UNDERSTANDING DILEMMA FOR JUSTICE: EXPATRIATES, MOBILITY AND HUMAN SECURITY

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Abstract

Despite indications by states about the significance of international migration to their economic growth and cultural diversity, migration is frequently portrayed as a problem with expatriates viewed as societal risks. This has created tensions between national and international priorities, laws, coexistence, and a rise in state coercion. This study examines the positive peace and security experienced by expatriates across the globe and suggests innovative interventions. Qualitative content analysis was employed to provide broad discernments into human security issues, injustices, and developments not mostly encapsulated by traditional methods of data analysis. Content analysis in this study was appropriate as it is mostly used in the social sciences supported by new optical scanning systems and analytical techniques. Positive peace, security, and mobility justice are crucial ethical and political concerns of our time when the globe is faced with the challenges of uneven and uncertain contours of mobility and expatriates. The international managing bodies are wrestling with a string of crises linked to global humanitarianism refugee crisis, and global warming crisis. These concerns might look somewhat different in the Global North than they do in the Global South, nevertheless, these are interlocked regions, and therefore, unjust global mobility and expatriate insecurity are planetary and transnational problems that require collective efforts and a bottom-up approach for the benefit of all. The study provides new insights and spotlights new approaches to what should be done, to improve peace and security, and reduce the justice gap.

Keywords: Expatriates, dilemma, global mobility, peace and security

Introduction

Having positive peace, security and access to justice is critical for the assertion and realisation of a person's human rights in terms of both international and domestic law (Nalule, Crawley and Thomaz, 2023). Positive peace is concerned with harmony and legitimation, social justice, the presence of equality and equity, a culture of dialogue and peace, and psychological systematisation is forever internationalism (Galtung and Fischer, 2013). For this kind of peace to thrive and be preserved justice must prevail, hence justice and peace are two sides of the same coin (Femandez-Teranco, 2017; Bhatia, 2021). The United Nations also recognises peace and access to justice as central to the Sustainable Development Goals (SDGs) delivery and inclusive growth, and without

leaving anyone behind (Nalule et al, 2023). This is demonstrated by SDG 16, which obligates all the UN Member States to foster peace, justice and strong institutions at domestic and transnational levels (UNGA, 2015; Satterthwaite and Dhital, 2019). Similarly, the Organisation for Economic Co-operation and Development (OECD) observes that the failure to settle legal issues reduces access to lucrative opportunities, and bolsters the poverty trap while undermining human capacity and growth for all (OECD,2016). Despite all this, a notable international justice gap remains which undercuts access to justice for people and the human development delivery agenda (WJP, 2019). About two-thirds of the population in the world, which is nearly 5.1 billion people, do not have significant access to justice (WJP, 2019). They cannot get either administrative and civil justice, or justice for criminality, they are left out of the opportunities provided by the law, or dwell in severe situations of injustice (WJP, 2019). This challenge is exceptionally dire for expatriates, most of whom are faced with linguistic, institutional, social, economic, structural, cultural and sometimes legal hurdles to have positive peace and access to justice (IOM, 2022). Despite the nationality of expatriates, under the international law of human rights, they enjoy the same fundamental aspects of human rights as any other human beings (IOM, 2019). For those who choose to cross borders, migration is an empowering and positive experience (Nalul et al, 2023). Whereas for others, the absence of rights-centred systems of mobility governance, or being unable to access such rights where the systems exist creates a crisis of human rights at the borders, countries of destination and origin (UN,2018). As a result, amplified calls have been made to improve expatriates' access to justice including their families (Nalule et al, 2023; UN,2017; UNGA,2018; UNNM, 2022). Among the several calls, two of them are noteworthy.

First, the call made by the UN Special Rapporteur on the Human Rights of Migrants to develop Agenda 2035 and facilitate human migration based on the UN framework complementing the SDGs (UN, 2017). Eight goals were proposed by the Special Rapporteur that among others are directed at promoting accessible, orderly, safe, and inexpensive migration, human rights protection, including protection against violence and discrimination, ending detention of expatriates and ensuring migrants' access to justice (UN,2017). Second, is the UN Global Compact for Safe, Orderly and Regular Migration (GCM) being the first broad migration agreement covering various elements (UNGA, 2018). By acceding to the provisions of the GCM, as well as the Progress Declaration of the International Migration Review Forum (UNNM, 2022), Member States recognised the necessity to increase expatriates' access to justice at the various migration process stages. Be it in countries of destination and origin, and those countries, which they pass through (UNNM, 2022). In particular, the GCM acknowledges that access to justice is a fundamental aspect of migration governance, as strengthened in the Progress Declaration whereby States are committed to providing access to justice information to expatriates and migrant victims of violence and crime (UNGA, 2018). According to the UN (2020), global peace and security are hinged on seven trends one of which relates to human mobility and includes refugee flows, migration and forced displacement.

