

The Palermo Charter Process

Towards the Recognition of Migration as a Human Right

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Abstract: Reflecting on the effects of the long summer of migration of 2015 in the European mobility regime, this article analyses the emerging idea of a human right to global mobility, its different meanings and effects on migration policies and movements since 2015. The analysis focuses on the circulation of the Charter of Palermo, a text signed by the Mayor of Palermo Leoluca Orlando in 2015 at the end of a public communal conference. The Charter has become an important reference, for welcoming movements and organisations participating in the international network *solidarity cities*, as well as for institutional and parliamentary debates at both local and transnational levels. The first part of the article explains the situational understanding of human rights I endorse, leaning on the Arendtian formula of the “right to have rights” along its recent agonistic interpretation in the field of political theory.

Keywords: Human rights, global mobility, right to have rights, Palermo Charta, long summer of migration

»To traverse the world; to take the measure of the accident represented by our place of birth, with its weight of arbitrariness and constraint; to wed the irreversible flow comprising the time of life and existence; to learn to assume our status as passersby as the condition, in the last instance, of our humanity, as the base from which we create culture—these are perhaps, ultimately, the most untreatable questions of our time [. . .]«
(Achille Mbembe, *Necropolitics*).

Almost six years after the »long summer of migration« (Hess et al. 2017), it seems possible to formulate some long-term reflections on the current state and the development trends of the European migration regime. This regime is since then suffering a deep humanitarian and political crisis, and it is surely moving towards a gradual erosion of minimal humanitarian standards. By way of bilateral agreements with North African and Middle Eastern countries, migration and asylum policies have been progressively outsourced to the EU external borders. Refugees are imprisoned in transit

centres under intolerable living conditions, or they are pushed to take extremely dangerous routes through the Mediterranean Sea (Amnesty International 2020). Even though the number of drowned and dead migrants remains very high, nearly 1,200 deaths only in 2020 (UNHCR 2021), the European political debates concentrate on the problem of the fair distribution of refugees over the different EU countries, rather than on finding effective measures for the protection of these refugees. And within the fairness debate, the perspective of the migrants, their needs and their aspirations, are not at all considered. Furthermore, migrants are treated as hostages in a war between national powers.

The long summer of migration was not only followed by a more repressive and inhumane migration policy (Soykan 2017; Pichl 2017; Heller/Pezzani 2017), but it also initiated a series of new welcoming and solidarity mobilizations with and of migrants, across their different countries of departure, transit, and arrival. These mobilizations adopted and developed a human rights language to both articulate the experiences of injustice provoked by the existing European mobility order, and qualify alternative visions and policies of migration (della Porta 2018). Since 2015, the idea of free global movement as an inalienable human right or, to quote the historian and political theorist Achille Mbembe, as the very condition “of our humanity” (Mbembe 2019: 186), is getting more and more crucial. This right challenges the borders of Europe and inspires processes of social transformation. It also invigorates a new sense of global solidarity, one that is no longer intended as an act of courtesy of self-proclaimed sovereign subjects towards stigmatized vulnerable people, but as a practice of transnational democracy and *cohabitation*. Solidarity thus means the sharing and forging of common, punctual spaces of action and deliberation by persons with equal rights and chances, independent from their formal citizenship status (di Cesare 2017).

The present article interrogates the emerging idea of a human right to global mobility, its different meanings and effects on migration policies and movements since 2015. The interrogation will be primarily inductive, focusing on the circulation pathways of the text of the Charter of Palermo (Orlando et al. 2015). Written in March 2015 as a result of the public municipal conference «Io sono persona» (I am human) in the capital of Sicily, the text defines, or better declares, the human right to international mobility. Since 2015, the Charter is circulating in different social fields and countries. Thanks to its circulation, the Charter has already become an important reference for welcoming movements and organisations participating into the international network of *solidarity cities*, as well as for institutional and parliamentary debates at both local and transnational levels.

This specific case study is particularly exemplary of ways of prefiguring and enacting transnational democratic orders. It also illustrates the situational character of human rights, which I endorse. Based on this understanding, human rights are not primarily universal moral and/or codified norms; they are rather circulating ideas – and I will specify soon what those ideas are – whose meanings and effects arise out of the different practices in which they are bargained, used and translated in specific historical and social contexts. This situational understanding is especially relevant in the case of emergent human rights, which have not (yet) been codified, like the one to global mobility. Before the anchoring of its meaning and norms in a legal document, the human right can at best be grasped along different practices and contexts of its formation and diffusion. Further, the situational understanding and the empirical analysis of human rights as circulating ideas address more broadly their political and critical character, which I will first briefly introduce.

