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The International Migration Factor: Causes and Consequences*

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In a world characterized by conscious awareness of the need and the will to bring into being national interdependence, the causes of international migration will be other than those caused by man's inhumanity to man ... among the consequences of such migration will be the broadening of man's horizons ...

The right to leave one's country is a basic human right. Socrates regarded it as an "attribute of personal liberty." The Magna Carta incorporated it for the first time into national law. The French Constitution of 1791 provided for the same guarantee, and an act of the U.S. Congress in 1868 declared that "the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness."

In considering the right to leave, there is frequent association with the concept of a "refugee" and with the crossing of borders in order to seek asylum outside one's country or place of residence. However, it should be noted that there are situations (e.g. in both hemispheres) where some people within their country of residence or nationality are oppressed and uprooted from, or impeded from living in accordance with, their cultural-religious roots which are distinctive and different from the majority culture.

Whether the refugee is within an inhospitable country or elsewhere, his position is especially precarious. As Dr. Paul Weiss, formerly director of the Legal Division of the United Nations High Commissioner for Refugees, pointed out:

> This is due to the fact that in classic international law nationality is considered as the link between the individual and international law......In the case of the refugee, this link is not effective, it has been broken...Refugees may be stateless or not. It is not their nationality status but the *absence of protection by a state which is a determining element of their refugee character.* It would therefore in the case of refugees and stateless persons who have been called "flotsam, res nullius," "a vessel on the open sea not sailing under any flag," be more proper to speak of *de facto* and *de jure* unprotected persons.[1]

Political, religious or economic oppression, and military pressure are among the principal elements creating the refugee, who, according to the internationally accepted definition, is:

> an individual who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, unwilling to avail himself of the protection of that country; or, who, not having a nationality of being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.[2]

The plight of the refugee has been perceptively described as being:

> Isolated in an anarchy that he did not create, he is overwhelmed by his sense of not belonging. He lost his social status when he lost his economic status. Deteriorating in the

[1] Paul Weiss, *Human Rights and Refugees*, 1966, pp. 1-2.

[2] Revised 1951 U.N. Convention Relating to the Status of Refugees. Article 1(2).

frustration of camp life ... he lives in despair in a moral vacuum.[3]

In the 17th century religious wars caused the migration of people who would not accept religious persecution. A hundred years later, due to the power policy of absolute dynasties, many citizens of such countries preferred to leave and settle abroad.

Political as well as religious persecution characterized the second half of the 19th century. At that time men fled in order to go to countries which offered economic freedom and freedom of speech and thought. Certain regimes tried to prevent their going but despite this many fled to the Americas. Migration on a scope heretofore unknown raised the United States of America within two centuries from a country of medium size, lying on the periphery of the world, to a great power.

The 1974 (the latest published) annual survey issue of the World Refugee Report issued by the U.S. Committee for Refugees indicated there were 14,195,451 political refugees, as in the following table, as well as 500,000 additional refugees resulting from the drought in Africa.

Total World Refugee Population

Area	1972	1973
Asia	9,389,427	8,581,230
Middle East	1,887,645	2,328,989
Africa	1,263,291	1,105,217
Europe and		
United Kingdom	715,618	756,861
Western Hemisphere	1,391,076	1,423,054
Total	14,646,957	14,195,451

Where possible I am using figures updated by the United Nations High Commissioner for Refugees, Prince Sadruddin Aga Khan, based upon his "Report of UNHCR Assistance Activities in 1975-1976."[4]

[3] Elfan Rees, *We Strangers and Afraid; the Refugee Story Today.* New York: Carnegie Endowment for International Peace for World Refugee Year, 1959, p. 19.

[4] A/AC 96/526, 16 August, 1976.

A brief survey of the refugee situation by continents will provide an overview of this painful situation.

Africa

Algerian independence in 1962 impelled over a million persons to migrate, primarily to France. The recent Algerian-Moroccan dispute over the Sahara area given up by Spain impels additional new refugees to seek asylum.

Also during the sixties, ferment arose elsewhere on the African continent causing displacement of peoples. Thousands of Asian white collar, professionals, technicians and merchants have been displaced in parts of East Africa, as well as large numbers of highly trained economic or administrative elites, distrusted by local peoples as controlling their government administration or certain fields of economic activity.