Background

Expatriates are employees in some foreign countries engaged to work temporarily. However, these expatriates are faced with a gamut of problems and challenges, which influence their personal lives and work. The challenges include career, work, cultural and social, demographic, personal, family and psychosocial factors. Despite these challenges, different forms of international employment and global missions have continued to rise and often need expatriates (Bader et al, 2019; BGRS, 2017). Some studies on expatriates have focussed mainly on well-protected expatriates, well-paid, and looked at what influences the success of an assignment, including institutional support, mentoring, selection and training, the role of an expatriate's family and partner (Shaffer et al., 2016; Schuster et al., 2017). Moreover, research has looked at how job, community and organisation affect expatriates' issues like retention (Peltokorpi et al., 2015). Research has also considered the role of expatriates in knowledge transfer and straddling borders between headquarters and the host country and dealt with repatriation or reverse expatriation ((Burmeister & Deller, 2016; Schuster et al., 2019).

Contrary to the prevailing positive thrust on expatriates, very few studies on global mobility have been made to illuminate the dark part of expatriation. For example, early studies examined the challenges associated with relocation adjustment, with subsequent studies on adjustment from a stress standpoint(Black & Gregersen, 1991). Other researchers have looked into the dark side concentrating on the expatriation risk in hostile conditions (Bader & Manke, 2018; Bader, Reade and Froese, 2019), hostility and discrimination, and divorce due to expatriation (Bader et al., 2018). This study goes further to look into seemingly uncharted areas, the dark side of expatriates focusing on their peace, security and justice in pursuit of sustainable development goals (SDG16). Analysing the link between global mobility and expatriates has generated an expansion of migration literature, which is critical for managers and policymakers who may be concerned with peace and security issues in migration (Koslowsk, 2009). It has been argued that the shared perceptions of expatriates in host states that expatriates escalate competition for employment, challenge ethnic, cultural and religious homogeneity, upsurge crime rate or threaten domestic peace and security could be used to influence policy making (Thraenhardt,1997). At any rate, historically, global mobility has continuously been seen as a security issue (Koslowsk, 2009). This implies that those who suggest that migration as a security issue is a recent phenomenon expediently disregard global mobility history (UN, 2006; Sadiq, 2009). The Global South is conceived to host close to 45 per cent of expatriates in the world most of whom are lowly paid and lowly skilled South-South expatriates falling into the international justice gap (Batalova, 2023). This gap emanates from various factors like; lack of necessary documents required to have access to basic rights, peace, informality, discriminatory laws, absence of legal status, inadequate support from democratic institutions, impermanence and unfamiliar languages, cultures and systems (Nalule et al, 2023). The epistemic injustices(Fricker,2007; Anderson,2012), especially concerned with freedom of movement, and distributive justice ordinarily related to the Global South-Global North trajectory of migration, are equally prevalent and noticeable in the South-South mobility

(Bakewell,2009; Crush and Ramachandran,2010). For example, the often complex, rigorous and very selective eligibility for admission requirements subjected to Global South migrants when moving to countries in the Global North are similarly prevalent in the South-South context of migration (UNECA,2021). An exception is only amongst countries, which have functioning bilateral and multilateral agreements easing residence and entry prerequisites for their nationals (Nalule et al, 2023). These include the Southern Common Market (MERCOSUR) in South America, the East African Community (EAC), the Economic Community of West African States (ECOWAS) and the Caribbean Community and Common Market (CARICOM) among others. However, amongst such regional agreements, the freedom of residence and movement of nationals that are affected may continue to be violated in the host countries and at the ports of entry (Yeboah, 2020).

This paper highlights some of the injustices premised on the existing literature, although this may not indicate the deeply emotional reactions of the experienced injustices. The paper only gives a better understanding of the peace and justice situation in various instances of an expatriate's trajectory and informs how best the justice gap could be shrunken.