HUMAN RIGHTS AS CIRCULATING IDEAS

To assert that the human right to global mobility is an idea seems to put in question its validity and relevance, for an idea is not legally binding, which puts further in doubt its power to change or stop the humanitarian political crisis we are experiencing. In fact, not only is the individual right to free global movement not yet codified, it also collides with the sovereignty of national states concerning border control and membership. In fact, there is de facto no codified human right to immigrate or to free global movement, even though there is a series of individual human rights that limit state sovereignty, such as the right to seek asylum (art. 14 of the Universal Declaration on Human Rights, UDHR of 1948 and art. 18 of the European Human Rights Convention, EHRC of 2000), the right to emigrate and to re-emigrate (art. 13 of the UDHR), and the right to be recognized as a legal person and to change citizenship (art. 6 of the UDHR).¹ Also, the specific meaning of the right to free global movement, even in Mbembe's sense of a basic human condition, is not immediately clear: does it entitle one to simply cross national borders, or to also become a member of the crossed states, i.e. to participate in its political community and benefit from social

1 | Several critical contributions have been made to the logical discrepancy between free movement within a state (which is a codified human right) and free movement between different states (which is not a human right). Another logical asymmetry has been criticized between the codified right to emigrate, to which any right to immigrate corresponds. See especially Carens 1987, Benhabib 2006, Oberman 2013, and for an overview Maffei 2019a.

rights? And if this right is grounded on a human condition, necessary for the existence of all people, is it then natural? Do all human beings possess it individually, independently from their relation to one another, or to social and political orders? I will later in this article come back to the meaning and the status of free global movement as a fundamental human condition. In fact, the human condition should not be confused with a natural or essential human predisposition; it should rather be conceived as a fact: the fact of the distinctness and relationality of all existing beings. My point is here that even though the right to free global movement is not a law, it has nonetheless, as a circulating idea, a compelling power. It is the power to enable people to criticize existing political orders they experience as unjust, and it is also the power to open up the space for envisioning alternatives. The right as an idea enables the contestation of the dominant regime that governs migration as an exception and a security problem. It empowers the articulation of alternative approaches to migration that consider it as the transformative drive, the norm, and not the exception to our globalized societies.

The human right to global mobility has not the compelling power of a moral imperative, which exists, or pre-exists, independently from its empirical reality, and rules the actors like a rational intention, a principle, or a last goal outside their actions. On the contrary, as a circulating idea, this right is primarily a result, or an artefact, of social practices. Along a definition borrowed from the sociology and the history of political thought as well as of science, this idea can be very broadly considered as a linguistic element or an enunciation. Through its articulation and diffusion (declaration, publication, interpretation, translation) in different social fields (political, cultural, economic) and genres (narrative, scientific, political, legal) as well as in different linguistic and geographical spaces, this enunciation progressively acquires the status of a collective political problem, and eventually of a codified norm.² Circulation means therefore transformation and repetition; the content and the validity of the circulating idea is conditioned and structured by the contexts in which it travels. And through its circulation, this idea comes actively to terms with its contexts, reflecting and challenging their borders. Also, through its circulation, the idea becomes more general and universal, in the sense of more translatable.³ The specific meaning and normativity, the power of the idea of a human right to global mobility, cannot thus be

2 | On the formation of discursive elements out of enunciations, see Foucault 1969; on the status of political ideas in terms of enunciations, see Skinner 2002; on their meaning of, and function as, collective problems, see Latour 1999 and 2004.

3 | For a further discussion on human rights as travelling ideas, and related translation issues see Lynn 2007, Bachman-Medick 2012 and Merry/Levitt 2017.

considered separately from the social practices and contexts in which it is born and through which it travels. The analysis of this human right will therefore focus on the actors (persons and institutions) involved in its circulation, on the organization of its social fields of circulation, on the media and practices of its enunciation, limitation and diffusion, on the transformation it gains through its circulation, as well as on the transforming effects it exercises on its social fields.

What is said in relation to the particular human right to mobility should be generalized. In fact, the approach I endorse highlights the performative dimension of human rights in general. As Joseph Hoover formulates it, human rights are not important for what they mean or for their normative grounds, but for what they do, or what is done with them (see Hoover 2016: 3f.). As circulating ideas, human rights are performative speech acts, both socially situated and situative: situated because they are framed and conditioned by the contexts of their enunciation, by existing laws or traditions, and situative because, on the basis of a very open and unspecific sense of humanity and equality, they become instruments of contestation of those existing laws and traditions and, in so doing, they acquire their specific, contingent meaning. In this sense, human rights are political tools of articulation of experiences of injustice and of contestation of excluding orders (Kreide 2016). It is primarily in situations of contestation—when new actors, affected by discrimination and exclusion, become visible and change the composition of the social orders they contest—that the performative, political power of human rights emerges. This political, and critical, power goes beyond, and in certain cases even against, codified human rights that cannot protect people against their exclusion from the public sphere (Rancière 2004).

