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Open Borders and Global Distributive Justice

Abstract: In this article, I examine how open borders can serve the idea of global distributive justice by asking how or how not the existing practices of immigration to rich countries may contribute to global economic redistribution. There are two observations. First, migration is not the redistributive option that anyone has an equal access. In order to make use of migration as a means of global redistribution, rich countries need to provide a chance to migrate to those who cannot afford movement by themselves. Second, as long as brain-drain problems happen, what the perspective of global distributive justice requires is the compensation for some educational cost of raising professionals or some control of their movement. Immigration admissions largely focusing on getting highly skilled professionals may not serve the idea of global redistribution.

Keywords: open borders, global redistribution, political membership, cost to move, brain -drain problem, recruitment of professionals

I. Introduction

Citizenship represents an emotional tie to our political community such as a sense of belonging, loyalty and identity. Yet that's not all. The primary function of citizenship is to distinguish who is a legitimate member of a country and who is not. No matter how vicious crime one commits, citizens can never be expelled from the territory. However, even though one gets into a country without a legal document by chance, those who lack a document which verifies their stay cannot be saved from the possibility of deportation. As Ayelet Shachar puts concisely, citizenship has a role to keep the gate. Also as Shachar insightfully points out, in today's world of a great disparity, this 'gate-keeping function' of political membership brings about another important role, "opportunity-enhancing function": to enhance a variety of opportunities that citizens may experience.² In today's world, the governments of rich countries provide many kinds of social services including health care, unemployment benefits, basic education and so on. One who is entitled to enjoy these services is citizens of the country or long term foreign residents at most. Immigration admissions of today's rich countries are so tight that not anyone who wants to move to a richer part of the world can succeed to migrate. There is no denying that an institution of political membership

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² Ayelet Shachar, *The Birthright Lottery*, 2009

which distinguish citizens from others enables various and rich opportunities that the governments of rich countries provide.

No wonder that this distributive aspect of an institution of political membership is drawing an attention of those who engage in global distributive justice. A great number of people in the world acquire their citizenship by birth. There are two main principles to acquire citizenship by birth: parentage and territoriality. In some countries, one is entitled to acquire citizenship of one's parents. Or, in other countries, one may obtain citizenship for the reason that he/she is born in the territory. Yet we do not choose to whom we are born. We do not choose where we are born either. Then how can liberal egalitarians³ who have been struggling to argue against inequalities arisen neither by consent nor choice leave this distributive aspect of an institution of political membership aside? How can an institution of political membership serve the idea of global distributive justice? One vague but progressive idea is what's called 'open borders', a suggestion to get more migrants in rich countries. The aim of this paper is to explore how open borders policies can serve to modify the great gap of opportunities which an institution of political membership contributes to maintain. In what follows, after summarizing the accounts of open borders from the perspective of global distributive justice (Section II), I examine how or how not open borders can serve the idea of global distributive justice by asking how the existing practice of immigration to rich countries could contribute to global economic redistribution (Section III).

II. A case for open borders

International migration is drawing a growing attention from those who engage in the global development projects. For example, the United Nations High-Level Dialogue took place discussing on migration and development for the first time in 2006.⁴ Also, United Nations Development Programme, which measures world development by its own indicator, Human Development Index, investigated the impacts of migration on human development in its

³ For the sake of argument, I take for granted that people in rich countries have some responsibility to help the people in a desperate situation beyond borders. Thus, when I mention "liberal egalitarianism", I have a global version of liberal egalitarianism which assumes a wider duty to help the needy no matter where they are, not a domestic one, in mind. Although the question of whether one has any responsibility to help the poor beyond borders is something needed to be discussed before examining open borders, I will leave it to another occasion. I believe that it is natural to assume that there is such a responsibility in the beginning because one of the central ideas of liberalism is equality of all human beings. Liberalism involves the idea that all human beings are entitled to equal respect and concern regardless of their nationality. It must follow the redistributive responsibility to help the poor when there is the ones who cannot live a basically decent life.

