INTERNATIONAL MIGRATION FOR EMPLOYMENT

Working Paper

FREEDOM OF MOVEMENT WITHIN A COMMUNITY OF DEVELOPING COUNTRIES

by

W.R. Böhning

Note: This is a working paper issued by the International Migration for Employment Branch. It is circulated informally in a limited number of copies to stimulate discussion and critical comment. It is restricted and should not be cited without permission.

December 1983
The designations of countries employed, which are in conformity with United Nations practices, and the presentation of the material in this paper do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country or territory or of its authorities, or concerning the delimitations of its frontiers.

The responsibility for opinions expressed in ILO Working Papers rests solely with their authors and their circulation does not in any way constitute an endorsement by the International Labour Office of the opinions expressed in them.
TABLE OF CONTENTS

A. PREFACE, by W.R. Böhning ........................................ ii

B. FREEDOM OF MOVEMENT WITHIN A COMMUNITY OF DEVELOPING COUNTRIES, 
   by W.R. Böhning .................................................. 1

I. INTRODUCTION .................................................... 1

II. MOTIVES .......................................................... 3
   (a) Economic reasons ............................................. 3
   (b) Political reasons ............................................. 4

III. MATTERS OF PUBLIC AND LABOUR LAW .............................. 4
   (a) Right to enter and freedom to choose one's residence ...... 4
   (b) Right to stay and re-enter .................................. 6
   (c) Access to economic activity ................................ 8
   (d) Equality of treatment in the economic and social field .... 8
   (e) Special rights ................................................. 9

IV. PRACTICAL CONSIDERATIONS ...................................... 10
   (a) Scope of the instrument and definitions .................... 11
   (b) Entry and stay ............................................... 13
   (c) Stages of access to economic activities .................... 15
   (d) Access to institutions of higher learning ................. 17
   (e) Monetary transactions ..................................... 17
   (f) Administrative services .................................... 18

V. QUESTIONNAIRE ................................................... 21
   (a) Scope and definitions ...................................... 21
   (b) General provisions ......................................... 23
   (c) Workers' access to employment .............................. 25
   (d) Access to economic activities of persons rendering 
       services ...................................................... 26
   (e) Access to economic activities in matters of establishment .. 27
   (f) Students' access to higher education ....................... 28
   (g) Complementary provisions ................................ 29

C. INTERNATIONAL MIGRATION FOR EMPLOYMENT WORKING PAPERS ......... 32
A. PREFACE

This is a working paper of the ILO's International Migration for Employment Branch. The objectives of the Branch are to contribute to (1) the evaluation, formulation and application of international migration policies suited to the economic and social aims of governments, employers' and workers' organisations, and (2) the increase in equality of opportunity and treatment of migrants and the protection of their rights and dignity. Its means of action are (a) research and reports, (b) technical advisory services, (c) technical co-operation, (d) meetings and (e) work concerned with international labour standards. The Branch also collects, analyses and disseminates relevant information and acts as the information source for ILO constituents, ILO units and other interested parties.

Freedom of movement among countries represents an ideal that enjoyed a certain popularity in Western Europe in the aftermath of the second world war and in developing countries when they threw off the shackles of colonialism. In the Nordic Common Labour Market and the European Economic Community workers' freedom of movement has become a solidly institutionalised fact that has weathered a thorough review among Scandinavian countries and the enlargement of the Community by first Denmark, Ireland and the United Kingdom and later by Greece. Developing countries have a mixed track record as regards the implementation of free movement provisions, perhaps in part because they were unsure about the full implications.

The following paper attempts to explain the implications of establishing a free movement system among developing countries committed to a closer economic union. Although it results from a request of the Secretariat of the Economic Community of the Countries of the Great Lakes (better known by its French acronym CEPGL, Communauté Economique des Pays des Grands Lacs), it was drawn up so as to be of interest to developing countries generally. This applies to the whole of the text, i.e. the descriptive analyses and section V which contains a draft international agreement on freedom of movement.

I am grateful for the advice given, particularly by Mrs. H. Kellerson and Mr. K. Samson, in framing the draft convention.

December 1983

W.R. Böhning
B. FREEDOM OF MOVEMENT WITHIN A COMMUNITY OF DEVELOPING COUNTRIES

by

W.R. Böhning
(International Labour Office, Geneva, Switzerland)
I. INTRODUCTION

1. Sovereignty endows every State with the right to refuse the entry of non-nationals and to determine the criteria for authorising their admission, stay and activities. This right is subject only to such limitations as derive from treaties or conventions to which States are parties and from customary international law.

2. Governments can unilaterally decide to derestrict the entry of non-nationals and to abolish - substantially or entirely - the limitations or conditions affecting the residence and activities of non-nationals. The British policy regarding citizens of the Republic of Ireland and the Syrian policy regarding Arabs generally are cases in point.

3. Commonly, however, two or more governments agree to liberalise the movements of persons, or of certain categories of persons, among them. Examples are the 1924 Trans-Tasman Agreement between Australia and New Zealand, the free movement provisions for European Economic Community countries anchored in the 1958 Treaty of Rome, the 1964 Central African Customs and Economic Union (popularly known by its French acronym, UDEAC) and the 1976 Convention giving rise to the Economic Community of the Countries of the Great Lakes (CEPGL) among Burundi, Rwanda and Zaire. Whereas some free movement agreements among developing countries have in practice not been implemented through lack of concrete follow-up measures, one of them has suffered an unexpected set-back through the expulsion of hundreds of thousands of West Africans from Nigeria in early 1983, which has given observers cause for reflection.

4. This paper has the purpose of presenting in general terms the considerations and implications that policy makers in developing countries need to be aware of when they resolve to establish zones of free movement of persons. Freedom of movement is a fundamental matter that strikes at the deepest chords of individuals and nations. The noble objective can turn into a nightmare if the implications of free movement are not understood and if the establishment of such a system is not properly prepared or if its implementation suffers from ignorance.

5. Although no two developing countries are alike and actual policy analyses must be tailored to the specific circumstances of any particular group of countries,
this paper attempts to examine the considerations and implications of setting up a freedom of movement zone among "typical" developing countries. By typical are meant developing countries where the bulk of the population lives off the land, where a large informal sector exists side by side with the modern sector and a sizeable but under-trained bureaucracy, where foreign exchange transactions are subject to restrictions, and where borders cut across tribes or ethnic groups. Furthermore, the developing countries envisaged here are committed to the establishment of a zone of economic integration, which encompasses the free movement of persons, goods and capital; integration is to be achieved gradually and more or less in unison. The treaty concluded by these developing countries foresees deliberative, judicial and executive institutions at the level of the intended community, but it does not devolve supra-national powers on community institutions.

