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## **Global Citizenship**

The decade since 1989 provided dramatic images of political transformation – the collapse of the Soviet Union and the end of the Cold War in 1991; the emergence of a strengthened European Union in 1992, following the Maastricht Treaty, as a confederation of 500 million people; the release of Nelson Mandela from prison in 1991 and the final defeat of Apartheid. Thus ended by the early 1990s what Eric Hobsbawm has termed the ‘short twentieth century’.<sup>1</sup>

In the same period there emerged a new kind of vision, one which echoed earlier ideas, but set them in a new framework, the framework of globalization. In a nutshell, its advocates aimed at creating a new kind of politics, which they termed the politics of ‘global citizenship’. One of its champions, Richard Falk sums these vectors of creative political thinking as amounting to ‘globalization-from-below’. This is how he describes the process. Global citizens are emerging out of ‘an array of transnational social forces animated by environmental concerns, human rights, hostility to patriarchy, and a vision of human community based on the unity of diverse cultures seeking an end to poverty, oppression, humiliation, and collective violence’. People with such beliefs changed what constituted ‘the real arena of politics’; no longer focused on oppositional activity within a particular state. Political mobilization on the local level and across borders fostered activity which aimed ‘to promote a certain kind of political consciousness trans-nationally that could radiate influence in a variety of directions’ up and down, from the very local to the emphatically global.<sup>2</sup> In effect, global citizenship is a political project

helping people to imagine a different kind of world. In a similar vein, Michael Peter Smith celebrates the way in which immigrants' politics describe 'new forms of social and political agency that flow across national borders' just as robustly as do the people who engage in them. 'Can you imagine?' he asks rhetorically, that a fundamentally new kind of grassroots politics has displaced older, outmoded forms of protest and contestation.<sup>3</sup>

This chapter examines the claim that a new kind of citizenship – global citizenship – has emerged in the 1990s, and that it is a carrier of a transformational vision, one which defines citizenship not as participation in a state-bounded polity, but as participation in a trans-national set of struggles for dignity and justice. This new kind of post-national politics is as much local as it is global, rooted in identifiable *quartiers*, both in the developed 'north' and in the developing 'south'.

First you act, and then you talk about it, says the Talmud, and in the same spirit, the carriers of the message of global citizenship have formed theory out of practice. In this chapter we investigate the practice, and then examine the theory. The conclusion we draw is that the project of global citizenship is another example of a twentieth-century emancipatory vision, a way of imagining the future which both describes and departs from political realities. It presents innovative lines of solidarity, at the same time as it exaggerates the passing of the nation state. The negotiation between these two spheres of action – national and trans-national – is a field of force the future shape of which no one can predict.

## **2. Human Rights**

In the last decades of the twentieth century, the field of trans-national politics expanded in such a way as to challenge conventional, territorially-defined notions of

sovereignty. This happened in the courts, on the streets, in the boardrooms of companies, and in the efflorescence of non-governmental organizations. In many ways, these arenas of contestation left the core of state sovereignty intact. But at the margins, there were highly unusual initiatives demonstrating the extent to which local politics in one context became global politics or matters of universal concern in another. We shall examine this set of developments in four areas, the first of which is that of human rights.

### **The Pinochet case**

On 16 October 1998, General Augusto Pinochet was arrested in London at a medical clinic where he was recovering from back surgery. His arrest was ordered by a British magistrate who had received a request for Pinochet's detention from a Spanish magistrate, Baltasar Garzón, who wanted Pinochet extradited to Spain. For two years, the Spanish authorities had been investigating charges that Pinochet and other members of the junta he led since 1973 were guilty of crimes against Spanish citizens. These charges were filed by a private association of Spanish lawyers who, under Spanish law, had the right to file private criminal actions. They alleged that seven people with Spanish citizenship, two women and five men, two of whom were priests, had been murdered or had disappeared in Chile as a direct result of actions of Pinochet and his regime. Judge Garzón ordered Pinochet's arrest as a preliminary to his extradition to Spain so that he could face these charges.

The ensuing legal proceedings tell us much about one facet of the challenge to state sovereignty in the last decade of the twentieth century. Through the adherence of member states of the European Union to the Convention on Human Rights, individual states accepted that the immunity normally granted to heads of state or former heads of

state from criminal prosecution would not apply when such individuals were accused of crimes against humanity. In this case, the accusation was that Pinochet's regime had used torture in the course of the detention and murder of these seven Spanish citizens. Consequently, he was not immune from prosecution for these acts, because they could in no sense be described as part of the normal and legally sanctioned duties of a head of state.

The road to Pinochet's arrest is a complex one. In 1996, two Spanish magistrates were empowered to investigate accusations that Spanish nationals had been killed unlawfully in Chile and Argentina. Judge Manuel García Castellón, handled the Chilean evidence, and a second magistrate, Judge Baltasar Garzón, was responsible for similar accusations of crimes against Spaniards in Argentina. Judge Garzón found evidence that the crimes committed in Argentina were the result of orders issued by General Pinochet to the secret branch of the Chilean security police, the DINA. They acted through 'Operation Condor', a multi-national secret police action against 'subversives' throughout the Southern cone of South America. Thus the initial accusation investigated by Garzón was that Chilean agents were responsible for crimes committed against foreign nationals in Argentina. Pinochet was implicated as having authorized these crimes, and to answer this accusation, Judge Garzón issued his arrest warrant for the detention and subsequent extradition of General Pinochet. After Garzón did so, the investigation of crimes against Spaniards committed in both Chile and Argentina was entrusted to him and to him alone.<sup>4</sup>

It was unusual to see the detention of a former head of state on a private visit to one country (Britain) on charges filed in a second country (Spain) about crimes allegedly

committed in a third country (Argentina) by agents of a fourth country (Chile). But that is precisely what had happened.

In Spain, this arrest warrant was challenged by the chief public prosecutor of the Tribunal on which Garzón sat. The claim was that the Spanish court had no jurisdiction in this case; that claim was denied by Judge Garzón and subsequently by the Appellate Criminal Chamber of the court, who ordered him to proceed in his investigation of the extraordinary charges of genocide, terrorism and torture.

The Spanish construction of these offenses was both broader than British constructions and to a degree, inconsistent with them. For extradition to proceed, the two countries adhering to the Extradition Treaty of 1989 had to have parallel laws making the offence actionable in both countries. That was not the case with respect to genocide, not then deemed a crime under English law. In addition, the Spanish court's construction of the meaning of genocide incorporated the killing of social groups deemed to be alien to the Chilean junta's political project. This went well beyond English constructions of the term 'genocide'. Secondly, the Spanish construction of terrorism as acts undermining the rule of law did not correspond directly to English statute. The only clear line of agreement was over the third charge, the accusation of torture, the Convention against which both Britain and Spain had formally signed.<sup>5</sup> Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, initially adopted in 1950 and subsequently extended, formally outlawed torture. The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (ETS no. 126) had entered into force on 1 February 1989, further strengthening this legal framework. Here is an instance where

the framework of European integration provided the material basis for legal action to defend the rights of Europeans anywhere in the world. Whether this was the intention of the framers of these conventions is neither here nor there; the outcome was that instruments existed to internationalize the sanctions available in particularly egregious cases of the violation of human rights.

