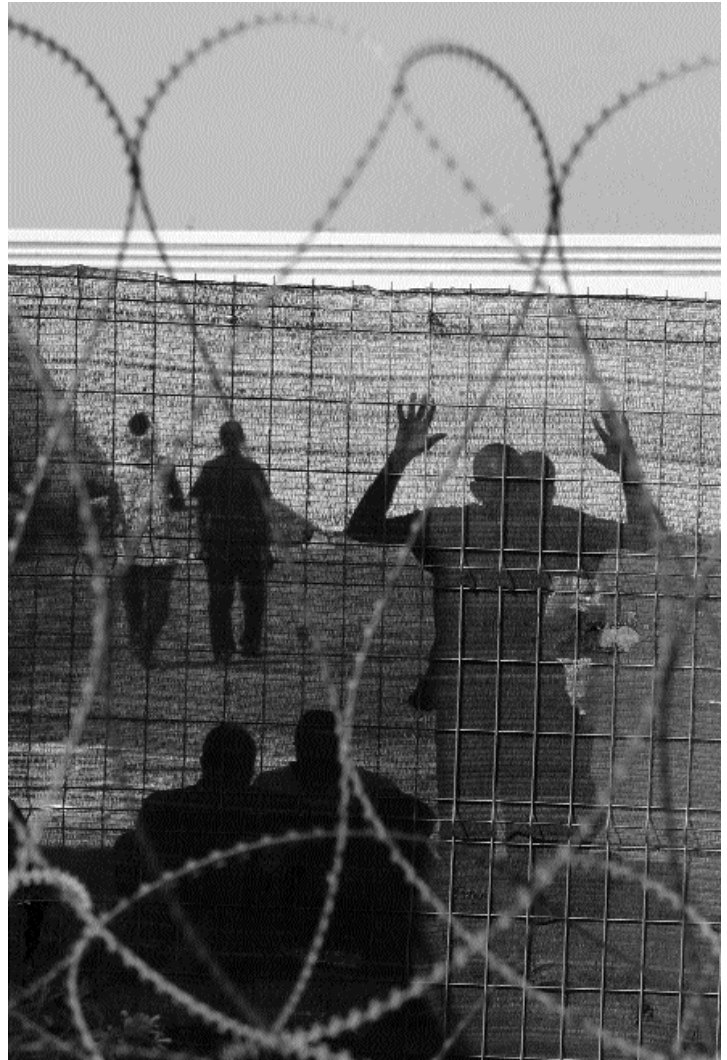


# Building Universal Citizenship

## Migration, Ethics and Human Rights in Globalization

Ariadna Estévez López\*



Migration is not a problem of globalization, but an integral part of it. The relationship is such that migration is both an effect of economic globalization and a cause of certain of its social and cultural dynamics, if we understand it as a multidimensional process. The rela-

tionship between globalization and migration is reciprocal, since the political-economic dynamics of the former push thousands of individuals to emigrate and, at the same time, this international migration transforms the socio-cultural dynamics of the countries they leave behind and their destinations. These impacts can be seen in the economic reactivation that remittances sent to migrant-sending countries cause, and in the cul-

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tural exchange between the host society and the immigrants.

If migration and globalization are nothing but two sides to the same coin, all nations have an ethical obligation to migrants' material well-being, both on a structural level (the poverty of the countries they leave) and on a subjective level (the individual need to migrate for these reasons). This ethical obligation must be reflected in integration models that avert exclusion through minimum guarantees and in the participation of social actors so they can generate their own economic and cultural interests regardless of their legal status. What is needed is *universal citizenship* based on the international human rights regimen that ensures both rights and obligations.

#### ETHICS, HUMAN RIGHTS AND POWER

Since citizenship, which confers rights and obligations on individuals, is generally bestowed on those who belong to a nation-state or a political-economic union like the European Union, the fundamental characteristic of universal citizenship is broadening out membership. Universal citizenship is not counterposed to national citizenship, but goes beyond it. It implies that a series of universal human rights are recognized for all individuals regardless of their membership in a nation-state. This is not based on the supposed universality of human nature. It is based on the responsibility of states *vis-à-vis* the universal system of human rights in accordance with an idea of global justice based on the material aspect of ethics, which considers migrants an integral part of globalization and implies that: 1) the material dimension of migrants' individuality and collectivity must be considered, and 2) issues of power underlying relations among countries must also be considered.

