, while defining its key concepts, finding where to locate the present research focus, and establishing the importance and relevance of such research.

Its structure was based on introducing the prevailing academic concepts regarding the two main topics, and constructing a synthesized coherence among them. One of these dynamics was those beyond the present state of management of agricultural immigrant workers. The other was about the concepts of introducing social justice into the movement of transforming into more sustainable production systems.

A literature organizer was constructed, accompanied with a hand-written, referenced reading log kept throughout the whole research period. The organized literature was pre-screened and prioritized. This system helped to identify the most relevant researchers and concepts on the field. Later a prioritized list of authors, based on frequency and relevance, was used, both as a guide to look for further literature and to discover potential interviewees.

Regarding the media review, due to time limitations no original media review was conducted but academic papers on the discourse about immigration in Spain were studied (like de la Fuente García 2006), combined with a selection of articles from the leading national journals (El País and El Mundo). This was done in order to understand how the media describes the phenomenon of immigration in the Spanish society, and to have a feeling about how this might influence the people's perception on this issue.

Concepts drawn from categorized literature

The information found during this extensive archival research led to further formulation of the prevailing working hypothesis and to the selection of the case study design adopted.

It should be noted that no such synthesized research has been found to be conducted in the country of the regarding case study (Spain), therefore the archival research based on the overseas experience (USA and Canada) was crucial. The literature selected had to focus either on the Spanish or a North American case. The articles selected and screened were prioritized based on their relevance to the given unit of analysis, their tendency to address mainly dynamics, far beyond plain demographic ones. Those of the North American literature were selected by evaluating their relevance for benchmarking ideas and guidelines.

The two main concepts, on which the working hypothesis is based, were articulated during the archival research and are explained below. The first key concept describes the role of social justice in a more sustainable agriculture, how to “incorporate social criteria into organic standards and certification requirements” (Shreck *et al.* 2005). Finding out more about the social pillar of sustainable agriculture was a complex task. Unfortunately, only a few publications focus on this specific topic, and no relevant Spanish publications were found. But there are many similarities found between the migrant labour demand of North American intensive agricultures and those of Spain (see Almería often referred to as the California of Europe at Martin and Taylor 2000, and Hoggart and Mendoza 1999); therefore, it turned out to be viable to look at initiatives addressing sustainable labour management practices in those overseas regions and apply their experience to analyze its feasibility in the Spanish case. The concept of social justice within organic and/or sustainable agriculture was mainly articulated at the University of California’s Sustainable Agriculture Research and Education Program, USA.

As it was crucial to link social justice achievements to environmental improvement in order to address sustainability as a whole concept, special attention was paid on how changes in labour management can influence the sustainability of a system as a whole, and what kind of direct and indirect environmental implications could be identified due to such change. For this I looked at publications discussing sustainable agriculture in general and tried to find studies that mention labour issues as well.

The other concept, described in the literature, was how the dynamics of overexploitation of immigrant workforce in the agricultural sector was built and cultivated. Mapping the present situation of immigrants and migrant workers' conditions in Spain was crucial in order to find out the feasibility of improving the workers' conditions and its influence on the other pillars of sustainability. Both international and national scientific journal articles were used to map the trends, pinpoint the main problem areas, and get an idea about their magnitude and present implications. This way the feasibility of foreign immigrant labour management practices could be judged better.

Practical implementation guidelines on how to introduce requirements of socially just sustainable agriculture standards were not found. Nevertheless, that is the crucial link between the two concepts introduced. Therefore, the hypothetical potentials of the AENEAS circular migration program were examined, based on the findings deriving from the analysis of the two concepts introduced. As a conclusion to the archival research, it should be noted that no direct connection was made between the two concepts within the Spanish literature (between those of the incorporation of social justice issues into the set of requirements for a more sustainable production, and those on the dynamics and problems of migrant labour management). However, the North American experience (Shreck *et. al* 2005) shows that there is a well acknowledged linkage. This experience should be further studied and the improvements and critiques should be used in order to motivate, improve and facilitate the transition into a more

sustainable form of agricultural production in Spain in the European Union. The importance of the research topic presented in this thesis is based not just on the absence of such discussion but also on the recognized need for a movement to address these issues.

2.3 Interviews and participant observations

In order to get an understanding on the dynamics of the Southern Spanish agricultural migrant situation, various interviews were conducted. The selection aimed to get a multidisciplinary group of researchers from the fields of sociology of social changes, political sciences, and anthropology. The six academics interviewed are specializing in migration studies within their respective field, representing several research centers over Spain. A snowball sampling was used on the field.

With the help of professor Lorenzo Cachón, the head of the Forum for the Social Integration of Immigrants, an interview was conducted with the mayor of Huelva, Juan Antonio Millán. With his permission I joined meetings about the organization of migrant workers contingents for the 2008 harvest. At these meeting the future frameworks for contraction in country of origin were discussed at the city hall of Huelva, with the participation of the major agricultural cooperatives, labour union representatives, regional governmental officers, and mayors of participating municipalities. Further insight was gained on how the dynamics of negotiation and interests are grounded and serve as a context for such seasonal migrant worker programs. Another set of interviews was conducted with the help of AEAH-HS local humanitarian organization through their contacts. During a concrete field visit to the strawberry fields at Huelva, anonymous farmers were also interviewed.

3. Sustainable agriculture – Considering workers’ rights and conditions

“There is far less agreement concerning the third essential aspect of sustainability – the question of social justice. Any system of food and farming that fails to meet the needs of a society, will not be sustained by that society, no matter how ecologically benign or profitable it may appear to be. A society has physical and material needs; however one of the most basic needs of any society is a sense of social equity or justice. Any food and farming system that is not socially just does not meet this basic need, and thus, is not sustainable.” (Ikerd n.d.)

As it is described in the introduction section, the concept of a comprehensive sustainable agricultural system emerged, with an essential but often underestimated need to address its social pillar. Conventionally this social focus is usually displayed on the consumption side not on the production side (Shreck *et al.* 2006). But some general guidelines for sustainable labour management are already articulated by some fore-runner certification agencies; like IFOAM (2008) in the form of the “principle of fairness” to address the agricultural workers’ situation, and Rainforest Alliance (2005) integrated into its sustainability guidelines. Therefore in contrast to the general focus on social implications of organic certification (Shreck *et al.* 2005), this paper focuses on those aspects that might have a potential role to improve migrant workers’ living and working conditions, as means to create a more sustainable production system.

The aim of this thesis is to show how implementing social justice issues could influence the feasibility of transition to a more sustainable form of agriculture. Sustainability of an agricultural system consists of three integrated pillars, such as “environmental health, economic profitability, and social and economic equity ... therefore, stewardship of both natural and human resources is of prime importance” (Feenstra 1997).

This chapter deals with definitions of improved agricultural movements, interrelations between the pillars sustainability, and the dynamics behind best practice guidelines. Most

examples introduced are North American cases, as there both the academic research and practical implementations are more advanced on this issue. These examples given at the end of this chapter on private initiatives, certification, and labeling programs are introduced in order to see what is still missing from the Spanish case of migrant workforce management and how the European Union (EU) could address this sustainability challenge in a more comprehensive way, involving both business and social partners. In the following chapter (Chapter 4.) the situation of migrant workers in Spain and circular migration programs are introduced in order to show where and how improvements described below could be implemented.

3.1 Social sustainability - in what form?

Shreck *et al.* (2005) claim, that a broader notion of sustainability could be achieved by integrating social justice issues into the movement of transition into organic agriculture. The concept of a comprehensive sustainable agricultural system is introduced, with an essential need to address the social pillar. Unfortunately this social focus is usually placed on the consumption side not on the production side (Shreck *et al.* 2006). Improved circular migration programs on the other hand focus on fair treatment of the workforce. Therefore, by studying these programs an often overlooked entry point into the transition to sustainable production could be analyzed.

Social responsibility has to be integrated into the vision of the sustainable agriculture movement (Schwind 2007). The controversial agricultural labour conditions are a common challenge for sustainable agriculture, and local food movements. Guthman (2004) found that “people within the movement [sustainable agriculture movement] realize that [social justice issues] were left out of the construction of organic, not only in codification, but in the movement itself, and that they need to be addressed explicitly and deliberately. And there is the growth of movements around fair trade and codes of conduct ... [and] increased public awareness of the social costs of sustainable agriculture.”

The EU Sustainable Development Strategy (EC 10917/06) clearly sets sustainable consumption and production as a key challenge to achieve sustainability. Among the actions to meet operational objectives, the strategy mentions improved social performance as well as public procurement, extended labeling schemes and information campaigns. The Lisbon Strategy “aims to provide people with a better standard of living in an environmentally and socially sustainable way” (EC 2008). The 2003/2004 Common Agricultural Policy (CAP) reform about decoupling of direct production aids and the “realignment of the CAP with consumer concerns”, was a crucial initiative to create a market oriented and sustainable agricultural policy system. Social justice issues could be integrated into such system if the market recognizes its importance and accepts it as a market differentiation value, creating a certain niche demand.

To further explain the difficulty of this challenge, Schwind (2007) showed how the “labour markets are influenced by the demand for and supply of labour, regulations, and the vigor of their enforcement, and the relative negotiating power of workers”. She also found that the “sustainable farmers’ openness to organizational models that increase worker income and negotiating power is of paramount importance”. This is where the challenge lay. The extent of this involvement could reach different levels. Improving the workers’ labour conditions, implementing more democratic labour management practices are all basic steps toward such an inclusion. Most of these new practices entail substantial costs. Different level of investments has to be done to change workforce management practices. This investment has to be beneficial for both farmers and farmworkers. “The extent to which the sustainable agriculture movement will succeed in implementing its vision of social equity depends on the extent to which economic gains are distributed to workers” (Schwind 2007). This could be in form of improved wages, or simply improved working and living conditions. But it also has to be kept in mind that no investments are made without a promise of profitability. Therefore, participation in improved circular migration programs should carry a guarantee. This could be an easier engagement in the

transition into sustainable production, based early compliance with the social justice requirements.

3.2 The social justice and organic production

“... production methods, which violate human rights cannot be certified as organic”

IFOAM Basic Standards, Chapter 8 on Social Justice

Although organic agriculture is just one form of a more sustainable agriculture, the present study focuses on this movement. The reason is to avoid the confusion in order to enable a better focus on how social issues can be incorporated to a given system that already has certain public reputation. While sustainable agriculture should automatically include labour conditions as well, such commitments of the organic agriculture movement are often missing. Therefore, it is crucial to understand the general perception on organic agriculture influenced by definitions, in order to see how much and on what level they expect social issues to be addressed.

The definition of organic agriculture seems incomprehensible (IFOAM 2005). A high variation of perceptions is manifested in the abundance of definitions circulating worldwide. Guthman (2004) found that “using organic and sustainable interchangeably is problematic at best”. The International Federation of Organic Agriculture Movements (IFOAM) aimed to construct a definition of organic agriculture in a broader sense, going beyond merely providing a “supportive of the environment”. The critical observations of Inouye and Warner (2001) found that the present stage of deficiency of the organic movement is unacceptable. They claim that the movement “reached a maturity point” and “needs to make more explicit connections between ecological and sustainable sustainability”. The need to address social justice within the concept of organic agriculture is concretely articulated in these studies. Therefore, analyzing the influence of improved labour management practices on the transition into specifically organic production is well-grounded.

The role of organic standards and organic guidelines are crucial in understanding organic claims and to see how social standards could fit into the system. Organic standards were drafted both to create an agreement within an organic agricultural movement about what an "organic" claim on a product means, and to inform consumers. The third party certification of organic claims works as a guarantee system.

Regarding social justice issues, the enforcement and monitoring of regulations on workers' rights is crucial but presently difficult to realize. The extension of standards to include social justice elements could be a tool to ensure law enforcement through regular inspection. Among many others, Inouye and Warner (2001) push for an active dialogue for the inclusion of labour as an equal cornerstone of the sustainable agricultural movement.