There was a convoluted period of review, including a reworking of the initial judgment on the grounds that one of the judges had worked for Amnesty International, and thereby gave the appearance of bias. Thus the first judgment, which was termed 'Pinochet 1', set aside as possibly biased in 'Pinochet 2', was reformulated in 'Pinochet 3', the final word. Therein the Law Lords of the House of Lords concurred with the original decision of the British Home Secretary, Jack Straw, to carry forward extradition procedures enabling a Spanish court to interrogate, and ultimately to try General Pinochet. On 24 March 1999, by a six to one majority, the Law Lords denied a writ of habeas corpus against his arrest. They did so on complex grounds. First, a majority argued that a head of state was not necessarily liable for prosecution for acts of torture; only when countries consented could such prosecutions proceed. National ratification of the Convention on Torture by Chile, Spain, and Britain was deemed consent; furthermore, Chile's ratification had abrogated Pinochet's claim to immunity. In sum, the highest court in England had accepted that the Convention on Torture provided universal jurisdiction in national courts in cases of inhuman treatment of prisoners. However, this ruling applied only to crimes committed after the act went into effect enabling prosecutions in the United Kingdom for torture committed elsewhere. The date

when the Criminal Justice Act containing this provision became law was 8 December 1988, 15 years after the allegations initially investigated by Garzón.

There are two conservative facets of this decision which bear on the question of how large a hole in territoriality had been created by international conventions on human rights. It is evident that the claim for absolute national sovereignty in questions of human rights violations was no longer tenable. But national legal practice, and the prerogatives of nation states persisted. Some Chilean opinion, not at all sympathetic to Pinochet, resented the fact that a British court and not a Chilean court was the venue for such matters.<sup>6</sup> National prerogatives mattered to them, especially in terms of the construction of a fragile democracy.

The Lords' judgment also reinforced the national element in this supra-national incident. The legal decision had it that Britain and Chile as nations had to be seen to have consented to the internationalization of this set of crimes, action against which could proceed only after the date that the relevant act went into effect in Britain. The effect of this last restriction was to narrow the field of prosecution to cases of torture after 1988 or of conspiracies to torture, which it can be argued in the Pinochet case, have continued from 1973 to the present day.

Whether or not such conspiracies could be proved, the outcome of this ruling was to establish that a former head of state was not immune from prosecution for crimes against humanity while he was in office. This was a massive precedent for many individuals and groups to seek redress in the courts for such violations of human rights. In the case of Pinochet himself, the proceedings never took place. Medical opinion gave the British Home Secretary the grounds – disputed by many observers -- for ruling

that the former Chilean head of state was unfit to stand trial. He returned to Chile, and has never been formally arraigned for torture or for other crimes against humanity. It is clear that state jurisdiction in certain crimes is now complicated by international conventions on human rights abuses. But it is also clear that territoriality operates in all but exceptional cases. The claims of the nation state are quite robust on most legal matters outside these exceptional crimes. What is most striking about the 1990s is the extent to which sovereignty is being stretched at the margin, especially by private groups usually termed non-governmental organizations. To see how they operate, we now turn to the field of environmental politics.

### **3. Environmental rights**

#### **Bhopal**

On 2 and 3 December 1984, 40 tons of an extremely toxic gas escaped from a chemical plant in Bhopal, India. The plant was owned and run by the Union Carbide Company's Indian subsidiary (UCIL). The damage was catastrophic. Approximately 4,000 people in the vicinity were killed, and more than 50 times that number injured, a high proportion permanently incapacitated. The Indian police filed a criminal complaint against UCIL later that month, and subsequently numerous briefs were filed claiming that the parent company in the United States was liable for damages suffered in this disaster. Within India, the government moved quickly to pass legislation granting it the status of agent for the victims' legal claims.

It was therefore the Government of India which sued Union Carbide in the Southern District Court of New York in April 1985. Judge John F. Keenan dismissed the case on the grounds that the proper venue was in India. He required Union Carbide

to abide by the Indian decision and to use American rules of discovery in the preparation of the case.<sup>7</sup> On appeal, the requirement that American procedures be followed in an Indian court was set aside. The case therefore reverted to India.

In Bhopal, the case resumed, as one between the Government of India, acting on behalf of those injured in the disaster and the Union Carbide Company, the American parent corporation which owned a majority interest in UCIL. Damages claimed totaled \$3 billion. The plaintiff claimed that this agricultural pesticide plant used highly dangerous chemicals – especially MIC or methyl isocyanate – the risks of which were entirely evident to the management. The company had undertaken to produce a plant which would be safe for the manufacture of these chemical products, and to train the staff in handling them. Negligence and therefore liability rested not only with the local management but with its American corporate owners.

For our purposes, what is interesting in this case is the riposte by Union Carbide. On 30 October 1986, the company argued that the concepts of ‘ multinational corporation’ and its variant ‘monolithic multinational’, describing overall corporate control world-wide, were unknown in law. Furthermore, even if the firm were liable, so are the state and national governments of India, whose safety regulations failed in this case.

The negotiations went on for more than a year between the company and the government of India. An interim award for damages was granted, and UCIL was required to deposit a sum for distribution to the families of victims; this sum was a minute fraction of the damages initially demanded. Procedural delays extended the haggling over three years, until the Supreme Court of India settled on the sum of \$425 million from Union Carbide and \$45 million from UCIL. The Court also terminated all

legal proceedings with respect to the Bhopal case. It claimed that compassion for the victims had to come before sorting out the legal issues of multinational corporate identity.

The court ruling was, according to some observers, a scarcely veiled Government compromise, resulting in the award of a very small sum of money to individual claimants. By closing the matter, all criminal proceedings were voided, and the legal position of multinationals remained unfixed by law.<sup>8</sup>

Here we see two elements of the history of the last decades of the 20<sup>th</sup> century in high relief. The first is that the state remained a major player, perhaps the major player, in dealing with major incidents involving international businesses. The second is that the transnational character of such firms presented problems which could not be handled easily by national statute or criminal codes. Globalization created conditions which went beyond them.

### **Environmental movements and national sovereignty**

One effect of globalization has been to supersede the parameters within which the Bhopal case was framed. The State of India represented the victims in a class action, which was thrown out of court in the United States. In India, the Union Carbide Company denied that its multi-national operations were relevant to the workings of its Indian subsidiary. Criminal charges were dropped in the interests of 'closure'. All three of these elements shifted in the 1990s, such that non-governmental organizations came to the fore as agents in this field, business leaders came to seek clarification in international law and through international agreements in order to help their enterprises

operate within a more stable framework globally, and damages awarded to victims suing large corporations have grown exponentially.

Environmental issues grew in significance in the last decade of the 20<sup>th</sup> century, and the range of associations and individuals empowered to address them grew as well. Questions of global warming, the ozone layer, the destruction of the rain forests, the elimination of endangered species all attracted attention and mobilized many groups of men and women, who operated on the local level, as well as on the state level and in conjunction with transnational organizations. These groups mixed the global and the local in such a way as to construct a new category of human rights discourse, the category of environmental rights.

What are environmental rights? The first element is the right to leave to one's children sufficient clean air and clean water to enable them to enjoy all the other rights at their disposal. Environmental rights are, in this sense, the right to have other rights. Here we see a key point, which follows both the Chernobyl and the Bhopal cases.

Environmental rights overlap with rights configured under conventional notions of state sovereignty. But environmental issues are sufficiently transnational to require action both within the framework of the nation state and beyond it. Here again we see how globalization has stretched the framework of sovereignty. The state is still at the core of the story, but there are other, newer elements at play.

