

Title: Global Governance, Globalisation and Immigration: Mapping Citizenship.

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Abstract:

“The idea of global governance is a process of cooperative leadership that brings together national governments, multilateral public agencies, and civil society to achieve commonly accepted goals. It provides strategic direction and then marshals collective energies to address global challenges (James Boughton & Colin Bradford, 2007)”³. Globalisation has aggregated the pace of human learning and trying to reach its apex possible. Every geographical area, its culture, society, economy and political structure has created uniqueness of its kind which in turn is different from humans of other geographic regions. This uniqueness of its kind required for the highly developed societies of the modern world. Today, fast communications technology, internet and travelling capacity of humans have changed to such an extent that the whole world has become a tiny place to go around. It has affected migration all over the world and few places became the hub of such multi-diversified culture. Therefore this article aspires to look Immigration about Citizenship which is becoming the most sought after thing in this globalised world and no multilateral agreement exist on this at the level of Global Governance. It also tries to look the Localism v/s globalism which is standing in front of each other and creating latent conflict which is bringing discrimination of various types to citizens which have never been on a global level.

1. Introduction:

Globalisation, which helps businesses expand into new international markets, is eroding the nation’s virtual borders. The Internet has blurred the geographic boundaries, as the

global mobility of resources and people is on the rise. This paper has tried to see Immigration especially from the Citizenship perspective which is becoming the most sought after thing in this globalised world and no multilateral agreement exist on this. How globalised citizen is becoming the norm of the day.

2. Indian history of Immigration:

“India has historically been a land of plenty and immigration has been driven by economic opportunities. Over the years, India has attracted several invaders that remained in India as immigrants”⁴ For instance, around 1500 BC, a group of people called Aryans from the Russian steppes, invaded the Indian subcontinent and stayed on to dominate the native Dravidian people. These followed by the troops of Alexander the Great, the Kushans from Bactria, the Moslem Sultans, the Persians, the Portuguese, the Moghuls, and finally the British who ruled India till it attained independence in 1947.

2.1. Emigration from India:

“India went through phases of emigration under the British Rule. This trend continued in India which adopted socialistic policies that supported controlled economic growth. Under the British Rule, several Indians migrated to countries in the East and West Indies, Mauritius and African nations as indentured labourers and as trading entrepreneurs, and to Australia as convicts (taken by the British)”⁵. In recent years, migration has been of primarily three types, family unification, professionals moving for career or business opportunities to the United States, the United Kingdom, China, Australia and Canada labourers and entrepreneurs moving to the Middle Eastern booming economies.

3. International Scenario: World Migrations since Columbus:

“During the few decades between about 1820 and the mid-nineteenth century, global migrations changed dramatically. Earlier they moved under a contract, later on, they moved unassisted and free after that. The discovery of America stimulated a steady

stream of voluntary and involuntary migrants from Europe and Africa” (Williamson, 2008).

With each new decade of the nineteenth century, free settlers entered the New World in ever more significant numbers. Some fled wars and persecution, and some sought political rights and religious freedom, but the potential economic rewards attracted the vast majorities.

4. Inclusive Citizenship: Meanings in Inter-Connected World:

“The *idea of citizenship* is nearly universal today; what it means and how it is experienced is not. The classical liberal theory claims that all human beings have rights under their being human and are universal. They give more priority to individuality than his status in society. But today, *the right of groups* has taken precedence over *the rights of individuals*” (Kabeer, 2005).

The classical liberal theory recognises civil and political rights as the only actual rights because they promote the freedom of individuals to act. The state has to defend this freedom. Social and economic rights are seen as excessive state interventions, drawing on public resources and hence constituting an infringement of individual liberty.

But there is another school of thought which challenges this view and suggests that economic, social and cultural rights give substance to political and civil rights.

“Liberal theory has always recognised that rights carry correlative duties, classical liberal theory treated rights as unconditional and hence before responsibilities. Individuals enjoyed rights under their citizenship, regardless of whether they owned property, participated in public life, paid taxes or any of the other qualifications associated for instance with republican notions of citizenship” (Kabeer, 2005).