⁴ <http://www.un.org/migration/index.html>

report for the first time in 2009 summarizing that “large gains to human development can be achieved by lowering the barriers to movement and improving the treatment of movers.”⁵

Let me summarize the gains of international movement. First of all, international movement benefits migrant workers greatly. Migrant workers can get a chance to earn salaries several times as much as they would in their original countries.⁶ Migration can also enhance an access to better health services and health-enhancing factors such as clean water, sanitation, better information of health.⁷ It can also raise worker and his/her family’s educational prospects.⁸ Those who benefit from the movement are not limited to migrants themselves. The international movement of people benefits the economy of developing countries which send migrants as well. Remittances from rich countries to developing world today are so huge that they help the economy of developing world. World Bank’s data shows that the international remittances to developing countries in 2009 year amounted to 307 billion US dollars, 70% of all the international remittances of that year. It also shows that, for 22 countries in the world, remittances from abroad exceeded 10% of their GDP. The inward flow of remittances in Tajikistan, the top recipient this year, amounted to 35% of their GDP.⁹ The important point of this story is not just how large the amount of international remittances is, but that it far well exceeds the amount of aid officially given by developed countries. The amount of ODA in 2009 year was 110 billion US dollars,¹⁰ less than a half of that of international remittances. We cannot doubt how they help the economy of the developing world. Moreover, what benefits people left behind is not only money and a new consumption it brings but also a progressive idea which liberalize people’s behaviors or a new practice and technology sometimes called “social remittances”¹¹.

⁵ UNDP, *Human Development Report 2009*, 4-8. http://hdr.undp.org/en/media/HDR_2009_EN_Complete.pdf

⁶ UNDP (note 5), 50-51. However, there is often a problem of the recognition of credentials which migrants get in their developing countries of origin. Many of the migrant workers often end up working below their potential because their credentials are not recognized in a new country. In typical examples, professional workers work as an assistant in their professions, such as doctors working as a nurse. Cf. Tim Martineau et al., "Brain drain" of health professionals: from rhetoric to responsible action. *Health Policy* 70(1), 2004.

⁷ UNDP (note 5), 55-57.

⁸ UNDP (note 5), 57-60.

⁹ World Bank, *Migration and Remittances Factbook 2011*,

<http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:21352016~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html>

¹⁰ Ministry of Foreign Affairs of Japan, *Japan’s ODA White Paper 2010* [ODA Hakusyo 2010] ,

http://www.mofa.go.jp/mofaj/gaiko/oda/shiryo/hakusyo/10_hakusho_pdf/pdfs/10_all.pdf

¹¹ Janet. S. Chafetz & Helen.R. Ebaugh, The Variety of Transnational Religious Networks, in *Religion across Borders: Transnational Immigrant Networks*, ed. Helen.R. Ebaugh & Janet. S. Chafetz, 2002, 173-174; Stephen Castles & Raúl D. Wise, Introduction, in *Migration and Development: Perspectives from the South*, ed. Stephen Castles & Raúl D. Wise, 2008, 8

Based on these findings, some scholars argue for getting more migrants in rich countries, what's called "open borders". To name, for example, Joseph Carens, a leading scholar in immigration justice familiar with advocating for open borders, suggests that the reduction of social and economic inequalities as one of the accounts for his proposal of open borders, although, as long as I read him, his main account is freedom of movement as a basic freedom.¹² Christine Straehle also suggests the "Redistributive Immigration Schemes" which idea is to make use of immigration for the purpose of providing the world poor a chance of living more autonomous life. She proposes that G7 countries except Russia admit anyone living less than \$2 a day temporarily with the support to move as well as to settle in the new societies.¹³ Moreover, Jonathan Seglow suggests a quota for migration which assigns countries the numbers and categories of migrants whom they admit. The number of migrants which countries admit is determined by three factors: each country's GDP, population density and the quality of environmental infrastructure. For the categories of migrants, he suggests to prioritize poorer people from poorer countries because the purpose of this quota is global redistribution of wealth. Under Seglow's proposal, every country meeting these criteria has a duty to accept a number of migrants regardless of how it has been admitting people from abroad or not.¹⁴ Furthermore, Daniel Bell defends the practice of foreign domestic workers in Hong Kong and Singapore, which forms of migration often criticized by liberals because of the unequal rights migrant workers have and exploitation they experience. For example, most notably, in Singapore, migrant workers are deported as soon as they get pregnant. There is no limit on working hours. They cannot apply for citizenship or permanent residence no matter how long they stay, either. According to Bell, foreign domestic workers are "something to be tolerated, not celebrated" as long as they are benefited by their choice and there aren't any feasible alternative ways to improve their situation.¹⁵

