

# *The Right to Freedom of Movement:* Genocide, Ecocide & Resistance amid Neo-Fascist Resurgence

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# *Right to Freedom of Movement: context, current status, developments*

- *Cases of Gaza/Palestine as touchstones- points of departure & arrival: convergence between right to freedom of movement & processes of forced displacement, exile, refuge & eventually forced migration and right of return, which are characteristic of the Palestinian question, Palestinian diaspora & ongoing “ethnic cleansing” & genocide- Nakba (Rabea Eghbariah 2024): <https://columbialawreview.org/content/toward-nakba-as-a-legal-concept/>*
- *Direct connection bet Palestinian question & issues of freedom of movement as a matter of int’l law made explicit & explored in depth in ICJ’s historic advisory opinion regarding Israeli Wall on Palestinian Occupied Territory in 2004*
- *Have taken on even greater importance recently as both Israeli gov’t & Trump admin has moved explicitly towards promoting mass forced expulsion of people of Gaza as culminating moment in current genocide*

# *Racism & Xenophobia: essential to fascism and its contemporary equivalents*

- Tendayi Achiume/contemporary decolonial praxis & scholarship: key is to understand modes of contemporary migration as processes of *decolonization, in resistance to structures of domination which are inherently and often actively both genocidal & ecocidal*
- *Racism & xenophobia: essential dimensions of fascism in its classic expressions (Nazism, Mussolini's Italy; Franco régime in Spain)*
- *Also key today in its neo-fascist guises (Trump, Le Pen, Meloni, Farage, AfD, Vox, etc)- role of "Great Replacement" theory: "white Christian nationalism" as ideology/neo-fascist populist authoritarianism*



# Decolonization of human rights, int'l law, int'l system

- In spirit of life & work of Monique & Roland Weyl: *“no human rights without the rights of peoples, no individual rights without collective rights, and no political and civil rights without economic, social and cultural rights. In this sense..a universalist vision of human rights”*
- This too is approach of *“Latin American school”* of human rights and int'l law (whose origins go back to the 1500's) and to its most influential currents today, as reflected in some of its leading exponents such as Antonio Augusto Cancado Trindade (ICJ/IACHR) and those who've laid its philosophical & theoretical foundations such as Enrique Dussel, Ramón Grosfoguel, etc
- *Imperative need to decolonize human rights, int'l law, and law itself- and how these are taught and practiced- as part of even broader task of decolonizing the int'l system itself: “epistemological decolonization” (Dussel 2025)*

# Centrality of Genocide & Ecocide

- 1492 (“system of 500 years”, modernity itself: Wallerstein/Chomsky/Dussel): European Conquest of the Americas and its aftermaths/continuing legacies, including African slave trade & slavery- continuing issues of reparations (Haiti)
- Post-1945: liberal “*rules-based international order*” (UN/Bretton Woods/Nuremburg Trials/NATO etc) w/dual origins in mass crimes including Holocaust/WWII & Hiroshima/Nagasaki (note ICJ discussion in 1997 advisory opinion about inherently genocidal & ecocidal character/potential of nuclear weapons)
- Transformation of int’l system by national liberation struggles/decolonization (Chinese & Cuban Revolutions, Algeria/Vietnam/South Africa etc)
- Nuremburg & UN Charters/Univ Decl of Human Rights/Genocide, Geneva & Refugee Conventions, eventually Rome Statute, ICC: Crimes Against Humanity/Genocide/War Crimes
- Important initiatives underway today to incorporate *ecocide* into Rome Statute as an additional crimes against humanity, in spirit of recent ICJ & IACHR decisions: right to healthy environment as basic/transversal human right; nature as justiciable subject of rights (constitutions & laws of Ecuador, Bolivia, etc)



# Migrant Genocide

- El Paso/San Fernando anniversaries/current US & EU policies: tens of thousands of predictable, and thus preventable migrant deaths at borders or en route throughout the world, at peripheries of US and EU in deserts, seas, mountains
- *Racial terror*: El Paso, Christchurch (New Zealand), Utoya (Norway), Buffalo, Charleston etc (more than simply “mass shootings”)
- IOM 2025 (2024 deadliest year on record: over 8,900, more every year for each of the last 5 years; 76,000 since 2014); No More Deaths 2025- Weber & Pickering 2011)  
<https://missingmigrants.iom.int/data>
- Analytical framework: ITCPM, PPT; <https://truthout.org/articles/san-fernando-migrant-massacre-how-us-mexican-and-latin-american-governments-share-responsibility/>
- <https://truthout.org/articles/the-el-paso-attack-was-not-just-a-mass-shooting-it-was-a-genocidal-massacre/>
- Mbembe, *Necropolitics*