6. This paper, then, begins by briefly reviewing the motives that may inspire the creation of zones of economic integration in general and of free movement zones in particular. It goes on to examine the implications for national public and labour law in a strictly logical manner: if there is to be full freedom of movement of persons, what laws have to be changed, and how? This is followed by a section concerned with the key practical considerations of giving expression to liberty of movement and administering the system without friction. Finally, a draft legal instrument is presented in question form. It represents a summary of the preceding analyses and is couched in the precise and cold language of the law, thus confronting policy makers with the decisions they have to take and their implications.

7. It goes without saying that the free movement of goods and capital does not fall within the ILO's competence and is therefore not explored here. By the same token, the subsequent treatment concentrates on the economic and social implications of the free movement of persons. Although the zone of free movement studied in this paper is intended to apply to all persons irrespective of the reasons for their move - including tourists, students and visitors - the question of economic activity is the most crucial and controversial one and requires detailed elaboration.
II. MOTIVES

8. Governments may institute freedom of movement between States on economic or political grounds.

(a) Economic reasons

9. A region's population distribution may be such that it would be cheaper, economically speaking, to exploit the agricultural, sub-soil or manufacturing potential of given areas of a country by drawing on the nearby manpower resources of a neighbouring country rather than by adopting measures to facilitate the internal migration of nationals from far-away places (especially since internal migration policies are widely reputed to fall short of targets). Similarly, countries may have a distinctly complementary resource endowment of more than a passing nature, as is the case, for instance, with oil and capital-rich Saudi Arabia with its sparse population on the one side and Egypt on the other. In situations such as this it makes eminent sense to permit the free flow of labour and to let the factors of production, i.e. both capital and labour, find a natural equilibrium level.

10. Efficiency-based reasons suggest that the cheapest way to allocate resources is to hinder as little as possible the geographical movements of the factors of production. This is a production-oriented perspective that looks at a zone of integration as a whole and does not necessarily predict that all its constituent parts will, in the short run, benefit to the same extent from the free flows of capital and labour.

11. None of the preceding reasons provides a definite answer to the question whether or not to establish a zone of free movement of persons. Governments could just as well opt for a bilateral or multilateral migration agreement to regulate the flow of labour, the duration of its employment and other matters connected therewith. But any or all of these economic reasons usually contribute to the arguments in favour of economic integration, including the free flow of all economically active persons.

1 In that context the following international labour standards are directly relevant: the Migration for Employment Convention and Recommendation (Revised), 1949, the Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955, the Migrant Workers (Supplementary Provisions) Convention, 1975, and the Migrant Workers Recommendation, 1975. See also the Declaration of Principles and Programme of Action adopted in 1976 by the Tripartite World Conference on Employment, Income Distribution and Social Progress and the International Division of Labour; and W.R. Böhning, International Contract migration in the light of ILO instruments, with special reference to Asian migrant-sending countries; Geneva, ILO, 1982; mimeographed International Migration for Employment working paper; restricted.
(b) Political reasons

12. Political motives can add to or even dwarf the economic reasons for liberty of movement. Countries may share a common history or have close cultural or ethnic affinities, geo-political or security considerations may play a role, and feelings of solidarity may have a bearing. The political impetus springs forth from long-term factors; it is fundamental in nature and usually decisive when it comes to the consideration of freedom of movement. Moreover, the political reasons promoting freedom of movement favour an all-encompassing approach where integration extends to all persons, goods and capital.

III. MATTERS OF PUBLIC AND LABOUR LAW

13. The free movement of persons is curtailed by the system of sovereign States and the laws and regulations Governments have enacted to control the admission, stay and activities of non-nationals. Consequently, it is these laws and regulations that will have to be changed in the first instance if liberty of movement is to be ensured. What are the subject matters concerned and what are the implications that flow from the idea of freedom of movement?

(a) Right to enter and freedom to choose one's residence

14. Liberty of movement entails the right to enter. This right may be enjoyed only by nationals of States Parties or it may be extended to all persons, including nationals of States that are not Parties to the agreement but who are present in the territories of States Parties. To follow current practice and in order to throw light on some of the complications of free movement systems, this presentation assumes that only nationals of States Parties are entitled to move freely. It further assumes that all economically active and inactive persons are to be covered by the free movement provisions, such as tourists, students, workers, sailors, farmers, fishermen, employers, persons seeking medical treatment, retired persons or persons living entirely on their own means. Where appropriate, differentiations will be made.

---

1 Non-governmental groups such as trade unions or liberal professions or employers may restrict the activities of non-nationals by private statute or decision. This need not detain us here. It will be seen shortly that non-discrimination is an integral and indispensable part of any zone of freedom of movement. What holds true at the level of public and labour law must not be invalidated at the level of private law.
15. The simple presentation of a valid passport or identity card should suffice to cross the border. It would be contrary to the notion of free movement to impose entry conditions other than a formal identification requirement or to demand the payment of an entry fee exceeding the administrative costs of ascertaining the right to enter and documenting it. Visas are designed for purposes other than formal identification and should therefore be discontinued (except perhaps for family members, accompanying or joining a primary beneficiary of free movement, who do not possess the nationality of a State Party). To charge any entry fee at all would seem inappropriate because (i) the administrative expenditure will generally be small to the point of being negligible; (ii) one must expect a large portion of the people seeking to cross borders to be poor; and (iii) free movement is supposed to benefit the community as a whole, associated expenditure should therefore be borne by the community at large.

16. Beneficiaries of free movement may conceivably be barred from entry if, and for as long as, they suffer from a contagious disease that constitutes a danger to public health. To prevent abuses, the medical authorities of the countries of the integration zone could be called upon to agree on a list of such diseases and to review it periodically.

17. Members of the family should be entitled to accompany or join the primary beneficiary of liberty of movement. This right should not be made subject to any qualifying periods or conditions such as the availability of suitable accommodation. Conditions would not only be reprehensible on moral grounds but would also be an impediment to the establishment of an economic integration zone. Workers and employers may be unwilling to move if they have to leave their families behind; they cannot be expected to live voluntarily separated from their families for any length of time. The interdiction of family unity or reunification would incur a situation where the economic potential of the integration zone might not be realised.

