

SYMPOSIUM ON TRANSDISCIPLINARY APPROACHES TO MIGRANT SOLIDARITY IN THEORY, LAW, AND PRAXIS

INTERNATIONAL SOLIDARITY AS A HUMAN RIGHT, SHARED GOAL, AND COMMUNITY ACTION

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Introduction

This essay explores three approaches to understanding international solidarity in contexts of migration: as a human right, as a shared goal, or as community-driven action. From a legal perspective, international solidarity has been enumerated as an enabling right that facilitates the exercise of other substantive human rights. An international solidarity-based approach to rights expands the range of actors, incorporating civil society groups as rights-holders, and international organizations and non-state actors as duty bearers. A social science lens might foreground a transversal approach to international solidarity, embracing difference in pursuit of equity. In other words, international solidarity can be conceptualized as a plurality of actors pursuing shared goals across different struggles while rejecting homogeneity. From the vantage of activism, international solidarity can be understood as a force that can enable migrants and deportees who have been excluded and invisibilized to connect particular and local struggles to different local struggles and even transnational struggles. It can counteract dehumanization and portend hope by highlighting the ripple effect that social movements and their work can have on a range of disadvantaged communities. In all three approaches, international solidarity reinforces human connection but with a different emphasis: on the expansion of opportunities to exercise rights, on the recognition and valuing of pluralism, and on the collective power that can be leveraged to encourage social change.

Is There a Human Right or Duty of International Solidarity?

It is striking that as the international community currently faces significant levels of global inequality marked by societal polarization, fragmentation, and violence, the language of Article 1 of the Universal Declaration of Human Rights (UDHR) regarding the duty of solidarity—“all human beings . . . should act towards one another in a spirit of brotherhood”—has been largely ignored within academia and policymaking. The focus has instead been on freedom without responsibility by non-state actors. Solidarity entails the substantive end of equality and serves as a type of means, similar to peace, within international law.

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Authors are listed in alphabetical order to reflect the non-hierarchical solidaristic co-production of knowledge underpinning this essay, entailing a trans-disciplinary collaboration among scholars from different backgrounds and non-academics.

The Revised Draft Declaration of Human Rights and International Solidarity was presented in a report to the UN Human Rights Council in May 2023.¹ It articulates a right to international solidarity that is intended to be interpreted as an *enabling* right—facilitating the enjoyment by individuals and peoples of substantive human rights.² For example, expressions of solidarity may seek to protect the rights to freedom of expression and peaceful association by groups that are wrongfully repressed under the guise of expansive counter-violent extremism policies. Essentially, it is the expression of the “right to have rights,” in Hannah Arendt’s sense. The Revised Draft Declaration thus emphasizes the broad range of rights-holders who can invoke solidarity to achieve substantive rights. Moreover, Article 5 sets forth that “the right to international solidarity belongs to and may be claimed by all individuals and peoples, individually and in association with others, without jurisdictional limitation.” This would include trade unions, civil society organizations, and other groups. The right may be activated when a civil society group seeks expression of international solidarity ideas on physical or digital platforms, such as trade unions arguing for labor rights, Indigenous peoples protesting environmental damage due to mineral excavation, women protesting the impunity of those who commit gender violence, and LGBTQ+ groups calling for equal rights.

The Revised Draft Declaration also implicates state obligations in enabling solidaristic activities. As civic space is increasingly being reduced, the responsibility of states and companies to guarantee safe access to communication spaces without wrongful exclusion, censorship, or penalization is salient. The Revised Draft Declaration sets forth an obligation of states to secure safe sites for the expression of solidarity ideas and “to facilitate the protection of actual and virtual spaces of communication, including access to the Internet and infrastructure.”³

As with rights-holders, the Revised Draft Declaration elucidates an inclusive range of duty-bearers. It presents a tripartite structure of responsibility that follows the respect-protect-fulfill framework—states, international organizations, and non-state actors.⁴ It also requires that states act in compliance with their duty through efforts to realize international solidarity as a human right that is indivisible from, interrelated to, and interdependent on all other human rights.⁵ States may do so by, *inter alia*, “correcting structures that increase the vulnerability of migrants and the violation of their human rights, including externalization of migration control and transfer mechanisms that frustrate access to asylum and to fair and effective refugee determination procedures.”⁶

In terms of migration justice, the Revised Draft Declaration prohibits states from penalizing civil society groups for the expression of solidarity with migrants, including the provision of food, medicine, shelter, legal assistance, and other solidarity actions in the spirit of the responsibility of care articulated in Article 1 of the Universal Declaration on Human Rights. Moreover, non-state actors are expected to provide communication and response mechanisms for solidarity claims presented by civil society. This approach correlates with the EU Corporate Sustainability Guidelines that call for the creation of complaint mechanisms.⁷

The Revised Draft Declaration does not, however, create justiciability for the right and duty of international solidarity, which depends on national or regional legislation that recognizes justiciability or the justiciability of

¹ Report of the Independent Expert on Human Rights and International Solidarity, Obiora Chinedu Okafor, OHCHR, [Revised Draft Declaration on Human Rights and International Solidarity](#), UN Doc. A/HRC/53/32 (May 2, 2023) [hereinafter Revised Draft Declaration 2023].