Theoretical Framework: Models of Expatriate Adjustment

The study was situated in the expatriate adjustment models. Mendenhall and Oddu (1985) who postulated a multi-dimensional expatriate adjustment approach through the identification of gaps in previous research models, which only considered the technical competence of an expatriate as the aspect for adjustment, propounded the first model. Some scholars have attempted to theorise the construct of cultural adjustment and empirically validate it (Mendenhall and Oddu 1985; Tsegaye and Su, 2017). It was concluded that the process of expatriate adjustment involves four factors namely: cultural toughness, others-oriented, self-oriented and perceptual dimensions (Mendenhall and Oddu 1985). Although this model signposted the adjustment process' multidimensionality, it had some shortcomings (Tsegaye and Su, 2017). The multidimensional expatriate adjustment as adopted by Black (1988) though with a unique approach conceptualising it as being multidimensional is seen through three fundamental dimensions: mode, degree and facet. The domain or facet of adjustment expresses what an expatriate should adjust; the adjustment mode implies how the expatriate should adjust or adapt to the given domains; and the adjustment degree refers to the extent to which the adjustment succeeds (Black, 1988). Based on these three adjustment dimensions as postulated by Black (1988), Black, Mendenhall and Oddu (1991) came up with a comprehensive model of international adjustment for expatriates by integrating various theoretical outlooks. This model framed seven prior factors with a bearing on cultural adjustment for expatriates. The previously identified adjustment factors by Black et al. (1991) were proactive (organisational and individual factors) and in-country adjustment factors (non-work, organisational and socialisation, job, organisational culture and individual factors). This model was criticised by Haslberger, Brewster and Hippler (2013) who viewed adjustment for expatriates as having three dimensions: behavioural, affective and cognitive. The Black et al. (1991) model was critiqued as being a naïve conceptualisation that failed to represent the complexity of the adjustment process. Haslberger et al. (2013) argue that Black et al. (1991) failed to exhaustively

show the adjustment dimensions for expatriates, and only set a simplified adjusted dichotomy. They argued that each scenario of adjustment could be broken into three elements, instead of a plain adjusted simplification. For Tsegaye and Su (2017), this would help to analyse the process of adjustment in a better way, effectively creating a telling cause-and-effect correlation among the variables. Hence, Haslberger et al. (2013) discarded the Black et al. (1991) model and tried to reveal the issues unnoticed in the expatriate adjustment process. They contend that during the process of adjustment, expatriates appreciate and understand their environments to a lesser or greater extent, they feel worse or better and interact less or more with their hosts (Haslberger et al., 2013). The expatriate adjustment model proposed by Haslberger et al. (2013) was framed with three factors affective, cognitive and behavioural with each stage also separated as non-work and work-related cultural adjustments. The model was built with six recognised dimensions in the process of adjustment. The model, which Haslberger et al. (2013) propounded was fixated on the expatriate process of adjustment, but left out the antecedent factors. This prompted other scholars to outspread their model by subsuming different antecedents and shed more light on the adjustment process for expatriates.

According to Haslberger et al. (2013) in the adjustment model for expatriates, cognitive adjustment is a precondition, which guides the behaviours or actions of expatriates. Brandl and Neyer (2009) postulate that the process of cognitive adjustment begins when an expatriate attempts to make sense of the new cultural conditions. The process of interpretation could be expedited predicated on the expatriate's psychological orientation. If the expatriate has previous knowledge, which lines up with the foreign culture, then facilitation of the adjustment process could be easily done. Or else the process of interpretation could be long, with a base of trial and error until the expatriate is acclimatised with the new cultural environment (Brandl & Neyer, 2009). It is clear that if an expatriate has a proclivity to that cultural set-up, the process of interpretation could be accelerated.

Literature Review

The review of literature follows themes that address the research problem: international mobility and security concerns, injustices, insecurity and access challenges, access to peace and justice, formal justice and procedural mechanisms, and expatriates' marginalisation.

International mobility and security concerns

Security threat has become an international migration issue in particular and in general in global mobility (Koslowsk, 2009). Global mobility speaks of all people who have moved across any country's point of entry for various reasons for any period (Koslowsk, 2005). For purposes of official figures, the UN (2006) has split global mobility roughly into international migration referring to people who have stayed out of their original countries for over a year while international travel refers to people who move abroad without residing in another country for at least a year. In 2006, it was projected that there were 191 million migrants across the world though this is somewhat small compared with billions of people crossing borders as students, tourists, commuters and business persons travelling internationally to stay not longer than a year (UN,2006). The UN World Tourism Organization collects and reports statistics on international travel concerning business and tourism travel. In 2008, it estimated 924 million tourist

international arrivals including travel for business, leisure, and visits to relatives and friends (UNWTO 2009). Given that all these people returned, their trips back home means more border crossings by 924 million people adding up to almost two billion people crossing at the borders.

