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Migration needs global regulation

Raffaele Marchetti

6 November 2003

People Flow proposes a regulatory system that is nationalist and discriminatory. Instead we need a global system of regulation based on the principles of free movement and universal justice.

The flow of people is a fact. For a number of reasons, including family reunion, economic incentives, and demographic trends, the movement of individuals and groups has certainly been on the increase in recent decades, and is likely to continue in the future. While this is hard to deny, assessing the implications has led to nothing but controversy. How should we tackle such a social phenomenon? On precisely what political grounds can we legitimately defend any regulation of this movement?

People Flow sets out to discuss the possibilities of a new political approach. The pamphlet offers some suggestions on the principles that might ultimately inform such a new system, though inevitably, these are neither sufficiently nor comprehensively discussed. Further to this, in his latest review of the debate, Theo Veenkamp raises the necessity of rethinking the very basis of the nation-state together with the meaning of national citizenship. I would like to concentrate on some of the axiological assumptions underpinning the *People Flow* prototype.

The assumptions we make

Theo Veenkamp, Tom Bentley and Alessandra Buonfino begin their study by identifying as a crucial question whether “a continuing influx of migrants to Europe can be absorbed in a mutually beneficial way”. They then affirm that “any successful system for managing the flow of people must necessarily strengthen the social and economic conditions that make the European quality of life so widely prized”. Finally the authors add that such a system “seeks to manage the movement of people by taking their [the migrants’] needs and purpose as a starting point”.

At first sight, these statements seem to be consistent with the declared objective of the report: the pursuit of a “mutually advantageous wealth creation”. A more careful reading, however, generates some underlying problems.

While it is undoubtedly true that migration inflow can be beneficial to the receiving social system in many ways, it is equally evident that there are situations in

which either residents or migrants have to become losers. If the circumstances in which migrants find themselves were just *per se*, they would not have generated such an intense political debate. But conflicts do arise, often viciously encouraged by the media, on almost every aspect of the migration debate. Hence, the underlying principles of any regulatory system must attempt to legitimate political priorities among all the parties involved.

Despite the migrant-friendly tone of *People Flow*, its recommendations tend ultimately to favour existing residents in the conventional sense. The entire proposal is moulded in terms of social and regional efficiency. Consistent with this, for instance, migrants are only welcome if they can contribute to the welfare of the host society by bringing with them either the financial capital or working skills needed by its national labour market. A migrant is not admitted if he or she is not beneficial to the community in this sense. As a consequence, residents and migrants are granted unequal status. While residents are in fact free to be social parasites, migrants have to show proof of good (mainly economic) intentions. Entire social categories such as artists or 'self-made men' are excluded from Veenkamp's proposal, which bizarrely enough at the same time encourages 'self-reliant travellers'.

In sum, *People Flow* defends a status quo based on the particular political priorities of national or regional (EU) citizens to date. What happens if we subject this approach to a global justice perspective?

Global axioms of justice

Let us propose for the moment that global justice rather than regional efficiency or national interest should be the principle to prevail in international migration (see also the contribution of Franck Düvell). A new form of citizenship would have to provide new criteria for the acceptance of migrants and for the distribution of international responsibilities.

The starting point for such a goal-based cosmopolitan argument consists in the recognition of a universal right to free movement, a progressive entitlement to non-discrimination, and the right to maximise one's opportunities. The domestic right to free movement has proved crucial to self-realisation at a national level. By contrast, look at all those situations in which movement is restricted by legal or financial

impediments: for example, the prohibition of the free movement of nationals in Italy during the period of fascist rule; or the poverty which prevents people in the developing countries from travelling to another part of the country. What is argued here is that an international right to free movement would be most beneficial to individual well-being, and consequently to world welfare.

Cosmopolitan citizenship as it pertains to freedom of movement must form the core element of an alternative proposal. Politics is now so globally interdependent that social freedom depends on the extent to which the individual can express his or her consent in several political domains, for example, by voting in the country of birth, a second country, and eventually, in supranational institutions. Cosmopolitan citizenship therefore recognises the fact that individuals can increase their life options and their control over their social domain, by changing their place of residence. This represents a cardinal objective of any legitimate political system, insofar as it maximises world welfare by fostering individual freedom.

