

POSSIBILITIES AND LIMITS OF INTERNATIONAL CONTROL OF MIGRATION

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I HAVE been asked to discuss the possibilities and limits of international control of migration. "Possibilities and Limits,"—I think these words were chosen with care. Let me begin with the limits.

The most cursory examination of the question shows how far we are from "One World" in any literal sense of the phrase. If the United Nations were really One World, we might expect that the movement of individuals from one nation to another would be as free from restrictions as movement from one to another of the states of the United States. Or alternatively, if migration were not to be entirely free, we might expect that, in a One World, it would be a world body which decided which regions should be open to immigration and on what terms. Obviously we are far from any such situation. Discussion in international bodies may influence the immigration policies of individual nations; witness the interesting precedent of the Indian-South African issue on the agenda of the recent session of the General Assembly. Conceivably such discussion might even influence our own policy. Moreover, for certain special areas such as the trust territories, some questions regarding migration may become matters for decision or review by an international authority. But no one need either hope or fear that the major decisions on international migration will soon be taken in any such way. Freedom to migrate is not held to be one of the fundamental freedoms, though I have heard the great French labor leader, Léon Jouhaux, argue that it should be. For the foreseeable future, migration between nations will not be free and unrestricted; and it will continue to be the Congress of the United States and not the Assembly of the United Nations which determines who may enter the United States.

These limitations are obvious and I doubt if they are worth

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debating. Indeed, if we were to take the word "Control" in my title strictly, perhaps I should consider my assignment already completed. But I hope you will permit me to interpret my subject more broadly as referring to international action in the field, for in the guidance of migration there remain genuine and significant possibilities of international cooperation. Here, indeed, the contrast between international and internal migration is not so great as may sometimes be thought. Dr. Penrose has pointed out that "in practice," for the world as a whole, "migration has never taken place on a scale adequate to bring the distribution of population into anything approaching a close correspondence with the distribution of resources."² But this applies not merely between nations but also between parts and sections of a country like the United States. Even with legal freedom of movement, and in spite of all our traditional mobility, the statement remains obviously true.³

To improve this distribution within the United States, we do not take Americans and put them where we think they'll be well off. We have, however, found that we can do some useful though limited things by conscious planning. We have used the United States Employment Service to assist prospective migrants with information concerning opportunities at a distance and with aid in reaching them; and in my judgment we should do much more by this means than we have done. Through the Resettlement Administration and other agencies, federal and state, we found that it was possible to do something to keep settlement from hopeless areas, to rescue some of the victims of misguided settlement, and—rather less confidently—to promote settlement in more promising areas.⁴ The National Resources Board, moreover, and our regular Departments have studied the distribution of our resources in sufficient detail to make such guidance possible.

² Penrose, E. F.: *POPULATION THEORIES AND THEIR APPLICATION*. Stanford University, Food Research Institute, 1934, pp. 177-178.

³ Goodrich, Carter and Associates: *MIGRATION AND ECONOMIC OPPORTUNITY*. Philadelphia, University of Pennsylvania Press, 1936, Ch. IX.

⁴ *Ibid.*, Part II.

The possibilities of international action are somewhat analogous. The need for it may be thought of as more urgent, since the chances that the individual migrant can successfully make his own investigations and his own arrangements are in general less. Many have argued that migratory movements between nations must be more "orderly" or more closely organized than in the past. Paul van Zeeland, for example, in presiding over the recent meeting of the International Labour Organisation's Permanent Migration Committee, declared that: "Spontaneous migration, as in the past, was possible in a less organized world when there was much free land." Dr. Kirk has referred earlier to the possibilities of immigration again becoming "free on the old patterns." Again, the contrast—though real—may not be as great as it appears. How much of mass migration overseas has ever been "spontaneous" in the full sense? How much of it, that is, has been the movement of individual migrants deciding independently on their destinations and buying tickets to that destination out of their own resources? Call the roster of methods of migration organized on a large scale by business enterprise or by government action—slavery; the transportation of indentured servants—which played so great a part in our origins that most white Americans claiming colonial ancestry would be eligible for membership in the Sons and Daughters of American Indenture; the transportation of convicts overseas; indenture again in the nineteenth century moving very large numbers of migrants from Asia to destinations in the Atlantic and the Pacific; contract labor in our own nineteenth century; state-aided migration from Britain to the Dominions; and so on. Poverty fills the emigrant ships, and poor men cannot usually plan and pay for long sea voyages. The problem is less that of substituting organized for unorganized migration than that of finding ways of organizing or guiding migration that are consistent with the standards we wish to apply today to human and to international relations.