## *Permanent States of Emergency*

“The traditions of the oppressed teach us that the state of emergency in which we live is not the *exception*, but the rule”

Walter Benjamin, *Theses on the Philosophy of History* (1940, posthumous work)

Death at Portbou, at the border between France and Spain (Sept 1940), fleeing Nazi persecution, denied refuge or asylum





## “The Right to Have Rights”

- *Hannah Arendt (1951)*: chapter on the “Perplexities of the Rights of Man” in her book *The Origins of Totalitarianism*
- First critique of limits of Universal Declaration of Human Rights for its failure to protect rights of migrants, refugees & stateless persons because of its reliance on framework of nation-state sovereignty
- Victim of Nazi persecution, driven from Germany, ultimately obtained refuge in U.S





# Peoples in Movement: collective subjects of transnational rights

- Situating right to freedom of movement within overall framework of human rights & international law: migrants, refugees, displaced persons- ITCPM approach: “*peoples in movement*”-
- *Collective subjects of transnational rights*: convergence between migrants & indigenous peoples; plus, in Latin American context, increasing numbers of migrants are of indigenous origin and of African descent, *in both cases linking migrant demands to demands for self-determination & autonomy*
- Convergent demand of migrant rights movements & their allies throughout the world is for universal recognition of freedom of movement (or to human mobility) as a justiciable right (UDHR; ICCPR; ICJ, IACHR; Ecuador Constitution 2008 Arts, 40, 42; Mexico City 2011 law on human mobility; Francisco de Vitoria, Luigi Ferrajoli, Giorgio Agamben: *ius migrandi*); rights & duties of hospitality, sanctuary (praxis & demands of global migrant movements & their allies; Derrida, Catholic Social Teaching)
- Within broader *abolitionist* horizon: “*All Rights for All, Without Borders*”

# Inequality of rights and rights-holders: “*poverty of rights*”

- Differentiation between *hegemonic & counter-hegemonic* interpretations/approaches to HR and int’l law (TWAIL plus others; Latin American/decolonial critiques): ultimately need for shift from global system centered around the rights of nation-states to one centered around the rights of peoples (roots of this in decolonization, Non-Aligned movement, NIEO, right to development, BRICS, shift from unipolarity to multipolarity etc)- people’s sovereignty vs national sovereignty etc
- In practice, not all rights or rights-holders are equal (“*poverty of rights*”), especially where full recognition of their rights:
- a) challenges limits imposed by colonially imposed national borders/notions of national sovereignty and/or
- b) challenges capitalist imperatives- Richard Falk referred to these respectively as the barriers of “*state logic*” and “*market logic*” in his pathbreaking book *Human Rights Horizons* (2000)- migrants & indigenous peoples as crucial case studies



# *Global retreat from HR & int'l law/current structural & epistemological crisis in int'l system*

- *Global retreat* from HR & int'l law post-9/11, new Orwellian & dystopian extremes, but also new forms of resistance- on the ground & in court plus key innovations in legal & social theory
- *Current crisis* in “rules-based” int'l system and in global capitalist world-system & modernity itself (Gaza, Ukraine, Sudan, Congo/Great Lakes region, Myanmar etc): massive surge in forced displacement/migration
- *Ecocide* (“climate change” as euphemism)/genocide- convergent & overlapping phenomena/crimes- “*root causes*” of forced migration
- 3 forms of violence: *state, structural, systemic*