1 Nationals have the right to return to their country of origin regardless of their state of health.

2 Who may be considered to be entitled to free movement in their own right but who, because this paper focusses on the economically active population, are treated here as dependants of the breadwinner or primary beneficiary.
18. Free movement includes the liberty of movement within the territories of other States Parties and the freedom to choose one's residence there on the same terms as nationals of the States concerned. Where nationals are not permitted to enter certain areas of a country on grounds of public order, public security or public health, these areas are of course also closed to nationals of other States Parties. But one cannot tie them to a particular location.

(b) Right to stay and re-enter

19. The right to stay in the territories of other States Parties to the agreement is a corollary of the right to move freely across the borders and within the borders of States Parties. The idea of freedom of movement is not confined to the liberty to travel and, as it were, to keep on travelling. People must have the opportunity of engaging in the kind of activities that have, by agreement, been liberalised, otherwise the zone would be merely a free travel zone.

20. Beneficiaries of free movement have a right to stay, even if the reasons underlying their original moves are no longer valid. For example, a tourist of one State Party who went to another State Party to appreciate its natural beauty and who accepted a suitable job there, is entitled to engage in employment because this right is, as we shall see, part and parcel of the liberty of movement for economically active persons. He\(^1\) may perhaps have to have his papers put in order, but he cannot be required to go back to his home country in order to start the procedure of entering as an economically active person. Moreover, in the event of unemployment, temporary or permanent incapacity to work or at the end of their working lives, beneficiaries have the right to remain resident in the country in which they find themselves. People are not a commodity that can be shifted in and out of a country according to some arbitrary criteria of productivity or utility.

21. No beneficiary of liberty of movement who is present in another State Party should administratively or judicially be forced to return to his country of origin or habitual residence. Exceptions to this rule are justified on grounds of public

\(^1\) There is no discrimination intended here. The terms he or his should be read as including the terms she or her throughout this paper.
order, national security or public health. These grounds cannot, however, be invoked to serve economic or social ends as this would call into question the finality of a zone of economic integration. Public order, national security and public health are recognised in international law as domains in which a State can exercise its sovereignty\textsuperscript{1}, provided there are limits to these notions and fundamental human rights are respected. One such limit in the context of this paper, which derives from the purpose of economic integration, is between economic and social interests on the one hand and political interests on the other. To expel persons who have become a charge on public funds or for some similar economic or social reason is incompatible with the reasons for and aims of economic integration. Where a beneficiary of liberty of movement is being expelled on grounds of public order, national security or public health, procedural guarantees should be available to protect him against arbitrary exercise of those powers. For instance, a beneficiary who is the object of an expulsion order should be informed of the reasons for this decision and should be entitled to appeal before an administrative or judicial instance, according to the law and practice of the State concerned. He should have the same right to legal assistance as nationals and, where necessary, have the possibility of being assisted by an interpreter.

22. No beneficiary of free movement who has entered another State Party for the purpose of economic activity but who has been unable to find employment can be requested to leave or expelled on grounds of constituting a charge on public funds or for analogous reasons. Nor would it make much sense to do so, because entitlement to freedom of movement means exactly what it says: every beneficiary has the right to claim entry whenever and wherever it pleases him to do so\textsuperscript{2}; and he cannot be refused entry because he has in the past or might in the future be a public charge. A beneficiary requested to leave or expelled for economic or social reasons would be entitled to turn around one minute later or one day later and to exercise his right to enter at the same border-crossing point or elsewhere. In the case of an unsuccessful job applicant it would be illegitimate to impose on him, as a condition for re-entry, a minimum period of X days or Y months of

\textsuperscript{1} Indeed, these are the only grounds on which entry could be denied in the first instance.

\textsuperscript{2} That he may have to respect designated border-crossing points and opening times is a practical consideration which does not affect the principle under discussion.
stay in his country of origin or habitual residence, because such a regulation could impair or be applied so as to impair the exercise of the liberty of movement. If in actual fact he were refused entry he could seek to have his right enforced through the courts.

(c) Access to economic activity

23. The right of unhindered access to economic activity is a constituent part of freedom of movement in a zone of economic integration. States Parties must adopt and implement the necessary measures to eliminate all restrictions on the work of the non-nationals concerned. For example, lists of activities closed to beneficiaries must be withdrawn and laws or regulations limiting their employment in numbers or percentages, by enterprise, sector, region or at the national level must be repealed. Activities should be open to nationals of other States Parties on the same basis of priority as to one's own nationals and in any case before they are opened to applicants from third countries.

24. Beneficiaries of free movement may, however, be excluded from employment and activities involving a direct exercise of public authority. This should be interpreted restrictively. It could refer to civil servants engaged in the administration of the State in important positions, or to employees whose duties are of a highly confidential nature; but it could not possibly mean that the positions of a bus or train driver in public transport can be reserved for nationals of a State.

(d) Equality of treatment in the economic and social field

25. Liberty of movement entails non-discrimination in respect of (i) remuneration, other terms of employment and conditions of work or, as far as the establishment of enterprises is concerned, the allocation of raw materials, credits and foreign currencies; (ii) the access to public and social services, such as facilities for placement, training and vocational guidance, health services, education and housing; and (iii) matters relating to the administration of justice. It is not only the moral imperative of this fundamental tenet of today's world

1 All individuals, irrespective of their nationalities, should be protected against arbitrary arrest and detention; this is a fundamental human right.
which ought to guide policy makers, but also the consideration that the liberty of movement provided for in law will be inhibited in reality if discrimination persists.

26. Social security should be enjoyed on a basis of equal treatment, and the maintenance of acquired rights or of rights in course of acquisition should also be ensured.¹

27. Family members who accompany or join the primary beneficiary of free movement must have, in the same way as he has, the right to free choice of employment in the State they have entered, as well as the right to equal treatment in respect of remuneration, etc., access to public and social services, access to the courts, legal proceedings and social security.

28. All persons who lawfully benefit from freedom of movement should have the same rights as nationals (i) to establish associations or institutions for the promotion and protection of their economic, social, educational, cultural and similar interests; (ii) to join professional, artisanal, commercial or educational bodies or employers' organisations; (iii) to join any form of co-operatives; (iv) to join trade unions of workers; and (v) to exercise membership rights in any of these bodies. Discrimination in these matters must cease when States have solemnly agreed to remove the institutional and economic barriers between their populations.

29. The necessary measures should also be taken to harmonise the conditions of mutual recognition of diplomas, certificates and other qualifications acquired by workers, suppliers of services and businessmen, irrespective of whether such qualifications have been acquired in the territories of States Parties or outside. This would facilitate the enjoyment of free movement and thus contribute to the goal of economic integration.