Here is the key focus of innovative politics in the 1990s. It is the delegation of expertise and authority to speak on environmental issues both upward from the state to trans-national groups and movements and downwards to the locality towards sub-national groups.<sup>9</sup> Non-governmental organizations (NGOs) almost always operate on

both levels, reflecting their origins in the peace movements of the 1960s and 1970s. These NGOs and international agencies are the arbiters of what Karen Litfin has felicitously termed 'sovereignty bargain', struck by states 'in order to address transboundary environmental' issues. In effect, states gain authority by losing authority to those who are able to solve environmental problems.<sup>10</sup> These bargains are struck by states unable to control problems of environmental pollution or degradation on their own. Their loss of autonomy can yield a gain in control, and as importantly, a gain in legitimacy, both as defenders of the nation and as integral partners in the international community.

The variety of tactics adopted by NGOs is striking and highly controversial. Greenpeace has taken a more daring stance than other groups: blocking whaling vessels, sailing into nuclear testing areas, and circulating information in the former communist bloc of Eastern Europe as to the environmental damage done since the end of the Second World War. That this organization has earned the enmity of Norwegian, French, and East German officials is hardly surprising; what is more important is the way they shifted the agenda of political protest away from the conventional terminology of the Cold War towards what might be termed a war for the survival of the environment.

At times, these struggles have been waged alongside indigenous people, facing the transformation of their world through development. The Rainforest Action Network (RAN), founded in 1985, has stood alongside the Kayapo people to effectively stop a Brazilian project to build a dam on the Amazon which would have destroyed their habitat. RAN also organized a boycott of Burger King in the United States in 1987, for importing beef from rainforest countries. After a drop in sales, the company agreed to

import beef from areas where the effect of grazing would not be deforestation.<sup>11</sup>

Environmental politics thus spans the space between consumers and corporate sensibilities domestically, while reaching out to allies abroad.

Alongside domestic forms of appeal to consumers' consciousness and solidarity with indigenous people, NGOs have also helped transform international agreements into effective instruments to protect the environment. They have done so through monitoring compliance and fostering research into ecological issues. Thus the Vienna Convention on the Ozone Layer of 1985, which was toothless, was followed by the 1987 Montreal Protocol, itself tightened up by successive agreements in 1990, 1992, and 1994. The same has occurred with respect to acid rain, climate change, and the protection of Antarctica. International agreements provide pressure points for NGOs to investigate national facets of what are clearly transnational problems.

In this growing field of local globalism, or global localism, there have been substantial obstacles. One is the position of successive American governments of both parties to the question of the erosion of American sovereignty. We have noted in chapter 2 how this matter effectively shipwrecked Wilson's plan for a League of Nations in 1919. Nothing has happened since that year to diminish the commitment of American politicians to defend American 'exceptionalism' and to defy international opinion and agreements on global warming, or on protecting the ozone layer. As we have seen, the government of India miscalculated when it sought much higher damages for the victims of Bhopal in an American court. The case was thrown out; had the company been European, the outcome might not have been the same, since European

countries were signatories of a number of trans-national agreements through the EU which represented a clear departure from American notions of sovereignty.

Another obstacle to the emergence of trans-national environmental politics has come from the developing world. In the Rio conference on environment and development of 1992, delegates from 172 countries met, and agreed on a number of issues ranging from greenhouse gas emissions to the protection of endangered species. But it was evident at that meeting that the notion of environmental scrutiny of development projects in the Third World smacked of cultural imperialism. As we have seen, environmental groups worked alongside some native populations, but this was hardly welcomed by national politicians, whose own shortcomings were thereby highlighted by international publicity. The sovereignty of new and developing nations was as important to them as it was to the United States, and at times that meant opposing trans-national approaches to environmental issues.<sup>12</sup>

A particular group of activists has helped modulate these tensions and contribute to an ongoing erosion of conventional definitions of sovereignty with respect to environmental issues. I speak here of scientists. In 1992, Kenneth Hancock of the American National Science Foundation's Chemistry division, called on chemists to lead the way in redesigning industrial processes in such a way as to prevent environmental damage in the first place. They not only had to help clean up the mess of environmental pollution, but also find ways of avoiding it in future. These are highly technical matters, and require major funding; but from the mid-1990s, the cash and the knowledge base were there. Small and hesitant steps were taken, and seen to be taken.<sup>13</sup>

Such scientific efforts were made by the private sector too, and in unusual ways. The giant pharmaceutical firm Merck struck a deal with the National Institute of Biodiversity in Costa Rica. The company would fund its conservation program in return for access to medicinal plants that are indigenous to the country.<sup>14</sup> In Africa, the giant producer of powdered and concentrated milk products, Nestlé, gave in to a long campaign and agreed in 1984 to adopt the World Health Organization / Unicef International Code of Marketing of Breast-food substitutes. NGOs which helped change the company's mind on the need to abide by international conventions were the church-based Interfaith Center on Corporate Responsibility and 'Infact', a Minnesota-based group which actually ran the boycott.<sup>15</sup> Business sensitivity to environmental questions varied substantially, but the Union Carbide notion that multi-national corporations did not exist in law faded at precisely the time that litigation on tobacco product liability for cancer turned radically against the producers of cigarettes. Clearly by the 1990s, it paid to have a conscience, or at least it paid to find alternative ways to do business in a more environmentally-conscious time. How much of this is mere window-dressing, and how much a real shift in corporate behavior is yet to be seen; my guess is that it is a mix of both.<sup>16</sup>

One businessman who has dedicated himself to environmental rights is Stephan Schmidheiny. This Swiss industrialist discovered that his production line was responsible for the spread of asbestos. Taking responsibility for this lethal side-product of his firm's work, he has also been a leader in promoting environmentally-sensitive business strategies. He founded the World Business Council for Sustainable Development, and was principal business advisor to the Secretary General of the UN

during the Earth Summit in Rio in 1992. He is particularly active in supporting development projects in Latin America, through his Avina foundation, in which he has invested over \$300 million.<sup>17</sup> Many of these projects reach out to indigenous people. German Pollitzer and his Avina-sponsored Patagonian Crusade Foundation have brought businessmen together with the Mapuche people to create a site for ecotourism. 'Here you have Mapuches, landowners, industrialists ... all sectors of society seated around the same table to help create an integrated and sustainable, bicultural tourist destination, endowed with its own unique identity.'<sup>18</sup> The firm rule of Avina is to work independently of political organizations, and with some notable exceptions in educational outreach, outside of the world of the churches. Its aim is to braid together business and what Schmidheiny terms CSOs, or civil society organizations. The prominence of both NGOs and CSOs in these conflicts and initiatives reinforce the sense that they are the key actors in this new field of force, located on the porous boundary between state and civil society. Through its control of information and publicity, an NGO or a CSO can command the knowledge and disseminate it in such a manner as to both pressure governments and serve as interlocutors between official state agencies and international organizations. Whether or not this mediating function can actually yield a transformation in norms, in the rules that people take for granted about environmental issues, is not clear. What is apparent is that what Karen Litfin terms the 'greening of sovereignty'<sup>19</sup> acts alongside human rights agitation to stretch and reshape notions of politics and the sphere of popular involvement in these relatively new and increasingly urgent issues of the day.

#### **4. Women's rights**

The field of women's rights was a third area in which during the 1990s there was much activity and reflection about alternatives to deeply imbedded patterns of violence and deprivation. Here the obstacles were perhaps even more formidable, and the imbedded attitudes even more deeply rooted than those associated with the treatment of political prisoners or the degradation of the environment. For women's rights touch on questions of family structure and inheritance, reproductive behavior and sexual identity, matters of profound importance inflected by religious and cultural norms evident in both the developed and the developing worlds. The core of the problem is that addressing women's rights always means addressing male identities, and their construction on the premise of their gender superiority.

