Article 1 – All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” (Universal Declaration of Human Rights, 1948)

Article 1 of the Universal Declaration of Human Rights of 1948, while establishing the fact that human dignity derives from the act of being born, brings about a new form of citizenship (the right to have rights, by Hannah Arendt) – a citizenship that is henceforth no longer related to the legal existence of a nationality, but that is acquired by the simple act of being born alive. The citizenship that has nationality as prerequisite is the citizenship of the Nation-State; the new form of citizenship created by the International Law on Human Rights (ILHR) can be described as cosmopolitan citizenship.
The International Refugee Law, one of the three vertices of the International Human Rights Legislation, is very helpful in illustrating cosmopolitan citizenship. According to Article 1 of the Convention on Refugees (Geneva Convention of 1951) a refugee is he or she who has a “well founded fear of persecution due to race, religion, nationality, connection with a social group or political opinion.” Persecution occurs when a human being fears the loss of two of his “most intimate human rights”: life and liberty. A person, once persecuted, despite maintaining the legal statute of a national subject of his or her country, is faced with insurmountable challenges to the normal exercise of citizenship. Faced with these challenges, the individual is forced to leave his or her country of nationality or usual residence and seek asylum in another country. If the individual is recognized as a refugee by any other country of the international community that is a party to the 1951 Geneva Convention, he or she will reacquire his basic citizenship rights. It seems obvious, but it is important to emphasize that this time citizenship will be exercised in a place other than the country of nationality or usual residence of the asylum seeker. This virtual legal alchemy was made possible by Article 1 of the Convention, which strongly asserts the innate dignity of the human being. Cosmopolitan citizenship, which came to light through the ILHR, is independent of the existence of a legal link between the citizen and his country, as it can be exercised in any other country of the international community.

One of the most important theoretical novelties of International Public Law in the 20th century is the transformation of the human being into a subject of law. This transformation was made possible only after the advent of International Human Rights Legislation, since until then, international law related solely to the relationship between States and to the relations of International Organizations among themselves. The change brought about by the ILHR was the recognition of human beings as possessing intrinsic rights opposable to those of the States. I believe that the International Human Rights Law is a “transitional” piece of legislation, as it changes the structure of International Law and launches the theoretical elaboration of Cosmopolitan Law.

In the third definitive article for Perpetual Peace, Kant states that “Cosmopolitan Law must limit itself to the conditions of universal hospitality.” Kant himself thus defines what he understands as hospitality: “We speak here, as in previous articles, not of philanthropy, but of rights, and hospitality means the right a foreigner has to be treated without hostility while in the territory of another.”

The right to hospitality should be regarded, in a broad sense, as the graceful reception of the other, the different, the foreigner. This loving reception is not a poetic subject unknown in law. It is indeed a necessary step in the recognition of any human being.

“The contrary, the majority of the universe, if not its totality, is destined to chaos, dispersion and disintegration. People are, therefore, totally lost in the universe.

“I write that the subject-being was born in a physical universe that ignores the subjectivity that gives life, shelters and at the same time threatens. The live individual lives and dies in this universe where he is only recognized as a person by some beings, sympathetic and similar to
himself. It is, therefore, through this gentle communication that we may find sense in our subjective lives.”

The right to hospitality gains concrete legal form in the International Refugee Law, the acceptance of the condition of refugee is an act of Cosmopolitan Law, since it constitutes a granting of legal protection by a State to a subject of any part of the planet Earth. In this recognition the legal qualification of the individual is not taken into account, but solely his condition as a human being. Its aim is to protect the dignity inherent to his human condition.

If we examine the ILHR under the light of Miguel Reale’s Three-dimensional Law Theory, we will verify that the human being’s dignity is the value that inspired the creation of the ILHR, that the Nazi state concentration camps and the atomic bombs of Hiroshima and Nagasaki are the facts which inspired its creation and that non-violence is the ruling principle moving the creation of International Human Rights regulations.

As protective legislation, the ILHR’s goal it to protect the dignity of the human being. For that purpose, it is fundamental to exercise non-violence. Human beings only have dignity if given the freedom to develop their potential into concrete actions. Violence, in a broader sense, can be defined as anything that hinders the development of the human being.

“Violence here is defined as the cause of the difference between the potential and the actual, between what could have been and what is. Violence is what increases the distance between the potential and the actual and prevents the closing of that gap.”

In the critical stage planet Earth and the human species are now going through, the only form of development capable of assuring continuity of life for all of us and for the planet itself is sustainable development.