The argument of these scholars can be summarized in three points. First, as shown above, a great improvement of worker's working and living conditions and a huge amount of remittances today suggest that admitting more and more immigrants in highly developed countries contribute to the global economic redistribution. Second, admitting migrants in the developed countries can benefit the needy directly. We often hear that economic assistance

¹² Joseph Carens, *Migration and Morality: A Liberal Egalitarian Perspective*, in *Free Movement*, ed. Brian Barry & Robert Goodin, 1992, 25-47

¹³ Christine Straehle, *Immigration, Individual Autonomy and Social Justice: An Argument for a Redistributive Immigration Policy*. PhD Thesis, McGill University, 2006

¹⁴ Jonathan Seglow, *Immigration justice and borders: toward a global agreement*, *Contemporary Politics*, 12(3-4), 2006, 233-246

¹⁵ Daniel A. Bell, *Beyond Liberal Democracy*, 2006, 281-305

falls into the hands of vicious ruling groups or is exhausted by the inefficient administration of a country. However, by admitting immigrants in highly developed countries, we can provide a chance to improve one's living by oneself to those who are desperate.¹⁶ Third, rich countries can be more willing to admit migrants than giving aid or reforming global institutions, for admitting more migrants in the developed world can not only help the world's poor but also benefit receiving developed countries themselves. What one can assist voluntarily is limited. The same goes for the aid between countries. Only a few countries in North Europe keep the international agreement of providing 0.7% of their GDP for ODA. Global institutional reform is making little progress as well. Contrary, admitting highly-motivated workers could be a help for today's developed countries where the population of work force is declining because of the aging population and the low level of birthrate. Therefore rich countries are thought to be more willing to admit migrants than giving aid or reforming global institutions unilaterally.

III. Examining open borders argument

On the face of it, all of three accounts above seem to be plausible. There is no denying that a large amount of remittances help the economy of some developing countries. Foreign aid often has a danger of being wasted. Many of today's rich countries are welcoming highly-motivated workers coming. However what is not clear in these accounts is on what occasion getting migrants in the developed countries can serve the idea of global redistribution. Does the international movement of people always have a positive impact on migrants and their countries of origin? Aren't there any cases in which international movement of people cause a negative impact on sending countries? So the key question should be how open borders can serve to modify the great gap of opportunity which an institution of political membership contributes to maintain rather than whether either of open or closed borders can better serve the idea of global distributive justice. In addition, it is far from clear what it means to open or close borders to begin with. A number of questions can come up with. How can we assess the border policy of one country is more open than that of another? Or how can we assess the border policy of this year is more open than that of former? Does it meant to get more immigrants in number? Or does it mean to lower the requirements for immigration? What are the criteria to assess? Thus let me begin by asking how or how not the existing practices of immigration to rich countries can contribute to global economic redistribution. There are

¹⁶ I see that this line of consideration has much weight in Carens and Bell's argument.

several developed countries which have been building up their nation by attracting immigrants, such as US, Canada, Australia and so on. For example, Canada has been accepting more than 200000 permanent residents for a decade.¹⁷ For comparison, the number of temporary workers Japan accepted in 2010 only amounts to 52500.¹⁸ Can we say that the current practice of immigration to rich countries contribute to the global redistribution of wealth?