In the 1990s there was much work done by people committed to imagining a world in which violence against women as women was recognized as a crime against humanity. These efforts were part of a wider movement aiming at those structural inequalities, differently configured in different parts of the world, which continued to make it inevitable that from birth to death, the life chances of a female child were bound to be more restricted than the life chances of a male child.

As in all other areas of opposition and struggle in the 1990s, the gap between rhetoric and reality in the field of women's rights was huge. Statements and resolutions at international conventions rarely touched patterns of behavior. While there were some clear victories, and some concerted action to begin to dismantle facets of gender inequality, it is apparent that many material differences in life chances by sex were irreducible, at least for the foreseeable future. Furthermore, the growth in religious

fundamentalism in this period has meant that the political pressure to reverse gains in women's rights over the past decades has increased. The outcome of many of the initiatives surveyed here appear limited or meager. But what is the appropriate time span to measure social progress? What matters is to recognize both the fact and the limits of such social action, which is incapable of producing new forms of gender-blind citizenship by itself. To be sure, these initiatives in feminist social action were integral to the multi-faceted search for new forms of citizenship, and new rules of collective behavior both within states and across their boundaries. The intersection of the discussion about women's rights with this broader movement is the subject to which we now turn.

### **Rape as a crime against humanity**

In the 1990s, advocates of women's rights increasingly located their struggle within the overall field of human rights, and insisted that the term 'human rights' makes no sense without a gendered dimension. The most striking incident which shows this braiding together of different strands of human rights work is the establishment in international law of the principle that rape in wartime is a crime against humanity.

In 1961 in Britain, a body which became known as Amnesty International was formed to serve as a forum for the defense of the rights of prisoners of conscience. It sought out information and disseminated it worldwide about those imprisoned for their religious or political views. By 1976, there were over 1500 branches of Amnesty all over the world, and its reports carried with them a reputation for accuracy and impartiality.<sup>20</sup> It was only in the late 1980s, though, that Amnesty began to address the question of the repression of women as women. Part of the pressure to do so was applied by women's

groups.<sup>21</sup> By the early 1990s, the civil war in Yugoslavia threw a glaring light on this particular form of human rights abuse. It became evident that Serbian forces, paramilitary groups, and their various allies were using rape as a means of ethnic cleansing. That is, the abuse of women was not only a matter of expressing ethnic hatred, but it was a way to make it clear to the target population of these crimes that they were better off living in another part of the world. At times rape was used to impregnate women with children who would be at least partly Serb, but most of the time, the practice was a mixture of torture, humiliation, and political pressure on Muslims in particular to get out of Serbia or Bosnia.<sup>22</sup>

International judicial action for punishment of the perpetrators of these war crimes brought about the criminalization of rape as a crime against humanity. This approach was imbedded in the work of an International Criminal Tribunal for the former Yugoslavia in the Hague established under United Nations mandate in 1993 to hear evidence about war crimes committed during the civil war. Already in 1949 the fourth Geneva Convention proscribed the humiliating and degrading treatment of civilians in wartime, but it was only in the 1990s that a criminal court existed with the power to demand the seizure, trial, and if found guilty, the imprisonment of those responsible for such acts.

In 1996, this tribunal indicted eight Serbs for crimes committed in the town of Foca between 1992 and 1993. They were charged on the basis of evidence provided by 25 Muslim women, who were raped and sexually assaulted in the town. The systematic nature of these crimes was specified in the indictment read out at the trial of three of these men who had come into custody. In February 2001, the defendants were found

guilty of violations of the laws and customs of war, and with crimes against humanity, since their crimes entailed torture and rape.<sup>23</sup> Three of the accused were sentenced to terms of imprisonment ranging from 12 to 28 years. The heaviest sentence was imposed on Dragoljub Kunarac, the commander of the reconnaissance unit in the Bosnian Serb Army which had occupied the town. He was found guilty both on the basis of individual and command responsibility, and is currently (2003) serving his sentence in Germany. The other two convicted men are in prison in Norway.

This verdict established the precedent in international law that rape in wartime is a crime against humanity. How strong this precedent will be in cases involving rape in peacetime is unclear. But the Tribunal hearing allegations of war crimes in Yugoslavia is now paralleled by, and will be superseded by the International Criminal Court, created by the Treaty of Rome in 1998, and which, having received the ratification of more than 60 nations, came into operation in July 2002. Even though the mixed group of the United States, Iraq, China, and Israel voted against the Treaty, the Court now has full international jurisdiction. Its stated remit explicitly refers to the rights of women. 'The ICC complements existing national judicial systems and will step in only if national courts are unwilling or unable to investigate or prosecute such crimes. The ICC will also help defend the rights of those, such as women and children, who have often had little recourse to justice'.<sup>24</sup> It is too soon to tell if the Foca case has opened the way to future prosecutions of the crime of rape, whenever and wherever it is committed, as a crime against humanity. All we can safely say now is that in some instances men who commit crimes against women are now liable to be prosecuted in a permanent international criminal court.

## **Women's rights, population, and development**

The international arena has provided many different venues for the development of policies aimed at eroding or eradicating the barriers women face in the full enjoyment of their lives. One such venue is the United Nations, which serves as a focal point for scores of non-governmental organizations addressing issues of women's rights. In 1979, CEDAW, or the Convention for the Elimination of All Forms of Discrimination against Women, was ratified by the UN, but with little effect on the material foundations of gender inequality. Declarations mattered, but only when they were turned into practical policy, and that was where the struggles and the headaches started. What is evident is that women's organizations succeeded by the 1990s in placing women's issues on the agenda of international organizations and debate. By then, 50 such organizations had consultative status in the Economic and Social Council of the UN. Some were older organizations, such as the Women's International League for Peace and Freedom, active in the First World War, and the World Young Women's Christian Association. Others were relative newcomers. All helped convene major UN meetings on women's issues in Mexico City in 1975, in Copenhagen in 1980, and in 1985 in Nairobi, where 13,000 delegates addressed questions concerning women's rights, environment, development and peace.<sup>25</sup> These meetings disclosed many commonalities, but also many points of friction which separated women's groups from different national or religious backgrounds. A decade later, in Beijing, a concerted effort was made to try to overcome these differences, though with uncertain effect.<sup>26</sup>

In 1994, the issue of women's rights was placed at the center of the World Population Conference in Cairo.<sup>27</sup> This was a departure from earlier world population

conferences, where economists and demographers spoke of population dynamics in a positivistic language hard to square with the discourse of human rights. These 'experts' on population questions were reluctant to enter into discussion of women's issues, which many believed only caused political storms making scientific debate, as they understood it, impossible. In 1974 in Bucharest and in 1984 in Mexico City, there was widespread discussion of women's rights, but at the margins of a debate by and large about numbers.

In Cairo in 1994, in contrast, women's groups seized the initiative. Women's NGOs helped prepare the documents to be examined in Cairo, and with the full support of the Clinton administration, advocates of women's rights now were at the center of stood center stage. Reproductive health and the empowerment of women were, not surprisingly, high up on the agenda. The program of action for the coming 20 years adopted by 180 national delegations in Cairo stated firmly not only that 'The empowerment and autonomy of women and the improvement of their political, social, economic and health status is a highly important end in itself', but also that 'Improvement in the status of women ... is essential for the long-term success of population programmes'.<sup>28</sup> Steps to this end included

4.4.(d). Adopting appropriate measures to improve women's ability to earn income beyond traditional occupations, achieve economic self-reliance, and ensure women's equal access to the labour market and social security systems;

4.4.(g) Making it possible, through laws, regulations and other appropriate measures, for women to combine the roles of child-rearing, breast-feeding and child-rearing with participation in the workforce;

The conference endorsed the campaign to end female circumcision and campaigns to defend women's right of inheritance and their access to reproductive health care. Nafis Sadik, Secretary-general of the Conference and Executive Director of the UN Population Fund was right to declare that the meeting represented a 'quantum leap' in population politics.<sup>29</sup> She told the delegates that 'a woman's control over her own fertility is basic to her freedom. It is the source from which other freedoms flow'.<sup>30</sup> Here indeed is major breakthrough in what Marilyn Danguilan called 'the unbracketing of women'. Even the Vatican endorsed the programme of action, with some reservations over particular issues like abortion rights.<sup>31</sup> The momentum behind the linkage of population and women's rights was remarkably strong.