The figure of the »right to have rights«, first formulated by Hannah Arendt immediately after the first Universal Declaration of Human Rights and highly debated in the last two decades, condenses, in suggestive and precise manner, the critical power of human rights, and addresses, in particular, the perspective of migration. The point of departure for Arendt is the critique of the effectiveness of human rights in protecting all those people who, between the two world wars and especially during and immediately after world war two, were made stateless by their countries of origin. At that point, it became evident that human rights have no coercive power, not even upon the states of arrival, which are supposed to protect them. Because in a world of national states only citizens, and not humans, can gain protection and rights. The only effective human right to fight for, wrote Arendt, is the right to have rights, the right »to belong to some kind of organized community« (Arendt 1958: 297).

The dominant position the in current political theories of migration interprets Arendt's right to have rights as an absolute right to citizenship, as a moral duty that should be granted by all nation states worldwide. This duty could inspire deliberation

and consensus-oriented processes between different states, and produce, as a result of these processes, supranational rules and institutions bounding state sovereignty to the moral imperative of citizenship (Benhabib 2006). This interpretation has the advantage of clearly defining what the right to have rights is. But I believe that Arendt's formula, which she herself did not explain much further, can gain more critical and normative power if it is considered as a circulating idea, rather than as an absolute moral imperative. The right to have rights is for Arendt in itself undefined; it gets its specific meaning only in situations where it is contested or claimed. Arendt defines it only negatively, from the perspective of those who lost it. Rightlessness is not, for her, the loss of some particular social rights, but the loss of the human condition of plurality and relationality, the deprivation of the possibility to be recognized as a person with competences and experiences, opinions and responsibilities, as a person who matters, acts, speaks, and is heard (Arendt 1943). It is in this situational meaning that the right to have rights can be understood as the right to citizenship. Positively defined, it corresponds to the right to political action, rather than to formal membership in a nation state. For Arendt, "to act" primarily means to break existing and obvious rules, and to begin something anew in a public space (Arendt 1958/98: 175–180, 199–206). Arendt conceived the public realm on the model of the ancient Greek polis, of the commune at the beginning of the French revolution, of the town-hall meetings during the American revolution, of the soviet councils during the Russian revolution, and of the *Räte* during the German revolution (Arendt 1964: 232–281). In their revolutionary moments, these different municipal councils shared some basic characteristics: they were organized at local level along the principle of »isonomy«, i.e., along the absence of rules (ibid.: 30); and they were »spaces of freedom« (ibid.: 264), signifying that their members are equally involved in political actions or discussions, independent from the privileges assigned to them at birth.

Intended as a right to action, the right to have rights is not governed by pre-political moral imperatives. Moreover, in line with the situational understanding of human rights, the right to have rights is *taken* through dissensus oriented action, when existing norms, laws and tradition are broken, and a new political order is conceived and envisioned as possible. Thus, the political situational power of human rights, endorsed here, corresponds to the agonistic, non-normative interpretations of the Arendtian formula suggested by political theorists like Jacques Rancière (2004), Bonnie Honig (2006), Etienne Balibar (2007), and more recently Ayten Gündoğdu (2015).⁴

4 | For an overview of the different interpretations of the right to have rights, see Maffei 2019b: 449–460. For an agonistic interpretation of the right to global mobility, see Heller/Pezzani/Stierl 2019.

This understanding frames the political dimension of human rights as an issue of transnational democracy and radical cosmopolitanism: the critique of existing unjust orders and the articulation of possible alternatives occur when people who are generally deprived of their right to action (the rightless and the stateless in the words of Arendt, or those who have no part, as Rancière puts it) enter the political sphere, become visible, and in so doing take part in the *demos*, changing its composition. This entrance creates a new situation of co-dependency between actors who were in asymmetric relationships to each other, like the citizens and the non-citizens. The human right to free global movement can thus be understood as a right to cohabitation that is based on the sharing of a common space of action, which is locally situated but transnationally organized. This right is enacted in situations of global solidarity and radical cosmopolitanism, when the perspective of the rightless, of the non-citizen or aliens, becomes the central starting point for imagining and enacting an alternative global order (Baban/Rygiel 2020: 15; Balibar 2017). In the following second session, I explore how the idea of a human right to free global movement can criticize the dominant view on migration policies, and whether it is able to envision effective forms of global solidarity and radical cosmopolitanism.

DECLARING THE RIGHT TO FREE GLOBAL MOVEMENT: THE PALERMO CHARTER

At the end of the conference »Io sono persona« (I am human), which took place in Palermo between 15 and 16 March, 2015, a statement was issued, immediately translated in different European languages, and made accessible online on the official website of the Palermo city council. The statement was published by the mayor of Palermo, Leoluca Orlando, together with different NGOs (among them Amnesty International and Emergency), local authorities (the organization of Sicilian councils of Sicily and the cultural administration of Palermo), scholars and scientists from different Italian universities, and the High Commissioner of the United Nations of Refugees (UNHCR) (Orlando et al. 2015).

