

BETWEEN REALISM AND FAIRNESS: REFLECTION TO HELP THE UNITED NATIONS FACE THE GLOBAL MIGRATION CHALLENGE



**Emmanuel
Comte**

Senior Research Fellow,
CIDOB

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For the 75th anniversary of the United Nations in 2020, the Secretary-General and former long-term High Commissioner for Refugees, António Guterres, has called for proposals on the “kind of future [that] we want to create” and on the ways “to bridge the gap” between that future and the current world (UN, 2020). This article will address this long-term question for the case of migration. After describing today’s unprecedented level of coercive restrictions against migrants from less developed countries and what common principles of justice would propose, this article will present a few intermediary actions that the UN could consider.

The current migratory situation

Migration flows stem from the inequality of opportunities between countries (Cavallero, 2006). Until the beginning of the nineteenth century, global inequality – understood as the asymmetrical distribution of income and wealth among individuals worldwide – mostly paralleled inequality levels within countries. Since then, inequality between countries has accounted for most of global inequality. Over the last half century, the world’s Gini coefficient – a measure of inequality between 0 and 1, where 0 is perfect equality – has averaged 0.7, with only a slight reduction recently, whereas even the most unequal countries have had Gini coefficients below 0.6 (Bourguignon and Morrisson, 2002: 727–34; Milanović, 2013: 201).

International variations in income levels mirror the international hierarchy. The United States is the only large country with a GDP per capita at purchasing power parity above \$65,000 (IMF, 2019). Other countries at this level are small and mostly distributed in western Europe and the Persian Gulf – two US-allied regions. Between \$40,000 and \$60,000 lie the other countries in those two regions and North America, along with the other US allies

in East Asia and Oceania: Japan, South Korea, Taiwan, Australia and New Zealand. A few countries at the periphery of this US-centred group of rich countries – mostly new members of the European Union in central Europe – have climbed above \$30,000. Above \$20,000 are only the other countries north of the line along the Turkish and Mexican southern borders, as well as Argentina and Chile. China is below \$20,000, and India is under \$8,500. The majority of African countries are below \$5,000 – with 13 below \$2,000. This hierarchy has barely changed in half a century. With a Pakistani worker likely to increase their income six-fold by simply moving to the United States (Rodrik, 2017: 6), it is unsurprising that global survey data show that nearly 750 million – 15% of the world's adults – would be prepared to emigrate (Esipova, Pugliese et al., 2020). Half would like to move to the United States, Canada, Germany, France, Australia, Saudi Arabia or the United Kingdom. The collapse in transportation and information costs since the 1950s should have allowed most would-be migrants to fulfil their plans (Chiswick and Hatton, 2003: 74).

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Yet, immigration has caused great alarm in rich countries. Local workers without qualifications believe immigrants looking for low-skilled jobs can reduce their wages in freely adjusting labour markets (Ruhs, 2013: 62; Comte, 2018b; Comte, 2019), which economic research has corroborated (Borjas, 2003; Borjas and Monras, 2017). Organised labour interests in rich countries have dwarfed business interests in the definition of immigration policy and labour market policy (Comte, 2018b). They have supported closed borders (Marino, Roosblad et al., 2017: 124–5: 354) and high employment standards, sometimes in the range of a dozen times the wages in immigrants' origin countries. Those high standards have impeded immigrants who do make it to rich countries from finding regular low-skilled jobs – creating a range of social and security problems around those immigrants.

Under those conditions, rich countries have turned to a drastic selection against low-skilled immigration. In 1964, the United States stopped programmes of low-skilled immigration. In 1972, Australia turned to a point-based system to select high-skilled immigrants, and further strengthened it in the 1990s (Ruhs, 2013: 95). Swedish trade unions have screened all work permit applications by non-EU nationals (Ruhs, 2013: 100). British immigration policy has relied on a three-tier system, in which the lowest tier for low-skilled immigrants has been closed to non-EU nationals since 2004 (Ruhs, 2013: 92–3). Singaporean authorities have charged employers in the construction sector

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a levy three times higher for unskilled than for skilled immigrants (Ruhs, 2013: 61–2). As work immigration opportunities faded away, rich countries have also narrowed their interpretation of asylum law. In 2008, Western countries recognised refugee status for 15.8% of applicants, against a recognition rate of 35.9% elsewhere (Hollifield, Martin et al., 2014: 43). Restricting immigration has required an unprecedented coercive apparatus to be set-up at the rich world's borders. Western countries deported 460,000 immigrants in 2000 and 660,000 in 2009 (Hollifield, Martin et al., 2014: 41). In 2012, 471 migrants died trying to cross the southwest section of the US border. In 2015, 3,770 died in the Mediterranean Sea during their irregular journey to Europe (Squire, 2017: 514). In Singapore, female low-skilled immigrant workers receive regular health checks and are sent home to give birth if they are found to be pregnant (*The Economist*, 2019). The 2020 Global Pandemic has further strengthened state control of international mobility.