5. Justice, Recognition and Self-determination:

The ideas about citizenship have adherence to some notion of *justice*. It also associated with the concept of citizenship. Tightly bound up with the demands for justice by many disempowered groups is a demand for *recognition* of the intrinsic worth of all human beings but also recognition of and respect for their differences.

“It has *self-determination* people’s ability to exercise some degree of control over their lives. Where rights are seen to promote the capacity for self-determination, the struggle for rights is expressed in ways that reflect the particular experience of being denied self-determination. These excluded groups are not homogenous either in the mechanisms by which they are excluded or in their experience of exclusion; their convergence leads to debates” (Kabeer, 2005).

5.1. Rights and Duties in Debates around Citizenship:

“Liberty, equality, fraternity the Meta values which inspired the French Revolution over two centuries ago, but these values will be ranked differently and interpreted differently by different people at different times” (Lister, 2007).

5.2. Individual versus Collective Rights:

“Historically struggles for national independence in the western context, including the American war for independence were struggled for the right to collective self-determination. Many of the struggles of the workers and socialist activists were also struggles for collective rights the rights to organise and to bargain collectively” (Kabeer, 2005). “The privileged status granted by mainstream liberal theorists to civil and political rights over economic social and cultural rights. The perspectives offered by these contributions support the view that these rights are indivisible each is essential for the realisation of others” (Kabeer, 2005).Citizenship recognise that rights imply correlative duties they diverge on the relationship between rights *viz a viz* duties and on

the role of the state in this relationship. Rights are not conditional on the fulfilment of duties individuals enjoy them. The state has to ensure that these rights are protected.

5.3. Rights-Based Approach within the Policy Agenda:

“The rise of neo-liberal versions of citizenship in the international policy agenda has challenged the conventional political science understanding of citizenship in terms of the relationship between individuals and the state” (Kabeer, 2005).

6. Inclusive Citizenship in an Interconnected World:

“Global citizenship also requires rules which spell out the claims and obligations of membership and ensure redistribution as a matter of right rather than discretion” (Kabeer, 2005).

6.1. Some Definitional and Conceptual Issues:

“Any study of movements of people from one place to another must first confront some definitional problems. These problems arise because on account of technological advances as well as growing awareness of people about their rights and well being. The old kind of labour flows were *emigrants* and *refugees*. But in the contemporary world economy, new kind has emerged like emigrants and refugees which are old forms while new forms are *guest workers*, *illegal immigrants* and *professionals*” (Ghosh, 2005).

The existence of cross-border tribes and ethnolinguistic groups having close cultural and emotional affinities makes the viability of international borders even less. There is a sense of helplessness to find a universally acceptable definition for virtually any social phenomenon.

- i. Emigrants: They are the people who move to a country and settle there permanently.*

- ii. Guest Workers: They are the people who move to a country, temporarily, for a specified purpose and a limited duration.*
- iii. Illegal immigrants: They are the people who enter a country without a visa take up employment on a tourist visa or stay on after their visa has expired.*
- iv. Professionals: They are the people who have a high level of education and experience and are in demand everywhere and no restrictions on immigration on them.*
- v. Refugee:**

The United Nations Convention relating to the Status of Refugees held on 28/07/1951. It defined “A refugee as any person who as a result of events occurring before 1/01/1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or owing to such fear is unwilling to avail himself of the protection of that country or who not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or owing to such fear is unwilling to return to it” (UNHCR, 1950).

There has been considerable progress in the discourse. Human rights, military and environmental angles have added to the list of causes making the term much broader-based than before.

vi. Migration:

Migration defined as a permanent change in place of residence by the crossing of specified administrative or political boundaries — the persons who fulfil these two criteria regarded as migrants.

