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# **THE RIGHT TO MOBILITY, A FUNDAMENTAL HUMAN RIGHT**

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## **Abstract**

One of the core human rights that guarantees people's freedom to travel both within and between nations is the right to mobility. This paper makes the case that being mobile is necessary to take advantage of opportunities, meet fundamental needs, and engage with society. Mobility restrictions that stem from socioeconomic class, disability, or gender are major obstacles that exacerbate inequality. The paper examines the global legal system that safeguards the right to mobility and draws attention to the difficulties in putting it into practice. The significance of maintaining mobility rights for a fair and inclusive world is emphasized in the conclusion.

**Keywords:** migration, global, Human rights, freedom

## **Introduction**

Although the global migration governance places a strong emphasis on freedom of movement, there are a number of paradoxes surrounding it. One paradox is the liberal economies of the main immigration-absorption nations—the United States and Europe in particular—contrary to their strong reliance on border protection. How can we reconcile tight borders with a market economy in which all elements of production are liberalised? The first paradox is this one. Another paradox is that, although these nations see themselves as human rights protectors, their management of migration frequently compels them to violate those rights within their borders, as well as in the countries where the migrants are sent after being deported. There is another paradox here. Third, interdependence gives rise to a variety of phenomena.

In terms of border opening, the debate pits a security- and souverainist-focused vision against one that emphasises how the state is becoming less and less the primary actor due to competition from international family, cultural, and economic networks as well as networks connected to the

economy based on clandestine travel. Universal principles like the freedom to travel for everyone clash with ideas of solidarity within or between host nations (like European solidarity) (public acceptability, welfare state preservation). Countries of departure face an increasing number of challenges, such as desertification, natural disasters, global warming, low profitability of farm businesses, and resource exploitation when these are developed by emerging countries that import their own workers or industrialise production; national or regional political crises that result in forced or voluntary exiles on the roads; political and economic stagnation; and, most importantly, social crises (brain drain, immigration related to family, marriage, and the economy), where there is no guarantee that the situation will improve in the future.

## **Jurisprudence on Global Migration**

Philosophers such as Kant contributed to the definition of the global citizen in his essay "Idea for a Universal History with a Cosmopolitan Purpose" published in 1784. His premise was straightforward: since there is nowhere else for us to go, we are destined to live together on a spherical called Earth. The basic rule of humanity's ethical behaviour ought to be hospitality. Part of an individualistic and universalist perspective of values is the right to mobility. He makes sure to differentiate between the "right to be a permanent visitor" and the "right to associate, a right which all men have [...] by virtue of their common possession of the surface of the earth" in his 1795 Project for Perpetual Peace.

In a more recent reflection on the effects of globalisation, Zygmunt Bauman (Globalisation, the Human Consequences, 2000) asserts that because the Earth is a sphere, humans are destined to live in a closed world and that their only option is to travel rather than isolate themselves behind impenetrable barriers. There is a severe lack of a worldwide institutional framework for democratic flow control that imposes norms and moral standards on everyone. In an age of globalisation, Zygmunt Bauman views this action as critical and necessary, making it the cause and strategy of a shared humanity. He examines the postmodernist political conundrum in his writings, which is marked by the emergence of neo-liberalism, the collapse of established political institutions, shaky and disjointed ties, and individual identity. Migrants and refugees foreshadow a global citizenship in which the state is distant from being the primary player in a future he characterizes as liquid.

The emergence of co-citizenship, according to other philosophers like Etienne Balibar, fits within

"a progressive history of citizenship, which replaces it in a cosmopolitan perspective, equidistant from a mere ethical requirement and a projected world State," allowing for diversity in the definition of the political community, multiplicity of affiliations, and mobility, not to be confused with a global citizenship but rather a global citizenship with contractual democratisation of borders and universal rights of residence and movement.