² *Id.*, Annex.

³ *Id.* Art. 8(3).

⁴ *Id.* Art. 6.

⁵ *Id.* Art. 9(e).

⁶ *Id.* Art. 6.

⁷ *Id.* Art. 6:

1. All States, whether acting individually or collectively, including through international or regional organizations, have the duty to respect, protect and fulfill the right to international solidarity.

related rights, such as freedom of expression or association. Nonetheless, states are encouraged to pursue implementation measures that best match their particular context. Civil society organizations would be able to submit information for presentation at the UN Human Rights Council's Universal Periodic Review, pursuant to Article 8(1) of the Revised Draft Declaration.

International solidarity provides for the extension of rights to a broad range of actors, including communities and groups, attaching duties to states to respect, protect, and fulfill the right to solidarity, as well as articulating the responsibility to respect the right to solidarity by non-state actors. Conceptualized as a human right, it is an enabling right that facilitates access by rights-holders to substantive rights through means that expand beyond individual claims.

Transversality and Socio-Legal Contradictions

While the Revised Draft Declaration provides a broad understanding of international solidarity, there are challenges and opportunities of building solidarity as a shared goal across different struggles. Residual colonialist narratives have perpetuated a global color line, dehumanizing undocumented migrants, and enabling hierarchical and unequal mobility regimes.⁸ Tools to restrict mobility, including passports, visas, and border controls, have rendered border crossing increasingly dangerous for those without access to papers. At the same time, colonial logics normalize migrant tragedies while depoliticizing them.⁹

Because there are a plurality of motivations and conditions for human movement,¹⁰ a more complex or nuanced version of solidarity than what may be implied in the more general international documents, like the Draft Declaration, and which embodies plurality and dialogue is central for the rehumanization of migrants—a diverse and heterogeneous group of people.¹¹ Nira Yuval-Davis's concept of “transversal politics”¹² implies cooperation across borders and recognition of different social locations and identifications without claims of representing a single group. A transversal notion of solidarity could contribute to a fuller understanding of the need for solidarity actions to support and protect the rights of people in mobility by applying an intersectional approach.

Oscar García Agustín and Martin Bak Jørgensen provide a framework for transversal solidarity that is pluralist, relational, avoids dichotomies, and is based on openness, dialogue, and “the collective forging of commonalities

2. International organizations have the duty to respect the right to international solidarity. To this end, international organizations also have the obligation to refrain from conduct that aids, assists, controls or coerces a State or other international organization to breach obligations under international law.
3. Non-State actors also have the duty to respect the right to international solidarity. Non-State actors uphold this duty also by refraining from conduct that aids, assists, controls or coerces a State or non-State actor to breach obligations under international or national law and by providing transparent, accessible mechanisms for communication and response to solidarity demands presented to them by civil society, labor unions, indigenous peoples and other groups.

⁸ E. Tendayi Achiume, *Racial Borders*, 110 GEO. L.J. 445, 508 (2022).

⁹ Mareike Gebhardt, *To Make Live and Let Die: On Sovereignty and Vulnerability in the EU Migration Regime*, 23 REDESCRIPTIONS: POL. THOUGHT, CONCEPTUAL HIST. & FEM. THEORY 120, 129 (2020).

¹⁰ Ingrid Boas et al., *Climate Mobilities: Migration, Im/Mobilities and Mobility Regimes in a Changing Climate*, 48 J. ETHNIC & MIGRATION STUDS. 3365, 3379 (2022); Hein de Haas, *A Theory of Migration: The Aspirations-Capabilities Framework*, 9 COMP. MIGRATION STUDS. 1, 35 (2021); Heike Drotbohm & Nanneke Winters, *A Shifting Yet Grounded Transnational Social Field: Interplays of Displacement and Emplacement in African Migrant Trajectories Across Central America*, 27 POPULATION, SPACE & PLACE 2421 (2021); Jennifer Hyndman, *The Geopolitics of Migration and Mobility*, 17 GEOPOLITICS 243, 255 (2021).