Among such displaced peoples in the early 1960s were also the Dahomeyans who staffed the colonial civil service in French West Africa. The Balubas of Katanga Province in the Congo, another administrative elite, fled fearing reprisals from others of the region should the Katanga secession succeed.

About 300,000 Balubas returned to their ethnic homeland, Kasai Province, within the first year of Congolese independence.

During the struggle for independence, tens of thousands of Mozambicans had taken refuge in neighbouring countries. Following the establishment of the Transitional Government in September 1974, large numbers of the refugees returned spontaneously to their country. At independence in June 1975, some 50,000 Mozambican refugees were still living in rural settlements established with UNHCR assistance in the south of the United Republic of Tanzania and others were living scattered among the local population.

The prolonged fighting in the Sudan resulted in the migration of some 200,000 refugees to the neighbouring countries of Uganda, Zaire, Ethiopia and the Central African Republic. The signing of the peace agreement on February 28, 1972 opened the

way for the gradual repatriation of these people.

In the spring of 1976 the total number of refugees in the Sudan was estimated at 98,000 taking into account the presence of additional refugees who had become known to the authorities as well as the new influx which took place at that time. With the exception of some 4,500 Zairians in Rajaf and a caseload of over 2,000 of varied origin in Khartoum, the refugees are Ethiopians living in Kassala Province.

The number of refugees in Uganda remained virtually unchanged in 1975. Of the estimated total of approximately 112,500 refugees, some 78,000 are Rwandese and some 34,500 are of Zairian origin.

At the end of 1975 the number of refugees in Zaire was tentatively estimated at 510,000, of whom 460,000 were Angolans. These figures were approximations as actual statistics were not available and the majority of refugees were living independently among the local population. Shortly before and after Angola's independence, a significant proportion of the Angolans voluntarily repatriated. Other Angolans came to Bas-Zaire from Cabinda province and northern Angola. By mid-1976 it is estimated that 460,000 Angolans remain in Zaire, of whom some 20,000 are new arrivals. Moreover, there are some 24,000 refugees each from Burundi and Rwanda and considerable numbers of individual refugees in urban centres, mainly in Kinshasa.

Asia

The U.N. estimates that the population of Asia is 2,306,000,000, a massive 57 percent of the global population. Population pressures and political developments are among the factors which generated tensions and international migration, although the numbers are simply too massive to consider for migration. Further, a number of receiving countries, for reasons of self-interest, prejudice and other causes, would not welcome masses of migrants from this area. Nevertheless, there has been a considerable flow of international migration

generated by political and demographic pressures.

Thus the post-1949 stream of refugees from the Chinese mainland to Hong Kong and Macao swelled to millions.

In the ten months between March 1971 and January 1972, East Pakistan, now Bangladesh, was the scene of a frightful war. In that brief period, ten million refugees fled into India and by March 1972, all but a very few had returned again to their ravaged homeland.

In Thailand, implementation of a large-scale programme of relief aid by the UNHCR was begun in August 1975 to assist the authorities in meeting the needs of thousands of persons displaced from Democratic Kampuchea, the Laos People's Democratic Republic and the Socialist Republic of Viet Nam as a result of events there in 1975.

Some 1,200 displaced persons from Democratic Kampuchea in Thailand were resettled in Malaysia.

Mention should also be made of the 3,500,000 East Pakistani refugees who migrated to India, of Tibetan refugees who fled to India and of Indonesians who fled to Holland when their nation became independent. The list can continue for pages.

Middle East

In 1948 the establishment of Israel generated a stream of more than 600,000 Jewish refugees to the new Jewish State from European, Arab and Moslem countries, and a stream of a similar number of Arab refugees from the Jewish State. While the former were absorbed and are no longer considered refugees, the latter, kept in camps supported by UNRWA, have, it is estimated, increased to some 1,800,000. Palestinian refugees have played a prominent role in the tragic war in Lebanon which wrought so much death and destruction and which propelled thousands of Lebanese to flee to havens of asylum in Europe and elsewhere.