“The UN, however, differentiates between internal migration and international migration. While internal migration is a change in the place of residence from one administrative boundary to another within the same country, international migration is a move over a national border” (UNHCR, <https://www.refworld.org/pdfid/4f4371b82.pdf>, 2012).

vii. Stateless Person:

The Convention relating to the Status of Stateless persons, adopted on 28/09/1954, by conference of Plenipotentiaries convened by the UN Economic and Social Council Resolution 526 A (XVII) of 26/04/1954, defined the term to mean a person who is not considered as a national by any State under the operation of its law. There are two categories of stateless persons de jure and de facto.

viii. De Jure:

The stateless persons de jure are those who are not nationals of any state either because at birth or subsequently, they were not given any nationality or because during their lifetime, they lost their citizenship and did not acquire a new one.

ix. De Facto:

The stateless persons de facto are those who having left the country of which they are nationals no longer enjoy the protection and assistance of their national authorities, either because these authorities refuse to grant them shelter or support or because these authorities refuse to allow them protection or assistance or because they renounce the protection and assistance of the countries of which they are nationals.

7. Population, Growth and Migration:

“Starting from the early decades of the nineteenth century and against the background of Thomas Malthus’s doomsday warnings against England’s uncontrolled population’s growth, the close connection between population growth and migration is well established”⁶.

8. The Disequilibrium Syndrome:

Migration as a field of demographic study has often been viewed differently by economists and political scientists, although both subscribe to the disequilibrium theory.

“In explaining the cross-border migrations, economists argue that there is disequilibrium between the sending and the receiving countries. Compared to the receiving countries, wages in sending countries are low, employment opportunities are fewer, and agricultural land use is power. Therefore the so-called *push factor* is in operation resulting in out-migration from the sending countries. There is another factor which is called *pull factor* which is in the form of brain drain also” (Ghosh, 2005).

In contrast to this, political scientists, emphasise the disequilibrium within the sending country itself, and not between the sending and the receiving and the receiving country.

Since there are regional and other sorts of disparities within the sending countries, the disadvantaged people migrate to other countries to escape from their miseries and eventually contribute to the disequilibrium in the receiving countries as well while economic explanations of migrations induce one to think about ways to reduce unwanted international populations movements political statements for migrations influence one to think about the ways to resolve political difference among ethnic groups within the sending countries or between a people and their government.

A politically driven model of international migration is a highly conflictual one both for sending and receiving countries. Migrations are politically determined they often diminish the ethnic heterogeneity of the state of origin, whereas economic migrations have made the countries the countries of destination more heterogeneous.

The scope of cross-national migrations two broad categories of international conflicts may considered. In the first place, these conflicts can caused by population pressure upon resources leading to expansionists tendencies. Secondly, when clandestine population movements affect the demographics of the host region to the detriment of the political future of the local elite, the latter are forced to enter into conflict a relationship with the country of origin of the migrants.

9. Question of International Border:

Borders or frontiers through history have been a controversial subject and has evoked strong emotions, particularly from the people and groups staying near them. International relations theorists assume the concept of the border to be sacrosanct. The border thus becomes a mysterious phenomenon to citizens and aliens alike.

9.1. Legal Immigrants, Citizens, Refugees:

“Immigration laws limit access to the territory of the state. The denial of legal personality to illegal aliens and the use of coercion against them to restrict their freedom of movement grounded on the right of states to limit immigration. *Freedom of immigration* must distinguished from the *right to naturalization*” (Aleinikoff, 1986).

Naturalisation is the acquisition of citizenship that is of full membership within the political community and of the rights and duties which are attached to it. *The rights enjoyed citizens usually extend much further than the mere freedom to live and work within the borders of the country. They include the right to benefit from the welfare system the right to public health care the right to public education and in sum all those rights which in the classical distinction by T.H. Marshall are called social rights as well as the rights of participation in political decision making those known political rights.*

The question of whether free immigration should be allowed, whether citizenship and the rights attached to it should extended to foreigners who desire it. Since moving to a foreign country implies enormous costs and losses, people generally have essential reasons for doing so.

10. State Partiality and the Global Perspective:

“One of the central features of the understanding of justice from the perspective of a global citizen is the requirement to give equal consideration to each one’s right interests

and well being independent of nationality, religion, ethnicity or any other distinction within the universal category of humanity” (Aleinikoff, 1986).

