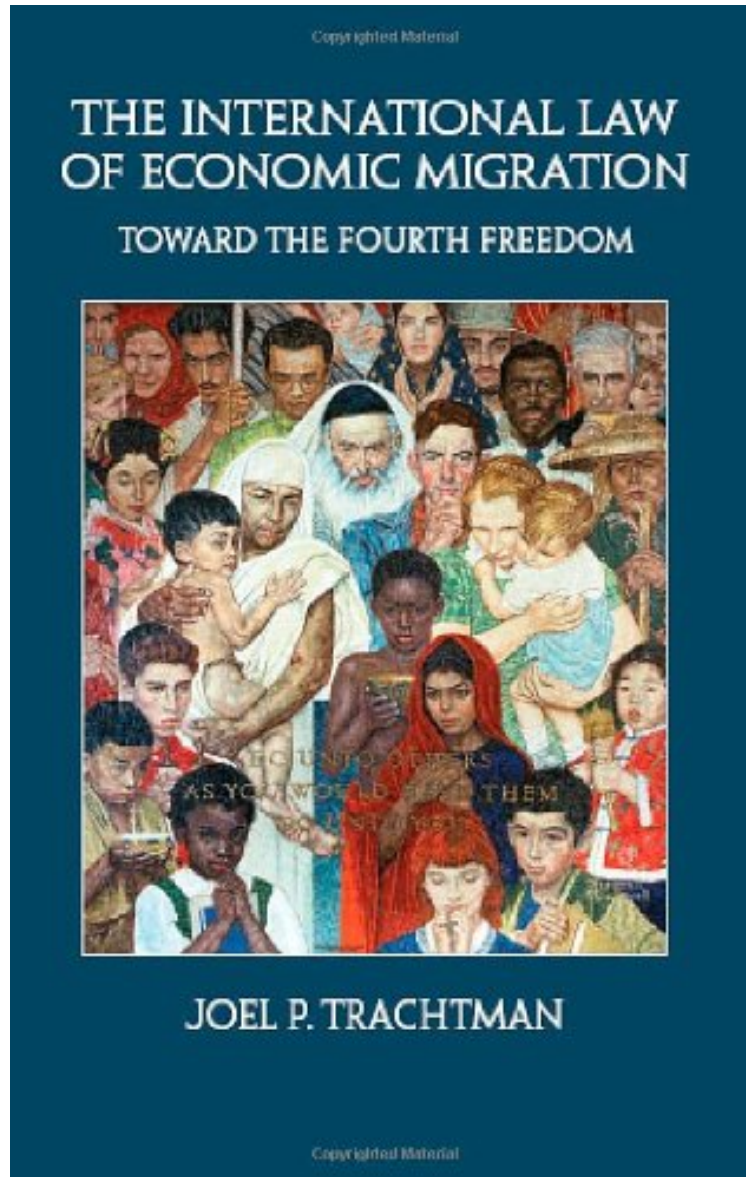


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# The International Law of Economic Migration: Toward the Fourth Freedom

Joel P. Trachtman

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**Joel P. Trachtman : The International Law of Economic Migration: Toward the Fourth Freedom** before purchasing it in order to gage whether or not it would be worth my time, and all praised The International Law of Economic Migration: Toward the Fourth Freedom:

This volume examines the welfare economics, political economy, and legal experience in international economic migration, and on the basis of its analysis, suggests the structure of a multilateral framework agreement on international economic migration.

Joel Trachtman is an eminent legal jurist on international trade. Here he extends his range to issues of international migration, demonstrating a rare ability to bring his acute analytical powers to bear on the economics, ethics, and politics of this complex subject. The result is a beautiful volume that no student or policymaker can afford to miss. -- Jagdish Bhagwati, University Professor, Economics and Law, Columbia University  
Columbia University  
The issue of international economic migration is a fundamental issue of international governance for the years to come. While there are many political, economic, and legal complexities, it appears that states are ready to begin discussing how best to address restrictions on international migration of workers. As they do so, *The International Law of Economic Migration: Toward the Fourth Freedom* will serve as an excellent source of analysis and ideas. --Pascal Lamy, Director-General, World Trade Organization  
From the Publisher  
This book is available as of September 15, 2009.  
From the Inside Flap  
Economists agree that liberalization of international migration could produce very substantial global welfare gains. If a multilateral framework agreement existed within which states could negotiate specific liberalization commitments regarding immigration, it is likely that states could more easily unlock these welfare increases. It is also possible that enough additional welfare could be generated to compensate any workers in the destination state who are hurt, or to compensate the home state for any negative effects of brain drain. This volume examines the welfare economics, political economy, and legal experience in international economic migration, and on the basis of its analysis, suggests the structure of a multilateral framework agreement on international economic migration. This book's analysis suggests that different states will have different strategic positions, that different economic sectors within these states will have different strategic positions, and even that different occupational groups will have different strategic positions. Thus, it is clearly impossible to specify a single arrangement for international cooperation, or even to predict whether international cooperation will occur. However, we know that in the aggregate, liberalization is expected to provide increased surplus. Additionally, assuming that there are mechanisms that can be devised to overcome the strategic problems that may exist between different domestic constituencies, and between different states, and that the increased surplus exceeds the cost of its capture, we would expect states to move to do so. This book is an exercise in institutional imagination intended first to evaluate whether the surplus may exceed the cost of its capture, and how states may move to capture it. That they have not made these moves generally thus far does not mean that such moves are not available: it would be difficult to argue that the international legal system as we see it is already efficient. In order to move forward, it will be necessary to analyze different states, different sectors within states, and different occupations within those sectors, in order to understand the strategic position of each. It is by establishing a framework agreement and engaging in negotiations that states will be able to evaluate and reveal whether there are useful transactions that may be effected. A framework agreement that allows for states to agree on the structure of reciprocity, to allow sending states to share in the benefits of liberalization through a Bhagwati tax or other mechanism, to make side payments through linkage to other areas of liberalization, and to make side payments through immigration fees, would establish an appropriate institutional framework--and would minimize the transaction costs--for states to negotiate optimal arrangements.