Because of border security, the increase in the volume of travellers is a burden to officials at the points of entry who try to isolate dangerous people from the legitimate flow of travellers (Koslowsk, 2009; Commission, 2004). The hijackers on September 11 (9/11) in the United States were not US immigrants but mostly tourists. For instance, on the 11th of September 2001, among the 19 captors who struck the Pentagon and the World Trade Centre, 17 of them entered using tourist visas, one used a student visa and another used a business visa (Koslowsk, 2009). This is contrary to the claims made by some politicians and particular media houses following 9/11 that linked immigrants to an act of terrorism (Koslowsk, 2009: Allison, 2004). Here it was this rather small terrorist group travelling amidst the increasing international businesspeople and tourists flows. The world's great nations have become exposed to the potential asymmetric fighting by armed non-state actors using weapons of mass destruction (Allison, 2004; Koslowsk, 2009). As such, national security officers stand primed for dispersed sporadic terrorists' suicidal attacks by people masquerading as tourists who deliberately infect themselves with diseases like smallpox and spread to unwary multitudes of people at major centres of tourist attraction (Allison, 2004). The possibility of having terrorists trafficked into targeted states was conceived to be a likely threat until the 9/11 attacks in Washington and New York, and the attacks in Madrid on March 11, 2003, when smuggling of humans was now seen as a security threat with a systematic difference (Koslowsk,2009). The Commission of 9/11 revealed ties between al-Qaeda, human smugglers and some terrorist groups requiring travel assistance (Commission, 2004). The Madrid attack investigation reports demonstrated an al-Qaeda-affiliated group called Ansar al-Islam associated with the attack. It was conducting fraudulent documentation for migrants and human smuggling to finance terrorist activities (Simpson et al, 2004; Koslowsk, 2009).

Injustices, insecurity and access challenges

Some prospective migrants have trouble obtaining the necessary documents in their countries of origin; this includes passports for use when they want to migrate (Nalule et al, 2023). This happens notwithstanding the generally accepted human right to depart from any state, including their own countries provided in Article 13.2 of the UNGA Resolution [217 (III) A] that was adopted in 1948). For example, Haitian migrants in Brazil experience challenges, and sometimes find it almost impossible to obtain a travel document in Haiti (INURED, n.d). This makes the passport highly unaffordable except for those able to make the extra-legal undue payments and infringe on the human rights to move in and out of their country. It also makes them more susceptible to violations of human rights if they attempt to get a passport using unauthorised means or are exposed to human traffickers and smugglers (Nalule et al, 2023). Unreliable information and poor communication are a form of persistent injustice and inhibit access to peace and justice in different countries where expatriates originate. Several expatriates, mainly those not living in metropolitan locales, access information not from official sources of government but from social networks (INURED, n.d). In a study carried out in both Haiti and Ethiopia, most participants chose irregular

migration informed by social media information sites (INURED, n.d). This type of information and official communication gap could be viewed as epistemic injustice, which if well dealt with by Member States, could help to avert resultant migration-based injustices (Byskov, 2021).

Sometimes countries of origin are linked to unjust situations that force or necessitate individuals to migrate. This is common where there is failed or bad governance and despotic regimes, triggering violations of political, economic, cultural, social and civil rights (Byskov,2021). Migrants from Nepal, Ethiopia and Haiti for instance, alluded to factors like unemployment, poor economic conditions and limited personal development prospects as causes for migration among others (Nalule et al, 2023). Several migrants from Ethiopia migrated owing to marginalisation and political persecution by the central government and expected to get transnational protection from South Africa (Feyissa, n.d). Countries of origin sometimes fail to provide recourse for expatriates facing domestic injustices. For example, the International Labour Organization (ILO) revealed that in Southeast Asia, some legal issues were raised by expatriates concerned with recruitment malpractices in the states of origin, particularly complaints of delayed deployment or unfulfilled job promises (Harkins and Meri, 2017).