The second feature of the Cairo conference of interest in this context was its location of population policy within a wider framework of development which included an important environmental component. Thus the broad coalition of women's groups which pushed hard for the programme of action brought on board many other groups who believed in fertility decline in order to limit the pressure on resources and the disastrous effects on cities in the developing world of massive in-migration due to high fertility rates.

To be sure, the same negotiation we have seen before between national sovereignty and multi-national conventions was evident here. The 1994 Cairo conference was quick to affirm that 'The implementation of the recommendations contained in the Programme of Action is the sovereign right of each country, consistent with national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with

universally recognized international human rights'.<sup>32</sup> This was no more than bowing to necessity. But the thrust of the document was so forceful, that it left little room for doubt that the delegates had agreed that the issue of development was indeed a matter requiring an improvement in the status of women everywhere. Restricting fertility without empowering women simply wouldn't work.

Behind this turn in both the form and content of the discussion of population questions is the work of a group of economists and philosophers who redesigned the politics of development. The most influential of these people are Amartya Sen and Martha Nussbaum. Sen, Nobel Laureate in economics, developed a theory of entitlements and capabilities which provided the intellectual fire power to persuade economists and policy-makers that freedom – emphatically including women's freedoms -- and development were compatible, even synergistic. Maximizing the capabilities of both men and women were at one and the same time the goal of freedom and the pathway to freedom. Once capabilities were enhanced, functionings – or the choices of how we wish to live – would become more varied and more effective, in particular in developing economies.<sup>33</sup> Nussbaum provided much additional support for this argument, in showing that a theory of this level of generality was based on universal values consistent with respect for the particularities and dignities of non-Western cultures; no cultural imperialism here.<sup>34</sup> Together they affirmed a center-left project, based on a mixture of liberalism and social-democratic beliefs, wherein the achievement of women's rights is seen as part of a universal struggle for emancipation from poverty, ignorance, and human degradation.

### **The local and the global**

The project sketched out by Sen and Nussbaum has powerful supporters in the World Bank. It is clear that international funding is available for projects on the local level to empower women and enhance their contributions to development as a whole. Much of this work is at the level of micro-economic activity, in the form, for example, of micro-loans to women to enable them to start businesses or manage small tracts of land in rural India.

This emphasis on work on the village level is consistent with many other facets of women's associative life in the 1990s and beyond. Some term this activism 'grassroots politics'. But at times, the local has merged with the universal.<sup>35</sup> Women have been central in protesting the brutality of dictatorial regimes in ways which has arrested world attention. The role of the Mothers of the Plaza de Mayo in Argentina, insisting as mothers on an accounting from the regime of their husbands and sons who vanished under the military dictatorship of the 1970s, is a case in point. They still march every Thursday afternoon to continue their struggle; that it has taken decades to find the truth is neither here nor there. The issues are so important to them as women, as mothers, as citizens, that they refuse to go away. With the passage of time, the Grandmothers of the Plaza de Mayo have joined in the struggle. The personal is the political here in a very direct sense. The work of the Guatemalan Nobel Prize winner Rigoberta Menchu Tum, is another instance of the standing in the international discourse of human rights earned by women whose lives and grievances are in their villages.

No one can deny the courage or the importance of the work accomplished by these women, alongside the other initiatives on behalf of women's rights we have

surveyed in this chapter. The question remains, though, as to whether these developments constitute a form of politics of sufficient strength and appeal to do more than chip away at the gendered inequalities of both the developing and the developed world. Exemplary courage is never enough, as important as it is. The search for redress of women's grievances has raised the general level of consciousness about the impossibility of using the term 'human rights' without recognizing that more than half the world's population is female. But the material achievements of general acceptance of this obvious though awkward fact are still potential rather than real. What these activists have offered is an opening, a continuing interrogation of policies and policy-makers about gender and inequality. It is unclear how stable a political platform they have achieved. All politics may be local, but not all local politics can penetrate the layers of inequality and prejudice which have truncated women's lives in the past.

## **5. Trans-national citizenship**

Human rights, environmental rights, women's rights: each of these issues marries the local and the global. None is limited by national boundaries, but all are imbedded in national institutional and legal frameworks. In the 1990s, many political movements fragmented, mutating into both to sub-national and supra-national forms. Visions of alternatives to economic globalization spoke a language of community as the local and community as the world. As such they both offered a challenge to older state-oriented politics and demonstrated the limitations of social movements which bypass the state. Above all, these trends towards new definitions of citizenship described a field of force with an uncertain future. For the state has not disappeared,

and it is simply too soon to tell how its character and powers will be transformed either by global economic forces or by these oppositional movements.

Many of these localized social movements were trans-national in character, and both drew upon support from abroad. In their work, some of these activists redefined the term 'citizenship' to connote the collective identities formed by people opposed to the 'new world order' as it appears on both the local and the global level. 'Citizenship' is thus juxtaposed to 'commodity', evoking echoes of earlier appeals of 1968 and beyond. The appeal has force, because these groups work among men and women drawn to global cities, where the commodification of skilled and unskilled immigrant lives and labor is particularly evident.

What was most striking about these local/global organizations is that they worked at the margins and at times among the marginal – in global cities filled with highly mobile, multi-linguistic and multi-national populations. This marginality was both their strength and their weakness. It naturally fed into the construction of trans-national movements, drawing their support from those whose very activities in these groups helps foster a sense of collective identity. At times, this kind of identity politics found echoes in the domestic political arena. But at other times, questioning the primacy of the state limited their power to influence the policies of the nations in which they lived or from which they came. This dilemma -- how to target the center where power lies while working primarily on the periphery; how to challenge the state while living at a tangent to it -- remains an open one.

Another source of these new political visions was disillusionment with the state as an agent of social change. All too frequently movements of national liberation, from

Western imperialism or Soviet imperialism, turned conservative once power had been secured. In Algeria, in Czechoslovakia, in Cuba, in the Ukraine, self-determination had been achieved in the 1960s or the 1990s, but with mixed outcomes. Experiments in participatory democracy at the local/global level were self-conscious alternatives to a mystification of national liberation as the end of history. The problem remained though, that even if the state is not worshipped, it cannot be wished away. The new 'transnational citizenships' thus lived in vigorous incompatibility with the older territorial ones. The outcome of the encounter between them is yet to be determined.

### **Global workers, trans-national movements**

The attack on the World Trade Center on 11 September 2001 killed over 3,000 people of 90 different nationalities. It happened in the morning, when the service workers were there, cleaning the offices and catering the food for the corporate world of Lower Manhattan, just a few blocks from Wall Street. The *New York Times* produced a series of biographies of these ordinary people caught up in this attack. These 'portraits of grief' highlighted what is evident to any visitor to the major capitals of the world: they are both the heart of global networks and magnets to global population movements, especially but not only, of young, unskilled workers.

