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QNI Quality of
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Index

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EXPERT COMMENTARY

Intercitizenships

By: Dimitry Kochenov

Intercitizenships



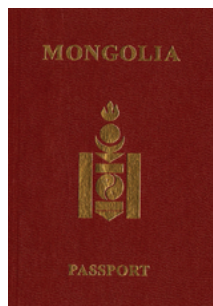
By **Dimitry Kochenov**
University of Groningen



Dacey's 'intercitizenships' lecture was delivered at Oxford in 1897. Now we live in a world of intercitizenships.

Any classical citizenship presumes a correlation between the legal status issued by the authority (say, Sri Lankan citizenship) and the territory of rights (in particular, political rights and the right to reside and work) corresponding to the territory of the issuing state. The settlement part of the external component of the QNI, especially the Diversity of Settlement Freedom, makes clear that this correlation no longer holds true in the 21st century for the majority of jurisdictions around the world. While Sri Lankan citizenship, like Mongolian citizenship, still comes with a package of rights usable uniquely in Sri Lanka, or in Mongolia, the citizenship status issued by more than half the nations of the world is no longer limited to the territory controlled by the issuing authority. The majority of the citizenships of the most highly developed nations are passports to full inclusion in dozens of states, rather than in one state only. This alters a crucial aspect of citizenship's story: its scope.

Sri Lanka, Mongolia, Madagascar, and the like are now exceptions, although the correlation espoused by these states between citizenship, national territory, and the scope of the rights granted by citizenship used to be the norm 100 years ago. Today, almost half the world's nations issue citizenship statuses recognized by other nations, in terms of often virtually unconditional access to national territory for work and settlement. So, a Bahraini is welcome in the other five GCC states, a Norwegian in 41 European nations, and an Armenian in Belarus, Georgia, Kazakhstan, Kyrgyzstan, and the Russian Federation. From the Economic Community of West African States (ECOWAS) in West Africa and the Union of South American Nations (UNASUR) in Latin America to the New Zealand–Australia arrangement and the core rights granted to Indians in Nepal and Bhutan, as well as the full access to the US territory and labor market granted to citizens of Nauru, Palau, and the Federated States of Micronesia, the decoupling of the territory where the core non-political rights of citizenship are enjoyed and the territory of the state granting that citizenship is now a universal phenomenon.



Passports with settlement rights in one country: Sri Lanka, Mongolia, Madagascar

The settlement part of the QNI illustrates very vividly the global shift from a mono-correlation between state territory, citizenship status, and rights towards the new reality of the enjoyment of citizenship rights in numerous states based on one citizenship status. The extremes emerging on the spectrum of the rights–territory interconnections that are replacing this mono-correlation vary: from citizenships that grant no residence or work rights in any territory at all (such as the British overseas territories citizenship, which is only valid for access to the territory of the issuing entity with a special endorsement that is unrelated to the holding of the status as such) to the citizenships of countries that endow their nationals with no access to the right to settle and work in the territory of foreign states (such as Mongolia and Sri Lanka, mentioned above) to, finally, the leaders of the new trend – all of which are European nations.



Passports with no settlement rights even at home: British Virgin Islands, St. Helena, Anguilla

Such leaders, emerging based on the number of foreign states and territories allowing settlement and work, are France, Denmark, and the Netherlands, whose citizens can settle – no questions asked – in the largest numbers of states and territories abroad, which turns these citizenships into legal entitlements of access to more than 40 state territories and labor markets without any pre-authorizations. The picture is similar when one looks at the Weight of Settlement Freedom, factoring in the HDI and the size of the economies of the countries allowing the holders of particular citizenships to settle in their territories without visas or work and residence permits. The trio of world leaders emerging here includes France, the Netherlands, and Finland. These are the most globally integrated citizenships in the world, turning the national borders of roughly one quarter of the world's states into myths for their holders, liberating their citizens from the imaginary geographical limitations that require them to forget about the opportunities outside the borders of 'their' state.