Thus, global justice is based on two suppositions: the material dimension of ethics and the international obliga-

tions that generate the general principles of the right to development. On the one hand, Enrique Dussel says that we have an obligation to human life that is not made up only of satisfying material needs or values like dignity.<sup>1</sup> Human life is multidimensional since it is affected by cultural values, biological and material factors, etc., and each of these implies obligations of different kinds, from the economic to the cultural. On the other hand William Felice says that states have the obligation to take measures to prevent the consequences of the violation of the human right to development and critical ethics.<sup>2</sup> I propose taking this further by saying that if states do not implement these measures (rules for exchange and cooperation, abstaining from financing violations of human rights), this in and of itself obligates them to recognize migrants' human rights, since many of the latter are forced to leave their countries because of these violations.

The greatest implication of all this is that migrants must be considered social subjects and nations must assume their obligations to individuals. What is more, to the extent that international obligations go unfulfilled, the material aspect of ethics obligates states to deal with the needs of those who must leave their countries to settle in another. In other words, the right to development establishes obligations for countries of origin, countries people travel through and destination countries, not only in terms of global economic policy (for example, free trade and production), but also with regard to migrants, regardless of their migratory status. This is so because the right to development is becoming a general legal principle that generates macro-economic obligations, but also mandates coming to the aid of those who have been deprived of their human rights, especially if their plight has to do with trade policies and their collateral effects.

This global justice, then, is the basis for broadening out membership in citizenship. To the extent that individuals cannot satisfy their needs in certain territories, or if for reasons linked to development they are forced to leave the country where they reside, the concert of nations has the obligation to broaden out membership. This would not mean replacing national citizenship, but establishing a parallel citizenship that does not include the most polemical elements of national citizenship, like the right to vote in national elections and some aspects of social security like unemployment insurance.

Broadening out membership must be based on the cosmopolitan proposal of the right to mobility, which organized migrants demand (see the World Charter of Migrants 2007). Pécoud and Guchteneire say that one possible human-rights-

TABLE 1  
THE RIGHTS OF UNIVERSAL CITIZENSHIP

THE DIMENSION OF MOBILITY	THE BASIC DIMENSION OF THE RIGHT TO A DECENT LIFE	THE DIMENSION OF THE EXERCISE OF IDENTITY AND BEING DIFFERENT	THE POLITICAL DIMENSION
<ul style="list-style-type: none"> <li>• The right to emigrate from one's country of origin and be received in another</li> <li>• Consular rights</li> <li>• Right to a family and family reunification</li> <li>• Right to participate in the development policies of one's country of origin and internationally</li> <li>• Financial rights (to transfer earnings, savings)</li> <li>• Right to individual and collective property</li> <li>• Right to not be expelled for ethnic, racial or religious reasons or those related to national origin, etc.</li> <li>• Right to a nationality and to change nationality, as well as to request residence documents</li> <li>• Right to vote in one's country of origin</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum social rights for human development (food, education, health, housing)</li> <li>• Right to work and labor rights (to be protected from exploitation, slavery, arbitrary dismissal; to unionize and to strike; social benefits linked to employment such as retirement, disability benefits, accident insurance, etc.)</li> <li>• Freedom from discrimination for reasons of gender, race, ethnic origin, national origin, marital status, etc., and protection from discrimination and xenophobia</li> <li>• Right to a fair trial and legal equality (the use of interpreters and equal treatment to that of national citizens)</li> <li>• Right to life and personal safety (to not be tortured or subjected to cruel or degrading treatment or sentences or arbitrarily arrested)</li> </ul>	<ul style="list-style-type: none"> <li>• The right to keep one's native language and culture of origin</li> <li>• Freedom of belief and conscience (including protection against indoctrination)</li> <li>• Freedom to teach one's children one's language of origin and one's own religion and the recognition of the religious obligations of minorities</li> <li>• Freedom of association and religious assembly, as well as the freedom to pray in public places</li> <li>• Right to interpreters in public services and to use one's own language in those services</li> </ul>	<ul style="list-style-type: none"> <li>• Freedom of association and peaceable assembly</li> <li>• Freedom of thought, expression and opinion, with respect for the same freedom for others</li> <li>• Right to participation, consultation and information in economic, social and political bodies. For example, neighborhood associations, chambers of commerce, the parliament, ombudsman's offices, etc.</li> <li>• Right to vote in local and intermediate elections</li> </ul>



Laura Cano

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based response to migration could be the right to mobility,<sup>3</sup> which would not be a new right, but a supplementary one necessary to exercise the right to emigrate.<sup>4</sup> What is more, it is an expression of the right to freely choose one's employment and the right to appropriate living standards, both of which are recognized in the Universal Declaration of Human Rights.<sup>5</sup> In this sense, establishing the right to mobility within a theory of constructivist justice would simply be a development of the already existing instruments, precisely in order to lessen the suffering of thousands of persons forced to emigrate, as any theory of global justice would establish.