Who speaks for them? Who defends their interests? The reply most activists give is that they must learn to speak for themselves. Thus activism is the pathway towards constructing a collective identity captured by the term 'citizenship' among newcomers to these global cities. This kind of 'citizenship' is not the same as membership in a nation state. As Yasemin Soysal has written, 'Rights, participation and representation in a polity, are increasingly matters beyond the vocabulary of national

citizenship'.<sup>36</sup> Beyond older notions, yes, but that prior political grammar is there, and so are the institutions embodied by it.

To illustrate this dialectical relationship between state-bounded identities and new forms of citizenship, we may consider two different phenomena. The first is located within the European Union, and describes a multiplication of citizenships; the second is both European and extra-European, and describes the emergence of grass-roots movements among immigrants, who come together to defend their rights and interests and to engage in a dialogue with the state or states in which they live. In both cases, the power of the state to describe the political realm in which this mix of the local, the national, and the global occurs, is still robustly intact. It is profoundly premature to speak of the 'end of territoriality'.

### **Multiple Citizenships : municipal, national, European**

Consider the Swedish case. In 2003, roughly 5 percent of the population of nine million people living in Sweden was not a Swedish national. But a larger proportion were children of couples of whom at least one partner was not a citizen. In sum one in five people living in Sweden are either non-nationals or has a parent who is not a national.

This multi-national population reflects changes in the European community and in migratory flows. In Sweden there are three concentric circles in each of which individuals exercise their rights as citizens. First comes the town or municipality. Foreigners and native-born Swedes elect the mayor of Stockholm. On this first level, residence established a sub-set of citizenship. Around this core area of municipal citizenship is the area of national citizenship, exercised by Swedish nationals alone,

who elect their Parliament. Surrounding the national area of citizenship is the European one. In European elections, all Swedes and all residents of Sweden who are citizens of a European Union member state vote for the European parliament. In two of these three areas, citizenship has been detached from nationality.

In January 1996, the European Union set down arrangements for the right to vote in or to stand as a candidate in municipal elections in Europe.<sup>37</sup> Those eligible include citizens of any member state of the European Union, and not only those born in the city or country in question. An Irish woman can, if enough voters support her, become the mayor of Athens or Rome. This right of non-discrimination helps regularize the position of residents, who have the same bundle of rights in this respect as the national citizens of their chosen town. Here is an electoral equivalent to the single labor market, which is one of the key features of European integration.

But this measure opened the door to a further degree of separation between nationality and citizenship. On the local level, foreign nationals have the right to vote. So do foreigners living in Denmark and in Sweden. There is as yet no uniformity in this practice elsewhere in the European community, but there are political groups, like the Green party and the Social Democrats in Germany, dedicated to liberalizing the franchise in this way.

These instances of multiple enfranchisements – or what Rainer Baubock terms ‘recombinant citizenship’<sup>38</sup> -- reflect earlier historical experience. Well before women had the vote in Britain or Canada, those with property could elect municipal officials. In 1862 unmarried Swedish women who paid taxes were given the vote on the municipal level. Women had the municipal vote in Rangoon, Burma in 1918. It is clear that the

notion of the municipality as an urban household, with services and expenditure analogous to a household enabled women to bypass some of the prejudices preserving the franchise as a male prerogative.

Throughout Europe, there was a two-fold history of migration in the period since 1945. The first period was one of positive measures taken to attract and absorb newcomers. This lasted until the 1970s. Then came the harder years, when immigrants competed for jobs and added significantly to the costs of social assistance. At the end of the twentieth century, this second phase is by no means over.

Again, the Swedish case illustrates these wider trends. After the Second World War, Swedish industry recruited workers from other parts of Scandinavia, and from Southern Europe. The Swedish metal industry in particular, needed to attract labor, and in response some 300,000 Finns, alongside around 75,000 Mediterranean workers from Yugoslavia, Greece, and Turkey. Much was accomplished to integrate these workers and their families into Swedish society. In 1966 the government deemed that these foreigners would be called 'newcomers' and not 'aliens'. In 1969 the Swedish Immigration Board was established with authority over residence permits, citizenship and immigrant integration.<sup>39</sup> State grants were made to foster bilingual education, and aid was given to immigrant associations, working with advisory councils at the local and national levels.

It is hard to image a more positive, welcoming regime for immigrants and their families. Then came the economic downturn of the 1970s, which changed the social and political environment in which immigrants were received. Immigration is usually measured in aggregates, but it always unfolds as a local phenomenon.

Local communities hard-hit by recession now saw newcomers in a very different light. This was the case in the industrial town of Söertälje, south of Stockholm. Between 1976 and 1978 13,000 Syrian Orthodox refugees from south-eastern Turkey, Syria and Lebanon came to the town. The post-war boom was a distant memory, and job competition as well as the tax burden of paying for social services for all residents, including these newcomers, increased the tension surrounding immigration. To be sure national debates attend these issues, but it is in the neighborhoods, in the markets and in the schools that the real meaning of citizenship is negotiated and performed.

The Yugoslav war brought these issues home in powerful ways. In 1992, 85,000 asylum seekers arrived in Sweden. Half of this number were Bosnians, and were immediately granted permanent residence. Roughly 25,000 were Kosovans, who ultimately returned home. Once again, the humanitarian impulse to help was evident, but so was anxiety over the cost. In the decade 1983-93, approximately 300,000 people sought asylum in Sweden; this was fully one tenth of the total for Europe as a whole. Of this population of newcomers in Sweden, 80 percent were recipients of social assistance.

In 1995, a commission on refugee policy outlined a new way of handling these problems. A new Ministry for Development Assistance and Immigration was created. The Board of Immigration was renamed the Board of Migration. Rules on asylum were tightened. But the advent of the Schengen agreement in 1990 made it unclear to Swedes as well as to other Europeans how many foreigners would enter Sweden by entering any other European country.

Sweden had done as much as any other country to dampen down xenophobic responses to immigrants. Elsewhere in Europe, nativist politics resurfaced. This was especially so after 11 September 2001. The fact that much of the planning of the attack on the World Trade Center had been planned in Germany made it clear that Islamic militants were using Europe as a staging area. Older ill-informed prejudices against Islam or Muslims were channeled by some politicians, while others tried hard to separate Islam from Fundamentalism.

This set of problems added a new dimension to the evolution of European citizenship. Fundamentalist Islam is a trans-national movement, and nation states have mobilized their security forces against it. Immigration controls have been tightened and the surveillance of foreigners intensified. It is evident that the war on terrorism has moved the clock back to a more unitary definition of the nation. It is anybody's guess as to whether these centripetal forces, arising from security issues, will overpower the centrifugal forces underlying the de-centering of citizenship.

### **Citizenship as activism: from exclusion to inclusion**

Fundamentalist Islam is a multi-national, global movement, which claims to speak for the poor and the outcast among the faithful. Among the millions of Muslims who have migrated to Europe and North America, there are militants, but the overwhelming majority of immigrants is either neutral or hostile to their efforts. Of much greater significance in the unfolding history of citizenship is the work of groups of activists who use trans-national networks within local political life. There are many examples of this kind of political work. Just two will suffice to show the parameters of the phenomenon in question.

In Portugal, as in virtually every other developed country, immigrants live in the penumbra of capital cities, frequently occupying poor or run-down housing. Some of these settlements are legal; others illegal. One such illegal community is the immigrant neighborhood of Alto da Cova da Moura, 15 kilometers from Lisbon.<sup>40</sup> The settlement of about 3,000 people is made up mostly of African people, 'returnees' after the collapse of Portuguese rule in Angola and Mozambique, or men and women from the Cape Verde islands. Technically, the settlement is outside the law. Migrants occupied state and private land without permission, and never sought building permits for the dwellings they constructed and which constitute their permanent homes. Most of the population works in unskilled or semi-skilled manual jobs or in the service trades.