Anti-immigration policies are by definition about the state being partial as to the distribution of the right to move freely and work within its territory. We all have individual bonds to particular people, the members of our family our friends the people, and we have promised to help, we have associated with for trade or other purposes and so on. The ability to establish or entertain those bonds is right that is valuable to human beings.

The partial treatment the state reserves for its citizens can be grounded on fair assumptions similarly. The partial treatment the state reserves for its members can be grounded on either of *two universal rights* that should be recognized concerning all human beings; the powers that should be understood about all human beings; *the right of association* and *the right to belong to the community*.

Freedom of association can ground the partiality of the state towards its members if we see it as a free cooperative enterprise whereby cooperation, we mean not only economic assistance for the production of wealth but all the forms of regulated social interaction which gave shape to the institution of society.

The state as a community that is as a group of people who are bound together by a shared history and a common understanding of the basis for social coexistence, then we can ground its partiality towards citizens as consequences of the exercise of the right to belong to a community.

11. Immigration and the Land:

If we want to recognise such a community’s right to exist, then we must understand their right of control over a specific territory.

“First, the assumption is controversial since territoriality is not a necessary condition for a community to exist. But the modern state is indeed a particular kind of political community that must necessarily have a territorial basis. The *first* meaning refers to *the right of a community* to rule over a specific territory. Allowing political communities the right to enforce their rules over particular area can be essential to their continued existence it implies that once a political community has established its control over a defined territory, nobody can try to enforce a rival system of rules over the same area” (Williams, 2002).

It implies then that immigrants should accept to subject themselves to the rules already existing in the host society. Control in the first sense explained might be vital to the existence of a political community there is no ground for also claiming that the exclusive enjoyment of the land is to be considered as essential to it. If we ascribe such right to the members of a community, then we must recognise the right of the community as a whole to own and then to enjoy exclusively the portion of land which is considered by the sum of its citizen’s properties.

If all the territory of the state were common or collective property of its citizens, then there would not be any private property within the state. Arguments against free immigration cannot be grounded on the state right of exclusive enjoyment over its territory since such a right cannot be derived from the *rights of association* and membership in a community, that we have considered as the foundation of the partiality of the state towards its members.

11.1. Immigration and Membership:

“A fundamental principle of justice requires that whoever is permanently subject to the laws of a country should have a voice in their making and that whosoever takes part in the economy of a country should also participate in the social benefits deriving from the economic cooperation. Allowing foreigners to establish themselves on the national

territory, the argument continues means allowing them to subject themselves permanently to the laws of the country and to take part in the local economy” (Williams, 2002).

This amounts to allowing them to become beneficiaries of the social and political rights which are granted by the principle of political justice. Granting these rights, though means no less than giving them the citizenship that is full membership in the political community.

Such a result conflicts with the principle that communities have a right to shape their membership. *First* of all, much of its plausibility comes from the appeal to the principle of political justice, but such a request in this context is misleading. The argument assumes that establishing one on the national land and becoming a beneficiary of the principle of political justice is the same thing. It is the reason why the argument assumes that by banning immigration to the national land, one prevents foreigners from becoming beneficiaries PPJ (Principle of Political Justice).

The principle of political justice far from implying any ban on immigration would require all the people who are concerned by the immigration laws of a country that is all foreigners to have a say in their making. It is plausible to assume that this would not result in the kind of heavy restrictions on freedom of movement which enforced in the present world. What implicitly assumed in the argument instead is a state that whoever lives on the national land should be conferred social and political rights. PT (Principle of Territoriality) as far the debate we are considering is concerned makes PPJ (Principle of Political Justice) completely irrelevant. Only if we assume PT (Principle of Territoriality) as a principle for the distribution of membership, it is plausible to argue that the presence of non-authorized foreigners on the national territory leads to conflict with PSD (Principle of Communities). PT (Principle of Territoriality) conflicts with PSD (Principle of Communities) and its evident that the conflict would arise in practice if no foreigner ever crossed the national borders is this sufficient reason for the adoption of anti-immigration policies. The political community itself chooses PT (Principle of

Territoriality) then it falls under PSD (Principle of Communities), but it becomes clear that all the trouble come from the fact that the community chooses conflicting membership criteria a principle of territorially on one hand and traditional cultural or economic standards on the other.