## **Arguments for and against Global Migration**

Why is the international and global migration governance process, which seeks to encourage development-oriented mobility, moving along at such a glacial pace? It all boils down to a confluence of conflicting social interests over the question of free mobility. Actors who are unfamiliar with collaborating to advocate for or against freedom of movement are included in the opposition. The actors on the other side are likewise radically dissimilar and conflicting. Initially, host nations who wish to maintain sovereignty over their borders are the ones who are against free movement. A fear that some unions have is that migrant workers may become competitors. There are the public opinion fringes that are the most nationalist. Welfare states are concerned that their citizens may have to share the welfare state they established. Not only do the performers' interests differ greatly, but they are also unaccustomed to collaborating. This explains why there has been relatively little progress on the subject of global migration governance. Globally, non-governmental organisations (NGOs) work to advance both the right to remain at home and the freedom of migration. They highlight the developmental aspect. Many organisations that had not previously worked on migration issues became involved because they had originally been focused on development issues. A number of rights related to the matter of freedom of movement are mentioned. Solidarity among host nations with regard to immigration was one of the topics raised in Europe. The concept is that everyone has the right to wander the world and is not required to settle down anywhere because doing so would violate the rights of the host nation, but to journey around the globe. Therefore, a more flexible world than our own would be required. This concept is also developed by Zygmunt Bauman in his writings on the liquid world and globalisation. Others, like Etienne Balibar, advocate for the democratisation of the right to free movement. He discussed it in his work on citizenship as well.

Closing borders encourages development inequality, ends long-standing "norias" mobilisations, benefits both the departing and the host societies, and prevents cultural exchanges as well as economic, social, and demographic exchanges across the world's great divides. Openness is

supported by the cases of nations whose growth has been partially attributed to immigration. According to this thesis, host nations that conceal behind the inflexibility of control mechanisms (visas), which are exercised more and more remotely, stand to gain from the movement of migrants who are not the poorest, who want the freedom to come and go, and who settle down less if they may travel. The spread of illegal immigration and border-crossing routes, thousands of deaths at US and European borders, regularisations as an acknowledgement of the failure of overly strict policies, the financial and human cost of repressive measures, the influence of public opinion on repressive policies, human rights violations, and economic waste in the use of human resources are all examples of the partial failure of border closures. All of this verges on hypocrisy: orchestrated symbols of control combined with media reports of deportations; comparisons between organised crime and illegal immigration; and the connection between immigration and security concerns. The objective is to persuade the public that migration is controlled despite the fact that illegal immigration benefits the labour market by providing low-wage workers. Human rights advocates, proponents of the liberal economy, and the countries of origin that gain from remittances and are eager to export their labour surplus and social protest all make different arguments in favour of opening up. The economic argument of international competitiveness and the demographic argument of ageing are brought to the discussion.

### **Arguments Against Global migration**

The argument against opening is simultaneously connected to the security of the state in the exercise of its authority over borders, to the welfare system, to the challenges of integrating the generations descended from immigrants, and to all of these things. The welfare state must be unified in granting legal inhabitants access to social rights as a condition of development in European nations, particularly in the area of social protection. The idea of social solidarity encompasses the conflicts around the social cost of immigration as well as the struggle against marginalisation and insecurity, which are topics that the extreme right in Europe and the US has exploited. Then, Western states find themselves divided between respecting human rights, the demographic crisis, labour shortages, international security imperatives, electoral approval of partial border openings, and competitiveness in recruiting elites.

The fact that civil society is spread out among host nations and that migrants receive minimal assistance from civil society in their home countries contributes to the complexity of the coalition of actors involved in the creation of an international migration regime. Public immigration

policies have proven to be hesitant, if not cautious, in their support of the development of a civil society. Even though the causes they defend are of high quality, most associations in the host countries are on the defensive, accusing the government of violating fundamental rights and maintaining a non-partnership with them. This puts them at risk of reaching only professional rights defenders in civil society the outcomes they obtain on an individual basis. Due to the absence of convergence for a discourse, associative and trade union players, as well as countries of origin, lack a single platform for demands, and civil society's role in decision-making mechanisms regarding flows is relatively restricted. Most only ask for the United Nations Convention on the Protection of the Rights of All Migrant Workers, which was adopted in 1990, to be ratified in order to combat modern slavery and illegal immigration. However, they are aware of the contradictions involved, as recognising one's right to mobility encourages relocation, economic globalisation, and the rapid exodus of rural residents. They demand that the mobility channels be secured.

Employers' associations support global migration governance, but they focus more on the transnational level—that is, corporations and labour shortages—than on the national level, which is flow control. In the latter case, they criticise the absence of political agreement without challenging the policies that are put in place. They continue to be dubious of the concept of managing migration on an international scale, although supporting multilateral choices and paying particular attention to the issue of skilled workers.

## **Conclusion**

How is it possible to reconcile arguments belonging to humanitarian considerations (international protection of migrants, integration), economic arguments, and the security concerns of flow containment with those considerations seeking to make migration a development strategy in a period of transition? What emerges from this relative cacophony is the claim of a right to mobility as a fundamental human right, together with the protection of the rights of migrants. The question of whether these shortcomings justify the adoption of new instruments remains open among the players.

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