1. Migration and the cost to move

Two important points need to be discussed. First, many of those who migrate to developed countries today are not among the worst-off. For example, more than a half of foreign residents in Japan are from China or South Korea. People from Vietnam, Thailand, Indonesia and India are on the steep rise.¹⁹ In Canada, major source countries of permanent residents now are China, Philippines and India.²⁰ Thus most migrants in developed countries today are not from the least developed. Even illegal migrants in today's rich countries are said to be from middle-developed countries.²¹ Even if people are from less developed countries, they are usually not the worst-off of the countries of origin. Those who want to move across borders face a various cost. For example, research shows that passport costs more than 10% of per capita income in one tenth countries.²² In addition to these official fees and transportation costs, some people pay the money to smugglers and officials to bribe. Education and language training which score high in every immigration admission also cost a lot. Network with local communities helps very much to get lively information before moving and living there, but not many people know someone who can supports them from the beginning. Those who move across borders are the ones who can afford these costs. Not surprisingly, migrants in developed world are not from the least developed countries, nor the worst-off of the countries of origin. As a matter of fact, in today's world, those who live outside of their countries of origin only amount to 214 million, 3.1% of the world population.²³ Among those, people who

¹⁷ CIC, *Facts and Figures 2010: Immigration Overview* <http://www.cic.gc.ca/english/pdf/research-stats/facts2010.pdf>

¹⁸ Ministry of Justice, *2011 Immigration Control* [Shutsunyukoku-Kanri 2011], <http://www.moj.go.jp/content/000081958.pdf>

¹⁹ The Immigration Bureau, Ministry of Justice Japan, Press Release, On the statistics of foreign residents as of the end of 2007.

²⁰ CIC, *Facts and Figures 2009: Immigrant Overview*, 27 <http://www.cic.gc.ca/english/pdf/research-stats/facts2009.pdf>

²¹ Frederick G. Whelan, *Citizenship and Freedom of Movement: An Open Admission Policy? in Open Borders? Closed Societies?* ed. Mark Gibney, 1988, 11

²² UNDP (note 5), 9

²³ IOM, *Global Estimates and Trends*, <http://www.iom.int/jahia/page254.html>

move from a developing country to a developed country amount to fewer than 70 million. Most people move between developing countries or between developed countries.²⁴ This clearly shows that migration is not the redistributive option that anyone has an equal access.

For this reason, one may conclude that immigration cannot be the attractive way to help the global poor. For example, Thomas Pogge, a world leading scholar in the global distributive justice debates, doubts how effective admitting immigrants in developed countries would be to meet our responsibility to help the world's poor. Pogge points out that many of the migrants whom the affluent countries admit now are not the neediest and the number of migrants that the affluent countries are thought to be able to admit under the best situation is obviously far smaller than the number of people who are suffering. Rather, he proposes to keep struggling to institute a program of global poverty eradication.²⁵ Yet the fact that current practice of immigration does not serve the idea of global distributive justice does not necessarily follow that migration cannot be the attractive means to help the global poor. What it follows is that whether migration can be a means of global redistribution depends on how we design the scheme of migration. We may say that, in order to make use of migration as a means of global redistribution, rich countries need to provide a chance to migrate to those who cannot afford movement by themselves, as Strahle's proposal advocates.

2. Brain-drain problems and the recruitment of professionals

Second, the impact of the international movement of people on developing world is not always positive. Recent brain-drain problems show that the relationship between migration and development is more complex than open borders theorists assume. Sending countries have been benefited by a large amount of remittances on the one hand, there is a growing concern that they would suffer from a lack of human resources for creating and running the society by losing the most talented and active part of populations. For example, international movement of health workers is getting a great attention of sending countries as well as international organizations which engage in the economic development of the world such as World Bank. World Bank's Migration and Remittances Factbook reports the emigration rate of physicians of each country besides that of tertiary educated. It is said that more than 20% of physicians practicing in the highly developed English speaking countries such as US,

²⁴ UNDP (note 5), 5

²⁵ Thomas Pogge, Migration and Poverty, in *Citizenship and Exclusion*, ed. Veit Bader, 1997, 12-15

Canada, UK, Australia and New Zealand are foreign-trained.²⁶ Many of them come from middle-developed countries in Asia and Africa, meaning that there is a movement of physicians from countries in which there is less than a half number to those where there is twice. There are more than 20 physicians per 10000 populations in receiving countries such as Australia and US on the one hand, there exists less than 10 physicians per 10000 population such as India and South Africa, typical examples of sending countries, on the other hand.²⁷ Of course, it is not sure whether the main reason of a great gap in physician density between developing and developed countries is migration. However, migration could aggravate the existing gap of health conditions further.