The concept of sustainable development first appeared in the Brudtland Report (also known as “Our Common Future”), in 1986. It was, however, in the United Nation’s Conference on the Environment and Development, which took place in Rio de Janeiro in 1992, that the expression “sustainable development” first appeared in a legal document: the Rio Declaration on the Environment and Development, which states in its first principle:

**Principle 1**

Human beings are central to our concerns with sustainable development. They have the right to a healthy and productive life, in harmony with nature.

It is imperative to understand that today, sustainable development is an inalienable human right and a principle of International Public Law. A more precise and synthesized definition of the term is given by the author of the “Our Common Future” report, Go Brudtland: “Sustainable Development is the development that fulfills today’s needs without compromising the possibility of future generations to fulfill their own needs.” Non-violence is at the center of the concept of sustainability. In other words, sustainable development is non-violent development.

Development is a pivotal theme for Brazil: As put by Celso Lafer:

“Brazil, as a country of contrasts – “Another West” in the Third World, experiences both the environmental problems caused by poverty and those caused by modern industrial production. In that position, it was able to contribute to the study of sustainable development as a heuristic idea, which renewed the conceptual legitimation of development as a “global theme”, bringing it to a new position marked by cooperation within the context of North/South relations in a post-Cold War world.”

An international community where all of its members are able to develop will only be possible when sustainability is the moving force of its economic activity.
Brazil, as the country hosting ECO-92 and as a geographic space which Darcy Ribeiro defined as “modern biomass tropical civilization”, has an unprecedented universal responsibility in the historical execution of sustainable development.

To enable it, we must urgently solve our more serious internal problems, such as: eradication of absolute poverty, redistribution of wealth. It is important to know that the solution to our internal problems will happen in concert with our international actions toward sustainability.

Despite the current anguish, nature in Brazil shows our potential to create a sustainable future. “No other country possesses the same abundance of conditions favorable to the exploration of the trinomial biodiversity-biomass-biotechnology, using the natural advantages offered by the tropics (the sun is and will always be ours), with the aim of optimizing, in an integrated production system, the six uses for biomass: human food, animal fodder, bioenergy (substituting carbo-hydrates for hydro-carbons), fertilizers, building materials and industrial raw materials. And to thus lead, in a universal scale, the process of creating a modern biomass civilization, environmentally correct, descendant of traditional agrarian civilizations.”

Building a sustainable future is a task of such urgency, inevitability and importance that cannot be left in the hands only and solely of governments. It is necessary that the citizens of the world take upon themselves that responsibility. The Earth Charter, a document that sets forth the “values and principles for a sustainable way of life as a common standard by which the conduct of all individuals, organizations, businesses, governments, and transnational institutions is to be guided and assessed.” (Preamble)

Individual responsibility for the effectiveness of human rights is a subject that, although always present in the ILHR, has never been so explicitly stated as at this moment. I refer both to the passing of the Rome Statute, a document which created the International Criminal Court and establishes individual responsibility for crimes against the International Criminal Code; and to the “UNESCO’s 2000 Manifesto for a Culture of Peace and Non-Violence”, as well as the “Earth Charter”, which establish the responsibility of individuals in the effectiveness of human rights and sustainability.

Having closed the “legislative” and “implementation” phases of the human rights issue, we have entered the phase of individual responsibility. This phase points the way toward the theoretical elaboration of the Cosmopolitan Law.

The new culture that is central to the information society allows us to create communications networks between human beings as never before possible. These networks are the required technical support for the establishment of cosmopolitan law.

Communications networks as technological support. Non-violence as principle, sustainability as goal, and the establishment of a transnational ethics and culture as a standard for action. Step by step, Cosmopolitan Law is being written.

In respect to the establishment of a transnational culture, Brazil, as a multi-ethnic country, may have a great contribution to offer – in learning to live with and accept differences. We must no longer be “exiled in our own land”, in the words of Sérgio Buarque de Holanda, and become an example for the realization of sustained development. For the well-being of our people, for the preservation of the planet.

This vital and nondeferrable historical task cannot be undertaken without the participation of the citizens of our Earth-Homeland. Let us hope!
This article briefly describes and synthesizes some of the conclusions I reached as senior researcher conducting research at the Nucleus on the Study of Violence of the University of São Paulo, under the sponsorship of FAPESP. The research was titled “Integrated Theory on Human Rights”. The detailed scientific foundation of the thesis outlined here is being made within the research project. For an exchange of ideas or to submit suggestions, always welcome, please contact me at guialme@yahoo.com.


As opposed to the concession of political asylum, the recognition of the condition of a refugee by a State is a declaratory, not a constitutive, act.


A complete and brilliant examination of this subject can be found in SEM, Amartya. Development as Freedom. Translated by Laura Teixeira Motta, São Paulo, Companhia das Letras, 2000.


*Guilherme de Almeida
Senior researcher conducting research at the Nucleus on the Study of Violence of the University of São Paulo