(e) Special rights

30. Beneficiaries of liberty of movement must be able freely to transfer their earnings, savings or profits. It would run counter to the notion of economic

integration to impose restrictions on workers, people providing services or employers who wish to transfer money to another State Party, and the same holds true for tourists, students and other potential beneficiaries. This question has a much wider relevance than the payments a migrant worker makes to family members who stayed in the country he left. The tourist, student, worker or employer who intends to travel to another State Party must be able to acquire the necessary foreign currency; otherwise, if a restrictive foreign exchange regime were enforced efficiently, his move would come to an abrupt end at the border and freedom of movement and economic integration would remain a dead letter.

31. Hand-tools and portable or moveable equipment of the kind normally required for the carrying out of the particular activities that beneficiaries of free movement want to engage in should be exempt from any prohibition of import or use and from quantitative restrictions or customs duties, on entry as well as on return. The same applies to personal effects and household goods.

For example, a farmer possessing fields on the other side of the border should be free to take not only his hoe along but also to drive his tractor across; an accountant should not hesitate to put a calculator in his briefcase; and an employer would have the right to serve the factory he established abroad with lorries he owns in his home country. When the zone of economic integration has reached a stage where goods can be exchanged freely between States Parties, there should in principle be no problem in respect of hand-tools and moveable equipment. But since it may be difficult to achieve a perfect harmonisation between the schedules liberalising manpower movements and the schedules liberalising the flow of goods, prudence suggests that the right to take along and use hand-tools and moveable equipment be specifically mentioned as an entitlement from the moment certain categories of people are free to move. This would be a necessary, albeit not necessarily sufficient, condition for reducing friction at the border or the workplace to a minimum.

IV. PRACTICAL CONSIDERATIONS

32. In theory, the legal instrument that is to give rise to liberty of movement need contain only one sentence: "There shall be freedom of movement for all persons as from day x". In practice, one has to cater for certain exceptions, for stages
of progressive implementation and for administrative inertia or ignorant application of the law. One might be tempted to draft an instrument that lays down in every detail what rights are to be enjoyed and how their realisation is to come about. However, this would be quite impracticable. With the best will in the world and the most thorough preparatory studies one cannot anticipate every eventuality and every step to be taken for the different categories of intended beneficiaries, especially where one is concerned with the rapidly changing situations characteristic of developing countries. A workable compromise has to be struck between the extremes of "too little" and "too much" — too little specification could jeopardise the achievement of free movement through malafide interpretation or application of the agreement between States Parties, too much specification could press it into a straightjacket without providing the remedies to solve the legal and administrative problems that are bound to occur. Unfortunately, there are no hard and fast rules on how to hit the happy medium. What follow, therefore, are key considerations drawn from experience in different parts of the world.

(a) Scope of the instrument and definitions

33. The personal application of the legal instrument should extend to all nationals. There would appear to be no need explicitly to exclude refugees of States Parties. Exclusion would have the effect of (i) confining them to the country in which they have found refuge, and (ii) depriving them of the rights that other nationals enjoy in terms of access to employment and equality of treatment.

34. If all nationals of States Parties are intended to benefit from liberty of movement, the elaboration of a list of who is included (tourists, workers, etc.) becomes both unnecessary and potentially counter-productive. The list would either have to be "open-ended" and somewhat unsatisfactory, or it would have to be a "closed" list of mutually exclusive categories with consequential problems of definition and interpretation, where it could be argued in later years that a particular or new category of persons was not covered by the definitions.

---

1 They would obviously not want to return to the country from which they have fled if the circumstances that made them move had not altered.

2 Cf. paragraph 14 above and 36 below.
35. By contrast, it would seem advisable to incorporate a definition of family members in the agreement States Parties are to sign, ratify and apply. Although family members may be considered to be beneficiaries of freedom of movement in their own right, one can guard against likely friction arising during the implementation of the legal instrument if one indicates the rights that are to be enjoyed by people dependent economically on a primary beneficiary. It may, however, be quite difficult to settle on a definition of family members. If recourse to local law and custom does not yield a common denominator, the States Parties will have to negotiate whom to include as secondary beneficiaries.

36. The very wide area of economic activity with its different problems of and regulations concerning the employment of workers, the provision of services and matters of establishment requires some basic distinctions to be made. The legal instrument should contain definitions of an indicative character. The distinctions between workers who receive wages or salaries from a private or public employer on the one hand, and suppliers of services who are not working on their own account on the other, will probably always remain blurred and give rise to some difficulties in applying the legal instrument. Similarly, the distinction between services rendered by own-account workers and establishment may not always be very sharp due to the imprecise time criterion generally used to distinguish one from the other: services are furnished in another country by commercial agents, members of the liberal professions, craftsmen or artists by way of a temporary move and intermittently; establishment in another country involves the durable setting up of a material installation or equipment intended to be used without interruption, in particular by persons working on their own account, including farmers or similar persons working in an independent capacity. Establishment, however, can also refer to persons aiming to constitute or manage a private enterprise in the form of a company rather than a material installation.

37. Some political rather than technical questions arise in the context of

---

1 At least if they are nationals of States Parties.

2 It should also be made clear whether nationals of States Parties who render services but are established in a third country should be free to enter States Parties of which they are not nationals in pursuance of their activities.
establishment. Should all companies or undertakings be included in the scope of application of the legal instrument or only national ones? From the viewpoint of developing countries and their relationships with multinational enterprises on the one hand, and the desire for individual or collective self reliance on the other, it might be considered appropriate to reserve freedom of movement to national companies or undertakings. This poses a number of definitional questions. If the text of the instrument were to refer to companies or undertakings established in conformity with national legislation and having their statutory head office on the territory of a State Party, it might not have the desired effect because a branch office of a foreign multinational enterprise could correspond to this definition and yet operate not as a national firm but as a sub-office of a company whose real center of decision lies elsewhere. One would have to add a further criterion such as the percentage of capital needed for control and held by nationals of the State Party concerned or of all States Parties. If this percentage were not fixed at the same level in the various countries' legislation, the highest level would have to figure in the legal instrument in order to attain the desired objective.

38. Where community enterprises exist in the zone of economic integration, as is the case for instance in the CEPGL, they would evidently be covered by the free movement provisions unless the capital was controlled by persons from third countries.

39. Specifications of different non-economic activities would appear to be unnecessary. The possible problems faced by beneficiaries of liberty of movement who are tourists, persons seeking medical treatment, retired persons or persons living entirely on their own means, basically relate to equality of opportunity and treatment. These problems can in principle be resolved by reference to the non-discrimination stipulation of the legal instrument to be concluded between States Parties. Still, students who seek access to institutions of higher learning might encounter resistance. It would seem advisable to define this group of beneficiaries and ensure that they cannot be discriminated against.