The neighborhood has its built its own residents' commission, has its own barber shops, funeral homes, and sporting clubs. The Residents' commission negotiates with local authorities on the provisioning of basic amenities. There is as well a Cultural Association 'Moino du Juventude' to provide something for schoolchildren to do before their parents came home from work. It quickly became a critical counterpoint to the Residents' commission. The Moino du Juventude championed cultural difference, offered literacy courses, ran musical groups, and a day care center. They also sought and received funds from both Portuguese and European Union sources to support job training schemes and other programs.

What both the Residents' Commission and the Moino du Juventude aimed at was legalization. The Communist city council in the nearby town of Amadora was opposed; but when the Socialist party came to power in 1997, after 18 years of Communist rule, the position of the two neighborhood associations was transformed. It

is evident that local politics intersected with both state institutions and European ones, enabling immigrants to demand and achieve both recognition and funding for essential services.

What these people did was to construct their own political identity, and then with the help of European Union funds, and with contacts in the Portuguese Socialist party, to challenge local authorities to accept them as legal and legitimate members of their region. Nothing would have happened had they waited for charity or bureaucracy to help them. In effect, they became Portuguese by being European. Transnational entitlement yielded national standing.

The significance of local politics is evident as the locus for this form of transnational identity politics in other countries as well. Toronto is a city with a huge immigrant population among its 2.4 million inhabitants.<sup>41</sup> Approximately half the population in 2003 is foreign born. This is significantly higher than the proportion of foreign born people in Los Angeles (27.1 percent) or New York (19.7 percent). Fully 42 percent of all immigrants to Canada since 1991 settled in the Toronto area. These newcomers concentrated not in the old city center, but in the suburban belt and towns of the metropolitan area.

There were three ways in which immigrant groups negotiated their new position within Canadian society in the 1990s. The first was to mobilize against a plan to enlarge metropolitan Toronto and thereby to diminish the significance of local authorities in key areas of urban planning. Immigrants worked to protect the smaller administrative units which were the ones dealing with their interests and aspirations. They created their own association, New Voices for a New City, and spoke up about the dangers they

saw in a new megacity. This body of 63 community organizations represented Jamaican, Ethiopian, Somali, Sri Lankan, Portuguese, and Chinese populations, among others. The chair of this group, Viresh Fernando, saw the aim of this group as 'strengthening civil society' by increasing the political participation of the 'socially disadvantaged'. Even though the amalgamation into a new and larger conurbation took place, the new urban administrators were made aware by these activities of the need to keep alive the links between local authorities, below the municipal level, and immigrant populations with diverse needs and attitudes. They lost the battle, but defended their interests as identifiable ethnic groups, whose ties extended back to the home country and to other ethnic populations elsewhere in Canada.

Following this amalgamation, the election for the mayor of greater Toronto turned into a contest for the immigrant vote. Candidates published in the 10 leading non-English Toronto newspapers information about the eligibility of immigrants to vote in this election, and for one candidate, the mobilization paid off. Two commentators conclude that Mel Lastman won the 1997 election in part because of support from multicultural voting districts. Here is an instance where a non-French and non-Anglo politics of diversity swung the balance in Canadian politics. Immigrants from all over the world announced through the municipal ballot box that they were there and had to be considered.

This presence in the life of Toronto was performed on many occasions in these years. 'Claims on public space' reinforced a sense of collective identity, in ways Dolores Hayden has shown for Los Angeles.<sup>42</sup> Toronto reinforces her interpretation. In 1996, there were 165 requests to the Toronto police for permission to hold a parade in

public spaces. Among these 56 were for the non-religious celebration of ethnic identity, and 37 were religious and ethnic at the same time. Twenty-four different ethnic associations organized these parades or rituals.

Given the flow of information and individuals between and among these ethnic groups, both in Canada and in their countries of birth, there was and remains a powerful set of linkages on the urban level between North America and many parts of the world. Troubles in Sri Lanka or Ethiopia are troubles in Toronto for the members of these diasporic communities. Revenue flows are but one level of communication here; political support and solidarity of many kinds makes multi-national identities strong enough to withstand assimilationist tendencies. The place to look for these ties is at the level of the neighborhood, in the markets, the churches and mosques, and on the streets. Once we descend below the level of the nation state, the true complexity of transnational citizenship unfolds.

And yet again, a caveat must be registered. This kind of identity politics was made possible by Canadian politicians, like Pierre Trudeau, whose vision of Canada as an ethnic patchwork quilt, was national, not global. Once again, we can see that sub-national or trans-national citizenship emerges when the state gives the green light to activists who demonstrate the compatibility of particular identities – ethnic, racial, linguistic among others -- with national identity. The state is still *primus inter pares*.<sup>43</sup>

This polymorphic kind of politics is expressed well in a third example of transnational political activism. Alejandro Portes has studied Salvadoran immigrants to Los Angeles. One such local activist was asked why he stayed in Los Angeles. The answer was 'I really live in El Salvador; not in LA. When we have the regular fiestas to

collect funds for La Esperanza, I am the leader and I am treated with respect. When I go home to inspect the works paid with our contributions, I am as important as the mayor'.<sup>44</sup> Thus immigrants in the host country provide resources which are transferred to the country of origin; markets, products, cultural forms are exchanged; Brazilian groups in New York do the same.<sup>45</sup> 'Grassroots philanthropy' operates here just as it has done for generations among Irish-Americans and Jewish-Americans.<sup>46</sup> So does diasporic politics. In some cases, such as that of Mexicans in the United States, the Mexican diaspora can vote in Mexican elections.

Similarly evocative of earlier generations' activism is trans-national labor militancy. Immigrants to Argentina from northern Italy brought their traditions of labor solidarity with them a century ago. At the beginning of the 21<sup>st</sup> century, abuses of workers' rights in Central America are exposed and combated both north and south of the American border. An American academic group, the Worker Rights Consortium helped clothing workers in a small town in Mexico protest conditions of work in factories producing goods on license to major American retailers, Nike and Reebok.<sup>47</sup> The link was that these assembly factories or *maquiladoras* produce garments with university logos and names for the American market. As a result of this kind of pressure in the United States, factory life changed. Children's labor was eliminated from the assembly line, pay rose, and the women workers in the factory gained the right to form their own union, and to bypass the corrupt labor organization in place.<sup>48</sup> To be sure, there are thousands of sweatshops untouched by this kind of transnational agitation. But the existence of free trade agreements creates the space in which activists in countries with

stronger labor laws can insist upon improvements in the conditions of workers without such protection.

## **5. The survival of the state**

It is undoubtedly true that in the early 21<sup>st</sup> century, 'transnational advocacy networks' operate on the urban, national, and international level in many parts of the world.<sup>49</sup> There are bonds of commonality in this work, but there is also a celebration of diversity. The dignity of ethnic, racial, linguistic, or national differences is performed both in politics and in cultural life, and through such acts, the collective identity of those who have rights and obligations as local inhabitants is affirmed and defended. Solidarities do exist, and at times can achieve material results.<sup>50</sup> This area of creative political work among transnational populations parallels the efforts of activists in the fields of human rights, women's rights, and environmental rights we have surveyed above.

'Think globally, act locally' is the slogan of such activists, drawn from large populations of 'deterritorialized' men and women. Advocates of global citizenship believe that In a world where 'old state and social structures are in the process of unravelling',<sup>51</sup> trans-nationals can imagine forms of politics beyond those fashioned within nation states. This claim may be valid, but the jury is still out on how original or enduring these new forms of politics will prove to be.