# Globalization of US migration policy paradigm post-9/11

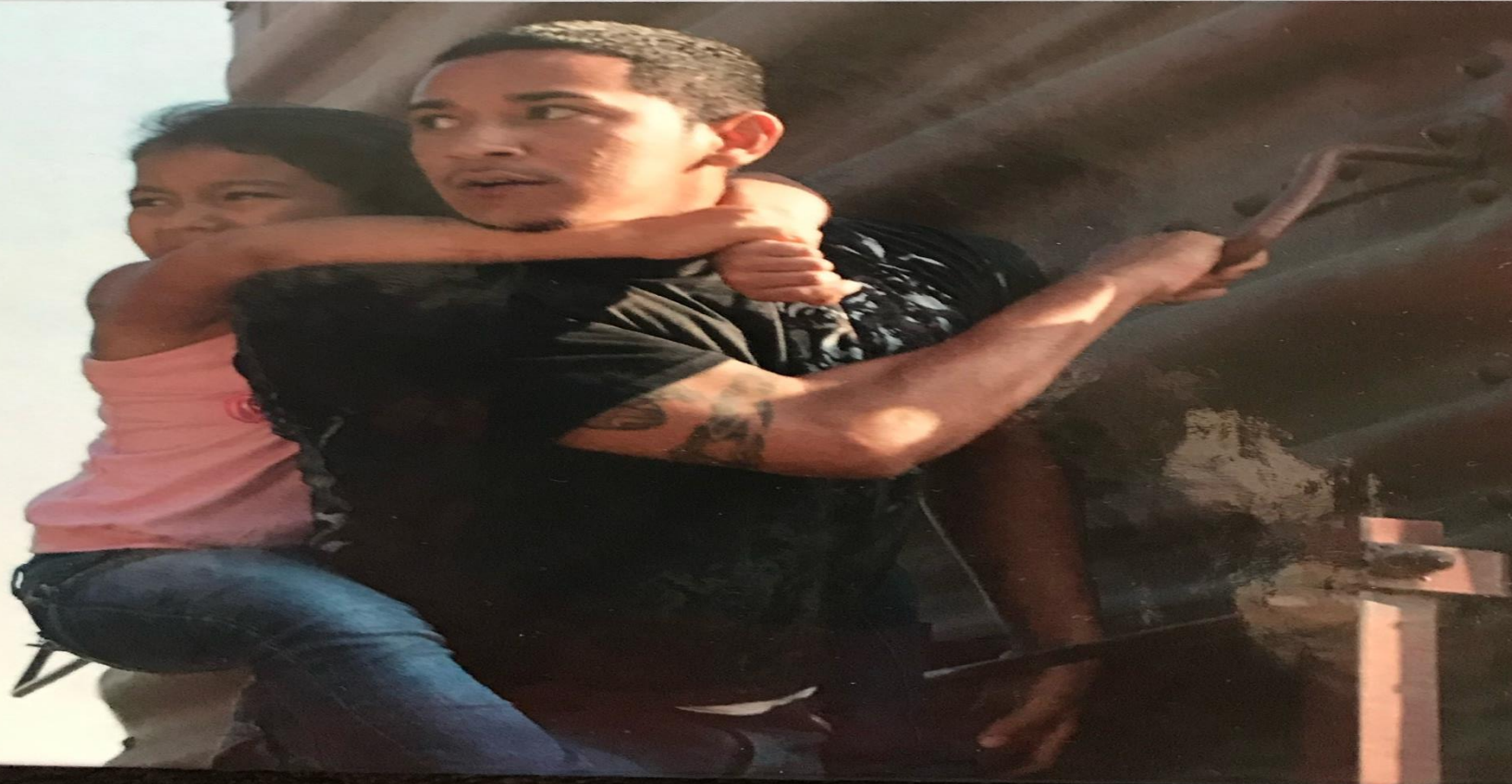
- 1) *Militarization of borders*;
- 2) “*Securitization*” (subordination to supposed imperatives of “national security”);
- 3) *Criminalization* of migrants, border communities & both communities and countries of origin;
- 4) *Externalization and regionalization* of these policies (“outsourcing”, e.g transfer of enforcement, costs, and practices of deterrence to Mexico and other countries of transit and origin, regionally and globally);
- 5) *Intensified exploitation of migrant labor* (including children) and
- 6) *Commodification, and thus disposability* of migrant personhood, bodies (migrant deaths at border and en route; mass and individual “kidnappings” - *which should be understood as forced disappearances*; migrant massacres, child and sexual abuse and trafficking, etc.)
- Consolidated & reinforced by current trends (U.S, EU, East Asia and their peripheries)- neo-fascism/racism/xenophobia/”great replacement” theory etc