(b) Entry and stay

40. Although authorisations in the strict sense of the word cannot be required of beneficiaries of freedom of movement, these persons still have to comply with
certain formalities and procedures, such as crossing borders at designated points or identifying themselves. Beneficiaries who possess a valid passport or identity card need not be issued with a special document confirming their special status. This would be an unnecessary and unproductive bureaucratic complication. If some special identification of beneficiaries of freedom of movement were desired, it would suffice to stamp their passports or identity cards with agreed or similar wording and the date of entry into the State Party concerned. If one wished to keep a statistical tag on the movements between States Parties it would be possible to do so by registering mechanically the number of impressions stamped into passports, etc., rather than by issuing yet more documents.

41. It would also seem unnecessary, except for statistical purposes, to provide for different identifications and stamps in respect of tourists or students or other inactive persons, long-term workers or employers, and persons providing services, agricultural labourers who pick up seasonal employment or for other kinds of short-term employment.

42. There will always be a number of beneficiaries whose admission, stay or activity does not conform to the letter of the law. They may, knowingly or unknowingly, have violated a prescribed entry procedure, their passports or identity documents may have expired, or they may have been present on the territory of a State Party of which they are not nationals when the free movement agreement came into force and they were unaware that this happened or that they had to have their rights validated. Developing countries whose administrative capacities are limited will often have to deal with beneficiaries who are in an irregular situation. The discovery of people in such a situation, whether the result of an administrative act or because the persons concerned came forward voluntarily, should lead to the regularisation of their status unless there are objections on grounds of public order, national security or public health. They should be provided with the necessary authorisations identifying them as proper beneficiaries of freedom of movement. This practice ought perhaps not be advertised so as not to encourage irregular movements; but irregularity of presence by itself is not a sufficient reason for excluding people from benefits that are rightfully theirs.

1 Cf. paragraphs 16 and 21 above.
(c) Stages of access to economic activities

43. It would be feasible to introduce full freedom of movement for all categories of economically active persons from one day to the next. Human nature seems to be reluctant to envisage such a possibility and to opt instead for gradual liberalisation and progressive dismantling of discriminatory laws and regulations. This helps observers to assess the ongoing process and to learn from the experience. On these grounds, therefore, three cumulative steps will be proposed as regards entry to the State Party and access to economic activity within it.\textsuperscript{1} The duration of the initial or transitional stages cannot be fixed in abstract; but it should not be too long: when the liberty of movement has seized the minds and hearts of people, it creates expectations that can lead to disappointments and disenchantment where people who feel that they are entitled to move around freely, or that they will be so entitled in a very short time, run up against closed border posts or stern-faced officials.

44. An initial stage could be foreseen that disallowed the imposition of new restrictions in law, or measures having equivalent effect in practice, on the economic activities of nationals of other States Parties. This would arrest the process of discrimination inherent in the system of sovereign States.

45. In the case of workers, it would further be appropriate to examine in a spirit of goodwill all requests for the extension or renewal of work and residence permits where such permits are limited in time and their validity expires. Moreover, the mere fact of the loss of employment by such a worker should not in itself imply the withdrawal of his authorisation of admission, stay or work. He should be allowed sufficient time to find other employment, and the authorisation of residence should be extended accordingly. In the case of workers whose authorisation of admission, stay or work is not limited in time, States Parties should give them the right freely to choose their occupation, sector or region of employment where this is not automatically part of the unlimited permission to stay or work. The rationale for these considerations is that the persons who will sooner or later be able to benefit from liberty of movement should be treated generously rather than subjected to the treatment usually meted out to foreigners. When these persons become beneficiaries of free movement in their own right, they

\textsuperscript{1} Stages to liberalise students' access to institutions of higher learning appear to be unnecessary because this matter is subject to much less detailed regulation and restriction than economic activity.
should be issued with the requisite authorisations.

46. As regards the setting-up of an undertaking or company in another contracting Party, the period of the initial stage should be utilised for the purposes of harmonising the conditions for the registration or immatriculation of private enterprises and companies. This, too, would be a preparatory step for the realisation of the economic potential of the integration zone.

47. Next, a transitional stage should be foreseen. It could comprise two main elements. Firstly, States Parties should take the necessary measures to suppress all restrictions on the economic activities of beneficiaries. Secondly, an identifiable segment of the economically active population should be accorded full rights of freedom of movement, and no permission to work should be demanded of these beneficiaries.¹ People employed in the modern sector might be the most suitable target group as far as developing countries are concerned.

48. In the case of workers, it would seem possible to identify this target group as those workers who are actually affiliated to a public social security scheme or a private scheme having equivalent effect and being recognised for that purpose.² No unnecessary preconditions should be introduced such as that beneficiaries can only accept offers of employment actually made. Stipulations of this kind have, not so much a limitative effect, but a detrimental impact on the application of the legal instrument. When candidates for migration or administrative officers are unsure of whether a job was actually offered as it should have been, the resulting uncertainty will enhance friction rather than the smooth running of the system. The law will not be respected unless applied consistently and equitably.

49. As regards suppliers of services, one could designate the target group to be liberalised during the transitional stage as individuals belonging to associations, professions or analogous bodies constituted in conformity with law and which regulate the exercise of the profession concerned. Consultations with

¹ Statistical requirements could be satisfied through the stamping of passports or identity documents as outlined in paragraph 40.

² In principle, all workers are affiliated to a social security scheme. In practice, only a part or a small fraction of developing countries' populations are covered by formal social security arrangements, especially those in large-scale manufacturing, commerce and the public service.
such associations, etc., would appear to be called for at an early stage.
Where they do not yet exist Governments would do well to encourage their for-
formation as well as cross-national links. Professional groups can be counted
on to provide support and stability for the edifice of economic integration.
50. As regards establishment, the transitional stage should entitle all those
national undertakings or companies that are already lawfully installed in
another State Party to operate without hindrance.
51. In the final stage, all national workers, suppliers of services, employers
and other own-account workers can take up employment or exercise any other
economic activity on the territories of other States Parties, subject to no
limitations other than those provided for in the legal instrument — public
order, public security and public health, or where the direct and specific
exercise of State authority is involved.¹

(d) Access to institutions of higher learning
52. Students wishing to follow courses at universities and analogous educa-
tional facilities or institutions in States Parties of which they are not nationals
should be entitled to do so, preferably from the very beginning of the entry
into force of the agreement on free movement. All contrary regulations of
eligibility or discriminatory fees should be abolished.² Where a baccalaureat
or similar kind of certificate is required for admission, the States Parties
should recognise as a matter of course those documents that are awarded under
the educational system in every other State Party. Where nationals have grown
up abroad or have acquired certain degrees abroad, the educational authorities
of the integration zone should agree from time to time which of these documents
qualify nationals for study or further study throughout the zone.

