

## **Borders and Migration: a Challenge for Human Rights**

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The paper suggests a reflection on migration policies (specifically in the European context) which assumes the relationship between (global) law, (human) rights and territory as heuristic key, taking in consideration both the philosophical and the political aspects of the relationship.

The starting point is concerned with the s.c. process of de-spatialization of law, specific mark of the recent evolution of the legal phenomenon in the globalized World.

Specifically, the path towards the global law will be analysed from the theoretical point of view (taking in consideration the legal-philosophy scientific literature) as well as from the political one (pointing out the role of the decision-making political processes at the supra-national level).

The role of Human Rights in the process of globalization of law will be specifically highlighted. Furthermore, the paper will specifically focus on the European legal system and the EU process of integration as a fundamental process aimed at sharing structural European problems.

The second part of the paper will be focused on the role of borders in the *Cosmopolis*, the space of the global law.

Despite the de-spazialization process and the role of the global law, the paper will underline the actual and vital meaning which the borders (and the related idea of inclusion/exclusion they convey) assume, specifically in the governance of the migration phenomenon.

Consequently, the theoretical model linked with the idea of the global law, in an “open” World, governed by the global human rights regime, will be related with the “closed” characterization of the juridical space, signed by borders and by specific, particularistic judicial instruments aimed at protecting human rights (also migrants’ rights) in a specific and particularistic geopolitical context.

Finally, the paper will propose some reflections on the need for a supranational approach to human rights, migrant’s rights and migration policies, through the developing of mechanisms aimed at sharing supra-national solutions for the governance of the complex migration phenomenon.