

THE HUMAN RIGHTS MODEL OF CITIZENSHIP

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BACKGROUND

- The nationalistic model of citizenship is not suited to the globalizing, interdependent world of the twenty-first century.
- A far more normatively appealing conception may be what I call the “human rights” model.

JUSTIFICATION

- If the *raison d'être* of nationalistic citizenship is to vindicate the liberal value of democratic consent, the purpose of the human rights model, simply stated, is **TO SECURE** individual and group rights that will assure humane and protective conditions for persons who reside in cruel or despotic states, and for individuals outside their country of nationality and at risk of unequal and inhumane treatment in their **new locations**.
- It is seen as a necessary complement to nationalistic citizenship precisely because of states' refusal to consent **to protect needful** individuals who are **unaffiliated** with these states.

THE IMPORTANT OF HUMAN RIGHTS MODEL

- First, vastly increased global migration displaces immense populations from their traditional communities and often leaves them in states not their own. Their dislocation renders them exceedingly vulnerable—legally, economically, politically, culturally, linguistically, and in other respects—in the “host” country.
- Second, the human rights model affirm that the migrants often give substantial benefits to the receiving countries, such as labor value, cultural endowments, community vitality, and demographic fertility. Their remittances, technology transfers, and experiences and contacts abroad also foster development in their original countries.
- Third, dramatic changes in technology, trade, telecommunications, industrial practices, transportation, and cultural diffusion have fostered a system of global interdependence among states

ROLE OF TERRITORIALITY

- The locus of the human rights model is emphatically transnational, not territorially bounded
- increased globalism (especially migration), enlightened national self-interest, and a rising universalist-egalitarian zeitgeist, will drive the locus of citizenship (or at least its most essential rights elements) beyond the status quo of national territories to regional supranational bodies like the European Union

ENTITLEMENTS

- the main rationale for human rights citizenship is the expansion of individual rights, the model is keen to preserve the full of civil and political rights.
- EU grants the right to vote to resident nationals of EU member states, but only in municipal and local elections and for the European Parliament, not in national elections
- A second entitlement that the human rights model presupposes is the right to hold plural citizenships. This feature is now well established in positive law in the U.S

THANK YOU

Source:

- Schuck, P.H. (2009). Three Models of Citizenship. *Yale Law School, Public Law Working Paper No. 168*. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1267356