It is important to note that in spite of the fact that the guidelines are generally applied for organic systems, they could be introduced within non-organic farms as well. Unfortunately the EU SDS does not elaborate on how the social pillar specifically addresses the situation of workers could contribute to the transition to a more sustainable agricultural production. It mentions only that organic production should contribute to rural development.

The success of introducing social responsibility among the organic or sustainable requirements depends on how consumer demand embraces social justice regarding production. Based on the studies of Shreck *et al.* (2005) and on the consumer survey conducted for this study, it is found that organic agriculture is generally perceived to be socially responsible as well. But as it was mentioned before, such requirements are generally not satisfied so far. The introduction of the present organic agriculture notion into the general framework of SDS is fundamental, in order to integrate social elements into its own framework. The best place to fit it would be the sustainable production and consumption operational objective, based on the satisfaction of special consumer demand, which might focus on social justice issues as well based

on the general expectations of sustainability. This study focuses on the motivation for involvement of private actors in production, providing guidelines and checking their feasibility.

3.3 Social justice and environmental and economic sustainability

There are direct and indirect links among the different pillars of sustainability, as introduced more briefly in the chapter on the importance of this study. The indirect links are based on the philosophy of sustainability as a whole. Some argue that without addressing all pillars sustainability can not be fully achieved (Shreck *et.al* 2006). The forerunners of “social inclusion” argue that not addressing this pillar might result in losing the credibility of the sustainability movement (Guthman 2004). Another argument raised is the deception of consumers as they might associate that fair labour conditions are integral characteristics of sustainable and organic products (Schwind 2007).

The concept beyond choosing organic farming as a terrain to study the inclusion of social justice is simply based on the logic that “willingness for further improvements is more probable where there are already certain improvements done”. A strong and respected social pillar has the potential to influence the other two pillars as well, and vice versa. As “it is important that the conditions that lead to socially exploitive and environmentally destructive practices are such that a company’s embrace of only one dimension can be problematic “ (Cliath 2007).

In the following sub-chapters several concepts embracing social justice are introduced with special attention to show the potential of social justice improving environmental and economic performance of sustainable production.

Environmental pillar – Fair treatment with improved control, awareness-raising and engagement

Regarding the environmental pillar, the interconnectedness between the two pillars seems inevitable. As chemical usage is under control and intensification is restricted, labour conditions automatically improve. The more direct, practical linkages between the social and the environmental pillars are usually covered by addressing agrochemical usage and practical environmental management systems (EMSs) with integrated health and safety programs. Several means of protecting workers from pesticide exposure could result in simultaneously decreasing the environmental impacts of production on the environment as well. The Sustainable Development Policy Institute, SDPI (2007) found that transition into organic agriculture could alleviate the hazards of chemical exposure. One of the policies recommended by the organization was “to cover the agricultural sector with labour laws” for enhanced protection of workers.

It is also expected that well informed and respected labour causes less accidents, understands and respects more the standards of organic production (Strocholis and Hamerschlag 2005). It is also crucial that introducing a new factor to the system of sustainability strengthens the stability of the whole system. Addressing such an extra factor could improve the image of the products, which might enhance its competitiveness at a certain niche of the market.

One of the key challenges within the EU’s SDS (EC 10917/06) is to achieve that “by 2020 chemicals, including pesticides, are produced, handled and used in ways that do not pose significant threats to human health and the environment”. Programs improving workers’ health and safety should definitely address this challenge. It is found that worker health and safety issues combined with fair treatment and good working conditions for workers do need improvement, unfortunately even at those farms that claim to be sustainable or organic (Schwind 2007; Inouye and Warner 2001). All environmental management systems must have

relevant sections focusing on occupational health and safety and on emergency situations (see ISO 14000 standards). These common basic requirements are there to reduce or prevent the risk of accidents at the workplace, which could have severe consequences on the workers and the environment, thus reducing the potential impact of the production on the environment.

Training and awareness-raising could be a direct or indirect link to be addressed. The importance of awareness-raising and information is highly acknowledged in each quality certification programs (see all ISO series). The reception of information and the motivation level for cooperation raises the issue of commitment and fair treatment – sustainability is supposed to be a notion where all actors work together to achieve it, which is impossible without motivation and respect. Without doubt, both the farm owners and the workers need some sort of motivation which might come from different sources, but these sources are definitely interconnected.

Economic pillar – Social justice improving “corporate” image and market differentiation

The integration of social justice requirements into production could improve the image and reputation of a corporation, while improvements achieved could be bases for market differentiation to improve sales. On the other hand, respect can build commitment, which improves work quality (Strocholis and Hamerschlag 2005). Ethical consumerism definitely foredooms products deriving from exploitative production. Therefore, as a long term business strategy it seems more logical to avoid the potential condemnation by the future global consumer society, which might risk stability. Burmeister (2008) found that “ethical consumerism is the new moral benchmark, reflecting not only one's social status, but also one's norms and values”. Some selected programs based on these familiar hypotheses will be introduced and analyzed below, in order to show how social justice requirements could improve the economic

stability of production. The main principles of some actual guidelines are listed in order to see how such improvements could be implemented.

Requiring compliance with law is a progress?

National legislation has a decisive role in labour management issues within circular migration programs. An adequate social policy could be achieved simply by complying with legislation, if that is progressive enough on the recognition of migrant workers rights.

Retailer requirements can truly make a difference. The case of the Cascadian Farms shows how this American food processor company incorporated labour standards among the basic contract requirements with their supplier farmers. They accept products only from farms that comply with Cascadian Farm's labor standards, such as:

- “conditions of employment and treatment of farm workers must be fair and reasonable”
- “the termination of employment of a farm worker must be for just cause”
- “farm workers shall be allowed to take reasonable breaks during the workday to obtain drinking water and to use toilet facilities”
- “farm workers who make valid complaints about working conditions or the condition of worker housing shall not be retaliated against by termination of employment or eviction from worker housing”
- “farm workers shall be allowed freedom of association when they are off the job”
- “farm workers who live in grower-supplied housing shall be afforded the same rights as tenants in accordance with State landlord/tenant laws”

Nevertheless, Inouye and Warner (2001) argued in a sarcastic way about this case, as the requirements do not go beyond a general compliance with the law, being “defined as progress”. The value of compliance with national legislation as a minimum effort depends on the stringency

of the given legal system. In the case of the agriculture of the United States and Canada, such requirements would mean little in comparison to other states, where the legal acknowledgement of the right of migrant workers could be more advanced than in North America.

IFOAM and ILO guidelines

Where to look for advanced standards and requirements going beyond compliance? The IFOAM (2005) set up its Basic Standards, which includes a chapter about social justice, with recommendations mainly referring to International Labour Organizations (ILO) conventions (see Annex I). IFOAM also set up a project on Social Accountability in Sustainable Agriculture (SASA) to develop “inspectable” standards to enable certification and inspection. IFOAM states that “social justice and social rights are an integral part of the organic agriculture and processing” (2008). The recommendations articulated by IFOAM emphasize the importance of compliance with the ILO conventions on labour welfare. As the work of IFOAM is regarded to be a basis for many other certification programs, its recommendation framework is listed in Annex II. Within the ISEAL Alliance, they are working on “creating a world where environmental sustainability and social justice are the normal conditions of business”, by setting up consistent performance standards. Their goal is to create tools to improve the growing number of voluntary standards, and evaluate their credibility.

Most circular migration programs do not address such standards, as several studies on migrant workers situation show (Preibisch 2003). It is crucial to have such a list in mind to see how social justice issues should be addressed in a broader sense as an organic part of these programs. The complexity and the broader potential of the guidelines should be acknowledged.

Corporate Social Responsibility

Socially responsible farms could build their image around their respect of the environment and the society by constructing, implementing and also communicating their CSR protocol (corporate social responsibility). This could also improve their sales to conscious retailers with responsible supply chain management principles, targeting committed consumers. Maignan *et al.* (2002) found that “CSR motivations may also include marketing, publicity, and innovation”.

The new trend among environmental certification agencies and within CSR practices is to shift from environmental concerns to social issues (Rainforest Alliance 2005). Maloni and Brown (2006) grouped the different aspects of responsible supply chain management in different dimensions (see Figure 1. below).

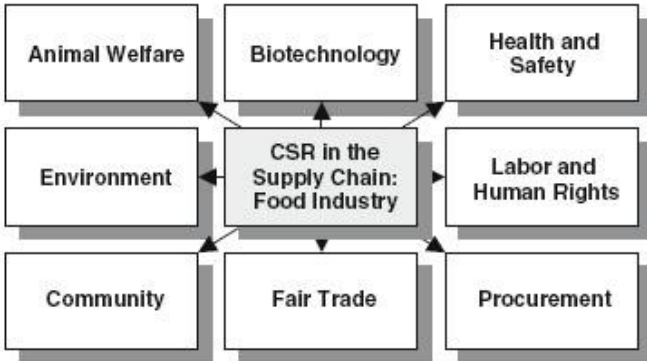


Fig.1. Dimensions of CSR in the food supply chain. (Source: Maloni and Brown 2006)

The aspects that directly involve and affect migrant workers are “community”, “health and safety” and “labour and human rights”. These are further articulated below in order to give a broader understanding on how addressing these social issues could result in a better image. Maloni and Brown (2006) found that “beyond ethical considerations, consumer criticism of perceived CSR deficiencies can be extremely detrimental to corporate profitability and market share”.

The community aspect includes those activities of the company that “provide support to the local community” through philanthropic actions. Actions to improve the situation of migrant workers participating in circular migration programs should also be considered here. Porter and Kramer (2002) argue that this could improve both employee loyalty and competitive advantage on the market. Maloni and Brown (2006) found that despite its minor role in influencing the supply chain it has its potentials. Improving the situation of migrant workers, who otherwise might be in an alienated, segregated situation, could improve the local acceptance of the firm by easing tension in the local communities. To find where responsibility lies and funds are present to implement actions within local communities is difficult, as the agricultural production sector already suffers from operating under low profit margins. The role of retailers and higher level actors within the supply chain should be considered to be crucial in employing such philanthropic actions.

On the other hand, there is no question about where the responsibility lies regarding the “labour and human rights” and the “health and safety” aspects within production. These aspects of CSR programs should be directly controlled by producers. Improved practices, at least fulfilling legal requirements should be prerequisites from retailers for contraction or a source of preference appreciating voluntary improvements. The issues to be addressed by CSR regarding the “labour and human right” dimension are in Table 3. below.

Table 3. Considerable actions within the human rights aspect of a CSR framework.

Points to improve	Means of improvement
Compensation	Fair compensation
Avoid illegal labor	Captive/forced/bonded labor, child labor, status verification
Opportunities	Training, education, advancement, regular employment, Accommodations for disabled, discipline/ abuse, discrimination, respect
Worker rights	Legal rights, civil rights, diversity, privacy, collective bargaining, grievances, rights disclosure
Working conditions	Hygiene, sanitation, healthy, quality, safety, transportation safety, housing safety, training/disclosure, hours”.

(Source: Maloni and Brown 2006)

Addressing CSR issues might seem to be only an additional cost, disabling the economic sustainability of the system. But Maloni and Brown (2006) argue that “ignoring supply chain CSR issues may present a greater risk. It is therefore not only in the food industry’s ethical responsibility but also in their financial best interest to proactively prepare a comprehensive strategy for supply chain CSR”.

Union labour combined with organic production

There are several worker unions and migrant worker protection organizations throughout the North American continent safeguarding the living and working conditions of migrant workers. Depending on national legislation, the right of joining a labour union is not always granted for immigrant workers (which is the unfortunate case both in the USA and Canada). Therefore, unions and other non-governmental organizations should stand up to fight to grant these rights to the workers. While in more liberal countries (like our case country Spain), union representation of workers is granted even for irregular workers. This is due to the recognition that irregular workers require increased protection of unions due to their vulnerable situation. Unfortunately even where the legal background is given, a general awareness-raising is required among the immigrants and farmers to avoid ignorant and abusive practices.