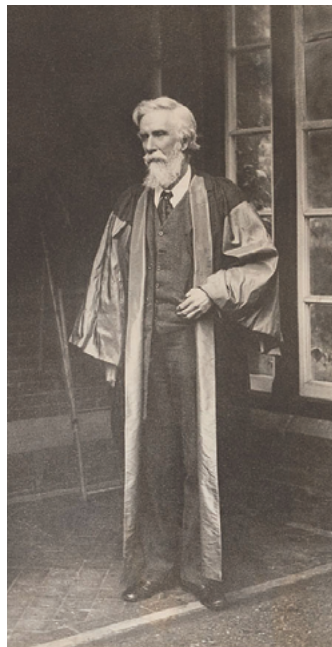
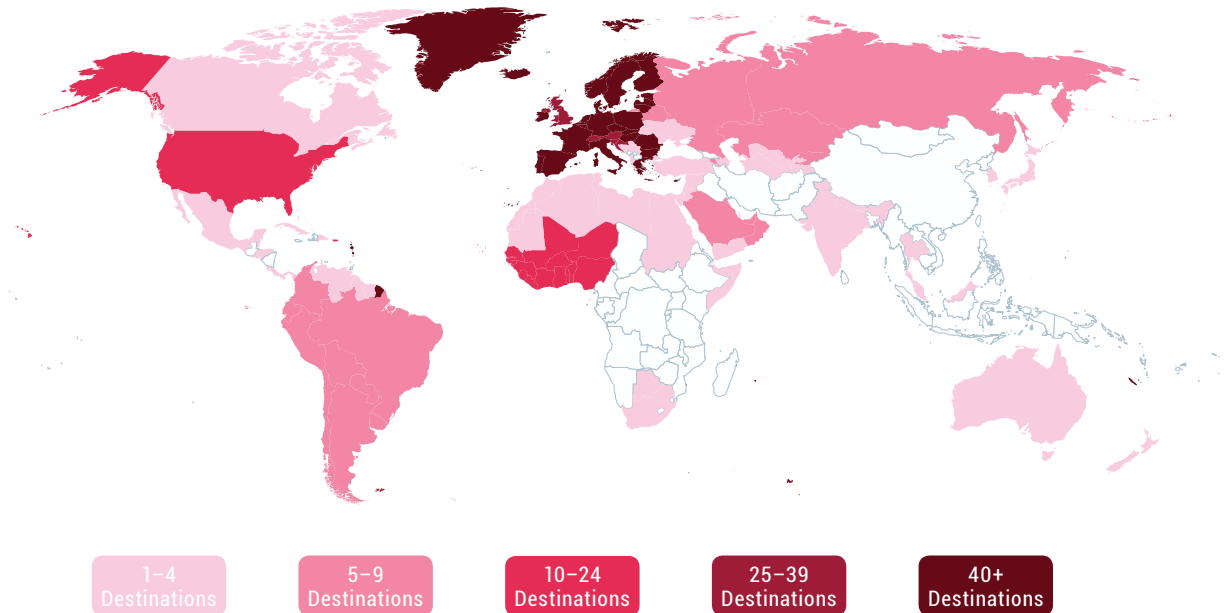


Passports with the largest number of settlement destinations: France, the Netherlands, Denmark, Finland

When this new, crucial trend in citizenship law and policy is reflected graphically, the map of the world changes to a great degree. Below, we find the representation of this new trend, where the darker the color of a country, the greater the number of foreign states allowing holders of its citizenship to settle and work in their territories without visas and permits, which de facto

extends the nation's territory for the holders of that particular citizenship. This is the map of the intercitizenships of the world.

