

Leder

Introduction

Special Issue on Globalization, Cosmopolitanism, and Migration: Ethics of Inclusion and Exclusion

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Transnational migration is not likely to slow down. Even if ongoing conflicts could be stifled and stability restored in regions that trigger migration today, global climate change, for instance, is forecasted to increase population movements significantly within and across national borders in the near future (IOM 2018).¹

Transnational movement also represents better life and career prospects, and it is even considered a fact of human life (Preuss 1998). While the correlation between globalization and increasing human migration is questioned on the basis of historical migratory movements, globalization certainly inherits many particular processes and challenges that are intertwined with migration and migrant individuals (Czaika and de Haas 2014). National borders are even considered a violent phenomenon or industry in itself that aims to preserve certain privileges and opportunities for some while excluding others (Jones 2016; Anderson 2014). Human migration raises many concerns for the rights and interests of individuals, who are in the nexus of inclusion and exclusion, not only after they reach their respective territory, but also during the very movement itself (Andrijasevic 2010).

Notably, signatories of the 1951 Refugee Convention have accepted the responsibility to uphold human rights within their jurisdictions by means of national laws and enforcement. Thus, even if nation states generally are considered to be entitled to govern migration flows into, through and from their territory and to select and discriminate between those seeking access, they are required by international law to do so with due respect for the human rights of individual migrants.² However, in practice, the universal rights of migrants are often trumped by national interests, and such transgressions are typically justified by reference to state sovereignty. The many problems associated with emigration and immigration today are likely to remain and sustainable solutions are urgently needed. Although the tension between the rights and interests of nation states and individual migrants has received considerable scholarly attention during the past decade, transnational migration is a complex matter in need of further scholarly analysis.³ Given its multifaceted nature, transnational migration is arguably better understood by recognizing that a perspective which focuses on the state as a unit of analysis might be detrimental to disclosing relevant and significant interests embedded in the mobility of individuals. It is also important to problematize the actual practices so that particular instances of unfair treatment, injustices and challenges can be addressed. By mapping and

addressing ethical concerns under current migration governance, we hope to achieve a better understanding for the values at stake.

To that end, the contributors to this issue offer applied critical and normative perspectives on central, yet overlooked, ethical aspects of migration management with a certain cosmopolitan lens in some capacity. However, cosmopolitanism might mean different things for transnational migration. It can refer to “political cosmopolitanism” that provides the reasons for why there should be certain global institutions governing migration. It can also refer to “moral cosmopolitanism” that simply represents a moral concern for individual rights and interests first and foremost (Caney 2005). Cosmopolitanism can also work as a lens that is based on a scepticism towards using the nation-state as the ultimate unit or locus of analysis. These perspectives are not mutually exclusive, and the contributions in this special issue accommodate a form of cosmopolitan outlook or stance in their discussion on migration management practices.

Magnus Skytterholm Egan, in his contribution, provides a general cosmopolitan perspective about how to distribute opportunities, and then Melina Duarte provides a more inclusive approach to electoral rights. Then the issue of restrictions is taken up by Martin Lemberg-Pedersen, who problematizes the restrictions addressing the issue of unaccompanied minors. Yusuf Yuksekdag offers a different perspective and looks into permissible restrictions on emigration in emergency situations. The four contributors share the aim of spelling out the aspects necessary to develop mechanisms that better cater to the needs and rights of migrants and individuals worldwide. All the contributors start from the assumption that everyone holds the same moral worth and that this worth should be safeguarded irrespective of membership or belonging. Thus, they embark on their premises from a cosmopolitan stance, even if not explicitly, when critically engaging with the challenging and highly topical aspects of current migration governance (expulsion, access to political rights, freedom of movement). Of concern are both inclusion and exclusion of migrants (forced and voluntary). Importantly, the agreement to respect, safeguard and promote the human rights of migrants may require that nation states not only alter particular law enforcement procedures, but also law enforcement regarding migrants more generally. Migration is not understood as something temporary, extraordinary or exceptional, but rather as a feature of the globalized world that requires sustainable long-term solutions. It is also disputed that states should be entitled to exercise unlimited sovereignty and control over immigration. Taken together, this special issue takes up both largely theoretical and also more applied discussions of different forms of inclusion/exclusion practices towards migration and migrants in general.

In *Towards fairer borders: Alleviating global inequality of opportunity*, Magnus Skytterholm Egan sees his role as a political philosopher as one of providing tenable reasons for differentiated treatment that can be considered morally justified and others that cannot be ethically acceptable. He is concerned with voluntary rather than forced migrants, i.e. not with refugees, and the significance of mobility for individuals' chances of leading worthwhile lives. While agreeing that nation states, to a certain extent, should be allowed to control their borders and admission, Egan also argues that Western states have a certain responsibility to mitigate global inequality of opportunity because they contribute to this imbalance in various ways. Significantly, according to Egan, equality can be promoted with the existing borders in place, but significant amendments in migration policies are necessary. He develops

a fairer migration model that better, and in a more holistic way, respects equal opportunity. The proposed model is not only concerned with opportunities of the individual migrant but also with the effects of the “receiving” and “sending” country. Egan argues that in order to evaluate existing migration regulations, a broad impact assessment of this kind must be made. Against the backdrop of this model, he addresses current migration practices and suggests how prevailing unfairness could be mitigated.