PCUN (Northwest Treeplanters and Farmworkers United), a USA based labour union, promotes that “collective bargaining ... is the most effective and lasting way to improve farmworkers' conditions because it redresses the power imbalance between growers and workers, and establishes respect, fairness and dignity as the bases for the employment relationship”. The following list, constructed and uploaded on PCUN’s website (2008), contains some key requirements, while it is crucial to note that in the USA none of these protections and practices are presently legally provided or acknowledged:

- “simple and expeditious procedure to submit and resolve grievances”
- “seniority rights in lay-off, recall and promotion”

- “prohibition against retaliation and discipline or discharge without just cause”
- “guaranteed paid breaks and overtime pay”
- “workers’ right to refuse to work in conditions they regard as unsafe or hazardous”
- “paid and unpaid holidays and leaves of absence, including bereavement”
- “workers’ right to information about chemicals used in the workplace”
- “union recognition”

Another union, United Farm workers (UFW) also aims to achieve the right for migrant workers to get collective bargaining agreements. Union certification is perceived to be hard to achieve for small and medium-sized farms. Therefore, “a range of organizations is working on proposals to create some kind of "fair made" label to encourage farmers to adopt better labor policies” (Mark 2006). Swanton Berry Farm is a best practice case where organic production, certified by California Certified Organic Farmers (CCOF) is combined with use of “union labour”. In this case the union certification followed the organic certification in order to broaden the range of compliance with sustainability guidelines. As a further motivating factor farmworkers could even get partial business ownership, sharing profit and risks with the farm owner.¹ CCOF later created an additional label, where social concerns are incorporated (Inouye 2001).

Achieving union representation is just one step in safeguarding and representing workers’ rights. Those rights have to be granted (still a challenge in the USA and Canada) and the actions of the labour unions should be coordinated, and implemented (present challenge in Spain). Circular migration programs in more advanced regions, where union representation and more than basic rights are granted to migrant workers, should be coordinated with and revised by the local labour unions.

¹ <http://www.swantonberryfarm.com/>

Some best labour management practices

The California Institute for Rural Studies published a report (Strocholis and Hamerschlag 2005) on best labour management practices to show how social justice issues should be addressed *in situ* on the farms. They made a linkage between good labour conditions and better productivity. They found that knowledgeable and more committed workforce could deliver better product quality with price premiums. This is particularly important in the case of such niche markets as organic products, where higher prices are elevating customer expectations. Another important issue raised was the benefits from increased retention of workers resulting in further stability. Better conditions could lead to employee retention, raising efficiency and savings in training costs. These conditions could improve the success of circular migration programs as well. The following actions of best labour management practices were ranked by migrant workers on Californian fields in the study of Strocholis and Hamerschlag (2005), with the low cost practices underlined:

- Respectful treatment
- Slower pace of work
- Fair compensation (through wages and other forms of supplementing incomes)
- Year-round employment
- Health insurance
- Personal Loans
- Food from the farm
- Healthy and safe work environment
- Paid time off
- Flexible work schedule
- Housing
- Opportunities for advancement and professional advancement
- Diversity of tasks
- Involvement in decision-making processes
- Clear and effective grievance procedures
- Retirement plans

They found that the farmers implementing some of these practices believe that advanced labour management could result in respectful and therefore committed workforce. The study

showed that such workers positively influence both the economic and the environmental sustainability of these revolutionary farms.

Presently there are many certification programs under construction integrating social sustainability issues as well. They focus on the improvement of the living and working conditions of workers. Schwind (2007) believes that the success of these models depends on how the customers perceive and support their product on the market. The farmers' motivation could be the presence of demand on the market or a framework securing and coordinating their investments. Participation in circular migration programs by accepting the improved labour management standards prescribed by these programs could serve as such a guiding structure.

Guidelines that lead to cooperation between farmers and farmworkers

Inouye (2001) described the Food Alliance's vision of a "fair and safe farm" where farmers and workers:

- "Collaborate on farm management"
- "Solve problems in an atmosphere of mutual respect and accountability"
- "Build long-term relationships between employers, employees and the community"
- "Grow and sell crops profitably and share risks and rewards"

Inouye (2001) studied how these standards were actually formulated. He intended to understand the interests, and perceived market forces behind the drafting of such guidelines, in order to understand the level of commitment to the standards for future implementation. Therefore he published a broader list of ideas that some drafting members found important to include among the standards. But as these ideas would require a deeper level of commitment from the farmers, these revolutionary ideas were rejected. Certification agencies have to set standards that are acceptable by the mainstream. The main question is whether the level

commitment acceptable by those who are to certify is sufficient to achieve a real change or not. The following ideas turned out to require too much commitment and were left out of the final list:

- „A written commitment to collective bargaining without fear of retaliation”
- „Farm worker wages tied to employer's profits”
- „Site inspectors randomly interview workers to verify working conditions”
- „Given resources, economic, and geographic circumstances, farm has an effective plan to extend length of employment, retain employees year to year and engage employees in career development.”

Unfortunately finalizing such standards by leaving out certain issues show the rudimentary level of assuming social responsibility and the unwillingness for real commitment, which would imply real cooperation between farmers and workers. In the case of Spain (see sub-Chapter 4.3) the right to collective bargaining is present and results in a Collective Agreement, but several studies show lack of its respect and implementation (Martínez Veiga 2001a, 2001b). The enforcement of these standards is hard to control as the organization has no specific monitoring system. Neither has direct farm worker awareness raising programs or guidelines to assist the implementation. While coordinated circular migration programs assisting labour force demand should be responsible for the implementation of these actions, using their own monitoring systems.

Inspectable social standards for social accountability

While many agencies are considering the idea of including social standards into their certification requirements, most of them set aside the idea due to the lack of widely accepted standards and tools for their assessment. In 2002 the International Social and Environmental Accreditation and Labeling Alliance (ISEAL), started a project called Social Accountability in

Sustainable Agriculture (SASA). The alliance is a voluntary international standard-setting and conformity assessment organization with a focus on both social and environmental issues. The SASA project was set up to “develop guidelines and tools for social accountability, aiming to improve the social auditing processes in sustainable agriculture and increase cooperation between the various certification system initiatives” (Kupfer 2004). Many well known environmental verification organizations engaged in this project, such as The Fair Trade Labelling Organization International (FLO), the Social Accountability International (SAI), The Sustainable Agriculture Network (SAN) and The International Federation of Organic Agriculture Movements (IFOAM). Circular migration programs should also consider the integration of these assessment tools.

The potential role of improved circular migration programs coordinating migrant worker contraction could also implement the guidelines articulated in the forums listed above. This would make the system more inspectable therefore more viable on the market.

Concept of domestic fair trade labeling

As Henderson *et al.* (2003) found that there are “strong indicators of increasing public interest” on imported fair trade products, a new focus should be directed on domestically produced agricultural products, with the same concepts of social equity and just working conditions introduced.

There is a pilot case study run by the Agricultural Justice Project of the Farmworker Support Committee in the USA. The project introduced a so called “domestic fair trade labeling” as a tool to justify the incorporation of social justice into the organic production movement. The fairness verified by the label composed of guarantees of equal representation of farmworkers, fair wages and the guaranteed right to organize without fear of retaliation. The movement has a market-based approach, based on a higher profit margin derived from differentiating their products on the market, by advocating some sort of socially just labour

management. The creation of combinations like “local and fair” or “organic and fair” could be important contributions towards the extended implementation of the requirements given by the interconnected sustainability pillars. Improved circular migration programs could clearly contribute to the implementation of such labeling schemes by setting standards for social justice certification, which could be integrated into the present organic certification systems.

This chapter showed how socially just labour management could contribute to the success of sustainable agriculture, through introducing some certification guidelines and pilot projects implemented in North America. The motivation for engaging in these projects is found to be crucial. Generally motivation derives from the interconnectedness of the pillars of sustainability, creating an opportunity to extend the organic focus to social issues as well, and vice versa. It is assumed that the actual presence of improvement circular migration programs, incorporating certain social justice guidelines and requirements regarding labour management could serve as such a motivating factor. Improvements required by such a coordinated provider of workforce could put the producers on board. The transition into sustainable production could start at addressing social justice issues of the social pillar. Therefore, in the following chapter the general theory of circular migration programs is introduced and its potential contribution to the transition to sustainable agricultural production is assessed.

3.4 Circular migration programs and their potential role in sustainable agriculture

In this sub-chapter the theory and the structure of circular migration programs are introduced, along with some efforts that might contribute to the improvement of the living and working conditions of workers, through a formal set of rules and procedures.

According to Martin’s (2003) definition, the “foreign worker programs aim to add temporary workers to the labor force without adding permanent residents to the population ... [with the] rotation principle at the heart of such programs: migrants are expected to work one or

more years abroad and then return to their countries of origin.” He also found that these programs, besides satisfying labour demand, aim to “channel otherwise unauthorized foreigners into legal status.” This is crucial as vulnerable situation of migrant workers derives mainly from their irregular situation. Therefore, such a formal migration programs could alleviate the burden on these migrant groups, while securing the stability of production at the same time. According to Cachón (pers. comm.) the first challenge to be addressed about immigration is arranging the immigrants’ legal status. These circular migration programs aim to channel migration into legal flows, while it should be kept in mind that these programs rarely intend to improve the situation of those who are already within the host country in irregular circumstances.

As it was set in the scope and limitations section, this study does not seek to explore how remittances from these circular migration programs are influencing the countries of origin; but it should be kept in mind that these programs are promoted to enhance co-development. These circular migration programs, within the EU framework for sustainable development, stand partially for global solidarity, and straightening the cooperation with partners outside the EU (EC 10917/06). O’Neil (2003) argues that instead of the present immigration policies, new “immigrant policies” should be set up with a focus on the migrants themselves. The remittances are not the drivers of development but the migrants themselves being so-called “actors for development”. As a continuation of this theory the capacity building, informing and fair treatment of these migrant workers is a crucial part of the co-development, sustainable development strategies. This established the recognition of the importance of the actual migrant worker as the protagonist of these programs. Social justice requirements incorporated into the sustainable production framework could actually contribute to the goals of co-development as well.

Preibisch (2003) found that the real factors that restrict and limit workers’ rights could be the given structural features of a circular migration program. With this observation in mind a

concrete case will be later introduced in order to see how successful the program is, in addressing the crucial issues regarding the migrant workers' lives. Based on O'Neil (2003) study, the following characteristics have the potential to improve the international reputation of the given sustainable circular migration programs:

- “create committed bilateral partnerships between sending and receiving countries”
- “be market driven, flexible and self-adjusting”
- “consider both the costs and benefits to the receiving country's workers”
- “give migrants the same rights and obligations as native workers to every extent practical”
- “open a clear path to legal permanent residency for temporary workers who meet predetermined requirements”
- “not tie workers to a specific employer beyond an initial period”
- “have clear, independent dispute-resolving mechanisms”
- “minimize bureaucracy without surrendering the government's ability to audit and enforce compliance”

The importance of more stringent control over these formalized migration programs derive partly from the growing proportion of women among migrant workers (especially in the actual case of Huelva, Spain). O'Neil (2003) found that restricting their migration only leads to channeling them into underground and more dangerous routes and flows, where “more potential for abuse exist”. He argues that “innovative programs can prevent isolation and abuse in the destination country”.

Martin and Taylor (1998) found that agricultural guest worker initiatives and fighting illegal immigration flows are among those policy changes that are „likely to limit immigrant-integration prospects”. These programs aim to manage migrant workers temporary residence in the host country, while failing to address long-term integration strategies. Out of the three

categories of migration strategies that Jabardo Velasco (1993) found, this program addresses only the control of the “seasonal migration”, while there is a clear need for addressing the “traveling migration”. It refers to a phenomenon where the migrants leave their homes but fail to establish a new one in Spain, as they follow migration circles in the region based on the very circle of harvests. The traveling migration strategy would require even more attention as the pilot project evolves.