*Camilo A. Pérez-Bustillo  
and Karla V. Hernández Mares*

# Human Rights, Hegemony, and Utopia in Latin America

*Poverty, Forced Migration and Resistance  
in Mexico and Colombia*





# Trump 2.0

- *Neoliberal populist authoritarianism/White “Christian” Nationalism as underlying ideology*
- *Reactivation of Alien Enemies Act (1798): basis for Korematsu (1944): forced displacement & detention of over 100,000 people of Japanese origin, 2/3rds of them U.S citizens*
- *Trump Doctrine of unitary executive power: national security, foreign relations/diplomacy at the core of maximum unreviewable discretion- “illegal” migrants as criminal & terrorist threats constituting the equivalent of an “invasion”, including designation of gangs as military objectives: due process not applicable or only minimally*
- *Militarization of immigration enforcement within U.S borders, including deployment of troops (LA), detention camps (Everglades, Ft. Bliss, etc), plus externalization to CECOT, Guántanamo, and beyond (Djibouti, South Sudan, Eswatini, Rwanda etc)*



# What does *Korematsu* case's legacy mean today?

- Robert Jackson dissent: “loaded weapon” lying around
- “the Court for all time has validated the principles of racial discrimination in criminal procedure, and of transplanting American citizens. **The principle then lies about like a loaded weapon**, ready for the hand of any authority that can bring forward a plausible claim of an urgent need. Every repetition imbeds that principle more deeply in our law and thinking, and expands it to new purposes” (Justice Robert Jackson’s dissent in *Korematsu* case, 1944, emphasis added)
- Jackson later represented US as chief prosecutor at Nuremberg trials of Nazi war criminals, 1945-46, where he emphasized applicability of Nuremberg principles of international criminal law to Allied powers who established the tribunal, laying ethical & moral basis for Russell Tribunal (1967) and eventually Permanent Peoples Tribunal, other people’s tribunals

# Emerging “Trumpian Archipelago” details

- “The U.S. has reportedly explored, sought, or struck deals with at least 19 [now 57] countries: Angola, Benin, Costa Rica, El Salvador, Eswatini, Equatorial Guinea, Guatemala, Guyana, Honduras, Kosovo, Libya, Mexico, Moldova, Mongolia, Panama, Rwanda, Saudi Arabia, Ukraine, and Uzbekistan”, e.g “black sites” (“anti-terror” war precedents)
- **Includes persons deported of following origins:** Afghanistan, Bangladesh, Cameroon, China, India, Iran, Nepal, Pakistan, Sri Lanka, Turkey, Uzbekistan, Laos, Philippines, & Vietnam (incomplete list)
- CECOT (El Salvador) as prototype:  
<https://theintercept.com/2025/05/09/trump-bukele-kilmar-abrego-garcia-el-salvador-cecot-prison/>



2025 BAY AREA DAY OF REMEMBRANCE

# CARRYING THE LIGHT FOR JUSTICE

*"Neighbors, not Enemies"*

Together, we stand against mass detention and mass deportation.



WRONG IN 1941. WRONG TODAY.

KEYNOTE SPEAKER

**Michael Ishii**

Executive Director, Tsuru for Solidarity

PRESENTED BY

**Bay Area DOR Consortium**



SUN, FEBRUARY 16, 2025

1:00-3:00 PM

Program at AMC Kabuki 8 Theatres

Reception at JCCCNC

San Francisco Japantown

RSVP @ [tinyurl.com/BADOR25](https://tinyurl.com/BADOR25)



## Tsuru for Solidarity Statement On Alien Enemies Act

*Tsuru for Solidarity forcefully condemns the Trump administration's use of the Alien Enemies Act of 1798 (AEA) as a pretext to silence, sequester, and give the state power to strip people of their human rights. Behind these actions is an intent to ethnically cleanse the nation of immigrants of color, invoking false narratives of "unassimilable aliens" and "threats to national security," the exact language used to target and dehumanize Japanese immigrants and citizens during WWII.*

*Invocation of this law is an assault on the core freedoms we value as Americans and an attempt to drag us back to one of the darkest chapters of our history: the forced removal and mass incarceration of over 125,000 Japanese immigrants and U.S. citizens in U.S. concentration camps.*





# Bring Kilmar Home!

## A PRAYER VIGIL FOR KILMAR ABREGO GARCÍA

MONDAY MORNING, 4/14, 10:45 A.M.  
LAFAYETTE PARK AT PENNSYLVANIA AVE & 16TH ST





# #NoMoreConcentrationCamps



Tule Lake Segregation camp, 1945.