¹¹ Audrey Macklin, *The End of Asylum? The Narrowing Door to Refuge and Its Human Impact*, YOUTUBE (Mar. 4, 2004).

¹² Nira Yuval-Davis, *What Is “Transversal Politics”?*, 12 SOUNDINGS 94 (1999).

without excluding differences.”¹³ Such an approach shifts the focus of solidarity to how activists, participants, and refugees work “in opposition to or in conflict with exclusionary positions.”¹⁴ While autonomous, civic and institutional conceptions of solidarity have a differing relationship to identity, space and organization, each version may contribute to closing inequality gaps.¹⁵

EU solidarity, for example, is based on burden-sharing among member states rather than transversal action from below. Morano-Foadi identifies three types of solidarity at the EU level: responsibility towards refugees and migrants, fellow countries and the EU itself.¹⁶ However, conflicts emerge between burden-sharing and national interests.¹⁷ While the 2015 EU New Pact on Asylum and Migration also identifies solidarity as a responsibility,¹⁸ the policy of border externalization, detention and deportation has persisted, resulting in à la carte solidarity.¹⁹ And, in the end, individual state interests tend to take precedence. The UN Revised Draft Declaration, however, mandates state support of solidarity spaces and addresses civil society-level solidarity. This type of pluralist, non-dichotomous, and dialogue-oriented transversal vision of solidarity, from the perspective of civil society or community-led organizations is exemplified here through the work of *Otros Dreams en Acción* (ODA) in Mexico City.

Countering Indifference Through Community Solidarity

To illustrate how the narratives of the Draft Declaration and the framework of transversal solidarity can be embodied, in this section we share the experiences of ODA²⁰ an organization that Nayelli Torres-Salas is a part of, which showcases solidarity among the “*pocha*,” that is, the deported and returned community in Mexico. Through community initiatives, activism, and accompaniment, ODA shows how community solidarity can enable other rights.

In Mexico, “*pochó*” or “*pocha*” is a slur that refers to somebody who speaks broken Spanish and does not have a vast comprehension of Mexican cultural references. The word portrays returned and deported migrants as arrogant because they “prefer” to speak English and “chose” to forget their Mexican heritage.²¹

There are social stigmas associated with returning to Mexico after being a migrant because in many senses, mainstream society in Mexico believe that *pochos* embody the failure of the American Dream. People in the *pocha* community have shared experiences of receiving a flow of intrusive questions after mentioning they grew

¹³ Oscar García Agustín & Martin Bak Jørgensen, *On Transversal Solidarity: An Approach to Migration and Multi-Scalar Solidarities*, 47 CRITICAL SOCIOLOGY 857, 859 (2021).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Sonia Morano-Foadi, *Solidarity and Responsibility: Advancing Humanitarian Responses to EU Migratory Pressures*, 19 EUR. J. MIGRATION & L. 223, 254 (2017).

¹⁷ In the Global Compact on Migration UN General Assembly vote held in December 2018, the Czech Republic, Hungary, and Poland were among the five countries who voted against the Compact, and Italy and Austria were among those who abstained.

¹⁸ Art. 9. 1(e) of the Pact: “Correcting structures that increase the vulnerability of migrants and the violation of human rights, including externalization of migration control and transfer mechanisms that frustrate access to asylum and to fair and effective refugee determination procedures.” See: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/739247/EPRS_BRI\(2022\)739247_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/739247/EPRS_BRI(2022)739247_EN.pdf).

¹⁹ [García Agustín & Bak Jørgensen](#), *supra* note 13.

²⁰ [Otros Dreams en Acción](#).

²¹ The origin of the word is contested: some suggest that the word comes from the Spanish word *pocha*, which means “rotten fruit,” while others believe it means “uprooted plant” in Mexico’s Indigenous Opata language. See Caroline Tracy, [Fighting for the Right to Come and Go](#), NEW YORKER (Apr. 8, 2023).

up in the United States: “Why didn’t you stay? Why don’t you try to go back again?!” As a result, migrant narratives and experiences become something intimate, carefully preserved against negative scrutiny.²²

One of the many difficulties of the *pocha* social stigma is that it renders invisible the full migrant experience and the challenges faced at different stages of the migration process. The challenges that the *pocha* community face when they return to Mexico go unnoticed by citizens, local authorities, and policymakers. The accompaniment area of ODA has consistently supported many community members who face language barriers that limit access to education and the workforce. They also face legal loopholes that leave returnees in administrative limbo, with obstacles to obtaining official documentation, which limits access to healthcare and other services.