There are already, of course, significant precedents and beginnings of international action. The plight of refugees could

not fail to force itself on international attention. Their emergency rescue has been recognized, however imperfectly, as an international responsibility necessitating the use of public funds as well as the activity and the money of devoted private agencies. A series of intergovernmental bodies—the Nansen Office and its successor agencies for refugees for the First World War; the League High Commissioner for Refugees from Germany; the Intergovernmental Committee for Refugees in its two forms, and the United Nations Relief and Rehabilitation Administration—have faced this responsibility. With the hard core—a very hard core—of the refugee problem remaining unsolved, the United Nations has before it as a pressing issue the organization of a new agency, the International Refugee Organization, and the determination of the power and resources to be given to it. The tragic basis of initial selection, and the difficult political decisions as to which of the “uprooted persons” are to be treated as permanent refugees and which are to be sent back to their own countries, set this problem apart. The special circumstances have necessitated the expenditure of sums for emergency maintenance, particularly by UNRRA, of a magnitude quite out of the range of any suggested aid to ordinary migration. Yet on the ultimate problems of placement and settlement, the problem of the refugee merges with that of the more ordinary migration in search of wider economic or social opportunity.

For the more ordinary forms of migration, discussion centers on two lines of activity—first, the setting of international standards to which the organization of migration should conform; and second, the specific encouragement or organization of migration by international agencies. The principal illustrations of the former lie in a series of Conventions and Recommendations adopted at successive conferences of the International Labour Organisation.⁵ The subjects covered include informa-

⁵ International Labour Office: *INTERNATIONAL LABOUR CODE*, Book XI, pp. 519–542. The specific quotations in this and the two subsequent paragraphs are from Articles 852, 856, 869, 875, and 883, respectively. The reference indicates which

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tion and assistance to migrants. Nations should, for example, "enact and enforce penalties for the repression of misleading propaganda relating to emigration and immigrations"; and either public agencies or voluntary nonprofit organizations should supply to migrants "in their languages or dialects or at least in a language which they can understand" information regarding "employment and living conditions in the place of destination, return to the country of origin" and similar questions. Other provisions call for regulations of the operations of recruitment, introduction and placement for migrants from abroad, and for the exclusion from such operations of private employment agencies conducted for profit. Still others list the points to be covered in case the state is to supervise the terms of the contract between the migrant and the recruiting agency. Another recommendation deals, somewhat cautiously, with the charges for recruitment, transport and placing and expresses the opinion that these charges "should not, as a rule, be borne by the migrant." Still other provisions cover repatriation and the protection of migrants on board ship.

A quite different set of provisions deals with the conditions under which the migrant shall work in the new country. The leading principle is that of "equality of treatment" with nationals. This principle should apply, so far as the questions are matters of government regulation, to "conditions of work and more particularly remuneration, and the right to be a member of a trade union." Again, subject in some cases to the extension of reciprocal treatment, foreigners should have the same rights and benefits as nationals under unemployment insurance, workmen's compensation and other forms of social insurance.

Finally, a 1939 Recommendation suggests that states "between which the volume of migration is fairly considerable or between which collective migration takes place" should conclude "bilateral or plurilateral agreements" regulating more precisely the recruitment, introduction and placement of mi-

grants. A considerable number of such agreements were in force between European countries during the years between the wars.⁶ During the war an agreement between the governments of the United States and Mexico provided in unusual detail for the protection of Mexican workers imported into the United States.