The concept of 'world citizenship' represents a crucial political step toward the implementation of global justice. In acknowledging that traditional statist politics draw on concepts of both responsibility and vulnerability which are too narrow to deal properly with the world's problems, the citizenship model here proposed seeks to bring political agency itself in line with a global perspective.

When it comes to life options, world citizenship accords equal status to all of the world's citizens, migrants and residents alike. The principle of non-discrimination generates the universal and individual right to free movement and to civil, social and political rights in more than one country (see as a first step in this direction the granting of voting rights to migrants in EU local elections).

Political consequences

The concept of universal citizenship grants any individual the right to migrate *per se* and thus the right to be accepted in a foreign country, regardless of the eventual contribution to the host community. This prerogative, nevertheless, cannot be absolute, inasmuch as it has to be balanced (impartially and through political dialogue) with the equally legitimate

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claim of the residents to preserve their options and, in the ultimate analysis, with the general imperative of maximizing world welfare.

Such a global weighing mechanism is a moral alternative to the current arbitrariness of national or regional reception policies, which should be rejected for at least two reasons to do with the principle of non-discrimination.

In conceding an almost absolute privilege to existing residents of nation-states, state-centric policies violate the universal right to maximise one's opportunities. Within the present cosmopolitan scheme, national citizenship could maintain a certain degree of legitimacy by taking into account different associative ties as universal, indirect, and impartial sources of welfare. But this could only be warranted if the concept of national citizenship had beneficial long-term results in terms of maximising world welfare, and therefore mimicked the demands of a cosmopolitan citizenship.

The nationalist orientation perpetuated in *People Flow* should also be rejected for the way it intentionally discriminates among migrants, admitting only those who satisfy the needs of the receiving countries (in any case granting them only a deficient legal status). As a consequence, the vast majority of migrants are unjustly excluded without right of appeal. Hence, citizenship can be seen as the last bastion of privilege, an obstacle which resoundingly fails to meet the general obligation of non-discrimination.

Since an open border policy is not an option in the near future, the next question must be how to distribute a scarce good equally. The criteria for admission then becomes the next battle-ground for a new interpretation of citizenship. The only viable solution to the constraints caused by the fact that many want to enjoy the relevant good (i.e. to be a citizen) and yet such a good is not infinite at the national level, involves the recognition of citizenship as a good infinitely divisible on different levels of political action. While state membership still remains inevitably subject to some constraints (not all can be American

citizens), global citizenship is in fact characterised by all-inclusiveness (all can be world citizens).

Alternative regulations based on quotas

The political alternative to the current “win-all, lose-all” method of procedure that daily haunts the lives of so many migrants, consists in the division of the prize in an impartial way, i.e. smaller prizes but equally distributed. Universality is here understood as possible only through the division of the good in infinite parts, temporally distributed.

Consequently, temporally limited permission of free movement becomes the good of this new migratory policy, which could be widely available and complemented by limited extensions regarding the right to change primary citizenship and the right of settlement. Migrants would be accepted in the receiving countries on a temporary basis (depending on demand but not on working skills!) and would have civil, social and political rights equal to the nation's existing residents. But they would be obliged to return periodically to their home countries, thus contributing to the sending

nations in a number of ways, including the transfer of financial and social capabilities and the avoidance of a brain drain.

Concurrently, receiving states would have to accept temporal quotas allocated by a supranational organisation (see the contribution of Arthur C. Helton in this debate and the long-standing UN proposal for a Conference on Migration and Development), according to rules of non-discrimination such as “the most favoured nation”, universality of temporary admission, and the equality of treatment between locals and foreigners. Within this system of burden-sharing, through national quotas, each country should admit its fair share in comparison with other receiving nations. The migratory intake should be based on the receiving country's capacity, in terms of economic conditions, territory, demography, history and culture.

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