Intercitizenships of the World¹



Prof. A. V. Dicey

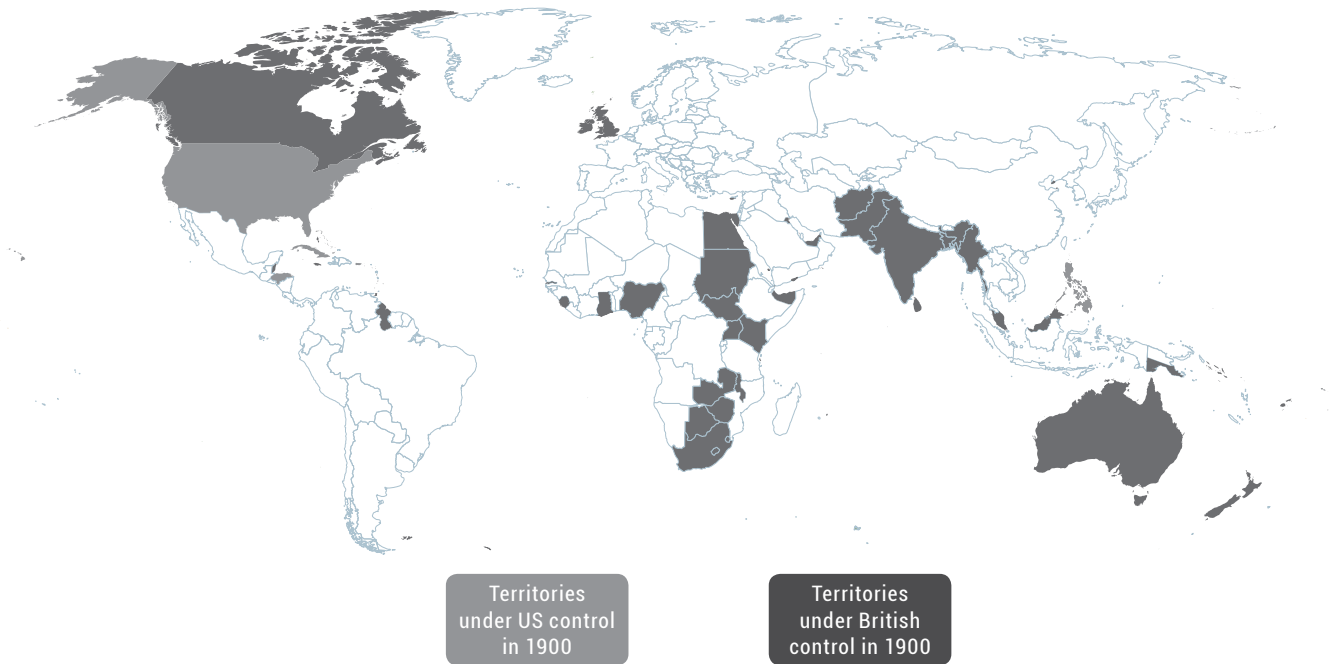
Seemingly revolutionary, such an interpenetration of territorial rights was anticipated by the legendary English constitutionalist Albert Venn Dicey as long ago as 1897. Addressing the Fellows of All Souls at Oxford, Dicey put forward a proposal for Anglo-Saxon 'intercitizenship': full mutual recognition of citizenships between the British Empire and the US, to mark the coming of the 20th century.²

Although he was not taken seriously at the time, Dicey actually predicted the future: whether we like it or not, the separation of the world into states, and of the people of the world into citizens, is arbitrary. States with similar cultures and close ties between populations were bound to experience the need to correct or ameliorate the steep exclusions created by the legal proclamation of foreignness affecting their populations. This is exactly what happened. The intercitizenships proposed by Dicey are thus one of the core elements of the citizenship landscape in our 21st-century world, shaping the rights enjoyed by hundreds of millions of individuals around the globe.

1 Source: Author's original research, also used in the QNI (www.nationalityindex.org).

2 Dyer, L. (1897). 'Anglo-Saxon Citizenship: A Proposition by Professor Dicey Looking to This End'. *The Barrister* 3: 107.