#### RIGHTS IN UNIVERSAL CITIZENSHIP

Broadening out membership in universal citizenship leads inevitably to a more normative discussion touching on the rights that must be recognized for migrants regardless of their migratory status. A simple answer would be that they should include those established in the International Charter of Human Rights and its six main conventions.<sup>6</sup>

However, as these documents stipulate, their implementation in each country depends on the resources the countries have and whether they can provide them to non-national citizens. Strictly speaking, the right to mobility would have to make this stipulation more relative, but demanding this would lead us to an all-or-nothing situation. The best road, as Pécoud and Guchteneire propose, is to establish universal citizenship within the parameters of the basic rights, which must be defined as a function of two issues related to other fundamental dimensions of citizenship: participation and identity.

With regard to citizenship as participation for international migrants, the core issue is to guarantee participation in all spheres, from the organizations of civil society to formal mechanisms, so migrants can have an influence on

democratic control and community building, as well as in their constitution as members of a polity not based on their national identity, but as economic beings and bearers of new cultural information in the society they are in. This is in order to negotiate their own rights and status within the polity.

The issue is not whether migrants are given citizenship, national membership, but that we proceed to a universal citizenship that bestows rights and recognizes them regardless of national citizenship. This has the aim of acknowledging an obvious fact like migration in the same way that at other times in history it was necessary to explicitly include workers, women, ethnic groups, etc. The main point is not the human rights linked to a welfare state (in whose defense the right wing justifies its migratory controls), but the rights to mobility and to work, and to have access to social and political human rights as a result. The exercise of difference and of cultural and civil human rights linked to migrants' identity is also very important.

The rights to universal citizenship must be defined in accordance with the needs and obligations of migrants as they themselves define them<sup>7</sup> based on international human rights conventions.<sup>8</sup> Thus defined, these rights could be classified in four dimensions: the dimension of mobility, which makes it possible for the right to emigrate to be supplemented with the corresponding opportunities; the basic dimension of the right to a decent life, which means that the minimal rights not only to survival but to having a satisfactory life must be guaranteed, including, but not limited to, social guarantees; the dimension of the right to exercise identity and be different; and the political dimension, which establishes a series of political guarantees to ensure rights beyond the right to vote.

#### CONCLUSIONS


The undeniable relationship between migration and globalization from the point of view of human rights based on the material aspect of ethics requires us to devise models for integration that go beyond immigrants' legal status and that guarantee the minimum rights everyone should have access to in order to live a decent life. This is the basis for universal citizenship, which must be built starting from the universality of the right to mobility, which in turn is based on everyone's right to work and emigrate and the obligation of the world's nations to guarantee it. **MM**

## NOTES

- <sup>1</sup> Enrique Dussel, *Ética de la liberación en la edad de la globalización y la exclusión* (Madrid: Trotta, 2006).
- <sup>2</sup> William Felice, *Taking Suffering Seriously: The Importance of Collective Human Rights* (Albany, New York: State University of New York Press, 1996).
- <sup>3</sup> Antoine Pécoud and Paul de Guchteneire, "International migration, border controls and human rights: assessing the relevance of a right to mobility," *Journal of Borderlands Studies* no. 21 (Spring 2006), pp. 69-86.
- <sup>4</sup> The right to emigrate established in the Universal Charter of Human Rights was conceived during the Cold War, a time when it was difficult to leave one's country of origin. Historical needs today demand that this right explicitly include a supplementary right to immigrate, which is what is difficult today.
- <sup>5</sup> Some authors are decidedly against the right to mobility. For some right-wing arguments, see Walter Block and Gene Callahan, "Is There a Right to Immigration? A Libertarian Perspective", *Human Rights Review* (October-December 2003), pp. 46-71. For a multiculturalist view, see Bhikhu Parekh, "Finding a Proper Place for Human Rights," Kate E. Tunstall, ed., *Displacement, Asylum, Migration: The Oxford Amnesty Lectures 2004* (Oxford and New York: Oxford University Press, 2006).
- <sup>6</sup> The International Charter of Human Rights includes the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The six main conventions are the Convention for the Elimination of All Forms of Racial Discrimination, the Convention for the Elimination of all Forms of Discrimination against Women, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention for the Protection of the Rights of All Migrant Workers and the Members of Their Families.
- <sup>7</sup> The human rights of documented and undocumented migrants as they themselves define them have been suggested in the Declaration of Migrants, Refugees and Displaced Persons Associations as well as organizations in solidarity with them at the Regional Consultation of the World Commission on International Migrations (May 16-17, 2005); the Rivas Declaration (2006); and the Draft World Charter for Migrants (2007). See the World Charter of Migrants (2007) at <http://cmmigrants.org/spip.php?article2> (November 12); the Assembly of Social Movements held during the Second World Social Forum of Migrations (2006), *Declaración de Rivas*, available at [http://www.aulaintercultural.org/article.php?id\\_article=1794](http://www.aulaintercultural.org/article.php?id_article=1794) (November 12); Mexican Action Network on Free Trade (RMALC); the Regional Border Coordinating Committee; the Llacataru Association; the Association for the Integration of Latin America; the Border Network for Human Rights et al., *Declaración de las Asociaciones de Migrantes, Refugiados(as) y Desplazados(as) y organizaciones solidarias en la Consulta Regional de la Comisión Mundial sobre Migraciones Internacionales* (Mexico City: manuscript, 2005).
- <sup>8</sup> The rights of migrants regardless of their migratory status have been systematized by the Platform for International Cooperation on Undocumented Migrants (PICUM). See Luca Bicocchi and Michèle LeVoy, "Undocumented Migrants Have Rights! An Overview of the International Human Rights Framework" at [www.picum.org](http://www.picum.org) (April 1, 2007).