O’Neil (2003) found that despite the general perception on migrants moving, settling and integrating into the host community, the new trends show that “a growing proportion of migration is circular (migrants return to their sending country, once or many times over a period of time) and "transnational" (migrants move to migrant communities in one or more receiving countries while maintaining strong social, business, and political ties to the sending country)”. He also found that “policies intended to stop undocumented immigration inflows may cause undocumented migrants to spend longer amounts of time in the host country and encourage them to bring their families ... and ... receiving countries increasingly prefer temporary migration programs to permanent ones, although they are rightly concerned about how "temporary" they are.” These findings bring up the question, how seriously the integration initiatives of these programs are taken. Getting back to the main challenges Cachón (pers. comm.) mentioned about immigration, after settling their legal situation, integration is the second most important challenge. Therefore circular migration programs should address this issue more seriously than they presently do in many regions.

Angenendt (2007) studied the EU level discussions on temporary labour migration initiatives. He finds that the program is aimed to “combat illegal migration and to control legal migration”. He found that the reappearance of the idea of circular migration “has injected new momentum into the halting development of a European migration policy”. The trigger for such discussion was the “German-French Initiative for a New European Migration Policy”, suggesting “fundamental rethinking and tighter coordination of European migration policy ... [resulting in]

a “Pact for Immigration Control” containing basic principles, priorities, and goals of a common migration policy ... [with] four main areas where closer cooperation is needed: in the fight against illegal migration, on development policy, in asylum policy, and in managing legal migration ... In the latter area ... circular migration could make a contribution” (Angenendt 2007). But no improved integration policies are mentioned within these plans!

The question is on which element the real emphasis of the EU lies: on promoting international mobility for encouraging development, or on controlling and limiting migration with national quota allowances to satisfy specific sectorial workforce demand? Many critics fear, according to Angenendt (2007) that this would be just the “warmed-over version of the old guest worker policy ... of the mid-1950’s ... to provide short-term solutions to labour market shortages.” Many critics find it “illusory” that the contracted migrants would really return to home after their contracts expired. Whether such a migrant program could combat illegal immigration and ensure the migrants return to their home countries, remains unanswered as the present programs are pilot experiments based on certain hypotheses.

Angenendt (2007) found that at the assessment of circular migration programs it should “be taken into account that [these] programs can only achieve sustainable outcomes when they are incorporated into comprehensive migration concepts”. Such incomprehensive perception is already present in the EU. A World Bank economist, Bryce Quillin found that “circular migration can be at the same time a solution for the paradox that migrant receiving countries need labour forces but do not want to take care of them...”(IPS 2008).

Vertovec (2007) grouped the potential benefits of circular migration programs for all of its participants. He found that sending states benefit from an increased human capital mobility and the remittances enable development; receiving states can satisfy their labour shortages, without further long-term responsibilities on migrants integration, and combat illegal migration; employers can recruit easier, retain experienced workforce, and keep wages low; migrants get into a regulated system, those who has no experience based “migration-specific capital” could

still migrate with less risks. Those migrants, who move within their established migration patterns based on social networks and “migration-specific capital”, could lose their socio-economic mobility within an organized system. Vertovec (2007) found that migrants can be “stuck in low levels of employment” as they return each year to work within the very same conditions for the very same wages, instead of “negotiating their way into better jobs and localities like unregulated circular migrants might do”. This argument heavily critiques the program and finds that one of the main sources of vulnerability of the migrant workers found is their hampered socio-economic mobility!

The SAWP case of Canada, was found controversial by Basok (2003) as it has a positive effect on development both of the sending and receiving countries, but the dependency of migrant workers forces them to accept “various forms of abuse” at the Canadian host farms. Vertovec (2007) is worried whether migrants could easily get “locked-in” this dependency situation, which leads to exploitation; whether work permits would be portable or fixed to a given farm or region, restricting their socio-laboural mobility; whether the law enforcement on return to home countries would be too strong; whether the integration issues would be addressed in the long-run or not? Castles (2006) argues that the circular migration programs’ recent popularity is partly based on the recognition of the importance and development potential based on remittances, while the public acceptance of temporary migration programs seems to be „more amenable”.

Preibisch (2003) found that the wellbeing of the workers is “largely dependent on the subjective goodwill of the employer”; where no legal protection is given, or not acknowledged. The most crucial manifestation of this sort of dependence in the Canadian system is the power of employers to repatriate and name workers, with a lack of fair grievance procedure with uncompromised representation of the workers. The “naming policy” within the recruitment procedure ensures that the farmers get next year only those workers they liked during their previous season, while on the other hand it pushes workers into compliance with and acceptance

of low wages and degrading working and living conditions. This goodwill system should be controlled by a monitoring system with inspection. The interest of farmers in participating within best practice labour management should be raised. Introducing social components into the organic certification requirements might serve as one kind of a tool. The European Commission's "Policy Plan on Legal Migration – COM (2005) 669" also found this to be one of the key challenges to be addressed while constructing circular migration programs. They found that the "understanding that former migrants [should] be given priority for obtaining new residence permits for further temporary employment under a simplified procedure" is crucial.

As a conclusion it is assumed that circular migration programs should be implemented in a controlled form, in order to be successful in protecting its participants, the migrant workers. Integration should be addressed as a crucial issue at each circular migration program, as the workers influence the local population by being part of it, even if they are severely segregated.

4. Case study: migrant workers in the Southern Spanish agricultural sector

In this chapter the context of the case study will be introduced. Southern Spain has a promising background, as its agriculture simultaneously experiences great expansion and two kinds of transitions. These are transitions from small family farms into intensive cultivation, and into organic production (Junta de Andalucía 2007). The two selected regions of Andalucía, Almería and Huelva are located within the same region but seem to have different responses to the challenge of mass labour demand required to serve such expansion. Labour management got out of control in Almería during its evolution into intensive agricultural production. Its lesson has converted into the “ghost of Almería” eagerly avoided by each region that faces intensification. Huelva is no exception. This region is presently under intensification and more than dedicated to create an organized structure for satisfying its labour demand.

4.1 Definition of migrant workers

This section is meant to give a brief description of some terms used in the report and some background information about the history of the Spanish agrarian migration. It introduces the relevant socio-political issues that were identified to be highly influential in articulating the present situation of the migrant workforce.

The Spanish expression *jornalero* stands for a casual farmworker, usually seasonally employed. The expression derives from the daily nature of payment they used to get. In this paper the expression “migrant worker” will be used whenever such form of employment is to be addressed. Regarding their nationalities, these workers could be either Spanish nationals or of foreign origin. It is interesting to note that during this research most of the hits of a Google search refer to *jornaleros* of foreign origin. This might indicate a clear trend of dominant presence of foreign workforce in the agricultural sector. The United Nation Convention on the

Protection of the Rights of All Migrant Workers and Members of Their Families (UN 1990) uses the following definition:

“The term “migrant worker” refers to a person who is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”

The definition of *migrant worker* is used in this paper; more specifically the term “*migrant agricultural worker*” to specify the sector of employment. However, when referring to Spanish nationals with the same position, the expression “*national migrant worker*” is going to be used in order to avoid confusion.

4.2 Historical characteristics of the Spanish agricultural labour market

In order to understand the dynamics of employing migrant workers in the Spanish agricultural sector, a brief historical introduction is required for the better understanding of the present situation.

Under the last century Spain gradually became a country of immigration (Argela 2002) rather than a country of emigration. Immigrant labour became crucial especially in the agricultural sector in Southern Europe, with many workers becoming permanent residents of these countries. The Northern and Southern European migration experiences are different. This is due to their different state of economies and different rates of unemployment at the time the first waves of immigrants arrived (Hoggart and Mendoza 1999). Immigration to Southern Europe started in an era of weak economies and high unemployment. Kindleberger (1967) indicates that in Northern Europe the migrant workers helped the economic growth by expanding the non-farm workforce. These circumstances, that helped to limit wage inflation in the North, were not present in the South. The Spanish situation was idiosyncratic, as high unemployment was paired with many rejected positions. The reasons for such rejection were studied by many sociologists. One of these motives identified was the reputation of “undesirable working environment”, due to the emergence of flourishing informal economic activities

(Martínez Vega 1989), later the “importance of small-scale enterprises” (Vázquez-Barquero 1992) and the higher educational enrollment rates of the new generations (Hoggart and Mendoza 1999). The lack of opportunities was attached to this rejected social status. The present rejection of the groups filling in these labour gaps derives from these original discommodities.

The agricultural sector could offer only such undesirable positions to the national and foreign migrant workers. These characteristics and the seasonal nature of harvest-type agricultural jobs, with a sharp fluctuation of the demand for agricultural workforce were the main factors that led to a general rejection of such work first by national, later the gypsy and the Portuguese migrant workers. When an unemployment benefit system advocated by the local trade unions was set up to benefit national migrant workers, the farmers needed to look for another source of mass work force. At this system the national migrant workers get a pension-like governmental aid, given if they work a certain number of days annually, which is clearly less than required to serve the intensified production in the region. This system created a culture of dependency, showing no way out of rural poverty for national migrant workers (Izcara Palacios and Andrade Rubio 2004). Ribas Mateos (2000) argues that the trend described above “is clearly reflected in the occupational structure of the foreign labour force”. Hoggart and Mendoza (1999) found that a combination of two factors led to the high presence of immigrant labour. These factors are the increase in labour-intensive production and the growing reluctance to accept farm work by the local population. Therefore, a new abundant source of migrant workers is needed, ready to accept hard work conditions with low wages. Filling in the gaps created by rejection and accepting a refused social status automatically led to social exclusion of the newly arrived groups.

“The immigrant work opportunities are likely to be segmented from those of the mainstream population” stated Hoggart and Mendoza (1999) The segmentation theory they applied to the immigrants’ situation is contrasting the neoclassical economic assumptions, the

human capital theory. This theory would imply that labour markets should work as commodity markets (with supply and demand). At such a market those with more human capital have more chance to increase their occupational mobility, to get better jobs. The basic problem, migrant workforce faces, derives from the segmentation of the labour market. Segmentation acts as a barrier for mobility. It restricts their opportunities and in many cases keeps workers in a dependent situation, creating frustration. Improving social sustainability of such systems would break the chains of segmentation and might lead to create real migration careers.

The migrant workers leave their home countries to provide better living for their families left home, through remittances. This explains why precarious labour conditions and low wages are accepted at these pre-segmented labour markets. The remittances sent home are improving the living standards of their families in their home countries, creating the potential for small scale investments and enterprise. Such low wages compared to what they could earn at home are considered high in their home countries. There is a tendency of creating remittance dependent economies.

Labour market segmentation is fueled by discrimination as well. Chattou (2000) found that it manifests in labour division, where the first, better paying harvests are given to the actual preferred groups (depending on their country of origin) or nationals, while the remaining harvests periods with less income are rejected by nationals. O'Neil (2003) found that labour segmentation has a crucial role in driving circular migration, as in many developed countries certain positions are becoming unacceptable by national workers and as most of these jobs cannot be outsourced due to their nature; these had to be filled by foreign migrant workers at the developed host countries. He argued that while being aware of this dependence, the "migration programs in the developed countries, particularly temporary ones, generally aim to attract high-skill labor and, aside from the agriculture sector, exclude low-skill labor".

4.3 Legal situation, contraction issues

“The emigration is a right that turned into a duty for millions of people” COAG

This sub-chapter aims to introduce the legal situation of migrant workers. Besides the general national legislation on immigrants, international conventions, non-binding frameworks, and private standards will be introduced with a focus on farm workers’ rights and their general situation in Spain.