The statement appears to the reader as a sort of a human right declaration, a compelling document, carrying and performing its message with the binding force of law. This impression is communicated starting from the title: »International Human Mobility. Charter of Palermo 2015. From Migration as Suffering to Mobility as an Inalienable Human Right«. The statement is called a »Charter«, like a bill of rights, a judicial act. However, the title also confronts the reader immediately with the situational character of the statement and of the declared right. The right to mobility is

not proclaimed as a fact, but as an unfinished project: »From Migration as Suffering to Mobility as an Inalienable Human Right«. The statement thus uses the genre of the Charter in order to promote a new understanding of migration, one that is not an exception, but the norm of our world, not a privilege, but an unconditioned, universal right for all. The Charter mobilizes the agonistic, situational dimension of the human right to mobility, its value as a circulating idea, as an instrument of contestation. This critical, narrative character of the declaration is also visually recognizable in the pre-title of the Charter: »Io sono persona« (I am human). The word *persona* is placed on the cover picture against a big fingerprint, the latter symbolizing the technocratic European mobility regime.⁵ The fingerprint, an instrument of personal identification, of assigning a certain body to a certain territory without considering the interests and desires of the fingerprint owners, corresponds to the idea of migration as suffering and is contrasted by the word *persona*, which reminds one of the active, non-objectified subject of international human mobility.

The narrative character of the declaration, and the agonistic dimension of the declared right, repeatedly occur throughout the text. The Charter defines the human right to mobility both as an inalienable right and an instrument of contestation of the current global mobility order. International mobility is the inalienable human right to choose »where to live, to live better, and without dying« (Orlando et al. 2015: 2). Thus, it corresponds to the fundamental human right to personal self-determination and to life. The right to global mobility is also intended as an instrument for overcoming the unequal distribution of mobility that is based on one's country of birth. Finally, this right is meant to contrast with the dominant paradigms of security and emergency advanced by the global migration regimes, and to demand the recognition of the migrant as a person, not as a »social burden«, a »resource consumers«, or the carrier of a specific status (ibid.: 4). The Charter formulates moreover some concrete legal and ethico-political steps toward the recognition of the right to mobility. It recommends the abolition of the residence permit and the implementation of »policies and practices that foster mutual understanding, equal treatment and democratic participation« (ibid.). The abolition of the residence permit should not be considered as a simple slogan or a utopia, nor should the Charter be seen as such. They should

5 | During 2015, the fingerprint procedure, introduced by the Dublin agreement of 2003, was already beginning to collapse. The first countries of arrival at the European borders began to be overwhelmed by the increasing number of asylum applications following the Arab Spring. Protests by migrants who wanted to reach their desired countries of arrival became louder, for example through the protest »No fingerprint!« in Lampedusa (see Kasparek 2016: 14f., 21f.; Scherer 2015).

both be seen as a possibility to build alternative policies of migration, such as the implementation of safe entry channels for people fleeing from wars, natural disasters, poverty, and persecution. The Charter considers the abolition of the residence permit as a mean to developing new forms of transnational democracy, intended as the mutual respect and cohabitation between co-citizens, the promotion of their equality, the active participation of all inhabitants in the definition and governance of public concerns. The concept of an everyday respectful, and solidary cohabitation at local level is put in contrast with big »ideological advocacies or assimilation processes« (ibid.), and described as a more effective way of realizing social security and peace.

Instead of addressing the right to global mobility to an unspecific universal humanity, like many human rights declarations do, the Charter addresses the national and transnational institutions responsible of the current European mobility regime. The EU is thus the main addressee, and the Charter is clearly written from a European perspective. It calls upon the democratic principles and instruments of the EU as a »union of minorities« without predominant national or religious identity (ibid.: 3). The Charter defends the Geneva refugee convention of 1951, the UDHR, the ECHR, and the different national European constitutions promulgated after world war two, especially the Italian one (ibid.). It declares as illegitimate the process of externalization of the right to give asylum and all attempts at blocking migrants outside the jurisdiction of the European countries. As a practical alternative to this externalization process, the Charter suggests implementing legal entry corridors and temporary permits in the different European countries, not only to asylum seekers but also to all migrants looking for better living conditions, so as to counteract the actions of »out-laws« (smugglers), who provide until today the only possible entry channel (ibid.: 6).

The Charter, thus, is a human rights declaration *sui generis*. It announces a not yet self-evident, and a not-yet codified right, to be achieved only through long-term multilevel interventions and policies. Nevertheless, the Charter narrates an already ongoing recognition process of this right, and urges that it is immediately recognized, as if it already existed: »It is equally clear that there's the need to act right now »as if« mobility already were an inalienable human right« (ibid.: 3). From the perspective of Kant's practical philosophy, the Charter is calling for an »as if« policy of a human right to global mobility, for the diffusion of this right as an idea and a vision for global solidarity, so as to realize, at some point in the future, a situation where the universality and inalienability of a human right to global mobility is finally codified and considered self-evident. But before looking at some examples of the »as if« policies inspired by the Charter, we need first to understand who wrote it and in which situation.