Despite the expectation that falling transportation and information costs and the unprecedentedly large inequality between countries would multiply the number of migrants, the proportion of international migrants worldwide has only risen from 2.4% in 1960 to 3.4% in 2019 (World Bank, 2019; UN, 2019) and will be much lower in 2020. Net immigration to the United States has steadily declined over the last twenty years. By preventing migrants from moving to rich countries, restrictions have encouraged migration flows within poor regions such as Africa. In accordance with selective policies, those who move to rich countries are wealthier or more educated than other migrants. They also send the bulk of remittances to their countries of origin: 75% of the remittances sent by emigrants from Latin American countries come from the United States, while less than 15% flow between Latin American countries (Germano, 2018: 75, 79, 119). Against this backdrop, let us now try to answer the question asked by the Secretary-General.

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“What kind of future do we want to create?”

The point of this exercise – which differs from defining policy recommendations – is to set up a reference framework rather than a road map. What would a global migration regime consistently organised around a sound theory of justice look like? The most appropriate theory of justice for thinking about migration remains the theory of justice as fairness articulated

by John Rawls (Rawls, 1999; for more recent approaches applying Rawls' insights to migration see Risse, 2012: Chapter 8; Albin, 2014). Rawls imagined what he called an "initial situation" in which free and rational individuals design some form of social organisation. These individuals have complete general information on social and economic mechanisms but lack specific details about their own place in society, natural abilities and fortune. On the one hand, they know that, for now and the decades to come, 90% of the global population live in less developed countries and only 10% in more developed countries. They also know that high employment standards hinder immigrants from poor countries from finding regular jobs in rich countries. On the other hand, behind what Rawls called the "veil of ignorance", they are

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unaware of the social position into which they will be born: the country, social class, gender or geographical area. They are likewise ignorant of the natural abilities they will possess or the level of luck they will enjoy over their lifetime. What kind of rules would those individuals construct for the global migration system?

Rawls found that the individuals in his "initial situation" would recognise that "an inequality of opportunity" can be justified only if it "enhance[s] the opportunities of those with the lesser opportunity" (Rawls, 1999: 266). The inequality of opportunities that closed borders

create for instance between a young girl in the United States and a similar girl in South Sudan does not enhance the opportunities of the latter (on misery and lack of opportunities in the Global South, see also Bargués in this volume). Rational individuals behind Rawls' "veil of ignorance" could not accept a social organisation in which they would have a 90% chance of being born in the poor world with very few options to escape. Rawls' theory of justice would therefore entail freedom of movement from poor to rich countries and complete access for immigrants to employment in rich countries. A liberal migration regime worldwide, underpinned by freely adjusting labour markets, would undermine the highly concentrated premium for being born in a rich country.

Besides the free movement of people, a second feature of a global migration regime consistent with a sound theory of justice entails the opportunity for immigrant workers from poor countries to transfer their earnings to their countries of origin. Remittances are powerful instruments to foster economic development and political stability in countries of origin (on development, see also Ayuso in this volume). In 2014, remittances sent by

international migrants to less developed countries represented 3.3 times the amount that rich countries gave in development aid (Germano, 2018: 4–5). Remittances are also superior to foreign investment because they are countercyclical. When a country falls into a downturn, the flow of foreign investment tends to dry up, whereas remittances increase as working emigrants are sensitive to the difficulties of their families. Remittances allow those families to maintain their consumption levels in unfavourable economic conditions and, thereby, to more easily decide on long-term investments in housing and education (*The Economist*, 2019; Germano, 2018: 10). A complete system for transferring earnings would therefore be a major instrument that would enhance the opportunities of those with lesser opportunities.

A third feature to consider – however behind the previous two – would be to improve living conditions for all while letting migration flows contribute to the harmonisation of income levels worldwide. The global migration system should preferably be organised in a way that prevents local workers in destination countries from experiencing a drop in their opportunities as a result of immigration. Yet this concern cannot justify restrictions on immigration. While a number of those who have highlighted downward pressure of immigration on local workers' wages have concluded that destination countries should restrict immigration, they

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have not done so based on a convincing theory of justice. Rawls' theory of justice forbids restricting the opportunities of the worse-off to protect the earnings of the better-off (Albin, 2014: 145). Acceptable mechanisms to prevent local workers in destination countries from experiencing a reduction in their opportunities as a result of immigration would include free access to vocational training or to further education. This would expand local workers' opportunities when they are negatively affected by immigration. A social policy of this kind could be funded by taxing those in rich countries whose income is positively correlated to that of immigrants (Rawls, 1999: 292). To sum up, a global migration regime based on a consistent theory of justice would include freedom of movement between countries, freedom for workers from poor countries to take up employment in rich countries in freely adjusting labour markets, a complete system for transferring earnings, and taxation of the better-off in rich countries to fund vocational training and further education for local workers whose income is negatively affected by immigration.