(e) Monetary transactions
53. The liberalisation of monetary flows is one aspect of economic integration.
We saw earlier (paragraph 30) that the freedom of movement of persons could be

¹ Cf. paragraphs 16, 18, 21 and 24 above.
² Equality of access should, of course, apply to all levels of education
and would, in principle, be covered by the non-discrimination requirement
enunciated in paragraph 25 above.
hampered if they cannot freely acquire and sell the currencies of States Parties. According to our suggestion no physical move of candidates for free movement will be authorised before the start of the transitional stage. From that point of time onwards, rather than from the time when all capital flows will be fully liberalised, the beneficiaries should be able to take and repatriate such sums as they have earned, gained or saved. If necessary, an interim exchange regime should be instituted for them or they should be exempted from given restrictions. Another alternative might be not to enforce the foreign exchange regulations for nationals who work or reside in other States Parties. This actually happens frequently at the local level where people cross borders for family reasons or to go shopping. Although one ought not to encourage this practice nor the black market that goes with it, the disadvantages have to be weighed against the administrative costs of implementing measures which the community will dispense with sooner or later, quite apart from the undesirable opportunities for graft and corruption.

(f) Administrative services

54. At the level of the countries concerned, it is possible that there already exist services of sufficient quantity and quality to handle the relatively small administrative requirements of freedom of movement. If that were not the case, one should plan for the provision of services designed to facilitate geographical movements and the enjoyment of rights.¹ The provision of information to candidates for migration decreases the uncertainty afflicting every move and increases the likelihood of departures. It could also help people to settle smoothly into their new environment. This, in turn, would be greatly helped by appropriate reception services in the countries and specific regions to which beneficiaries flock in significant numbers. Co-operation among the countries' administrations - and

¹ See in this context the ILO Employment Service Convention and Recommendation, 1949; the Labour Administration Convention and Recommendation, 1978; and the Migrant Workers Recommendation, 1975, especially paragraphs 23–29 on Social Services. See also S. Ricca, Les services de l'emploi (Geneve, BIT, 1982).
between them and the integration zone's institutions — would also be very useful, such as the exchange of information and personnel.

55. At the level of the institutions of the integration zone, it would seem appropriate to plan for a service to follow the development of liberty of movement, to identify common problems and suggest solutions. This service might also be empowered to give advisory opinions to national administrative services on legal or practical problems of implementing the free movement agreement. Contentious matters, however, should be resolved by the courts of the countries in which the cases arise or, if between countries, by negotiation or such means of dispute settlement, arbitration or recourse to international legal procedures as they may have agreed upon.

V. QUESTIONNAIRE

56. This section presents in question form possible draft articles that could be included in a legal instrument on freedom of movement to be concluded between States Parties. The question form has the advantage of confronting policy makers with the basic principles involved in a precise, coherent and interrelated manner without tying them down to the ideas expressed.

57. The assumptions underlying the stipulations are (i) the States Parties consider it necessary to conclude an international legal instrument (for example, a treaty or a convention), and (ii) the contents of this instrument is drawn up on the lines of and according to the justifications given in the preceding sections of this paper. A framework treaty or convention is envisaged that lays down the fundamental principles but leaves the details of application and implementation to national law and regulations. Preambular paragraphs are not specified.

58. In the same way as the preceding considerations concentrated on the economically active population that is to benefit from free movement, the following draft articles are drawn up with this population in mind (plus, exceptionally, students of higher education). Thus family members, who may be considered to be entitled to freedom of movement and all the rights deriving therefrom as nationals of States Parties, are the object of several specific provisions designed to lay down unequivocally that they have these rights by virtue of their status as
dependents. Family members who possess neither the nationality of the primary beneficiary nor the nationality of another State Party ought to enjoy the same advantages and liberties as family members who are nationals of States Parties, otherwise unjust distinctions would be introduced.
PART (a) SCOPE AND DEFINITIONS

Article 1
Scope of personal application
(see paragraphs 14 and 33)

Should the proposed instrument provide that all physical and legal persons who are nationals of States Parties as defined in Article 3 shall enjoy freedom of movement and the rights deriving therefrom?

Article 2
Scope of material application
(see paragraphs 14, 24 and 34)

Should the proposed instrument provide that freedom of movement shall apply to all social and economic activities except functions normally considered as policy-making or managerial in relation to the exercise of public authority or where restrictions are strictly necessary in the interests of the State?

Article 3
Definition of physical and legal persons
(see paragraphs 14, 17, 20, 33, 34 and 37)

(1) Should the proposed instrument provide that all physical persons who are nationals of States Parties shall enjoy the rights provided for in this instrument?

(2) Should the proposed instrument provide that the rights and advantages which it confers shall extend to all companies constituted or established in conformity with the law of a State Party, with their registered office in the territory of that State Party and in which nationals of States Parties hold at least ... per cent of the capital?

(3) Should the proposed instrument provide that for the purposes thereof the term "national" refers to physical persons as defined in paragraph (1) and to legal persons as defined in paragraph (2)?

Article 4
Definition of the term "worker"
(see paragraphs 34 and 36)

Should the proposed instrument provide that the term "worker" refers to
any national of any State Party who is to engage in, is engaged in or has been engaged in work for a private or public employer and who receives remuneration in the form of wages, salary, piece-rates, commission, tips or pay in kind?

Article 5

Definition of the term "service"
(see paragraphs 34 and 36)

Should the proposed instrument provide that the term "service" refers to cross-border services rendered or activities undertaken in a State Party, normally for remuneration, by a national established in another State Party?

Article 6

Definition of the term "establishment"
(see paragraphs 34 and 36)

Should the proposed instrument provide that the term "establishment" refers to:

(a) the durable setting-up by a national of one State Party in the territory of another State Party of a material installation or equipment for purposes of exercising independent economic activities, including private holdings, farms, co-operatives and other enterprises in the private sector?

(b) the setting-up of a company in the private sector by a national of one State Party in the territory of, and in accordance with the law of, another State Party?