The locality is the space where the 'global ethnoscape' in Arjun Appadurai's arresting term, is imagined.<sup>52</sup> And given the trajectories of migrants, that locality is metropolitan in character. The many instances of transnational political activism that have been studied, well beyond the few instances cited here, are not limited to urban

areas, but the networks that link the old and the new worlds which migrants traverse almost always pass through cities. Migrants move viscerally between Tokyo and Sao Paulo more than they do between Japan and Brazil. Metropolitan identities are the ties binding members of experienced communities,<sup>53</sup> people who can see the cityscape in which they and their neighbors live, even more palpably than can the citizens of the imagined communities of the nation Benedict Anderson has explored in his celebrated work.

The political activity of newcomers to metropolitan centers frequently does describe a sphere of autonomy which they creatively exploit. But there are good reasons to question whether such activism constitutes a root and branch challenge to state sovereignty.<sup>54</sup> The unfolding of much of this activity happens at the interface between civil society and the state. The issues raised here may be universal, but redress happens when the institutions of the state accept that an overlap exists between its sovereignty and international agencies assigned to cope with trans-national problems. Pinochet was arrested because the British Home Secretary decided that it was in Britain's interest to do so, and the arrest was validated by the very British Law Lords of the House of Lords. Bhopal victims received some, admittedly inadequate, compensation when the State of India persuaded a court to find a financial settlement. The effort to secure women's rights to equal treatment follows the law, and the law is national in character.

Just as Marx underestimated the cunning of capitalism and its flexibility in coping with economic instability, so exponents of the theory of global citizenships underestimate the cunning of the state and its flexibility in coping with the volatility of

political issues in an age of mass migration. To be sure, international conventions, and the non-governmental agencies which monitor compliance with them, do circumscribe state action in many respects, and do so perhaps more vigorously than ever before. But the capacity of states to mould their procedures to take account of such pressures is still robust.<sup>55</sup>

It is important to recognize as well that networks of local groups link people whose concerns while similar are not identical; national contexts matter. The local is still imbricated in the national; and consequently, as Sidney Tarrow has observed, it is still the case that 'most ordinary people see the state as their logical and necessary interlocutor'.<sup>56</sup>

A second reason to doubt the claim that old state structures are 'unraveling' is the atomized and exploited position of illegal immigrants. The groups whose work we have surveyed used political institutions on many levels to stretch the concept of citizenship to suit their needs and fulfill their ambitions and their desire for dignity. But what dignity attaches to those who suffer and die of asphyxiation or thirst in transports across the U.S./Mexican border, or in containers traversing the Pacific, or on top of a train passing through the Channel Tunnel? These people suffer because borders are porous and those who cross them illegally think the supposed benefits justify the risks. Many succeed, but are then launched into a world of illegality, which as Stephen Frears' recent British film 'Pretty dirty things' shows, is a world of atomized individuals, easily exploited, people for whom trust or the simplest human bonds are luxuries they cannot afford. Politics, or citizenship of any kind, is beyond them.

Some groups make the case that illegal immigrants should be granted amnesties. These travelers certainly demonstrate a thirst for residence which most citizens lack entirely. But it is the state which decides if they can remain within its boundaries. The sovereignty of the state in questions of entry and settlement may be under siege, but it is still much stronger than the advocates of the arrival of post-national citizenship will allow.

In the context of this book, what matters is not the accuracy of the diagnosis of 'trans-nationality', however defined, but rather the vitality of the social forces cohering around it and the sense of the possible, of alternative social forms the notion evokes. In the 1990s visions of trans-nationality took off from a state-circumscribed reality into another realm, just barely mapped.<sup>57</sup> In entering this terrain, advocates of 'global citizenship' entered one of the twentieth-century's most robust traditions, the visionary tradition. By constructing a 'minor utopia' they term 'global citizenship', they stretch our sense of the possible, of ways in which people from many parts of the world can have, in Garcia Marquez's terms, a second chance on earth.

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- <sup>1</sup> Eric Hobsbawm, *The Age of extremes. A History of the World 1914-1991* (New York, Vintage Books, 1994).
- <sup>2</sup> Richard Falk, 'The making of global citizenship', in Jeremy Brecher, John Brown Childs, and Jill Cutler (eds), *Global visions. Beyond the new world order*. (Boston: South End Press, 1993), pp. 39, 47.
- <sup>3</sup> Michael Peter Smith, 'Can you imagine? Transnational migration and the globalization of grassroots politics', *Social text*, 39 (Summer 1999), p. 16.
- <sup>4</sup> Richard J. Wilson, 'The Spanish proceedings', in Reed Broady and Michael Ratner (eds), *The Pinochet papers. The case of Augusto Pinochet in Spain and Britain*. (The Hague: Kluwer Law International, 2000), pp. 23ff.
- <sup>5</sup> Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, initially adopted in 1950 and subsequently extended, formally outlawed torture. The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (ETS no. 126) had entered into force on 1 February 1989, further strengthening this legal framework.
- <sup>6</sup> Roger Burback, *The Pinochet affair : state terrorism and global justice* (London, Zed Books, 2003).
- <sup>7</sup> Monroe Leigh, 'In re Union Carbide Corp. Gas Plant disaster at Bhopal, India in December 1984, 634 F. Supp. 842', *American Journal of International Law*, 80, 4 ((Oct. 1986), p. 964-7.
- <sup>8</sup> Kailash Thakur, *Environmental protection law and policy in India*. (New Delhi: Deep & Deep Publications, 1997), pp. 340-55.
- <sup>9</sup> Kau Raustiala, 'States, NGOs, and international environmental institutions', *International studies quarterly*, 41, 4 (Dec. 1997), pp. 719-40.
- <sup>10</sup> Karen T. Litfin, 'Sovereignty in world ecopolitics', *Mershon international studies review*, 41 (1997), pp. 171ff..
- <sup>11</sup> For references, see: [http://www.ran.org/about\\_ran/mission.html](http://www.ran.org/about_ran/mission.html)
- <sup>12</sup> 'The Earth Summit on population', *Population and development review*, 18, 3 (Sept. 1992), pp. 571-82.
- <sup>13</sup> Ivan Amato, 'The slow birth of green chemistry', *Science*, 259, 5101 (12 March 1993), pp. 1538-41.

- 14 Litfin, 'Sovereignty', p. 189.
- 15 Kathryn Sikkink, 'Codes of conduct for transnational corporations: The case of the WHO/UNICEF code', *International organization*, 40, 4 (Autumn 1986), pp. 815-40.
- 16 John S. Dryzek, *et al.*, *Green states and social movements. Environmentalism in the United States, United Kingdom, Germany, and Norway*. (Oxford: Oxford University Press, 2003), p. 189.
- 17 Charles O. Holliday, Stephan Schmidheiny, Philip Watts, *Walking the talk: the business case for sustainable development*. (Sheffield: Greenleaf, 2002). I am grateful to Alicia Delapianne for drawing this work to my attention. Her own project 'Aletheia', dedicated to introducing the teaching of solidarity into school curricula in several countries is another example of imaginative politics on the local and global level.
- 18 For details, see the website of the Avina Foundation at:  
[http://www.avina.net/web/avinawebfinal3.nsf/LK\\_GCMask2/3~4~8~1?Open&LANG=Eng](http://www.avina.net/web/avinawebfinal3.nsf/LK_GCMask2/3~4~8~1?Open&LANG=Eng).
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