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in their conciseness: I-Bearing Witness in the Dark; II-Guardians and the Guarded; III- Voices of a Silenced Memory; IV- Where Fear Nests; V- Memory and History; VI- Exile; VII- Women Have the Word; VIII-Writing Toward Hope. Also included are some vivid artwork color plates and brief biographical and explanatory notes on each of the participants.

This anthology features a wide range of writers and writings from all Latin America, including U.S. Latino perspectives, all of which do credit to what editor Marjorie Agosín states in her introduction: “Throughout Latin America, writers creatively and peacefully counteract the culture of fear through art.” Among the 57 very diverse writers included in this anthology are many names that will be easily recognized: Claribel Alegría, Isabel Allende, Diana Anhalt, Homero Aridjis, Ruth Behar, Gioconda Belli, Mario Benedetti, Rosario Castellanos, Roberto Castillo, Carlos Cerda, Julio Cortázar, Roque Dalton, Delia Domínguez, Ariel Dorfman, Rigoberta Menchú, Gabriela Mistral, Angelina Muñoz-Huberman, Pablo Neruda, José Emilio Pacheco, Heberto Padilla, Isabel Parra, Violeta Parra, Alicia Partnoy, Elena Poniatowska, Nela Ríó, Reina Roffé, Nora Strejilevich, Marta Traba, Luisa Valenzuela, Daisy Zamora.

Although the title, the “Introduction” proper and the introductory notes to each section are in English, the texts (including the biographical note on each author) have been included in their original Spanish. This refers us immediately to the potential readers of the present anthology, who, implicitly at least, must be to a certain degree bilingual, or at least are expected to make a bilingually-oriented reading effort, to comprehend the fascinating wide range of texts included in this volume.

Nowadays, when it has become popular to publish Latin American texts translated into English, when the effort to read texts in their original language is losing

ground, it is unusual to find a volume of this nature in which English serves as an introductory language, although no intermediary translating agency intervenes in the direct reading experience, thereby underscoring the very resistance-based nature of the central issues raised in the texts themselves. There would seem to be a quiet yet unequivocal subversive statement made in this volume through the resistance to translation, in this way underscoring that, partly due to their nature, these texts need to be, should be, indeed *deserve* to be read in the original for their full impact, to be fully appreciated for what they are and represent.

Marjorie Agosín’s prophetic statement that “Some day, this literature will be part of Latin America’s cultural history and will not be seen as an isolated element within history” hails these texts for their strength in core human values and virtues, as well as for their cultural, aesthetic and historical contribution and dynamics. This quote also contains an unwritten assessment of these texts as travelers from obscurity and clandestinity into new light, into college classrooms, libraries and the minds/memories of present and future generations. There lies, too, further hope.

The testimonial, historical, social, aesthetic and literary contents of *Writing Toward Hope* have an immediacy that powerfully touch the underside of pain, the underside of fear —the underside, too, of hope. This may remind us that in Spanish there is a well-known saying: “la esperanza es lo último que muere” (Hope is the last thing to die). So be it. **MM**

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