In *Who should be granted electoral rights at the state level?* Melina Duarte takes up the very question that the title of her contribution suggests. The issue of electoral rights is especially significant in a world of increasing human mobility across borders. This leads to another multi-layered inclusion/exclusion question for non-citizen individuals who have either been a resident or who plan to reside in a country for an extended period. Duarte argues that naturalisation should not be a necessary condition for granting electoral rights for state members within liberal democracies. She aims to provide a two-fold account of this argument. First, she problematizes and deconstructs the link between state-level political membership and citizenship. Duarte questions this link and thus the procedures making access to electoral rights conditioned upon naturalisation. Second, Duarte discusses the conditions under which a non-citizen resident can gain access to electoral rights. Rather than using different conceptualizations of residency, Duarte proposes the use of “domicile” as an alternative to define membership in a political community that would be the locus of granting electoral rights to individuals.

In *The 'imaginary world' of nationalistic ethics: Feasibility constraints on Nordic deportation corridors targeting unaccompanied Afghan minors*, Martin Lemberg-Pedersen, on the other hand, deals with the permissibility of certain restrictive practices in the case of immigration of unaccompanied minors. Before the recent “migration crisis”, it was the practice in Europe not to return so called unaccompanied minors (UAMs). Humanitarian reasons, paired with “particularly distressing reasons” in some countries, were previously frequently invoked when assessing asylum claims of unaccompanied minors. More and more however, European countries have chosen not to invoke humanitarian reasons in relation to children – Nordic countries are no exception – and many young adolescents are subjected to escorted returns. In recent years, unsuccessful attempts to construct deportation corridors for unaccompanied minors to Afghanistan have resulted in public outcry and massive protests in the Nordic countries. In his article, Lemberg-Pedersen depicts the Swedish, Danish and Norwegian governments’ participation in the European Return Platform for Unaccompanied Minors (ERPUM) and scrutinizes reasons typically invoked to justify returns of UAMs: (1) credibility-based arguments and (2) humanitarianism-based arguments. Both of them are principled nationalistic justifications and are also found in current Nordic political and bureaucratic deportation discourses. Drawing on scholars like Gibney (2004) and Miller (2017), Lemberg-Pedersen warns against the risks associated with moral principles being discussed independently of questions of agency and implementation. He argues that the practical constraints faced by governments seeking to promote normative ideals via policies must be considered not only by cosmopolitan, but also by nationalistic ethics. Nordic attempts to build UAM-deportation corridors to Afghanistan are criticized for “fact-independent theorizing” and for being based on an “imaginary world whose natural and social laws are different” from reality.

In *How to Understand Limitations of the Right to Exit with Respect to Losses Associated with Health Worker Emigration: A Clarification*, Yusuf Yuksekdag points to a need for a clear understanding of what it means to restrict an individual's exercise of the right to exit. Health worker emigration from under-served contexts is one instance where many scholars argue for some form of restrictions on health workers' exercise of their right to exit, in order to tackle the associated effects of their emigration on the basic health need delivery in their respective communities. While there are insightful arguments both in favour of and against such restrictive measures, Yuksekdag emphasizes the importance of revealing different ways in which we can understand rights limitations. He suggests that limitations of a right can be understood in terms of scope, as inherent restrictions to a right, or in terms of weight/emergency, as case-specific situations where a moral consideration outweighs the concerned right in the given situation. Yuksekdag suggests that how we understand the restrictions on the right to exit in the given case would determine the way we would implement restrictions, especially in terms of their implications. He warns against taking for granted that the right to exit has inherent limitations and focuses on the merits of understanding the issue at hand as an emergency restriction. He also discusses the implications of this approach, such as the required compensation for individual right-holders.

Notes

¹ Future migration forecasts vary from 25 million to 1 billion environmental migrants by 2050, moving either within their countries or across borders, on a permanent or temporary basis, with 200 million being the most widely cited estimate (IOM 2018).

² For instance, while it may be within states' rights to remove individuals from their territory who lack a valid reason to remain, they may not return "irregular migrants" to nations where the returnees may face violence and persecution (the non-refoulement principle).

³ How should the right to international freedom of movement be understood? What, if any, are the limits of this liberty? Are there conditions under which the freedom of movement can be restricted? To what extent should nation states have the right to control borders and place restrictions on international migration? Can national borders be considered legitimate? If states may admit migrants selectively, what are legitimate criteria for selection?

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