“What action is needed to bridge the gap between the two worlds?”

Secretary-General António Guterres asks what the United Nations can do to bridge the gap between the current world and a world that would be based on a consistent theory of justice. The distribution of interests and power makes it impossible for UN actions to bridge the gap. Previous UN attempts have been few in number and have failed. Trying to get more ratification or better compliance with existing instruments would exacerbate tensions and prove counterproductive (Ruhs, 2013: 13–21). The recent global compact on migration boils down for all purposes to a non-binding ratification of current practices. Even this insignificant step of codification was rejected by the United States, Australia and several European countries processing the inflows of migrants from outside Europe. Even destination countries in South–South flows – including Brazil, Chile, the Dominican Republic and Israel – have withdrawn. So is any kind of substantial actions conceivable?

Looking at a rare instance of migratory liberalisation – inside the European Union – highlights the importance of a “regional hegemon” (Comte, 2018a).

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Germany has played this role in the liberalisation of migration flows inside Europe. Thanks to the relatively freely adjusting labour market in Germany and good economic conditions, the country has for most decades in the history of this transformation absorbed the bulk of the additional inflow of migrants created by liberal arrangements. Germany has conducted this

policy not because it would have been necessary to get manpower, but in order to unify Europe in a liberal form. It is therefore possible to conceptualise “migratory hegemons” as regional powers with freely adjusting labour markets characterised by expanding demand that are interested in stabilising their regional environments.

New cases may emerge (Comte, 2012). In the late 1940s, US incentives fostered regional cooperation in western Europe, initiating the first steps in the formation of today’s migration regime in Europe. In a similar vein, the UN could launch a new programme to bring together regional groups of countries to liberalise trade, capital flows, and migration (on regional cooperation, see also Soler in this volume). The UN could secure the support of the United States and its allies to provide financial stimulus by underlining how such cooperation could alleviate the global migration predicament. UN agencies – such as the International Labour Office – could offer technical assistance. How should these regional groupings around possible migratory hegemons be defined?

Recent moves of US withdrawal from the Middle East may create an acute sense of geostrategic vulnerability for Saudi Arabia and other rich countries in the Gulf. Western pressure could lead them to create a more cohesive regional order – both in the context of their struggle with Iran and to prevent aggression from other Arab countries. Another possible hegemon in a more distant future is China. With China’s expected population decline and geopolitical interest in relaxing tensions with its neighbours, Chinese leaders may consider deeper regional cooperation with Southeast Asian nations as a way to loosen the lock that encloses their country. The United States may accept this plan if China conducts itself as a benevolent and liberalising hegemon. Windows of opportunity may open to foster other smaller-scale regional hegemons elsewhere.

If the UN manages to promote such regional cooperation, it could deepen it by encouraging the export of social security benefits for internal migrants. This too would replicate the experience inside the European Union. Workers are normally entitled to benefits for themselves and their families, as they have contributed with their wages to social security institutions in their countries of employment.

However, most countries restrict the payment of benefits to residents. As those benefits constitute considerable amounts, transferring them would create an enhanced system of remittances, which would likely foster development and reduce migration (Comte, 2018a). The transfers of healthcare benefits and family allowances could improve healthcare conditions and schooling opportunities in countries of origin and reduce the incentives for family members to relocate. The transfers of pensions and unemployment benefits could

facilitate the return of emigrants. At the International Labour Office, there is the expertise to help regional groups of countries set up schemes for the transfer of benefits.

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Besides fostering the development of relevant regional frameworks and deepening their cooperation, the main role the UN could play is to promote better research outputs, which would be likely to give a stronger voice to the forces in favour of free migration. More research could better describe the mechanisms that are responsible for rich countries’ deep closure to immigration from the poor world. Our knowledge of the evolution of the stances of trade unions in rich countries on immigration still contains several gaps: in some cases unions have stopped voic-

ing an official opposition to immigration, but we still know little about the alternative mechanisms they have developed to prevent immigration from exerting downward pressure on local workers' wages (Peninx and Roosblad, 2000). Alongside historical research, philosophical research can also highlight the importance for global fairness of free and competitive labour markets. The dominant opinion in rich countries is that labour markets need to have high standards, whereas Rawls' theory of justice as fairness operates under freely adjusting labour markets, in which only the marginal productivity of labour determines wages (Rawls, 1999: 269). There is therefore room for the UN to promote new research to highlight debates on migration – one of the key challenges of the twenty-first century.

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