In 2021, these experiences were documented in the report *Toward a Retorno Digno: Recommendations for a Holistic Public Policy of Return to Mexico City*.²³ This report is an effort to demand that the Mexican state fulfill its obligations to the migrant community. Aligned with the Draft Declaration, *Toward a Retorno Digno (Dignified Return)* claims that nation-states have clear obligations to their citizens and must generate legislation that is aligned with human rights.

In the Revised Draft Declaration, Article 5 addresses the right to exercise solidarity both individually and in association with others. ODA does this through the “Identity and Education Group,” an advocacy group coalition created by civil society organizations. In 2024, their lobbying efforts achieved a change in legislation whereby the Mexican government eliminated the requirement of an apostille of school transcripts from other countries as a requirement to enroll in Mexican schools. This not only benefits children and youth from the *pocha* community, but it also supports Central American migrants in transit through Mexico, asylum seekers, and in some cases even Indigenous individuals whose right to identity has been violated (i.e., by not having a birth certificate or an individual identification number). In this sense, solidarity is not limited to a specific moment, such as the border crossing, but it is rather expressed through the connections across struggles faced by both migrants and other communities in Mexico that face discrimination and exclusion.

In a similar manner, ODA’s activism echoes Article 1 of the Draft Declaration in its work to foster siblinghood and care responsibilities. As a grassroots organization made up of people directly impacted by deportation and forced return, ODA knows first-hand the implications of dehumanizing, violent, racist, and discriminatory migration policies. ODA’s actions against such policies include protests against the death of forty Central American migrants in a detention center in Ciudad Juárez in 2023 and the delivery of food and clothing in 2018 to caravans of Central American migrants who stopped in Mexico City as part of their journey to the United States. A complex form of solidarity, encompassing the plurality of motivations and conditions for human movement, can begin to combat these policies through a process of re-humanization.

For ODA, the difficulties faced by Central American migrants in Mexico are a result of the same binational migration policies that affect their community. They are the same policies that have caused deportations and family separation in both the United States and Mexico. In other words, none of these issues are situated in a single territory. This is why ODA recognizes the need to focus on the type of transversal solidarity described by Yuval-Davis, in which cooperation crosses borders and recognizes the plurality of experiences. ODA defines its activism as “translocal,” situated “here and there” (“*aquí y allá*”), in Mexico and in the United States. Transversal solidarity actions do not respond to a logic of defined borders but to community needs.

In Mexico, there are various grassroots organizations created by deported and returned individuals, which reflects the multiple and different experiences of return to the country. For example, an adult returning to the border of Tijuana will face different challenges than a girl who returns to a rural Indigenous community.

²² JILL ANDERSON & NIN SOLIS, [LXS OTRXS DREAMERS](#) (2021).

²³ Ty Kopp, [Toward a Retorno Digno: Recommendations for a Holistic Public Policy of Return to Mexico City](#), HART FELLOWSHIP (2020).

Different organizations have been created in various cities to better respond to the specific needs of each population. This plurality is a strength for the *pocha* community because, as García Agustín and Bak Jørgensen mention, transversal solidarity is enriched by the “collective forging of commonalities without excluding differences.”²⁴ The differences and the multiplicity of experiences must be embraced if ODA wants to find proposals for collaboration that take care of communality.

Conclusion

This essay highlights the applicability of transversal and international solidarity, which defies divisions such as the state, territorial boundaries, and migration status. The essay embraces solidarity as a right of the individual or group that enables the rights-holder to vindicate other substantive rights to which we are all entitled. These facets of solidarity exist on a spectrum from the abstract to the more concrete. Each emphasizes human dignity and communal connection and its power in protecting actors facing exclusion. As a human right, solidarity acts upon existing substantive rights, amplifying their impact by broadening the range of rights-holders beyond individuals to include group actors such as civil society organizations and community-based organizations. From a social science perspective, we can explore the concept of transversal solidarity, which highlights connection through shared goals while celebrating heterogeneity. This approach is legally realized in the revised Draft Declaration and highlighted by the *pocha* community in Mexico, through examples such as the report *Toward a Retorno Digno*, the advocacy work of the Identity and Education group, and the support toward migrant caravans from Central America. Activists rely on solidarity to draw links between struggles in both Mexico and the United States—again recognizing the commonalities between humans while ensuring that important distinctions are respected and valued. The three perspectives brought together in this essay underscore the transnational, transversal, cross-border, and status-independent nature of international solidarity.

²⁴ [García Agustín & Bak Jørgensen](#), *supra* note 13, 859.