Article 7

Definition of the term "student"
(see paragraphs 34 and 39)

Should the proposed instrument provide that the term "student" refers to any national of a State Party who intends to study in order to qualify for an occupation or to devote himself to a branch of learning or who is under instruction at a university or other facility or institution of higher education or technical training on the territory of another State Party?

Article 8

Definition of the term "family members"
(see paragraphs 34, 36 and 58)

Should the proposed instrument provide that the term "family members" refers to any person recognised as such by the national law and practice of the State
PART (b) GENERAL PROVISIONS

Article 9
Admission, stay and residence
(see paragraphs 15, 17, 18, 19, 20, 22 and 41)

(1) Should the proposed instrument provide that:

(a) States Parties shall permit the entry or admission of all nationals concerned by this instrument on presentation of a valid passport or identity card?

(b) No visa, entry fee or equivalent obligation may be demanded of them except in the case of family members not possessing the nationality of any State Party?

(2) Should the proposed instrument provide that all persons concerned shall have the right to liberty of movement in the territories of States Parties and the freedom to choose their residence there?

(3) Should the proposed instrument provide that:

(a) the persons concerned shall have the unrestricted right to stay in the territories of States Parties of which they are not nationals?

(b) this right shall not be dependent on current or previous employment or the exercise of any economic activity?

Article 10
Family members' admission and stay
(see paragraphs 15, 17, 18, 19, 20, 22, 33, 41 and 58)

(1) Should the proposed instrument provide that each State Party shall permit the entry or admission of family members as defined in Article 8 of the instrument, including family members who are not nationals of another State Party?

(2) Should the proposed instrument provide that:

(a) all family members shall have the unrestricted right to stay in the territories of States Parties of which they are not nationals?
(b) this right shall not be dependent on the presence of primary beneficiaries as defined in Articles 4, 5, 6 and 7 of this instrument?

Article 11
Derogations, and freedom from arbitrary expulsion
(see paragraphs 16 and 21)

(1) Should the proposed instrument provide that:
   (a) States Parties shall not derogate from the provisions of this instrument except on grounds of public order, national security or public health?
   (b) these grounds shall not be invoked to serve economic or social ends?
   (c) the list of diseases constituting a danger to public health should be agreed among the medical authorities of States Parties and reviewed from time to time?

(2) Should the proposed instrument provide that:
   (a) a national of a State Party may be expelled from the territory of another State Party only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of public order, national security or public health otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority?
   (b) nationals of State Parties shall not be subject to measures of collective expulsion?

Article 12
Stages
(see paragraphs 43, 44, 47 and 51)

Should the proposed instrument provide that:

(a) the access to employment and economic activities shall be liberalised in stages, starting with an initial period of not more than ... years, followed by a transitional period of not more than ... years?

(b) the final stage of full freedom of movement shall be achieved not later than by the year ...?
PART (c) WORKERS' ACCESS TO EMPLOYMENT

Article 13

Initial stage
(see paragraphs 23, 24, 43, 44 and 45)

Should the proposed instrument provide that during the initial stage:

(a) no new restrictions shall be imposed on the employment of workers who are nationals of other States Parties?

(b) in the case of workers whose permission to reside or work is limited in time and until these workers can enjoy the freedoms provided for in this instrument
   (i) the States Parties should examine in a spirit of goodwill all requests for renewal or extension of the requisite permits?
   (ii) the mere fact of the loss by the worker of his employment should not in itself imply the withdrawal of his permission to reside or work, as the case may be, and that he should be allowed sufficient time to find alternative employment?

(c) in the case of workers whose permission to reside or work is not limited in time, the States Parties should allow them free choice of employment or other economic activities?

Article 14

Transitional stage
(see paragraphs 23, 24, 43, 47 and 48)

(1) Should the proposed instrument provide that during the transitional stage:

   (a) each State Party shall take the necessary measures with a view to the elimination of all restrictions on the employment of workers who are nationals of other States Parties?

   (b) these measures shall have immediate effect for the persons referred to in paragraph (2) of this Article?

   (c) for other persons these measures shall come into force not later than at the beginning of the final stage referred to in Article 15 of this instrument?

(2) Should the proposed instrument provide that all restrictions shall be suppressed on the admission, stay and employment of workers who, by virtue of their
employment in a State Party other than that of which they are nationals, will be registered or affiliated with a social security institution of the State Party concerned?

**Article 15**

**Final stage**
(see paragraphs 23, 24, 43, 51 and 58)

(1) Should the proposed instrument provide that after the expiry of the transitional stage all nationals of a State Party shall have the right to take up employment or to exercise economic activities in the territory of any other State Party?

(2) Should the proposed instrument provide that all family members of primary beneficiaries who have moved to the territory of another State Party for the purpose of employment shall have the right to take up employment or to exercise economic activities there, including family members who are not nationals of any State Party?

**PART (d) ACCESS TO ECONOMIC ACTIVITIES OF PERSONS RENDERING SERVICES**

**Article 16**

**Initial stage**
(see paragraphs 23, 24, 43 and 44)

Should the proposed instrument provide that during the initial stage no new restrictions shall be imposed on the supply of services by nationals of other States Parties?

**Article 17**

**Transitional stage**
(see paragraphs 23, 24, 43, 47 and 49)

(1) Should the proposed instrument provide that during the transitional stage:

(a) each State Party shall take the necessary measures with a view to the elimination of all restrictions on the economic activities of nationals of other States Parties who render services?
(b) these measures shall have immediate effect for the persons referred to in paragraph (2) of this Article?

(c) for other persons these measures shall come into force not later than at the beginning of the final stage referred to in Article 18 of this instrument?

(2) Should the proposed instrument provide that all restrictions shall be suppressed on the admission, stay and economic activities of suppliers of services of other States Parties who are members of professional or analogous bodies constituted in conformity with the law of a State Party and which regulate the exercise of the occupation or profession concerned?

Article 18

Final stage
(see paragraphs 23, 24, 43, 51 and 58)

Should the proposed instrument provide that after the expiry of the transitional stage all nationals of a State Party rendering services shall have the right to enter and stay in the territory of any other State Party with a view to offering their services or exercising any other economic activities there?

PART (e) ACCESS TO ECONOMIC ACTIVITIES IN MATTERS OF ESTABLISHMENT

Article 19

Initial stage
(see paragraphs 23, 24, 43, 44 and 46)

Should the proposed instrument provide that during the initial stage:

(a) no new restrictions shall be imposed on the setting-up of establishments in the territory of a State Party by a national of any other State Party?