The Law of Foreign Persons 2000

The “Law on the Rights and Freedoms of Foreigners in Spain and their Social Integration” (the “Law of Foreign Persons – Ley de Extranjería”) came into force in 2000. It is considered a milestone in leaving the conventional restrictive migration policies and shifted the focus to the challenge of integration and providing more rights to the immigrants (EIROnline 2000). The new “integrative” style policies were supported by the employers as well. They need conflict-free, stable workforce to secure their production. The law’s compatibility with the EU immigration policy was and still is in controversial. The recognition of the permanent nature of immigration strategies called for establishing the rights and freedoms of foreigners residing in the country. The only right which is not granted to the immigrants is the right to vote, “which they can only do in municipal elections”. The law also established a right to unite families under certain regulation. The new legislation also aimed to regulate the situation of thousands of undocumented immigrants. The previous law of 1985 (EIROnline 2000) offered two options for irregular migrants, be either repatriated or ignored. These workers’ vulnerability deriving from their irregularity allows underground employment characterized with all sorts of abuses. After 2000 a restrictive quota system remained to regulate the maximum number of work permits given to non-EU migrants within a given territory, sector, and activity. But irregular migrants can no longer be repatriated if they entered the country by legal means. They can legalize their

situation “if they can prove that they have resided in Spain for two years and have a means of subsistence”. Even the irregular immigrants are given political and social rights: “the right to assemble, to demonstrate, to associate, to join trade unions and to strike, and the right to education, healthcare, services and basic social benefits”. Some entitlements are linked to registration. Non-registered migrants are entitled only to emergency healthcare, while registered residents (even if they are in an irregular situation) are “entitled to healthcare under the same conditions as Spanish citizens”. Additionally “children and pregnant women have full rights to healthcare whatever their situation” (EIROOnline 2000).

There is a special regime for the temporary workers within this legislation, which requires the public administration bodies to promote assistance and social services to temporary migrants, while ensuring their decent accommodation. The circular migration programs should fit into this legislative framework given.

Unionization and Collective Agreements

The representative unions of the workers (both nationals and immigrants) could take part in a bargaining process to formulate generally applicable collective agreements; this right is granted by the Worker’s Statute, which is the principal basis for all employment relationships in Spain. These agreements settle the general terms and conditions of employment such as „pay, working hours, working time, health and safety, occupational groups and categories, promotion, vocational training, selection tests, geographical and functional mobility, disciplinary procedures ... [and the] collective aspects of labour relations (trade union rights, the rights of workforce representatives, bargaining levels, the joint collective agreement committee, settlement of disputes concerning the interpretation and application of the agreement, no-strike clauses, etc.” (Eurofound 2003). The general problem with these collective agreements could be the lack of awareness of their existence among immigrant workers, or misunderstandings around its

applicability. Therefore, circular migration programs should be responsible for awareness raising and monitoring.

The question whether irregular migrant workers could have the right for unionization and strike action remained controversial since the reform of the Law on Foreign Persons (2000), which deprived illegal migrant workers of these rights. This reform was ruled unconstitutional only later, in December 2007 by the Spanish Constitutional Court. As it was found that it “involved clear restrictions of many of the universal right recognized in Spain’s Constitution and international treaties”. Previously, in November 2007, the Court awarded collective labor rights, such as the right to associate and strike to immigrant workers in irregular situation (foreigners with no work or residence permit). “Nevertheless, it should be noted that in Spanish legislation, a sentence establishing the unconstitutionality of a law does not necessarily mean its annulment or extinction. Instead, the Constitutional Court requested the parliament to draw up new provisions which guarantee the right of illegal migrant workers to unionize.” The importance of unionization of irregular immigrant workers lies first of all in their mass presence at the labour market. According to the Trade Union Confederation of Workers’ Commissions (CC.OO) about 1.105.000 illegal immigrants were working in Spain during the first half of 2007 (EIROnline 2008). Their vulnerability is partly caused by the lack of representation, and the lack of recognition of their equal rights as workers.

The presence of irregular immigrants and the liberal and strategic way presently the Spanish government is treating them is crucial (see regularization campaigns and unionizing irregular workers). While there is a crusade articulating in Europe led by Italy and France, illegalizing irregularity. The Spanish government argues that such individual actions strengthening the policies on irregular immigration by illegalizing that could seriously affect other countries in the region by simply diverting the flows of migration (El País 2008).

Spain within the ILO framework

As the previous section showed, Spain's immigration policies are quite advanced and liberal. In order to see how these contribute to the easier compliance with the social requirements of sustainable agriculture, their conformity with ILO requisites is assessed below. ILO requirements are selected for this assessment, as these are widely believed to be the basics for drafting most of the socially just labour management practices.

International Labour Organization (ILO) is a United Nations agency with a constitutional mandate to protect migrant workers within its International Migrant Program (MIGRANT). "ILO adopts a rights-based approach to labour migration and promotes tripartite participation (governments, employers and workers) in migration policy" (ILO 2008). In 2004 the organization constructed an action plan to assist countries in improving their migration policies and practices. ILO developed a non-binding multilateral framework for a right-based approach to labour migration. The underlying principles are mainly based on the following UN convention: the Migration for Employment Convention (1949) and the Migrant Workers Convention (1975). These conventions are legally binding for those who ratified them, while as it has been discussed most developed countries, being main destination countries, refused to do so. Therefore, the importance of this non-binding multilateral framework is crucial for future potential involvement of these non-ratifying countries, given as guidelines for governments, employers' and workers' organizations for future improvement. For further details on agreements and conventions addressing migrant workers see Annex I., while in Annex II. the main guidelines of this framework are listed.

The ILO Multilateral Framework on Labour Migration (ILO 2006) has a section with best practices where Spain is among the pioneer countries. In the following paragraphs some of these improvements are introduced.

Regarding the area of decent work, co-development approach is taken as a crucial input for improvement. Such co-development approach is facilitated through circular migration programs, targeting development in Southern countries, while “reducing emigration pressures”. The program is often depicted as a win-win-win situation, benefiting sending (visas, remittances, return and circulation of workers) and receiving countries (satisfy labour needs, control irregular migration, reduce demographic stress) and also the migrant workers (capacity building, investment opportunities). The AENEAS Cartaya EU financed project is a pilot project for this sort of cooperation. Another regional circular migration project mentioned among the best practices is run in Catalonia, Spain – the so called *Unió de Pagesos*. This project coordinates contraction in country of origin programs, which includes an accommodation plan with courses and activities of social integration as well.

On a national level Spain also made outstanding achievements in constructing “formal structures for participation of the social partners in legislation and policy on labour migration”. These forums are the Forum for the Social Integration of Immigrants, the Inter-Ministerial Commission on Immigration Affairs and other provincial executive commissions. In 2000 the so called Plan Greco was created as a Global Programme to Regulate and Coordinate Foreign Residents’ Affairs and Immigration.

In 2005, a new regularization program was implemented, based on “extensive consultation with workers’ and employers’ organizations ... it permits migrant workers who have registered with local governments for at least six months, do not have criminal records and have the skills necessary for their jobs to regularize their status. Domestic workers are eligible to apply. Those regularized are given work and residency permits for one year. Employers who intend to employ migrant workers for certain minimum time periods, depending on the sector, and who did not themselves owe taxes, may request regularization of their workers. A large

majority of the applications for regularization have been accepted, with the highest percentages in domestic work, construction, agriculture and hotels, respectively” (ILO 2006).

It is interesting to note that none of the countries of the European Union signed or ratified the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990). Although there is a European Platform for Migrant Worker’s Rights, that works of information sharing and on a future EU level ratification; where Spain is a member. The Forum for the Social Integration of Immigrants (Cachón, head of the Forum, pers. comm.) constructed a report in which they ask the government to ratify the convention and adopt a series of norms, but as none of the EU countries ratified yet, the government has not accepted it. On the other hand the convenience to ratify the convention and other norms seems evident, as it is a very important political issue and Spain has already achieved a lot within its national legislation. It seems that the EU is not against its ratification; it just seems that the topic never appeared on a common level. Since in the EU social norms are quite advanced there should not appear to be any legal problems at implementing such a convention, but it is still not done.

Regarding the Spanish case, the workers’ rights are well established, articulated and acknowledged on legal bases, while serious issues still arise when it comes to actual mainstream practices. After the theoretical introduction of the immigrant workforce’s legal situation, the practical problems deriving from their exclusion will be explained in the next chapter.

4.4 Contractual abuse, a barrier to migration careers

This subchapter is going to introduce the main problem the migrant workers face in the agricultural sector, to support the hypothesis introduced above. Ratification of the U.N. Migrant Workers Convention is crucial. However, as we look at the present EU and Spanish legislation we find that actually almost all major issues are addressed; the problem is with their

implementation, enforcement and monitoring. As it was noted by Cachón (pers. comm.), Spain's reputation regarding its migration and integration policies are fair, the problematic area are those of the actual practices.

Agriculture is the major employer of African migrant workers. This sector is characterized by labour shortages, lack of competition for jobs, low wages and employment insecurity (Hoggart and Mendoza 1999). Employing illegal immigrants with no legal contracts was common (Pedreño Canovas 1999) and preferable practice before the Law of Foreign Persons 2000. The new regulation made farmers more discreet about such mode of employment (Corkill 2001) but it is still prevailing in the sector (Izcarra Palacios and Andrade Rubio 2004). Inexperienced and/or illegal immigrants are easier to handle as they know less about their rights. Some immigrants revealed that it is a kind of competitive advantage having no official contract, as those are believed to restrict the power of employers and loosen the dependency of workers. Izcarra Palacios and Andrade Rubio (2004) found that employers could more easily make workers with no contracts do extra work with no compensation. They are often forced to change jobs or accept successive contracting (breaking continuity of contracts) resulting in unemployment, illegality, and less chance to get a permanent contract (Hoggart and Mendoza 1999).

The seasonality of harvesting leads to the lack of financial stability (Izcarra Palacios and Andrade Rubio 2004). The agricultural immigrants are considered to be at the lowest steps of the immigration ladder. It is a good place to start a "migration career" (Jabardo Velasco 1993) because it is the easiest sector to find a job without any previous work experience as the competition is quite low. Regions where the agriculture is diversified are more popular among immigrant because they have more chance for mobility (Hoggart and Mendoza 1999). They found that the African workers are not only employed in seasonal jobs, as it is officially stated, but most of them do have a "permanent" employment. Farmers contract them for successive tasks for shorter contract periods with short time gaps to elude the law. This law requires them

to give permanent contracts for those who worked for the same employer for three years. Such abuse of immigrant workforce is common at intensive agricultural plantations. These plantations are dependent on cheap, not unified, or protected labour (Izcarra Palacios and Andrade Rubio 2004 and Izcarra Palacios 2005). The Almerian case shows that the agricultural labour market has some specific characteristics, such as the seasonality based on the production cycles with peak intensity periods, and inconstancy (Ruiz Sánchez 1998). The migrant workers have to be flexible to follow the production strategies of their employers. Therefore, the labour market becomes extremely fluid with much turnover and lack of stability.

The issue of social invisibility of the migrant workers discussed by Ruiz Sánchez (1998) was due to lack of integration efforts. Historically their invisibility was partly due to their physical segregation (housing on farms and lack of means of mobility to reach host communities), and partly due to the fear of the consequences of lack of legal documentation. He argues that the more organized their situation is, the migrants will be more and more visible. While he found that such invisibility with no integration programs to address it could lead to segregation, condemnation, and racism.

Those immigrants who receive further qualifications tend to leave the agricultural sector and the rural areas. The results of their survey showed that most African immigrants started their migrant career in the agricultural sector and two-thirds of them worked in the agriculture for some time. COAG found (2008) that the agricultural sector is perceived as a first step in the immigration routes of most immigrants, as after arranging their legal situation and applying for the second round of work permits only 30% remain in the sector. The acquired skills only enable them to build a migrant career within the sector, while it is reserved only for those who are employed all year-round, as skilled tasks are reserved for them. Leaving the sector for another is difficult due to the Spanish quota system for immigrant employment, with an “annual allocation of work permits by economic sector and by province” (Hoggart and Mendoza 1999). To receive

a successive work permit for the next five years the immigrant has to be continuously legally employed during the first five years. It is unfortunate that “slipping to illegality” is easy and most of the time is caused by contractual mistreat by employers and the seasonal nature of agricultural tasks. However, Cachón (*pers. comm.*) found that this phenomenon is not so common. He also noted that the agricultural and the domestic service sectors are the most common entry gates within Spain, transit sectors (Ruiz Sánchez 1998) where most people get their first permits. It is found (Checa 1995) that African casual workers commonly work without contracts. This lack of enforcement of the law is partly due to the difficulty to control such a sector where workers are moving around (Izcara Palacios and Andrade Rubio 2004) and stay for short periods at a given farm. This causes impersonal working relations and breaks potential personal contacts between the employer and the employee (Checa 1995).