Latin America

By the end of 1975 there were some 60,000

refugees in Latin America other than those in Argentina, Chile and Peru; 50,000 were of European and approximately 10,000 of Latin American origin, mostly from Chile, in Colombia, Costa Rica, Cuba, Ecuador, Mexico, Panama and Venezuela.

Since late 1973 some 14,000 refugees of Latin American origin have been registered in Argentina. As the U.N. High Commissioner pointed out:

> The situation facing the Latin American refugees in Argentina is precarious for several reasons. Fewer residence and work permits are being granted now than in the past. Abductions, arrests, unexplained disappearances and other acts of violence have created serious concern among the refugees.[5]

Almost 2,900 refugees, virtually all Chileans have been registered in Peru since the events of September 1973 in Chile.

Latin American refugees are accepted in Peru in transit only and, with very few exceptions, resettlement remains the only long-term solution.

Mention should also be made that Castro's takeover power in Cuba caused some 650,000 Cubans to migrate to the U.S. and thousands more to Spain and Latin American countries.

North America

The United States and Canada continue to receive migrants from throughout the world. Between 1820 and 1975, more than 47,000,000 immigrants were admitted to the U.S.A., reflecting a large variety of cultural and religious tenets.

Among others, Canada admitted 6,000 persons from Indo-China and some 4,000 refugees from Latin America in 1975.

It is a truism that the United States is a nation of immigrants, and among them have always been some intellectuals, men and women educated abroad, who enriched American culture. But the wave of intellectuals from continental Europe arriving in the thirties and early forties, driven here by the forces of

[5] Op. cit., p. 80.

intolerance and oppression, was especially large and of very high quality—a classic "brain drain."

While the cultural wave was bringing European talent to America, it was putting an equivalent drain on Europe. In many countries, universities and other institutions of learning lost their best teachers, and theatres and concert halls their best musicians; outstanding artists emigrated; and governments were deprived of some of their foremost advisers.

More recently, the United States admitted a considerable number of refugees from various parts of the world, including 140,000 Indo-Chinese and large numbers of professionals and others from the USSR and other countries.

Europe

While the traditional movement of people from Europe to the United States and other overseas countries continues, albeit at a smaller tempo than that which had in the 19th century largely helped to populate and industrialize receiving countries, there has been a significant development of intra-European migration. The movement from Eastern Europe to Western European countries such as Austria, Belgium, West Germany and Sweden tends to be for permanent settlement, while large numbers of migrant labourers are only temporarily away from their own countries. More about the latter below.

In terms of refugees, unhappily, the melancholy list can be extended to include all continents, all races, all creeds. The number is so large that it is difficult for many people to conceive and relate to. It is only when the individual human being behind the statistic is envisioned that some rapport can be established between person and person. In this age of staggering statistical figures, the impact of enormous loss of life (whether because of war or other calamity) has tended to accustom and harden normal human reactions of compassion. Further, in this setting, the millions of

refugees on the weary highways of the world have also caused many to react with equanimity to such developments and have, in a sense, tended to cheapen moral values and even life itself. It is therefore essential that efforts be made to focus upon the person hidden by the massive numerical figures.

In light of the above, and mindful of the harmful effects of denial of the human right to leave the country of one's residence, it is a sobering thought that in assessing one year later the 1975 Helsinki summit meeting of the Conference on Security and Cooperation in Europe, both Western and Communist diplomats agreed that it had "produced disappointingly few results."[6] In the United States the Helsinki Commission was established by Congress under the recently passed Case-Fenwick bill, signed by the President, to monitor violations of human rights.

The so-called "basket three" (human rights) provisions of the Helsinki Final Act was included at the insistence of the United States. These provisions were intended to increase the free flow of people and information between Eastern and Western Europe. This was the most recent of a number of international agreements, including the Universal Declaration of Human Rights, designed to facilitate international migration.

This right has been categorically affirmed in Article 13, Paragraph 2 of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948, which states:

> Everyone has the right to leave any country including his own and to return to his country.