11.2. Immigration and Exploitation:

“The other arguments have grounded on the conceptual distinction between *the freedom of immigration* and *the right to naturalisation*. They cannot ban immigration on the ground that this kind of partiality is unfair and exploitative since it implied on the ground that this kind of prejudice is unjust and exploitative since it implied by PSD (Principle of Communities) itself” (Williams, 2002).

Even if immigrants tended to opt for destabilising political choices, this would not be sufficient for them to constitute a danger for the democratic regime of the receiving countries. As a matter of necessity, newcomers are not politically organised and it's plausible to expect that it would take them a long time before they could organize. When problems of scarcity and overcrowding arise, there is no reason why social and political rights institutions will have different levels of saturation which can be fluctuating and changing. The result would be a multilayered and complex structure of rights which would not create the kind of social stigmatisation which is accompanied by the division of society in the two separated classes of the citizens and the resident aliens.

“Closing borders to prevent people from being exploited is unjustified since it denies the principle that people are the best judges of their interest. Closing the borders to immigrants necessarily implies creating a two-track society where the lowest class of residents the illegal aliens are exposed to the most demeaning forms of exploitation and abuse, where different categories of people are differently entitled to the enjoyment of social and political rights”⁷.

Restricted membership in a political community and the exclusive rights attached to it can be considered as an instance of partiality that in no far as it does not conflict with the requirements of global justice can also be legitimated from a global perspective and can even be justified by a global citizen. One can appeal to the right people have to establish unique relations with other people of their choice. One can call to the fact that there are structural limits to the extension of the rights which are attached to citizenship so that if political communities must exist at all, they must necessarily be limited in size and scope. People can have very different reasons for leaving their countries but its well knew that economic imbalances and disparities are among the leading causes of emigration.

12. Analysis & Conclusion:

There is hardly any an international rule or an international institution that governs cross-border movements of people except UNHCR. Hence a huge *asymmetry* between the free movement of capital and the unfreeze movement of labour, we cannot restrict our self to trade flows, investment flows, and financial flows it has to move towards services, technology, information and ideas across borders. Therefore; The International Convention on the Protection of the Rights of all Migrants and their Families adopted by UN 1990 needs more teeth and needed to be ratified by developed countries. **Furthermore** Multi-level framework for Cross-border movement and immigration laws is the need of the hour. Today it looks implausible but many things looked inconceivable like investment laws, patent laws, and trade laws a decade ago.

Global citizens should give their support to redistribute activities and all the form of international cooperation that meant to improve the living conditions in the poorest countries of the world The removal of the economic and political causes of immigration. Global citizens should take action to bring their countries to adopt the most liberal immigration policy they can afford. The idea that nationality and sovereignty, as defined by each state, closes the circle of democratic and political accountability as power flows from people to land and not another way around.

Economic globalisation has led to mobility of labour but this has also led to *first* and *second* class citizenship, West has given permanent resident immigration which includes civil, social and economic freedoms somewhat secure residential status with absolute political rights with reliable residential security, where deportation is always a threat. Though most countries have liberalised naturalisation, still cultural and political assimilation, economic self-sufficiency, moral virtue is the conditionality for *full inclusion*. The Western Constitutional Democracies are in a dilemma to preserve privileged national citizens, with secure borders or give *the composition of citizenship* at will. They are also trying the means of *long term stay* which will provide the immigrants with the cultural assimilation, is it justified which the western constitutional democracies think is a debatable issue. It has raised the *cost of immigrants for exclusion*. It doesn't explain the terrorist activities that a terrorist or spy would wait for such prolonged years to take terrorist actions. It is raising the cost of people keeping in jail then deporting them. The economic and political imbalances between countries will always lead to this kind of situations. Western Liberal democracies have to see this issue.

So the time has come which *ultra-libertarians* seek is free movement of labour and more open borders with no state interference. It can be a conceptual analysis but it still involves many obstacles which require adaptation by Western Constitutions.

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