THE DECLARATION AS A COLLECTIVE NARRATION

Let me go back to the status of the Charter as a conference joint statement. »Io sono persona« was mainly organized by the municipal council of Palermo, represented by the mayor Leoluca Orlando. Born in 1947, a trained lawyer, a former Christian, and today a social democrat, Orlando was elected mayor of Palermo for the first time in 1985, and he is now in his fifth term in office. Before that, he had been elected as a deputy in the Sicilian, the Italian, and the European parliaments (Bauder 2019). Besides the municipal council, other subordinate committees of Palermo were among the organizing partners of the conference, in particular the Council of Solidary Citizenship and the Council of Cultures. The first one was established in 2007, and is responsible for granting access to social services and rights to all inhabitants of Palermo, especially to vulnerable people, like migrants, unaccompanied minors, disabled and ill persons (Comune di Palermo 2019). The Council of Cultures, on the other hand, goes beyond policies of social facilitation, and it has a stronger political impact on the democratic participation of the inhabitants of Palermo. Citizens can vote or be elected to the Council of Cultures, regardless of their origins, residence status, or political orientation. In 2015, some elected members were from Senegal, Morocco, Russia Bangladesh and Poland.⁶ The council has decision power in all the administrative domains pertaining to the city and the region, and not only to those concerning migration policies. Along this policy, the political participation of all inhabitants of Palermo, and their rights to vote and to be elected independently from their formal residence status, have been extended at least at a municipal level (Kron 2017: 85–86). The Council of Cultures represents a concrete example as an institution of transnational democracy, in the Arendtian sense a »space of freedom«, in which the right to have rights can be exercised. The Council enables the residents to organize as citizens and actively conceive of the place in which they live, irrespective of their national identity or formal citizenship status. This kind of transnational democracy actualized at a local level corresponds to the concept of »urban citizenship« (see Leubn 2017) and to the »right to the city« (see Lefebvre 1968/1996; Balibar 2003: 31–50): the political participation in the public concerns of a city

6 | Since 2018, the Council of Cultures has been organized in seven different geographical areas: Central Asia, East and West Asia, North Africa, East and West Africa, Europe, South and North America, and Oceania. The 21 members of the council come from Bangladesh, Pakistan, Sri Lanka, Jordan, the Philippines, Algeria, Tunisia, Ghana, Cap Verde, Mauritius, Brazil, Cotes d'Ivoire, Poland, and Romania (Comune di Palermo 2018).

(housing, education, transport, work, culture, etc.) is fostered as a basic human right that transcends national identities and citizenship status.

Beyond the already mentioned local authorities, other political representatives spoke at the conference, among them the representative of the Southern European region of the United Nations High Commissioner for Refugees (UNHCR), the chief of the Italian Immigration Department of the Italian Minister of Interior Affairs, the police, the coast guard chiefs of Palermo, and the Network of the Sicilian Municipal Councils (ANCI). The captain of the Italian coast guard boat *Diciotti* also intervened.⁷ But the majority of the speakers came from fields other than the political or the executive. Some of them were university scholars, writers, journalists, theatre dramatists and filmmakers. Others worked in small grassroots associations and non-government organizations (NGOs). All these different actors were of course not the direct authors of the Charter, but they eventually built a collective authorship.

Looking at the conference schedule, it is clear that the event was meant to be a crucial step toward a redefinition of migration as an inalienable human right against the predominant emergency and security logic: the interventions were not only informative about the legal and political situation of the migrants and of the European migration regime, especially in Sicily; they also contributed to the creation of a new imaginary, based on the oral testimony about migration and welcoming experiences, and on the exchange of different knowledge and cultural practices (Comune di Palermo 2015).

THE CONTEXTS OF THE DECLARATION

To understand and reconstruct the steps that led to the Palermo Charter, we need to further contextualize the situation and consider the migration policies and movements in Palermo before 2015. Being the capital of the autonomous Sicily region,⁸ located

⁷ | The *Diciotti* was to unfortunately become well known three years later, in the Summer of 2018, as the former Italian far-right Minister of Interior Matteo Salvini refused to disembark around 140 migrants in the port of Catania, coming mainly from Eritrea and Somalia. They were rescued before the coasts of Lampedusa. The migrants were trapped for more than a week on the boat, until different countries declared their willingness to accommodate different quotas (Tondo 2018).

⁸ | The legislative, administrative, and fiscal autonomy of Sicily, together with four other Italian regions within the Italian state, and in the frame of the Italian constitution, was recognized in 1946 in guise of a compromise with independentist and separatist movements.

at the Northern borders of the island, and the fifth biggest Italian city, Palermo plays a major role as the nearest *place of safety* for search and rescue operations occurring on the Central and Western Mediterranean routes.⁹ After October 2013, as 366 migrants drowned in a boat accident next to the coasts of the Sicilian island, Lampedusa, Palermo declared itself a *sanctuary city*. The accident of Lampedusa was a turning point for the European migration regime: the island became the symbol of the tragedy of EU border control policies, but also a border space of contestation and reflection on alternative policies of migration and citizenship (Puggioni 2015; Cuttitta 2014).¹⁰ One result of this reflection process was the publication, in February of 2014, of the Charter of Lampedusa, a document similar to the Palermo Charter, but the first is mainly written by activist associations and NGOs, demanding the demilitarization of migration control policies and proclaiming the right to free global movement, the right to stay, to choose where to live, and to resist discrimination (Melting Pot Europa 2014). In the spirit of the Lampedusa Charter, Orlando expressed, in several public interventions on Lampedusa, his critique of the EU migration regime, the Italian migration laws, and in particular to the instrument of the residence permit (AAVV 2013).