Farmers face strict legal sentences, in form of fines and prison penalty for infringements of legal provisions, if those are detected. Such penalties could be triggered if the employer (information uploaded on COAG homepage on labour relation and migration, 2008):

- uses unauthorized workers;
- restricts or suppresses its workers’ rights (acknowledged by judicial resolution, collective agreement or individual contracts);
- takes part in promoting underground migration;
- uses discriminative practices;
- breaks the risk prevention law (31/95 Ley de Prevención de Riesgos Laborales)

COAG found (2008) that the agricultural sector is perceived as a first stepping stone in the immigration routes of most immigrants, as after arranging their legal situation, and applying for the second round of work permits only 30% remains in the sector. The fact that the labour market in this sector is fairly fluent causes extra costs and instability for the farmers. Therefore

the union takes contraction in the country of origin through contingents as a solution. They believe that such organized and authorized processes are more reliable and enhance stability. The organization also calls attention to the paradox of contracting people from other countries, while there is already an elevated number of unemployed foreigners in the region. Some of these immigrants have no safe and stable job opportunities due to the lack of work permits. They argue that while the organized forms of migrant contraction could decrease the so-called “calling effect”, it does not solve the problems of immigrants in irregular situation. The commitments of COAG try to go beyond programs that focus only on work related issues, in the form of capacity building programs, information campaigns and projects on socio-laboural integration (based on participant observation at Huelva 2008).

Gualda explained (*pers. comm.* 2008) how the quota system forced a mass of migrants with pre-contracts into an impossible situation. In 2001 when instead of contracting the locally available immigrants with whom the farmers previously agreed, the farmers decided to go for workers contracted in their home countries through circular migration programs from Eastern Europe. This left these workers with a work and residence permit valid only in the region where all work had been taken by “outsiders”. The farmers claimed that they opted for that form of contraction to avoid the general problems they have with the African migrant workers. The situation was solved as the local government was flexible enough to grant permits to other regions and sectors, but such incidents could cause many migrants to fall into the cycle of irregularity.

Hoggart and Mendoza (1999) pointed out as having critical significance that “the chance of securing upward occupational mobility was enhanced by staying in agriculture”. This finding supports the theory of socially sustainable agriculture, which requires empowerment of the workers to achieve improvement in the sector. Martin and Taylor’s (2000) findings regarding the Californian immigrant farmworkers could be employed in this case, based on the similarities of

the two cases. They concluded that only by creating strong worker unions, relevant government regulations and immigrant policies the social issue of migrant workers could be solved.

4.5 Socio-laboural integration policies doomed with cultural clashes – damaging motivation

The previous sub-chapter articulated on the legal and contractual situation of the immigrant workers, while this one addresses another crucial aspect of immigration policies: practices of integration.

Professor Cachón (pers. comm.) recommended as an interesting starting point to evaluate the state of immigrant integration, to look at the Migrant Integration Policy Index (MIPEX). This index compares and assesses the integration policies of all EU members, and some non-EU member countries on a quantitative basis. It does not evaluate the norms of integration directly, but the norms of immigration that influences the integration of immigrants, in the form of methodological criticism. There are 140 indicators – in six big sections, such as labour market, access to citizenship, participation; all kind of policies of immigration that influence integration. It does not evaluate the integration but solely these policies. Spain received good scores, as the index examines the rights of irregular immigrants as well. Spain is the only EU country that allows any immigrants, regular or irregular, to register at the municipalities where they reside; and gives right to education of their children. As it was mentioned before, all registered immigrants have the right to have a public health card, regardless of their legal situation, while urgent cases and pregnancies are covered even if the person has not been registered so far. Spain has a good position but this index only evaluates policies and not practices.

Besides their unstable contractual situation, this group faces severe discrimination. The living conditions of non-Spanish speaking immigrants are worse than those from Latin America,

as it is easier for them to find accommodation. Those from Africa usually end up living away from the towns in inferior housing conditions paired with high rents and lack of intimacy left for the family (Izcara Palacios and Andrade Rubio 2004).

The infrastructural problems of small villages are visible when the mass of seasonal workers arrive (El País 2007, Martínez Veiga 2001a, b.). This and the cultural differences between the inactive, rapidly growing immigrant colonies and the locals, lead to cultural clashes and xenophobia (Jabardo Velasco 1993). The lack of any kind of contact between the locals and the immigrants is also an important factor of social exclusion (Izcara Palacios and Andrade Rubio 2004).

The Maghribians are seen to be the most problematic group of immigrants, due to the brutal racial conflicts in El Ejido (Martínez Veiga 2001a, b.). Therefore they lose their competitive advantage in favor of South American and Eastern European immigrants (Izcara Palacios and Andrade Rubio 2004). A clear trend of labour market refreshment takes place, where the problematic group is substituted by a new group, to keep the workforce under control (Martínez Veiga 2001a, Díaz 2003).

A discourse analysis about immigrants (de la Fuente García 2006) revealed how these people and their situation is shown to and perceived by the general Spanish public. The author noted that the main characteristics of this discourse in general are representing a tendency for “emblematic reductionism of complex events”. This feature allows us to use the results as tools in pinpointing problems associated with immigrants in the media in general. This definitely fails to cover precisely the most relevant issues, but shows those that are highlighted by the media. This is a great problem as the media has a great influence on social perception of immigration. He found that most of the articles are constructed around two main themes:

- “The immigration is massive and hard to control.”
- “The immigration is a problem, causing social conflicts and delinquencies.”

These articles usually focus on attention calling events, not elaborating on the context, and are in favor of blaming conflicts to be based simply on racial issues. It is also found that the media attention on an event that could be linked to immigrants usually focuses on the actions and the concrete conflicts, not presenting background information on what could have triggered the situation. These problems deeply influence the farmers' attitude towards their African employees. This raises further barriers for incorporating any socially responsible practices as their motivation to get involved is seriously damaged.

Advanced circular migration programs might have the potential to create improved labour management practices required by sustainable production and rural development.

4.6 The AENEAS circular migration program

After introducing the general characteristics of and perceptions of the circular migration programs, and the general context of the agricultural labour market in Spain, this sub-chapter introduces the practical realities and hidden opportunities of the ANENEAS Cartaya circular migration program. The analysis is going to assess how those previously introduced theories of social justice standards, integrated into the requirements of sustainable agricultural production, could be implemented within this project to its further improvement. The goal is to find out to what extent this program is ready to address the real social challenges of seasonal agricultural migration introduced in the previous chapters through the integration of social justice requirements into the sustainable production framework.

The AENEAS Cartaya project is part of the AENEAS program, an EU “framework for cooperation with third countries on migration issues” (AENEAS 2007). More concretely, an operative agenda of the EU's Hague program (2004), which “aims at assisting third countries, in full partnership, using existing Community funds where appropriate, in their efforts to improve their capacity for migration management and refugee protection, prevent and combat illegal

immigration, inform on legal channels for migration, resolve refugee situations by providing better access to durable solutions, build border-control capacity, enhance document security and tackle the problem of return”. A strategy framework was drafted the “Circular migration and mobility partnerships between the European Union and third countries” memorandum (EC MEMO/07/197). Its purpose was to see how to “integrate legal migration opportunities into the Union's external policies in order to develop a balanced partnership with third countries adapted to specific EU Member States' labour market needs ... find ways and means to facilitate circular and temporary migration ... [and] present detailed proposals on how to better organize and inform about the various forms of legal movement between the EU and third countries.” The program is to address both mobility partnerships and circular migration programs.

AENEAS Cartaya is one of the innovative pilot schemes to test the feasibility of this concept. The program is called “Ethical Management of Temporary Migration” (2005/103564); it is initially conducted between Morocco and the Spanish province of Huelva, with the assistance of Cartaya, the leading municipality of the project, and ANAPEC, the Moroccan National Agency for the Promotion of Employment and Skills. There are four potential directions to extend the program in the future, the Maghrib route, the West African route, the Latin American route, and the reconstruction of the Eastern European route (with Ukraine, Byelorussia, Moldavia, while deepening the connection with Romania and Bulgaria).

The receiving government should guarantee the fulfillment of certain requirements of corporate social responsibility, comply with the national legislation on employment, and keep the agreements set within the sector's collective agreements, treating foreign migrants equal to national workers (which is required by law already in the case of Spain). The farmers are also expected to offer decent accommodation during the period of contraction. In the pilot project of Cartaya the housing was given by the municipality of Cartaya. The journey to Spain is

financed by the program and the return trip's price is deducted from the workers' wages. The workers are brought to Huelva in an organized way with moderators accompanying them.

The project is really popular and patronized among the local labour unions, NGOs and employers. The program improves migrant workers security and provides assistance, which is crucial for a program presently aimed at women. The actions under the program facilitate the selection, reception, escort, training of these women; and a continuous capacity building and awareness-raising among them. The aim of these actions is to help their socio-laboural integration, improve their capacity for future employment and ensure their return after their contracts expire.

The program recognizes the following operational objectives:

- Capacity building and awareness raising in the country of origin, for co-development
- Develop a reception and assistance system for the migrant workers (helping integration and ensuring their return)
- Develop trainings and courses to improve labor performance and safety
- Develop courses and workshops that help the socio-laboural integration of migrants in their host community
- Create a feedback system to enable further improvements

The operational objectives listed above are addressing the following challenges with the several actions. First of all, as illegal migration puts migrants into a more vulnerable situation and causes more stress in the host community and instability within the economy, the program tries to channel migration into official flows. This is based on conscious pre-selection of workers based on certain requirements and complemented with continuous awareness-raising about the dangers of illegal immigration and the advantages of its circular migration program. These practices are created to ensure the return of selected workers to their home countries after their

contracts expire. The issue of selection can be controversial as it is based on positive discrimination.

On the other hand, integration issues are controversial as it seems that the arrangements could reach and improve only part of the practices that influence the workers everyday lives, while some parts are still missing, such as awareness-raising among the employers and addressing issues of discrimination and xenophobia in the local communities.

As it has been discussed before, the legal situation, labour union representation and equity issues are properly addressed by the national legislation. The general problem is about lack of awareness-raising and lack of information distribution, which is addressed under such organized contraction program as AENEAS. It must be noted that the role of regional humanitarian NGOs is crucial in awareness raising and monitoring. This should be shifted to more voluntary participation of the business partners, preferably in the form of open social dialogue.

As the program is part of the EU's co-development project for developing countries, it focuses on the capacity building and assistance of these migrant workers, through the courses and workshops offered. More specific attention has to be given to the concrete "good practice actions". There are three categories of actions, all contributing to the improvement of the living and working conditions of the workers to some extent, in different forms. First of all there are concrete training courses in Spanish language and banking, both very popular among the women. The importance of Spanish language courses is great as the understanding of local language could help their integration and improve their work performance as well. Secondly, there are also workshops and discussions held, by several humanitarian NGOs, like Red Cross. The main subjects are cultural cohabitation, cultural exchange, sexual education, family planning, violence prevention, and traffic safety. These discussions and courses serve as organized awareness raising and capacity building, while they also create a social space where relationships among the women could evolve. It is found in the reports of the moderators, that social

cohesion and smoother cohabitation (among the workers) are improved by these meetings. Thirdly there is a continuous mediation, assistance, and awareness-raising during the whole period of contraction. The moderators' role in this process is crucial. They serve as informants and assistants. They inform the women about the risks of illegal immigration and the advantages of the contraction of origin program they take part of. They remind them that the prerequisite to be selected for the next harvest is returning home after the contract expires. There are some basic courses given on the fields by the labour unions, cooperatives, and by the regional government's local initiatives. The latter operates a mobile education centre, called the Prevebus. This is a worker health and safety prevention education program bringing special awareness raising courses to the farms with autobuses equipped with multimedia devices. These courses cover issues of food handling, application of agrochemicals, risk prevention and agricultural worker health and safety.