Article 12, Paragraph 2 of the International Covenant on Civil and Political Rights adopted by the United Nations General Assembly on December 16, 1966, has the same provision. A similar statement was also included in the International Convention on the Elimination of All Forms of Racial

[6] New York Times, September 22, 1976.

Discrimination, adopted by the United Nations General Assembly on December 21, 1965. The principle was also included in the European and American Conventions on Human Rights (1952 and 1969), the European Social Charter of 1965 and the U.N. Covenant on Human Rights of 1969, among others.

However, despite the hoped-for lifting of migration barriers in general and, particularly for the approximately 3,000,000 Jews in the USSR, with the worldwide acceptance of the principle of the right to emigrate, and despite the widely-published announcement by Soviet Premier Kosygin in Paris on December 3, 1966, the barriers to international migration remain in force.

Kosygin stated:

> We on our side shall do all possible for us, if some families want to meet or even if some among them would like to leave us, to open for them the road, and this does not raise here, naturally, any problem of principles and will not raise any.[7]

To date, only some 130,000 Soviet Jews have been permitted to leave during the decade following that statement. Of course there is no need to catalogue here the Soviet harassment of those within its borders.

The crucial role of freedom of movement was pointedly expressed by U.S. Senator Henry M. Jackson when he stated:

> Of all the human rights contained in the Universal Declaration of the United Nations, none is more fundamental than that in Article 13—the right to free emigration. And as we assess the developing detente, a basic measure of progress will be its impact on the free movement of people. The importance of free emigration stems from the fact that whatever other liberties may be denied—speech, press, religion, employment—any and all of these can be restored by emigration to free countries of the West. Of human rights, free emigration is first among equals. Moreover, emigration has a special international character that necessarily places it in the context of

[7] Jews in Eastern Europe, May 1967.

international relations—for the state that wishes to receive emigrants has at least as much of a stake in free emigration as the state from which they come.[8]

While humanitarian considerations are underscored in international migration, there are also economic, political, religious, social, demographic and other factors involved. Perhaps it should be noted that, since international migration involves crossing of national borders, such movement as, for example, of Puerto Ricans to the United States, West Indians to the United Kingdom, and pre-independence Algerians to France, constituting the movement of people to a culturally different country of which they are citizens, is considered as internal migration and therefore not within our purview.

Currently, the number of national borders has been increasing as groups seek expression on their cultural identity through political independence.

Significantly, the founding nations which formed the U.N. in 1945 numbered 51; in September 1976 the number of U.N. member nations had increased to 145—and there were indications that the number would be increased still more. The numbers are relevant because, among other things, the creation of more independent nations creates more frontiers for potential migrants to cross. One consequence is that international migration in the actual non-interdependent world tends to become more difficult.

In assessing our era, the increasing number of "independent" U.N. member nations in the last quarter of the 20th century—the newest (245th) U.N. member Seychelles, population 60,000 contrasted with U.N. member China, population approximately 850,000,000—will be noted by the future historian, along with America's entrance into the third century of its independence, the prodigious advances in the sciences, technology, medicine and other disciplines which dwarf centuries of previous human endeavour. With all of these spectacular advances, it is a depressing thought that

[8] *New York Times,* September 9, 1973.

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we have, as yet, been unable to resolve the very human problems which afflict international migrants.

International migration is the movement of people from one country to another. The particular direction of movement is determined by the salience of the push and pull factors in the country of origin and in a country of desired end-destination, when the prospective migrant can exercise a choice.

Were the international boundaries merely lines of demarcation in a consciously interdependent world, then the flow of movement would be along lines determined by push and pull factors, with relatively few problems.

It is interesting that the dictionary definition of "migrant" is "a person who moves in order to find work especially in harvesting crops." "Migrate" is defined as "to pass usu. periodically from one region or climate to another for feeding or breeding." While these definitions indicate causes of international migration in a pre-industrial society, their economic and social objectives, translated into modern terms, would still be relevant in a more interdependent industrial society.

Indeed, in an earlier age as far back as Bible times, it will be recalled that human migrations were often motivated by crop failures and the search for food. In the beginning they were largely tribal in nature. One recalls that Jacob and the tribes of Israel, reacting to the push factors created by the famine in Canaan, migrated to Egypt, which then exerted a pull upon the victims of the famine with its abundance of food as the then granary of the Middle East. They contributed to the development of Egyptian society and, particularly, the economy by use of their managerial skills (viz. Joseph) and their skills as shepherds.