(b) each State Party shall take the necessary measures with a view to ensuring that the conditions for the setting-up of establishments by nationals of another State Party are the same as those for its own nationals?

Article 20

Transitional stage
(see paragraphs 23, 24, 43, 47 and 50)

(1) Should the proposed instrument provide that during the transitional stage:
(a) each State Party shall take the necessary measures with a view to the elimination of all restrictions on the setting-up of establishments in its territory by nationals of another State Party?

(b) these measures shall have immediate effect for the persons referred to in paragraph (2) of this Article?

(c) for other persons these measures shall come into force not later than at the beginning of the final stage referred to in Article 21 of this instrument?

(2) Should the proposed instrument provide that each State Party shall suppress all restrictions on the admission, stay and economic activities of nationals of other States Parties who have already set up establishments in its territory?

Article 21

Final stage
(see paragraphs 23, 24, 43, 51 and 58)

(1) Should the proposed instrument provide that after the expiry of the transitional stage all nationals of a State Party shall have the right to set up establishments or carry out any other economic activities in the territory of any other State Party?

(2) Should the proposed instrument provide that all family members of primary beneficiaries who have set up establishments in the territory of another State Party shall have the right to take up employment or to exercise economic activities there, including family members who are not nationals of any State Party?

PART (f) STUDENTS' ACCESS TO HIGHER EDUCATION

Article 22

Students' access to institutions of higher learning
(see paragraphs 39 and 52)

Should the proposed instrument provide that students as defined in Article 7 of this instrument who wish to follow courses at universities, analogous educational facilities or institutions of a State Party of which they are not nationals shall have the same rights of registration or immatriculation as nationals of the State Party concerned and that, for this purpose, each State Party shall
accept as equivalent to its own the baccalaureat or other certificates awarded under the educational systems of every other State Party and such other documents as may be designated by the competent authorities of the States Parties?

PART (g) COMPLEMENTARY PROVISIONS

Article 23
Equality of treatment
(see paragraphs 25, 26, 27 and 58)

Should the proposed instrument provide that each State Party shall ensure to nationals of other States Parties and the members of their families in its territory full equality of treatment and the enjoyment of all advantages and liberties accorded to its own nationals, in particular in matters of:

(a) economic rights, particularly in respect of remuneration, other terms of employment and conditions of work, as well as in matters of supply of services and establishment?

(b) social rights such as access to housing, education, social services and medical care?

(c) social security rights such as invalidity, old-age, survivors' benefits, employment injury and family benefits?

(d) administration of justice?

Article 24
Recognition of equivalence of qualifications
(see paragraph 29)

Should the proposed instrument provide that the States Parties shall take the necessary measures with a view to the harmonisation of the conditions of recognition of diplomas, certificates and other qualifications acquired by nationals?

Article 25
Setting-up of and membership in organisations
(see paragraph 28)

Should the proposed instrument provide that all persons entitled to freedom of movement under the provisions of this instrument shall have the same rights as nationals to establish and join associations, institutions, bodies or organi-
nations for the promotion and protection of their economic, social, educational, cultural and similar interests, including trade unions and co-operatives, and to exercise all the rights of membership?

Article 26
Monetary transactions
(see paragraphs 30 and 53)

Should the proposed instrument provide that all persons entitled to freedom of movement as from the beginning of the transitional stages referred to in Articles 14(2), 17(2) and 20(2) of this instrument shall have the right:

(a) when in the process of moving between States Parties, to acquire and take with them such amounts of the currencies of the State of departure and of the States of transit and destination as they may require for the purpose of travelling?

(b) when permanently or temporarily resident in a State Party of which they are not nationals, to transfer to their State of origin or habitual residence such parts of their earnings, savings or profits as they may wish to transfer?

Article 27
Hand-tools and moveable equipment
(see paragraph 31)

(1) Should the proposed instrument provide that all persons entitled to freedom of movement as from the beginning of the transitional stages referred to in Articles 14(2), 17(2) and 20(2) of this instrument shall have the right to take with them and use, in another State Party and upon return to their State of origin or habitual residence, the handtools and moveable equipment they may require in the performance of their activities, provided such tools and equipment can be shown to be in their actual ownership or possession and to be intended to be used by them in the course of their activities?

(2) Should the proposed instrument provide that the tools and equipment referred to in paragraph (1) of this Article shall be exempt from all import restrictions and customs duties?
Article 28
Persons in an irregular situation
(see paragraph 42)

Should the proposed instrument provide that each State Party should regularise the admission, stay, employment or economic activities of persons entitled to freedom of movement under the provisions of this instrument but who are in its territory without having complied with the requisite formalities?

Article 29
Administrative services
(see paragraphs 54 and 55)

(1) Should the proposed instrument provide that each State Party should establish and maintain appropriate services to deal with questions concerning the freedom of movement of all persons and that the functions of these services should include:

   (a) the exchange of information and collaboration with the competent services of other States Parties and of the Community institutions concerned?

   (b) the provision of information, particularly to workers, persons rendering services and employers and their organisations or associations interested in opportunities in other States Parties, on:

      (i) laws and regulations relating to employment and other economic activities?

      (ii) economic, social, social security and legal rights?

      (iii) conditions of work and life of individuals and families?

   (c) the provision of information and assistance to interested persons on:

      (i) formalities required by other States Parties in respect of admission, stay, employment or economic activities?

      (ii) arrangements for departure and travel to other States Parties and return to their State of origin or habitual residence?

(2) Should the proposed instrument provide that the States Parties should undertake to establish and maintain appropriate services in the community to follow the development and realisation of freedom of movement in the States Parties?
C. INTERNATIONAL MIGRATION FOR EMPLOYMENT

Working Papers

1. International labour migration and international development,

2. Towards a system of recompense for international labour migration,

3. Contract migration policies in the Philippines,

4. Contract migration in the Republic of Korea,

5. Emigration of scarce skills in Pakistan,
   by M. Ahmad, May 1982.


7. Out of the shadows - A review of the 1980 Regularisation of Status Programme
   in Australia,
   by D. Storer with the assistance of A. Faulkner, June 1982.

8. International contract migration in the light of ILO instruments, with
   special reference to Asian migrant-sending countries,

9.S La amnistía migratoria de 1974 en Argentina,
   por Lelio Mármora, feb. 1983.

9.E The 1974 amnesty for migrants in Argentina,

10.F La libre circulation à l'intérieur d'une Communauté entre pays en
     développement,
     par W.R. Böhning, décembre 1983.

10.E Freedom of movement within a Community of developing countries,