The mediators provide feedback besides general assistance. In a working document, obtained from the municipality of Cartaya, the following issues were listed by them indicating issues that require further improvement and attention. Only those relevant to the research focus are listed.

- Improved support service: The increasing number of participants in the program would require more moderators to be assigned to ensure the level of attention required, it is found that if more attention is given to the workers the chances of exploitation drop down. The moderators themselves would require trainings and office space within all municipalities participating in the program.
- Further awareness-raising: Workers should be better informed about what to expect from the program while they are recruited – the host communities should know more about the program as well. This might facilitate integration to some extent. Awareness-raising among the farmers is also crucial about the actual rights of migrant workers.

- Selection procedures should be altered: The moderators should be able to take part in the selection of workers, the articulation of selection criteria and the planning of the activities designed for them; as they have more practical experience about the workers.
- Improve workers mobility: The workers should be given some means of transportation to facilitate their shopping and general mobility.
- Wages at disposal: The salaries of the workers should be available for them from the very beginning as many of them arrive with no cash at all, and it should be at their disposal anyway, being paid on a regularly basis.
- Collective Agreement: The workers should have the Collective Agreement distributed and explained to them, so they would be aware of their rights and responsibilities.

It is also crucial to note that the issue of discrimination is floating around contraction practices. It is clearly set in the description of the AENEAS program, that during the recruitment in Morocco they have a clear preference for women from Muslim cultural background (based on a working report on the AENEAS Project acquired from the town hall of Cartaya). The issue of sexual and other sorts of discrimination at hiring practices were found at circular migration programs (Preibisch 2003). In Canada the farmers participating in the Seasonal Agricultural Worker Program should prove that they tried to hire local workforce (Ferguson 2007), which positively discriminates local workforce. This is not a requirement for Spanish farmers when applying to participate in the AENEAS program and use labour force contracted in country of origin. It should be advisable to introduce such requirements, as it is clear that the circular migration programs discriminate the workforce presently residing in Spain.

On the whole it must be acknowledged that the Spanish AENEAS program still contains a lot more organized actions helping the migrant workers' lives than those of the Canadian

experience, where these initiatives are coordinated exclusively by NGOs and religious organizations. Another serious aspect, where the European experience seems to be more advantageous, is the acknowledged legal protection of the migrant workers, their inclusion into the social security system, and inclusion into labour unions. On the other hand, one should not forget that there is an unfortunately a certain gap between policies and practices (Cachón pers.comm).

Nevertheless, it is interesting to note that integrating the recommendations given by Preibisch (2003) into given circular migration programs could further improve the sustainability of labour management. Minimum amount of working hours and rest days should be set, and the importance of awareness-raising should be recognized to be crucial both among farmers and farmworkers. Being equally important, the social life of workers should not be impeded but encouraged. Comparing the North American experience to the Spanish one, it is visible that overseas the major issue is the lack of union representation and the lack of legal recognition of migrant workers' rights, while in this pilot program the main challenge seems to be the actual awareness-raising among the actors of the program and their active involvement in participation in order to improve integration.

The issue of how “contraction in country of origin” affects the activity rates of immigrants already in the host country is crucial. Usually the dangers of the so called “calling affect” are quoted, arguing on behalf of circular migration. Many politicians, like the major of Cartaya, believe that the presence of uncontrolled, irregular workers could create more social tension and damage rural development. They argue that if contraction takes place locally, like in El Ejido, Almeria (Martinez Veiga 2001a) the massive presence of uncontrolled immigrants on the streets would be inevitable. Contraction at country of origin hopes for eliminating this phenomenon and replace it with controlled migration. The issue remains real, as there are many immigrants present in the country, being unemployed, working for the underground economy,

suffering from the consequences of irregularity. The contraction of such people combined with a new amnesty program might moderate the problems faced by the migrant worker community who stay in the country more permanently. According to the new Labour and Immigration minister, Celectino Corbacho (El País 20 April 2008) the contraction in country of origin programs has to be revised in order to see how the unemployment rates of migrants presently in the country could be curved down. Therefore it would be advisable to see how such programs could be organized around the migrant workers already on the premises of the country, in order not to simply ignore their existence and look for a more easily manageable group. National labour and migration policies should focus on that established group of immigrants as well. Otherwise the system can not be called sustainable, if it is ignoring its main shortcomings.

Potential integration into the EU Sustainable Development Strategy, through sustainable production

Comparing these programs operating within the relevant legal provisions acknowledged by Spain to the standards suggested by IFOAM, it is found that the problem is not about the policies, the legislation or the programs. It lies within the issues of concrete implementation, law enforcement and motivation.

As one of the operational objectives of the EU sustainable development strategy is sustainable production and consumption, a program that offers social sustainability should be eligible for organized funding and coordination. The notion of sustainability makes the situation more complicated because a solely socially sustainable production system is not enough. The environmental pillar should be involved as well. This way a socially just production system, already under a certain kind of organization and certification, should move in the direction of organic or integrated production to be able to compete for certification. This would absorb the costs of social investments and also create a fully sustainable image that could be certified under the name of any organic production labels of the region.

The project could meet the general standards of Corporate Social Responsibility (CSR), which fits into the EU's Sustainable Development Strategy. One of the European Union's Sustainable Development Strategy's Policy Guiding Principles is the involvement of business and social partners in the transition process. Enabling social dialogue, public-private partnerships and corporate social responsibility, with a general aim of achieving sustainable production and consumption could be a further step in improving the production system that employs workforce through these organized circular migration programs. An integrated approach and coordination among EU policies and programs is crucial.

In the following discussion chapter the role of a program like AENEAS will be assessed by showing how improved migrant labour management could be achieved through such system. The other issue to be considered will be the role of improved social justice in sustainable production promoted by EU SDS.

5. Discussion – is there a real potential behind organized migrant labour contraction improving sustainability?

The question is two-fold: whether these “contraction at country of origin” programs in Europe could improve the living and working conditions of the migrant workers, and whether these improvements could serve as a first stepping stone of the transition into a more sustainable production system? The connection between these two questions derives from the direct relation between the commitments for integrating social justice into labour management and its role in engaging producers in sustainable practices. The first sub-chapter will address how commitments could be improved, while the second will assess the role of these commitments in the strengthening the engagement of producers in sustainable production.

It is crucial to assess these pilot projects and look for the points of potential engagement in improvements within. As O’Neil (2003) found the “first step toward integrating circularity into our policy frameworks will be to devise temporary labor migration programs that work well. Experience with temporary labor migration has not been universally positive for migrants, sending countries or receiving countries, but good models and clear lessons do exist.” The same theory should be applied for further improvements of these programs and their integration into the processes of transition to sustainable production.

5.1 Is there a potential to improve migrant workers living and working conditions in Spain?

Pro and contra on the efficiency of circular migration programs

Looking at the literature it is clear that solving such immigration problems is a complex issue, which goes far beyond the regular tasks prescribed to achieve sustainability. The following aspects listed below are those that should be addressed during constructing any circular

migration programs in general, in order to improve the migrant' workers living and working conditions (these recommendations are based on an extensive analysis of the available literature and documentation of certain circular migration programs, like AENEAS, Spain and SWAP, Canada):

- The legal situation of agricultural migrant workers should be controlled and monitored. The experience shows that even though legal recognition of migrant workers' rights is present, further inspection and law enforcement is required.
- Amnesty programs should help those who slipped into irregularity find a way to become legal, or simply unionization should be offered for those of irregular situation as their vulnerability is evident and excluding them just seems to deepen the gap and the labour market segmentation.
- Focus on circular migration should not fade the importance of the management of irregular workers. Immigrants already present in a host country should be equally coordinated. A similar migrant worker program contracting them in an organized way might fight the abusive practices of underground economies.
- Better living and working conditions should be provided and ensured through a better monitoring system, involvement of farmers as social partners in constructing a more sustainable system. This could be achieved through unionization and awareness-raising.
- Implementation of labour protection agreements, like ILO convention on labour welfare. This could be integrated into certain certification requirements and could also include further social integration issues as well.
- Workers should be informed about their rights and responsibilities. Certain organized protection and assistance is crucial.

- The issue of low wages and only seasonal employment (certain certification might lead to premium prices to cover higher wages, product diversification for all-year round employment). Right to collective bargaining should be given. Where it is granted, the Collective Convention's rules should be kept and workers should be informed about it.
- Capacity building issues are central (language and other skills, awareness-raising about legal rights, enabling migrant career opportunities within the agricultural sector as well). Programs should be open to any immigrants regardless to their legal or contractual situation.
- Integration strategy (reduce cultural clashes and discrimination cases) should be a long-term strategy, focusing on the potential of immigrants and migrant workers to influence rural development. Circular migration programs should not delude themselves believing that the return of migrants by expiration of their contracts means that their affect on the host society and their cohabitation would be less powerful.
- Practices for obtaining higher employee retention rates may favor the farmers, while the danger of subjective selection and exclusion practices during re-recruitment might deepen the dependency of the workers on the farmers' good-will.
- Social conflicts and lack of respect damage the motivation of farmers to get engaged and empower their workers. This should be improved through awareness-raising programs.

Transition to sustainable agriculture requires farmers to have enough information about the requirements, best management practices, and about the potential opportunities of achieving such a change, therefore awareness-raising is considered to be crucial first step (Hatfield 1994). Information could target both farmers and farm workers, preferably formulated together with motivation schemes to enhance acceptance and implementation. Engagement in improved circular migration programs equals to compliance with the social requirements of sustainable

agricultural production. Therefore, it could be considered to be the first stepping stone towards the sustainability of the system.

To be able to draft further conclusions on the economic feasibility of improved labour conditions, a deeper research is required to see their relevance to the EU sustainable development strategy. Such research should be based on interviews with retailers, producers and relevant non-profit organizations. Therefore for further generalization the conduct of a more comprehensive multiple-case study is required, based on international experience.

Recommendations

Based on the documentation available, interviews conducted (Cachón, Arango, Gualda and Millán pers. comm.) and participation in some relevant events, the following suggestions should be considered to improve this program, addressing the social justice pillar of sustainable agriculture and to promote engagement in sustainable production.

Contraction should be kept under supervision of public government bodies. The requiring should be reserved to be done by public agents and not by any form of private contractors (Arango pers. comm). The labour unions, like COAG (2008) are absolutely against mass contraction by private firms as they are afraid that the cost of intermediary commission would have to be deducted from the workers' wages. Public control and transparency should be kept among the priorities while constructing any contraction in country of origin programs! This is an important factor of sustainable practices, requiring an official and transparent framework for contraction, which later could serve as a basis for certification. Fighting against any form of discrimination in these circular migration programs is also a commitment to make considering labour management practices.

It is crucial for the national government to solve the issue of temporary or permanently unemployed resident immigrants. Similar controlled employment frameworks could be set up, in

order to employ migrants already residing in the host county under better conditions in a similarly well monitored way. Casting aside the warning about the so called “calling affect”, a general argument against offering jobs on site, an organized framework to convert the workforce into regular legal status and arrange its management and recruitment within an official program could help a lot in their integration.

Arango (pers. comm) and Preibisch (2003) argue that the basic characteristics of circular migration programs determine the workers living and working conditions. As Preibisch (2003) argues, “the scope for abuses to occur is institutionally embedded into the program [SAWP, Canada]”. Therefore the integration of social justice improvements, suggested by the advanced organic agricultural movement, is critical within these circular migration programs. The system should be controlled by a monitoring system with regular inspection to avoid noncompliance and exploitative practices. This would introduce farmers to organized requirements of certification.

These programs presently address low-skilled labour forces, therefore the strategies have to address their vulnerability as a priority and set monitoring tools in order to ensure that no abuses or overexploitations are present. The efficient long-term management of low-skilled migration is critical to the EU labour markets, as due to the nature of most activities that require such workforce this labour demand can not be met by outsourced solutions (EU Policy Migration 2007). Therefore special attention should be given to organize fair contracting of low-skilled workers within circular migration programs integrating social justice.