As if it were a bastion against the Italian and European fortress, Orlando declared and promoted Palermo as a model of a *sanctuary city*, meaning that migrants are welcome, and that in Palermo there are no migrants, only Palermitani, all treated as equal citizens regardless of their origin and residency status. Orlando linked migration issues with those of criminalization, asserting that in avoiding exclusion and discrimination, Palermo had become also safer from violence and exploitation (Kirchgaessner 2015). The character of the Orlando statements was not only symbolic, since the vision of Palermo as a sanctuary city was grounded on concrete measures and practices. Additionally, along with the already mentioned implementation of the inhabitant's political participation and access to social rights through the institution

⁹ | On the legal figure of the *place of safety*, see Moreno Lax 2011: 194–220 and Vassallo Paleologo 2018.

¹⁰ | At that time, a humanitarian shift in the European migration policy seemed to be achievable. The Italian government decided after the accident of Lampedusa to start the rescue operation *Mare Nostrum* in order to prioritize the saving of human lives over border control imperatives. But the operation was of short breath. Italy was not only overwhelmed by the increasing arrival of migrants from the Arab Spring countries, but also unable to sustain the costs of *Mare Nostrum* on its own. Instead of supporting *Mare Nostrum*, the EU replaced it in February 2014 by the Frontex operation, *Triton*, which reprioritized border control over humanitarian and rescue policies (Kasperek 2016: 30f.; Heller/Pezzani 2016).

of the social and cultural councils, Palermo developed, since the early 2000s, small centres of accommodation and hospitality, offering an alternative to the big camps of identification, detention and deportation. The »System of Protection for Refugees and Asylum Seekers« (SPRAR) is sponsored by the Italian Minister of Interior and has been used in Palermo to support many different self-organized housing and cultural projects. SPRAR facilitates migrant entry into the economic, political and social life of the city, through language courses, sport activities, job search consulting, and legal and medical assistance, among others (Kron 2016).

The vision of Palermo as a safe haven was inspired by other sanctuary cities in Italy and worldwide. One of the best-known Italian sanctuary cities is Riace, a small and almost deserted village in Calabria that started in the late 1990s to welcome migrants in order to repopulate and vivify the town (Sasso 2018). But the sanctuary city concept has a much longer and differentiated history. Regardless of its ancient and medieval origins (on the example of ancient Jerusalem see di Cesare 2017: 193–201), the sanctuary city movement began in the early 1980s in different US-American and Canadian towns in order to protect large groups of refugees from being deported.¹¹ Progressively, the Don't Ask Don't Tell (DADT) policy, typical of those self-proclaimed sanctuary cities—which prohibits municipal police forces from requesting and disseminating status information, and denies cooperation with federal immigration authorities unless requested by the federal state—has been expanded in further practices and instruments of urban transnational citizenship (Bauder 2017: 3f.). One of these instruments is the city identity card (City ID), which allows all inhabitants of the city, irrespective of their residency status, to access the local housing and job market, public transport, health, cultural and school systems (ibid.: 2–7; for the case of New York, see Lebhun 2016 and Daley et. Al 2016, and for the case of Berlin, see Neumann 2019). In other countries, like the UK, Germany, Italy and Switzerland, sanctuary city policies have been mainly oriented towards the implementation of urban citizenship, but they are yet to offer effective measures against deportation. This is one of the reasons why, those city policies have been, until now, reframed under the name and the idea of *solidarity cities* (Christoph/Kron 2019: 5–11; Buff 2019).

11 | One of the first sanctuaries was San Francisco, which in 1985 promulgated the Sanctuary City Resolution, followed in 1989 by the Sanctuary City Ordinance. This »prohibits City employees from using City funds or resources to assist Immigration and Customs Enforcement (ICE) in the enforcement of Federal immigration law unless such assistance is required by federal or state law« (sfgov.org).

In March of 2015, when the Charter was first published, Palermo was already organized as a solidarity city, and the Charter became a sort of solidarity city declaration. Here, the idea of global mobility as an inalienable human right emerged both as a critical instrument against the European migration regime, and as a way to envision and enact alternative cosmopolitan orders, organized at local municipal levels and based on solidarity, equality, and political participation.

PATHS OF CIRCULATION

After its first declaration, the Charter circulated in different directions and was propagated in various social fields, giving impetus to some transformation processes. Two main dissemination lines can be traced. The first can be called the normative institutional, by which, the Charter has become a sort of official document for the implementation of the solidarity cities model. The second can be framed as the political agonist, by which, the Charter has become a recurring reference and an inspiring resource for global bottom-up solidary networks.