Some 210 years later, according to the Biblical account, when the original welcome had been transformed into oppression, the push factor engendered by this stimulated the famous exodus from Egypt. In part, the Egyptian oppressive pattern developed because of the development of their own managerial class, irrational fear and a xeno-

phobic dislike for the unassimilable "foreigners" in their midst, many of whom differed in religion and customs from the Egyptian way of life.

International migration has even more ancient roots. Since the very dawn of civilization men migrated from place to place, many impelled by such "push" factors as famine, war, political dissension, religious persecution, low economic or social status, and such "pull" factors as desire to be united or reunited with relatives, perceived economic, social, religious, cultural, political and/or other advantages and opportunities in another country. For many, emigration, based on the strong push factors of perceived danger, served as veritable life-saving valve, an escape, when possible, to a perceived more benign country. However, as happened with Jewish refugees in the Second World War, escape into such countries of asylum as France, Belgium and Holland proved illusory since they soon come under Nazi hegemony and necessitated a desperate, largely futile search for new countries of asylum. As the late Stefan Zweig described their plight:

> They were driven out of lands but without a land to go to. They were expelled but not told where they might be accepted.[9]

And we might add, such was the plight of many of the 6,000,000 Jewish Holocaust victims.

Thus the push-pull factors may not necessarily be from one country directly to another; rather there may be intermediate stops in places which may originally have exerted a pull factor because of their perceived advantages—which may have changed with new circumstances.

International migration must be perceived within the context of world developments which generate the causes of such movements and which influence their consequences. The relationships are complex and interact dynamically.

[9] Stefan Zweig, *The World of Yesterday,* London, Cassell, 1953, p. 428.

References have been made earlier in this paper to historic precedents and quotations on migration as a human right. How much more painful would many of the movements of people be today if international agencies did not exist to try and alleviate to some degree the distress of either enforced movement under crisis conditions or organized movement when planning is possible.

I have already mentioned the High Commissioner for Refugees and his apparatus. The modern world has seen as well the other major organization functioning in migration and in crash emergency programmes. John Thomas, Director of Intergovernmental Committee for European Migration, because of repeated distressful events, unfortunately has had to emphasize and restate that "International Migration has come of age....The International Community could not expect to discharge its responsibilities through ad hoc support alone. ICEM must be ready to act in response to the increased adherence to the principle of the freedom of man to move."

Within the context of the Director's statement, ICEM's history (it is now celebrating its 25th birthday) is too well-known to need elaboration at very great length here. Indochina, Chile, Uganda, skilled technicians to Latin America, movements from the Soviet Union, Armenians out of Beirut at the height of a civil war are all a mixture of planned and unplanned events that such an agency has had to face. Just listing the names evokes the programme, so that geography alone tells the story of the stress under which the field teams carry out their assignments. I dread to think what would have happened to these people (over 61,000 moved in 1975 alone) if these international bodies, carrying out international mandates, were not on the scene and concerned voluntary agencies often alongside of them.

Need for International Convention

While no one can foresee the precise nature of refugee situations which are likely to develop affecting minority groups in troubled

areas of the world, a liberally worded convention, providing maximum protection to bona fide asylum seekers, is therefore of utmost importance.

A most far-reaching proposal is that a "right to asylum", in clearly defined circumstances and subject to a number of safeguards for the States of refuge, should now be recognized in international law.

Involved is one of the most important principles of international migration, that of "non-refoulement," namely, that no person seeking asylum should be returned to a country where he is in fear of persecution on grounds of race, religion or politics. Although there has been general recognition of this principle, nowhere has it been given binding legal force. Hence the need for a strong unequivocal statement of the right to asylum and the right to "non-refoulement."

In stressing the principle of social justice in international migration, we become increasingly aware that we can no longer exist as an entity within an hermetically-sealed compartment. Today, more than ever, "no man is an island." Life is with the other man. To understand him, to live with him peaceably, to develop a wholesome interrelationship based upon mutual concern and regard, he must know us, and we must know him as the human being behind the statistic of migrants, with hopes, dreams, hurts, aspirations, needs and other unique components.