5.2 How to fit social justice into the Andalusian organic / EU sustainable production program?

The regional government of Andalusia has an ambitious program for organic agriculture, which could fit into the EU’s sustainable development strategy’s sustainable consumption and production challenges. By ensuring better coherence between the related policy areas a more

sustainable agricultural production system could be constructed. This would require migration, and agricultural policies be toned in with each other. In the case of the Andalusian agriculture the inclusion of social justice issues regarding agricultural migrant workers into the organic agriculture plans of the regional government could be enhanced if coordinated through programs responsible for arranging labour supply.

Farmers need workers. They get them through these organized programs, there is already a certain level of control around, a further step of setting up a monitoring system, based on the SASA (Social Accountability in Sustainable Agriculture) standards and methodology or something similar. The organized system would ensure the social justice of their production, as a first step toward sustainability. Most of the farms participate in this program to ensure stable labour force at each harvest, to guarantee their economic performance. These are motivating factors for endorsement of social justice issues.

Further studies should focus on whether companies participating in the AENEAS project or in its suggested advanced version could make the transition into sustainable production easier. The regional government of Andalusia could integrate its “contraction at country of origin” programs into its advanced organic agriculture program, addressing finally social justice. Addressing the importance of the broadening of its key challenge areas of “sustainable consumption and production” is crucial by introducing social aspects on the production side at the agricultural sector.

Unfortunately it is understood that “economic considerations still clearly dominate procurement decisions ... environmental concerns come relatively poor second and social concerns fare even worse ... this might be considered paradoxical given the public sector’s existence to serve social and environmental objectives (DEFRA 2006)”. Among the barriers of spread of public procurements are found the additional costs that seem to be impossible to offset due to the lack of “mechanisms to demonstrate the economic value of social and

environmental costs and benefits”. At the European Ethical Sourcing Forum 2006, the AENEAS project was introduced among voluntary programs and developing projects. Ethical management of immigration flows with organized guest workers programs could be a potential branch for sustainable supply chain development.

The connection between commitments made under advanced circular migration programs and engagement in sustainable production is based on the partially shared guidelines, frameworks and motivations of the system. Producers are initially motivated to participate in circular migration programs to stabilize their labour supply. Later their motivation could shift to create a better image through participating in socially improved labour management programs. Improvements should become a prerequisite for participation in advanced circular migration programs. Producers are introduced to guidelines of sustainable labour management, participate in awareness-raising programs and become subject to inspections to guarantee compliance with the given requirements. Their commitments automatically engage them in sustainable production, where greater return of their investments could be achieved by further engagement.

6. Conclusion

Based on the archival research and the interviews conducted, a theoretical framework on the integration of social justice into the organic agricultural movement, and an exploratory embedded case study about its potential implementation into circular migration programs of Spain were constructed, in order to see how improved social justice could contribute to the transition to a more sustainable form of agriculture. This potential contribution has been found established, based on the interconnectedness found between the pillars of sustainability. Social improvements have been found to have both direct and indirect influence on environmental and economic sustainability of agricultural production.

The research of Shreck *et al.* (2005) and others show that there is a growing awareness about not just its environmental but social costs of production. Stability on the market could be achieved by considering the new consumption patterns influenced by a new moral economy and informed consumers. Social justice plays a crucial role in constructing the public image, which seriously affects the market performance. Stabilizing the profitability and reputation of the Southern Spanish agricultural sector must be a priority for both the regional and national governments. Therefore, coordinated production and immigration policies within advanced circular migration programs are expected to fit within the EU SDS.

The thesis states that the improved circular migration programs and the sustainability certification programs with social justice requirements could positively enhance each others performance in an integrated, thus more sustainable manner. These programs combined together could improve both the immigration practices and facilitate the producers' engagement in sustainable production. This would require proper integrated and coordinated policies and programs both on migration control and at setting sustainable production requirements. Participation in circular migration programs with social justice requirements could have a great

influence in a country's potential to turn its agriculture into a more sustainable form, as a first stepping stone for engagement in the system would be organized.

Through the case study both the difficulties that disable transition and the potential sources of motivation have been assessed, based on the analysis of the potentials and shortcomings of the AENEAS circular migration program of Spain. In this exploratory case study both the context in which this circular migration program operates and experiences from other programs have been analyzed. Based on this analysis, the program's potential to improve social justice and its contribution to the transition to sustainable production have been assessed. The advanced requirements to participate in these circular migration programs were introduced, in order to see the level of commitment required. Commitments have been found to be the first stepping stones of engagement in the process of transition to a more sustainable agriculture.

In Spain the immigration policies regarding migrant workers are advanced and liberal about the legal recognition of the rights of migrant workers, while there are serious problems about the practices applied. The coordination by the AENEAS migration program could alleviate the exploitative dynamics found in the region. The AENEAS circular migration program stands for "Ethical Management of Temporary Migration" within the EU framework for cooperation with third countries on migration issues. The objectives and actions of the program aim to improve "capacity for migration management and refugee protection, prevent and combat illegal immigration, inform on legal channels for migration, resolve refugee situations by providing better access to durable solutions, build border-control capacity, enhance document security and tackle the problem of return." It has been found that the program's labour management requirements and its actions to help their socio-laboural integration and to improve workers' capacity for future employment partially fit the suggested improvements by the integrated sustainability guidelines of the organic agricultural movement.

Integrating the social justice concepts of sustainable agriculture, a more stable and ethically acceptable production system could be achieved. Sustainable production partially based on improved labour management practices could fit the EU SDS strategy, and solve the tension around immigration. The sustainable labour management guidelines should take into account the local context in order to alleviate the stress of exclusion caused by segmentation. While settling the legal situation of immigrants and the acceptance and enforcement of international labour standards is a crucial step, the main challenge is to heal the damaged motivation of farmers, so they could get engaged in such programs. By offering organized frameworks for obtaining workforce with requirements for ethical labour management, the farmers enter the greater framework of transition into sustainable production. Such an organized framework creating requirements for improved labour management could be the advanced circular migration programs, engaging producers in the journey of transition into a sustainable production.

It has been found that advanced circular migration programs could have a potential to engage producers in sustainable production through their first commitments made to comply with the prerequisites for joining these programs. Therefore, these programs could serve as a guiding framework to help meeting certain requirements for the transition to sustainable production.

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ANNEX I.

List of international labour conventions and recommendations referred to in the ILO multilateral framework on labour migration

(Source: ILO 2006)

Fundamental Conventions (ILO)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
Forced Labour Convention, 1930 (No. 29)
Abolition of Forced Labour Convention, 1957 (No. 105)
Equal Remuneration Convention, 1951 (No. 100)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
Minimum Age Convention, 1973 (No. 138)
Worst Forms of Child Labour Convention, 1999 (No. 182)

Migrant-specific instruments (ILO)

Migration for Employment Convention (Revised), 1949 (No. 97)
Migration for Employment Recommendation (Revised), 1949 (No. 86)
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
Migrant Workers Recommendation, 1975 (No. 151)

Other ILO Conventions

Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
Labour Inspection Convention, 1947 (No. 81)
Labour Clauses (Public Contracts) Convention, 1949 (No. 94)
Protection of Wages Convention, 1949 (No. 95)
Social Security (Minimum Standards) Convention, 1952 (No. 102)
Plantations Convention, 1958 (No. 110)
Equality of Treatment (Social Security) Convention, 1962 (No. 118)
Employment Policy Convention, 1964 (No. 122)
Labour Inspection (Agriculture) Convention, 1969 (No. 129)
Minimum Wage Fixing Convention, 1970 (No. 131)
Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)
Nursing Personnel Convention, 1977 (No. 149)
Occupational Safety and Health Convention, 1981 (No. 155)
Maintenance of Social Security Rights Convention, 1982 (No. 157)
Occupational Health Services Convention, 1985 (No. 161)
Safety and Health in Construction Convention, 1988 (No. 167)
Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)
Safety and Health in Mines Convention, 1995 (No. 176)
Private Employment Agencies Convention, 1997 (No. 181)
Maternity Protection Convention, 2000 (No. 183)
Safety and Health in Agriculture Convention, 2001 (No. 184)

United Nations Convention

1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Annex II. List of main guidelines from the ILO Multilateral Framework on Labour Migration (Source: ILO 2006)

I. Decent work

1.

(a) Opportunities for all men and women of working age, including migrant workers, to obtain decent and productive work in conditions of freedom, equity, security and human dignity should be promoted.

(b) The ILO Decent Work Agenda promotes access for all to freely chosen employment, the recognition of fundamental rights at work, an income to enable people to meet their basic economic, social and family needs and responsibilities and an adequate level of social protection for the workers and family members.

II. Means for international cooperation on labour migration

2.

Governments, in consultation with employers' and workers' organizations, should engage in international cooperation to promote managed migration for employment purposes. Governments and employers' and workers' organizations should work with the ILO to promote coherence of labour migration policies at the international and regional levels based on the guidelines set out below. The ILO should promote dialogue with other relevant international organizations with a view to developing a coordinated approach on labour migration based on the non-binding ILO Multilateral Framework on Labour Migration.

III. Global knowledge base

3.

Knowledge and information are critical to formulate, implement and evaluate labour migration policy and practice, and therefore its collection and application should be given priority.

IV. Effective management of labour migration

4.

All States have the sovereign right to develop their own policies to manage labour migration. International labour standards and other international instruments, as well as guidelines, as appropriate, should play an important role to make these policies coherent, effective and fair.

5.

Expanding avenues for regular labour migration should be considered, taking into account labour market needs and demographic trends.

6.

Social dialogue is essential to the development of sound labour migration policy and should be promoted and implemented.

7.

Governments and social partners should consult with civil society and migrant associations on labour migration policy.

V. Protection of migrant workers

8.

The human rights of all migrant workers, regardless of their status, should be promoted and protected. In particular, all migrant workers should benefit from the principles and rights in the 1998 ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which are reflected in the eight fundamental ILO Conventions,⁵ and the relevant United Nations human rights Conventions.

9.

(a) All international labour standards apply to migrant workers, unless otherwise stated. National laws and regulations concerning labour migration and the protection of migrant workers should be guided by relevant international labour standards and other relevant international and regional instruments.

(b) The protection of migrant workers requires a sound legal foundation based on international law. In formulating national law and policies concerning the protection of migrant workers, governments should be guided by the underlying principles of the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and their accompanying Recommendations Nos. 86 and 151, particularly those concerning equality of treatment between nationals and migrant workers in a regular situation and minimum standards of protection for all migrant workers. The principles contained in the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families should also be taken into account. If these Conventions have been ratified, they should be fully implemented.

(c) National law and policies should also be guided by other relevant ILO standards in the areas of employment, labour inspection, social security, maternity protection, protection of wages, occupational safety and health, as well as in such sectors as agriculture, construction and hotels and restaurants.

10.

The rights of all migrant workers which are referred to in principles 8 and 9 of this Framework should be protected by the effective application and enforcement of national laws and regulations in accordance with international labour standards and applicable regional instruments.

VI. Prevention of and protection against abusive migration practices

11.

Governments should formulate and implement, in consultation with the social partners, measures to prevent abusive practices, migrant smuggling and trafficking in persons; they should also work towards preventing irregular labour migration.

VII. Migration process

12.

An orderly and equitable process of labour migration should be promoted in both origin and destination countries to guide men and women migrant workers through all stages of migration, in particular, planning and preparing for labour migration, transit, arrival and reception, return and reintegration.

13.

Governments in both origin and destination countries should give due consideration to licensing and supervising recruitment and placement services for migrant workers in accordance with the Private Employment Agencies Convention, 1997 (No. 181), and its Recommendation (No. 188).

VIII. Social integration and inclusion

14.

Governments and social partners, in consultation, should promote social integration and inclusion, while respecting cultural diversity, preventing discrimination against migrant workers and taking measures to combat racism and xenophobia.

IX. Migration and development

15.

The contribution of labour migration to employment, economic growth, development and the alleviation of poverty should be recognized and maximized for the benefit of both origin and destination countries.