The normative line includes all attempts at rendering the Charter a binding document for global cooperation between different cities. Leoluca Orlando is the principal actor in this first line of dissemination. He presented the Charter in many different conventions in Italy, Europe, the US and Latin America. In September, 2015, he became the co-chair of the UN Habitat program, *safer city*, addressing the European and African regions, where he promoted values and visions of the Charter.¹² During Orlando's co-chairing, in October of 2016, the third UN-Habitat conference took place in Ecuador. Among the different workshops on urban development, there was one on »migration and refugees« (UN-Habitat III 2017: 73–74) that stressed the idea that migrants and refugees should be considered both as recipients of humanitarian assistance as well as active citizens with rights (ibid.: 74). The following year, Palermo hosted a conference titled »New Urban Agenda-Right to the City«, which intended to translate the directives of UN Habitat III and invigorate the dialogue between different local actors: scholars and professionals of urban development and climate issues,

12 | The United Nations network on housing and sustainable urban development was launched in 1996 with an initial focus on African cities, confronted extensively with criminality and violence, and expanded progressively to many other world cities. It supports initiatives and programs on different urban concerns, such as the access to natural resources, to housing, green urban development and urban mobility strategies (UN-Habitat 2010).

journalists, musicians, artists, and the Sudanese community of the housing project, *Baobab* (di Dio/Schillaci/Tulumello 2019).

In addition to the experience of the UN Habitat program, Orlando adopted other routes to enforcing the relative autonomy of the cities in managing global issues and crises. In 2016, he was among the 60 city mayors who established, in Le Hague, a network called *Global Parliament of Mayors* (AAVV 2016). The main goal of the network is to facilitate the debate and the decision making, among mayors, national governments and international organizations of different countries and continents, on urban development issues like migration and climate change. The *Global Parliament of Mayors* is meant to offer »a vision to the world in which mayors, their cities and their networks are equal partners in building global governance for an inclusive and sustainable world«. The mayors participate in their »virtual parliament« through an Internet platform and meet personally in annual summits (Global Parliament of Mayors 2020).

The alliance of mayors became visible and relevant, especially during the Summer of 2018, as the former far right-wing Italian Minister of Interior, Matteo Salvini, closed the Italian harbors for refugees, confiscated private rescue boats of NGOs and refused to coordinate search and rescue sea operations at the national level (Camilli 2018). Countering the anti-migration mobilizations promoted by the former Italian government and by right-wing populist social movements, different spontaneous protests under the slogan »porti aperti – restiamo umani« (open harbours-stay human) took place in Italian coast cities, such as Napoli, Reggio Calabria and Genova, as well as in inland cities like Milano, Bologna and Torino (AAVV 2018). At that point, a network of Italian cities and mayors, later self-proclaimed »rebellious mayors«, joined together with the idea of building a virtual parliament of mayors, in order to implement autonomous instruments of hospitality and inclusion for migrants. Among the most engaged mayors, and also the most sensitive toward local social movements and grassroots initiatives, was the mayor of Napoli, Luigi de Magistris (Coppola 2019: 86–88). Palermo and Magistris also joined the *Solidarity Cities Network*, which was launched in Athens in 2016 to offer a political forum for the local authorities from different European coastal cities, demanding from the EU more resources and autonomy in managing and implementing migration and integration policies (Solidarity Cities 2020).

The second circulation line of the Charter can be identified in the frame of social movements, struggling for a right to have rights, and for a right to the city. The Palermo Charter is mentioned in many *solidarity city* statements as a sort of founding document (Solidarity City 2020). The European network *solidarity city*—not to be confused with the *Solidarity Cities* initiative—is an activist network based mainly in

Germany and Switzerland, but interlinked with other movements in Italy, the UK, the US and Canada. It is composed of migration and refugees councils, migrant organizations, human rights NGOs, religious associations, migration scholars, and individual citizens. A central role in the network is played by different private sea rescue NGOs like *Lifeline*, *Sea Watch*, *Juventa*, *Mediterranea*, *Aquarius*, and others, which have, since 2014, substituted the *Mare Nostrum* operation. The network was established in 2017, but enjoyed more visibility after the Summer of 2018 and the closure of the harbors in the face of migrants in distress at high sea. At that point, many different cities in German speaking countries joined the *solidarity city* network and contributed to the building of the German grassroots network *Seebrücke*. This latter network is engaged in the process of recognizing German speaking cities as *safe harbors* at the communal level.¹³ Many European cities announced the welcoming of distressed people from the Mediterranean and those blocked at the harbors. The announcements are recorded in some recent parliament deliberations, especially the »European Parliament Resolution on Search and Rescue in the Mediterranean« (Aguilar 2019), which was discussed and rejected in October of 2019.