Moreover, what makes the brain-drain issue problematic is the practice of recruitment of skilled workers by developed countries. Many of the health professionals who live in developed countries now did not necessarily move self-motivated. Some countries have been actively recruiting and importing professionals from other countries, especially from poorer developing ones, for their own profit.²⁸ One article reports that, in 2000, a center for spinal injuries in South Africa, the referral center for that region, happened to close temporarily because two anaesthetists were recruited by a Canadian institution which attempted to open a new spinal injuries unit.²⁹ There are more than 1000 South African physicians in Canada. South Africa is known to have once been asked Canada to stop recruiting their physicians.³⁰ Some commentators try to calculate the loss of the educational and training cost of professionals by a monetary value, saying the practice of recruitment as free-riding. For instance, India is said to have lost the cost of training doctors up to some billion dollars since 1950s.³¹ As more and more rich countries compete with each other for getting more talented workers, this tendency is predicted to be going to accelerate in the near future.³²

²⁶ Mélanie B. Forcier, et al., Impact, regulation and health policy implications of physician migration in OECD countries. *Human Resources for Health*, 12(2), 2004, 4/11 <http://www.human-resources-health.com/content/2/1/12>

²⁷ WHO, World Health Statistics 2008, 76-83 http://www.who.int/whosis/whostat/EN_WHS08_Full.pdf

²⁸ Ronald Labonte et al. show that there are agencies some of which are funded by government of Canada targeting the recruitment of health workers. Although it is quite difficult to find out the precise role of these agencies in the international movement of workers, their research shows that there are a great number of advertisement by Canadian regional health authorities on the health care jobs in Canada in some of the African well-known medical journals, which indicates that the government somehow involves. Ronald Labonte, et al. *The Brain Drain of Health Professionals from Sub-Saharan Africa to Canada*, 2006, 30-32

²⁹ Tim Martineau, et al. (note 6).

³⁰ Amy Jo Ehman and Patrick Sullivan, South Africa appeals to Canada to stop recruiting its MDs, *CMAJ*, 164(3), 2001

³¹ Tim Martineau, et al. (note 6), 3

³² Sabina Alkire, & Lincoln Chen, "Medical Exceptionalism" in International Migration: Should Doctors and Nurses be Treated Differently? , Draft paper for the Workshop "Global Migration Regimes", 2004

As long as brain-drain problems happen, what the perspective of global distributive justice requires is the compensation for some educational cost of raising professionals or some control of their movement rather than getting them.³³ Investing more in the education of domestic professionals and consequently avoiding the lack of domestic human resources must amount to the economic compensation.³⁴ Also we should refrain from getting professionals from the region where they are scarce. Anyway immigration admissions largely focusing on getting highly skilled professionals may not serve the idea of global redistribution.

IV. Conclusion

In this article, I have examined how open borders can serve the idea of global distributive justice by asking how or how not the existing practices of migration to rich countries may contribute to global economic redistribution. There are two observations. First, migration is not the redistributive option that anyone has an equal access. In order to make use of migration as a means of global redistribution, rich countries need to provide a chance to migrate to those who cannot afford movement by themselves. Second, as long as brain-drain problems happen, what the perspective of global distributive justice requires is the compensation for some educational cost of raising professionals or some control of their movement rather than getting them. Immigration admissions largely focusing on getting highly skilled professionals may not serve the idea of global redistribution. None of these observations show that admitting migrants in rich countries cannot be the attractive way to meet the responsibility to help the global poor. I believe that these observations can be a constructive step to theorize immigration justice from the perspective of global distributive justice.

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³³ Alkire and Chen imply that the movement of health professionals should be more restricted than other workers in consideration of the brain drain problems. Sabina Alkire, & Lincoln Chen (note 33)

³⁴ Devish Kapur & John McHale, *Give us your best and brightest*, 2005, 183-184