Happily, there has been increasing recognition of the new ethnicity and of the contributions which ethnic groups, arriving with various waves of international migration in democratic societies, bring to receiving countries. Among other things, the interaction of their cultural patterns with those of the indigenous society tends to develop an enriched and reinvigorated cultural fabric and marks a step towards an interdependent world based upon respect for human rights.

International migration, based upon freedom of choice of one's country of residence, to be included among guarantees for the human, political and civil rights of man, will reflect the measure of recognition of the solidarity of the human race and the compelling obligations of human brotherhood. It will proclaim our resolve to reintegrate our often broken and fragmentized humanity by an increased devotion to the ideals of mutual assistance, of all-embracing sympathy, and of justice which recognize no frontiers of race, or creed or class.

In a world characterized by conscious awareness of the need and the will to bring into being national interdependence, the causes of international migration will be other than those caused by man's inhumanity to man. Among the consequences of such migration will be the broadening of man's horizons and the enrichment of the fabric of life both for the migrants and their hosts.

Among other things we must help interpret and explain not only the need for but the reciprocal benefits of such movements to our communities and countries and civil and political leaders. By devising ways to facilitate international migration, we shall have acted responsibly and made some slight contribution to the development of such a world. But we must remain mindful of the fact that whatever we might do—and we must do much to further it—we are only at the beginning in our continuing quest.

Contemporary Relevance of Residential Treatment*

PAUL STEINFELD

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...Placement, in general, and particularly placement under voluntary sectarian auspices is under widespread attack...

A generation ago, when I began my career in residential treatment, institutional programs for children were considered anachronistic by some, since everyone knew "foster homes were better." The latest word is that preventive services, community based, are about to make all child placement obsolete. Yet the New York State Board of Social Welfare, in a recent survey of children's needs, shows an increased need for residential treatment centers, but no construction under way to meet this need, with one exception. On its large campus in Pleasantville, the Jewish Child Care Association of New York at this moment is in the midst of building an institutional facility for residential treatment of 96 children, to be housed in 8 units.

Jewish Commitment

Since Moses exhorted his people to diligently teach their children the ways of God, the nurture and education of children has been a prime Jewish value. So, you might tell me, Moses referred to Jewish teaching of Jewish children, and the new construction at Pleasantville is for all children in need. Then I must quote the fuller context of our conference meeting theme this year. In the words of Rabbi Hillel: "If I am not for myself, who will be for me? And if I am only for myself, what am I? And if not now, when?"

I shall try to present in perspective just one current issue of child care and treatment, without assuming that the newest is the best, and with the conviction that if there are standards and values at all, they are worth preserving and adapting to current needs.

From this perspective, I wish to illustrate my theme of the contemporary relevance of residential treatment, both for children and for Jewish commitment.

Asylum an Essential for Treatment

Residential treatment serves today, as in the past, as an asylum for children who need asylum. What does that old fashioned word mean? It means the Levitical cities reserved in biblical days for the escape of those guilty of involuntary manslaughter; the children's hostels established by Pestalozzi; the orphan homes; the shelter; the commune. It means the attempts civilization has made and will have to make to protect the outcast, the vulnerable, those who are rejected, and those who feel rejected. Residential treatment has no meaning or relevance for children unless it provides bodily protection and care, freedom from fear and abuse. Is this relevant in a society where a leading cause of child mortality is physical abuse?

But is this "treatment"—simply to protect children? It is not the whole of treatment, but certainly its foundation. Volumes could be written about the art of protecting damaged and vulnerable children from themselves, their peers, and from adults, including their parents.

Some children seek out punishment; lend themselves as scapegoats to their peers; experiment with self-mutilation; medicate themselves with alcohol and other drugs; run blindly into danger and especially to repeated hurt from rejecting or abusing parents. No single individual or professional discipline can discover, let alone treat, the child's symptoms of self-punishment. A multi-discipline effort, therefore, is basic to residential treatment. I