When the I.L.O.'s Permanent Migration Committee met last August in Montreal, it regarded this as one of the most promising lines of further development. One of its principal recommendations was that the International Labour Conference should be asked to draw up a "model agreement" which would guide governments in negotiating bilateral agreements. Such a model agreement would—it was suggested—include the principles contained in the earlier conventions and recommendations. It would, however, go further than the latter, which were almost entirely concerned with migration for wage employment, and add standards that would be applicable to migration for agricultural or mixed agricultural and industrial settlement. In particular, it would include provisions relating to the technical selection and vocational training of migrants and perhaps also to the methods of organizing colonization enterprises.⁷

Here, then, is a process of standard-setting which has had value in the past and promises somewhat greater usefulness in the future. If the nations ratify these conventions, if they follow these recommendations, if they base their agreements on the proposed "model," migration should be more orderly than in the past. It should be conducted with less heedlessness of human needs and should give rise to fewer human tragedies. Yet these methods, promising as they are, have the same limitation as most of the methods worked out for the guidance of migration within the United States. They are likely to be more effective in preventing unsuccessful movement than in promoting successful movement. Certainly they give no guarantee of promoting any great increase in migratory movement.

⁶ *Ibid.*, footnote to p. 535.

⁷ International Labour Office, Permanent Migration Committee: "Report," (mimeographed) 1946, p. 14 and Appendix II. This will be printed as an appendix to the Minutes of the Governing Body.

This point was recognized in the discussions of the Permanent Migration Committee. Many speakers stressed "the necessity of international cooperation in fulfilling the conditions necessary for a large-scale immigration." The Committee's Report noted "with satisfaction that the representatives of several immigration countries have reported the readiness of their governments to receive a considerable number of immigrants, both industrial and agricultural, as soon as satisfactory arrangements can be made, more particularly for their transport, reception, and absorption into the national community."⁸ Yet financing could not in all cases be carried on successfully by the countries immediately concerned. The International Labour Office has agreed that "the financing of migration must be considered as a part of general economic development and the revival of international trade. If a country is carrying out development schemes and if these schemes require immigration of labor for their execution, the necessary additional capital for such migration might naturally be provided within the framework of the general expenditure on the development project, whether the sources for this expenditure are national or foreign investment."⁹

Impressed by this reasoning, the Committee suggested that the International Bank for Reconstruction and Development should be urged

(a) when it considers projects of economic development, to take into account the extent to which such projects contribute towards the solution of migration problems

(b) when it makes loans for economic development, to include migration costs in appropriate cases within the scope of such development.¹⁰

In my judgment the proposal has genuine interest and relative merit. If the Bank is to pursue a bold and generous policy of

⁸ *Ibid.*, pp. 5 and 20.

⁹ International Labour Office, Permanent Migration Committee: "Forms of International Cooperation in the Field of Migration" (mimeographed), 1946, p. 46.

¹⁰ International Labour Office, Permanent Migration Committee: "Report," p. 24.

development—and if it does not it will not fulfill the hopes placed upon it—one of its important criteria of judgment should indeed be the effect of its decision on the distribution of the world's population in relation to resources.

In outlining these possibilities of international action, I have deliberately paid little attention to questions of organization. I have not discussed the proposals for a separate specialized agency to deal with migration. I am not anxious to raise questions of jurisdiction. My material has been drawn heavily from the experience of the I.L.O. and from the discussions of one of its committees. The I.L.O. has succeeded in enlisting the cooperation of both emigration and immigration countries. It has started to do a job and should go on with it. But obviously it can do only a part of the total job. Its own Committee urged all countries to cooperate in the task "through the appropriate organs of the United Nations and through appropriate specialized agencies."¹¹ Its boldest single proposal, as we have seen, was one for action by the International Bank. The study of migration needs and possibilities is an essential function of the Economic and Social Council and its Population Commission. Certainly the concerted and coordinated effort of the family of international organizations is needed if we are to make full use of the possibilities of international action in the field of migration.

¹¹ *Ibid.*, p. 21.