A. V. Dicey's Proposed 1900 British–American Intercitizenship

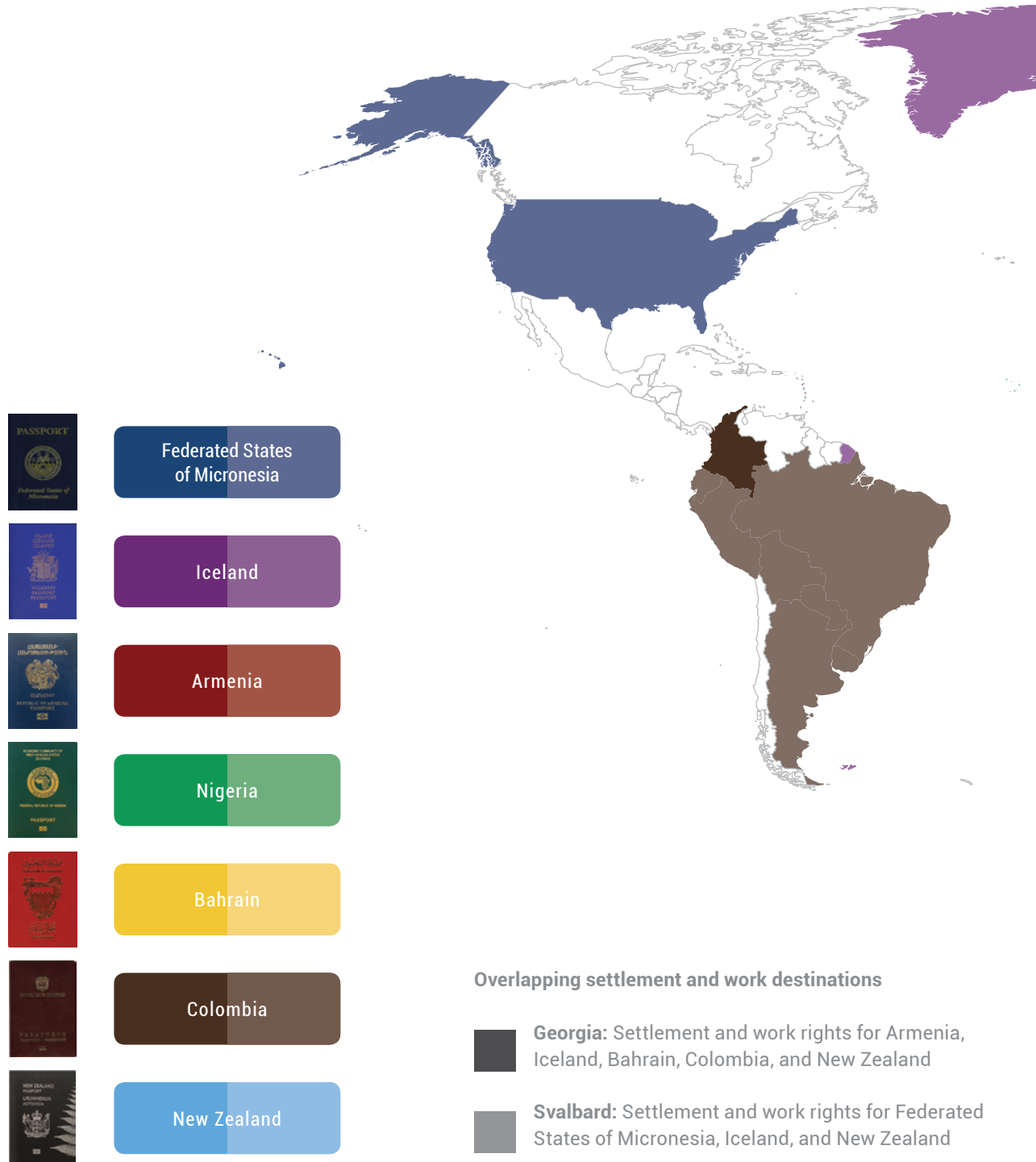


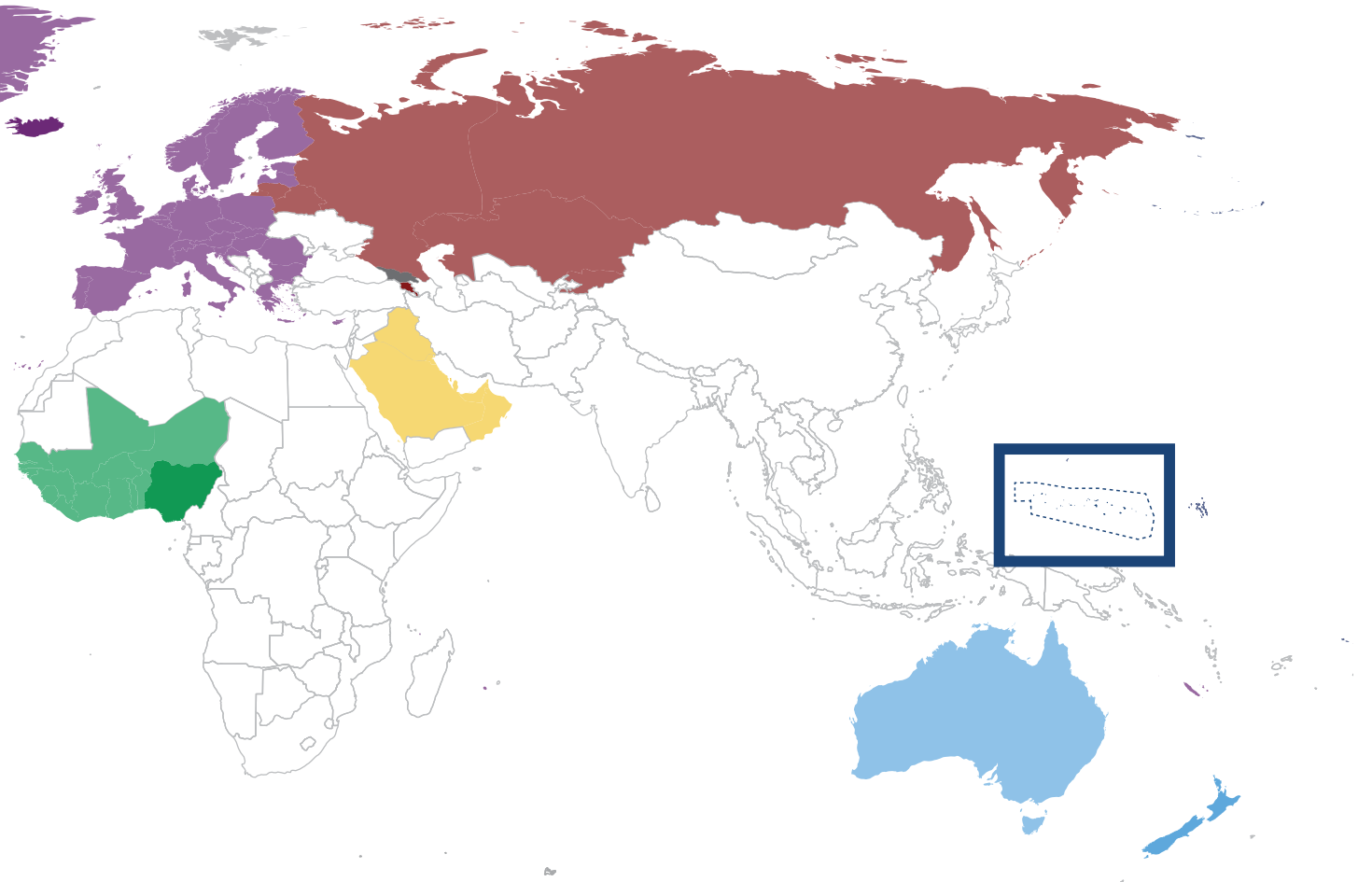
Mapping the territories of rights correlating with every citizenship following the new trend is a very useful exercise in showing what the geography of work and settlement freedom is actually like for the holders of each particular nationality, in a situation where the mono-correlation between citizenship and territory is no more. None of the modern intercitizenships is as expansive in scope as Dicey originally proposed, but the trend is much more widespread than what even the most courageous minds at the end of the 19th century could have anticipated.