THE PALERMO CHARTER PROCESS

These two circulation lines, the normative institutional and the political agonist, have been interlinked and realized by the *Palermo Charter Platform Process*. This network was launched in the Summer of 2018 as a reaction to the closure of harbors and the criminalization of sea rescue operations. One of the promoters of the process is the association *WatchtheMed–Alarm Phone*. This organization functions as an emergency hotline for people in distress during their migratory routes. Around 200 activists, located in different European and Northern African countries, work for the hotline. They activate sea rescue operations, observe and inform, through multiple media channels, about the situation at the European borders and along the different sea routes. They signal dispersed boats, human rights violations, as well as successful rescue activities. The organization was born in 2014 with the support of Father Mussie Zerai. An Eritrean priest who lived in Switzerland, Eritrean people in distress used to call him seeking for help. Mussie Zerai was the first mediator between people on the move through the African continent and *WatchtheMed*, which eventu-

13 | In May 2019 there were 59 safe harbors only in Germany (Kron 2019: 45). In March 2020 the number of self-proclaimed safe harbors in Germany amounted to 140 (AAVV 2020).

ally earned the confidence of the migrant communities (Stierl 2015; Schwarz/Stierl 2019). Other European NGOs, networks and organizations cooperate in the Palermo Process – including, among others, *Seebrücke*, *Borderline Europe*, *Diritti e Frontiere*, and sea rescue NGOs like *Juventa*, *Sea Watch* and *Mediterranea*, in addition to many lawyers and scholars. The network acts »in the spirit of the Charter of Palermo«. It demands the »de-confiscation of all civil rescue ships, an end to the criminalization of sea rescue and solidarity, an immediate stop to the EU collaboration with Libya and other ›third countries‹ involved in severe human rights violations«. It advocates for the establishment of »Corridors of Solidarity«, for the relocation and distribution of refugees and migrants to the countries of their desired destination, and draws »inspiration from the work of solidarity and sanctuary cities all over Europe« (Forschungsgesellschaft Flucht & Migration e.V. 2019). In the last three years, the network organized four meetings in different solidarity cities (Napoli, Palermo, Barcelona and Bologna), with the intent of developing common strategies of action in different cities and countries. The attempt at building corridors of solidarity is still in the making and is often confined to a symbolic level because, among other reasons, the sovereignty of cities cannot overcome the national and the European one. Nevertheless, the *Palermo Charter Process* has become a powerful political instrument of contestation for a right to free global movement and for experimentation with alternative forms of transnational citizenship.

CONCLUSIONS

The journey of the Palermo Charter in the last six years, through the institutional and the activist political fields, and between the Mediterranean Sea, Northern African and European countries, is one illustrative example of current practices of debating and struggling for a human right to free global movement. This example reveals the nature and the different meanings of this right, as well as the alternative visions and policies of migration and transnational citizenship it can mobilize. A first meaning of this emergent right to global mobility relates to the already codified right to life and to self-determining one's own place of living. Free global movement means both the right to seek asylum and international protection, *as well as* the right to decide where to live, which is codified as a human right only at a national, but not a global, level. However, as we have seen above, the universal validity of this right is not (yet) self-evident, because the possibility to traverse the world is unequally distributed between the populations of the global South and those of the global North. The self-evident character of this right can be grasped only from the perspective of all those displaced

people, whose number today amount to ca. 80 million, daily experiencing unbearable living conditions, closed borders, violence and discrimination by the states they are fleeing from and fleeing to (Balibar 2018). From the perspective of the rightless, the human right to global mobility is a primarily political, performative instrument of exercising forms of active citizenship that transcend the conditions of membership imposed by the national states. The Palermo Charter not only declares the right to free global movement as a right to transnational citizenship; it is also the product and the source of inspiration for practices of global cooperation in the fields of transnational citizenship and global solidarity.

The analysis of the content and the circulation pathways of the Charter has led to a clearer specification of the meanings and the effects of this bargained, declared, but not yet self-evident right to global mobility. We could see how this right has been implemented and defined by practices of cohabitation of the inhabitants of common, mainly urban, local spaces. This includes policies that extend a right to vote to the formally non-citizens, of facilitating their access to basic social rights and their active participation to the socioeconomic, political and cultural life of the cohabitated spaces, or the self-proclaimed *solidarity cities*. The right to global mobility is the result and the inspiring force for policies directed toward the implementation of safe entry channels, of political and informational networks among different solidarity cities and groups. Sharing the claim of global movement as an inalienable human right, enables the cooperation among people on the move, sea rescue NGOs, migrant and activist organizations, scholars, lawyers, politicians, and local, national and international authorities, each in their respective fields and through transnational/transversal concerted actions, for the common purpose of forcing a human rights-based approach on migration and border management policies. The dissemination of the Palermo Charter shows that the right to free global movement, and the kind of policies it mobilizes, are not abstract utopias. The process of recognition of this right has already begun, responding to the crises of the European migration regime, struggling against the dominant paradigm of security and exception, and enacting practices of cohabitation, radical cosmopolitanism, and transnational citizenship.

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