Heading to Guantanamo Bay prison, February 2025.  
U.S. Department of Homeland Security

Tufts student grabbed off the street by ICE says hijab was removed and asthma not treated at Louisiana facility

# End Family Detention



# #StopRepeatingHistory #CloseGitmo

[tsuruforsolidarity.org](http://tsuruforsolidarity.org)  
[densho.org](http://densho.org)  
[18millionrising.org](http://18millionrising.org)

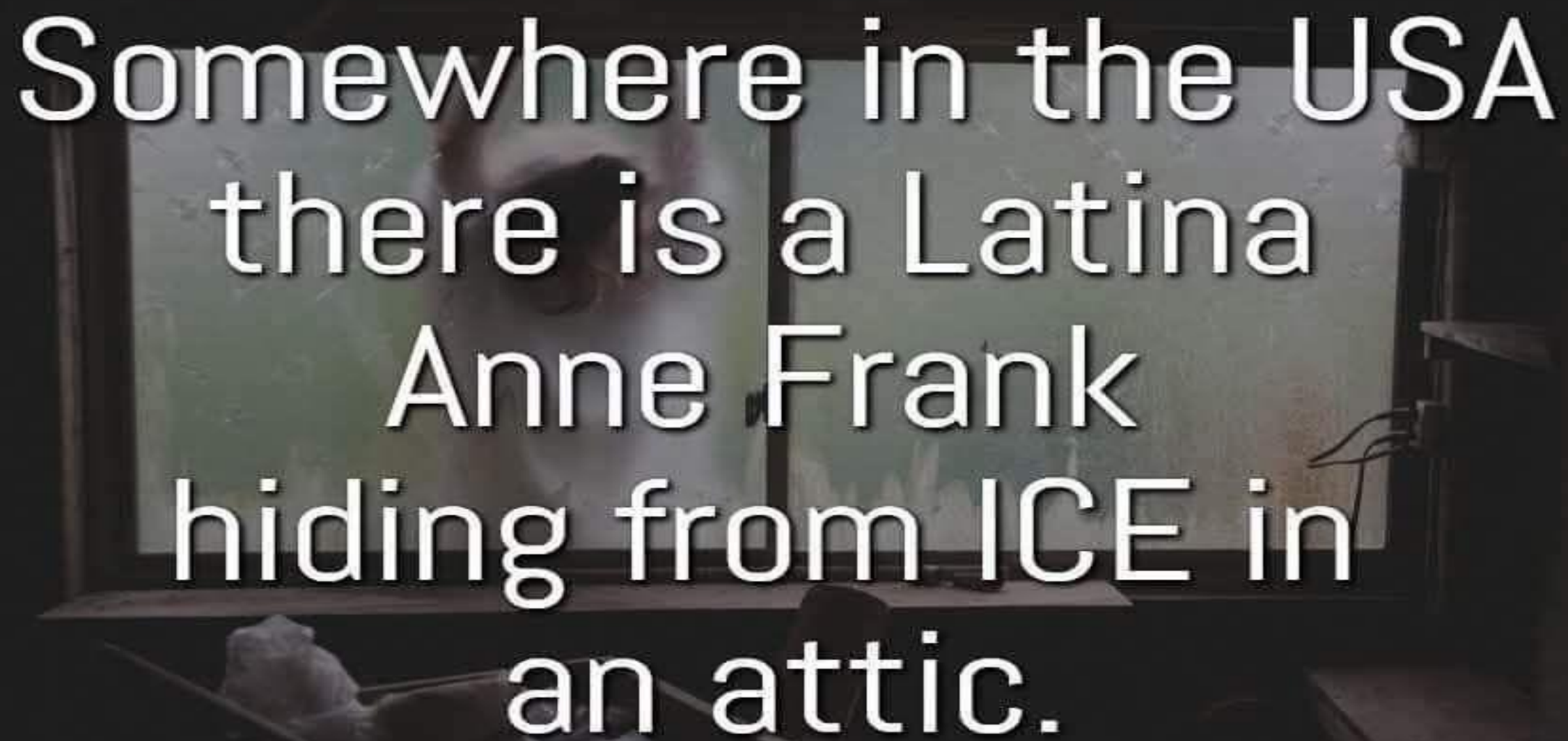


18MR



# #StopRepeatingHistory



The background image is dark and blurry. It appears to show a person in a room with a window. The person is somewhat indistinct but seems to be looking out the window. The room has some furniture or objects visible in the foreground, but they are also blurry. The overall tone is somber and mysterious.

Somewhere in the USA  
there is a Latina  
Anne Frank  
hiding from ICE in  
an attic.









Rebecca Torres stands in front of a military vehicle approaching a federal immigration agents raid in the agriculture area of Camarillo, Calif., Thursday, July 10, 2025. (AP Photo/Michael Owen Baker)