Let us have a look at several contemporary intercitizenships based on QNI data. The map on the following page presents the territories of settlement and work rights enjoyed by the citizens of the Federated States of Micronesia (in blue); Iceland (in violet); Armenia (in red); Nigeria (in green); Bahrain (in bright yellow); Colombia (in brown); and New Zealand (in light blue).

The swift embrace of intercitizenships by the 21st century can be explained by both the emergence of regional integration blocks (EU, UNASUR, ECOWAS) and the gradual deterioration of the former empires' continued post-colonial ties, as is attested to by the waning intercitizenships of the former Soviet space and between some parts of the former British Empire (India and its satellites, Australia–New Zealand) as well as the US empire (states in free association, such as the Federated States of Micronesia). An intermediary option is also possible, as demonstrated by the Latin American countries that enjoy historical colonial ties as well as revamped integration in the sphere of migration. Global trends in citizenship development around the world allow us to conclude that the strict correlation between the state territory issuing citizenship and the geographical scope of the key rights of such citizenship has perished for good, opening up a number of crucial questions for legal theorists and practitioners to address.

Map Showing Settlement and Work Rights for Selected Nationalities





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Antigua and Barbuda

+1 869 465 6220
antigua@henleyglobal.com

Australia

+61 3 8658 5994
australia@henleyglobal.com

Austria

+43 1 361 6110
austria@henleyglobal.com

Canada

+1 514 288 1997
canada@henleyglobal.com

China

+86 20 8919 6632
croatia@henleyglobal.com

Croatia

+385 21 321 027
croatia@henleyglobal.com

Cyprus

+357 2531 1844
cyprus@henleyglobal.com

Dubai (UAE)

+971 4 392 77 22
dubai@henleyglobal.com

Grenada

+1 473 443 4000
grenada@henleyglobal.com

Hong Kong

+852 3101 4100
hongkong@henleyglobal.com

Jersey/British Isles

+44 1534 514 888
jersey@henleyglobal.com

Latvia

+371 66 05 10 09
latvia@henleyglobal.com

Lebanon

+961 76 834 632
lebanon@henleyglobal.com

Malaysia

+603 2731 9340
malaysia@henleyglobal.com

Malta

+356 2138 7400
malta@henleyglobal.com

Philippines

+632 669 27 71
philippines@henleyglobal.com

Portugal

+351 213 970 977
portugal@henleyglobal.com

Singapore

+65 6438 7117
singapore@henleyglobal.com

South Africa

+27 21 850 0524
southafrica@henleyglobal.com

South Korea

+82 10 5147 2300
korea@henleyglobal.com

St. Kitts and Nevis

+1 869 465 6220
stkitts@henleyglobal.com

St. Lucia

+1 758 458 9777
stlucia@henleyglobal.com

Switzerland

+41 44 266 22 22
switzerland@henleyglobal.com

Thailand

+662 041 4628
thailand@henleyglobal.com

United Kingdom

+44 207 823 10 10
uk@henleyglobal.com

Vietnam

T +84 28 3911 1667
vietnam@henleyglobal.com