Apart from asylum seekers and refugees not being protected by their home countries, sometimes expatriates get limited support from governments back home, through diplomatic missions, if they register concerns of injustice (Ghimire, 2021; Nalule et al, 2023). However, some of the embassy authorities tend to be reluctant to intercede and avoid injuring diplomatic relations with host countries (MFA, n.d). Often under-staffed and under-resourced missions and embassies are incapable of responding to reports filed by expatriates (UN, 2018a). This is evidenced by Nepal, which has a law providing for labour attachés appointment in the country's major destination, and has failed to assign attachés in other countries, or where these attachés exist, they are not well-resourced to effectively execute their mandate (Ghimire, 2021). One of the migration issues of injustices is the condition of expatriates' families that are left behind. Those injustices are usually profoundly gendered and could be specific to age. The MIDEQ research group studying the effect of migration on the expatriates' families who left their home countries (Ghimire, 2021; MFA, n.d) further explored this in Nepal.

In countries where expatriates work, they could be exposed to injustices that violate their dignity and rights, as well as affecting their mental, physical, emotional and psychological well-being. Violations of rights for expatriates prominently feature in the MIDEQ's research findings alongside its different corridors (Ghimire, 2021; UN, 2018b). In the corridor of Ethiopia-South Africa, for instance, Ethiopian expatriates and some migrants who informally went to South Africa detailed traumatic accounts of subjection to kidnappings, threats of violence, starvation, hunger, beatings, robberies, extortion, sexual abuse, deaths and near-deaths (Yordanos and Freeman, 2022). Those migrants, who were incarcerated, for some months or years, spoke about unpleasant jail conditions. Migrants from Haiti travelling to Brazil frequently pay huge and exorbitant sums of money to go-betweens (*raketès*) who assist their transit to Brazil (INURED, n.d).

Access to peace and justice

Accounts of access to peace and justice's evolution confirm it to be a state-centric and Eurocentric concept (Nalule et al, 2023). Late in the 18th and 19th centuries, having access to peace and justice was typically known as people's official/formal right to employ the justice system and defend or litigate an allegation (Bryant and Cappelletti, 1978). As a given right by then, it was not understood that having access to peace and justice needed state intervention to ensure its accessibility. It was only during the period of the post-Second World War when state welfare reforms were in the pipeline in several Global North countries (Bryant and Cappelletti, 1978). With the advancement of international law after the Second World War, and particularly the human rights international law, access to peace and justice came to be crystalised as a state's duty towards its citizenry and those including expatriates and refugees without favour and discrimination (Farrow, 2014). The whole canon of international human rights is in fact on justice for everyone without prejudice and discrimination (Pojman, 2006; Brock, 2020; Farrow, 2014). However, this is not a preserve of international law only, but there are references to access to peace and justice provided under the various national bills of rights and regional instruments largely in juridical logic.

In any democracy, courts are a critical administration element to justice. However, Nalule et al (2023) assert that the perception of access to peace and justice as mostly access to litigation and courts emasculates the implication of justice. Justice has been variously conceived as a person's recompenses or dues, contractarian, equality, fairness and utilitarianism among others (Pojman, 2006). Although justice as a conception has naturally been deep-seated in law, it is largely now talked about around various scholarly fields, for example, global justice, social and economic justice, and distributive justice (Nalule et al, 2023). Essentially, this implies that some aspects of justice are away from the stretch of the legal system and courts. For this reason, Farrow (2014) concludes that although court business could be justice, the practice or manifestation of justice is not seen or done only in the courtroom. From this point of view, it is not just the state whose main obligation is to guarantee justice under international law but is also the duty of the broader society (Farrow, 2014). Hence, any narrative of access to peace and justice by expatriates is obliged to embody the wide variety of philosophical frameworks, adjustment processes, cultural settings, social contexts and political environments (Maranlou, 2014; Farrow, 2014).

Formal justice and procedural mechanisms

The United Nations Development Programme (UNDP) has defined access to justice and peace as people's ability to pursue and access a remedy through informal and formal justice institutions in compliance with standards of human rights (UNDP, 2005). Informal justice institutions may include, for example, religious or community leaders, non-governmental organisations and trade unions among others. The interventions and discourse on access to justice and peace in migration ought therefore to spread to all those potential mechanisms to which expatriates could seek legal recourse to defend their rights (Nalule et al, 2023).

Focusing on access to justice and peace as accessing courts for litigation draws attention to procedural justice (Farrow, 2014). Whereas this is suitable for formal justice court-related approaches, most of such official mechanisms are not easily accessible for many people irrespective of social status (Nalule et al, 2023). This is evident in both the Global North and Global

South countries where individuals are confronted by judiciary systems that are costly, labyrinthine, lengthy, prohibitively cumbersome, complex and mostly prejudiced against the less privileged (Nalule et al, 2023). These courts also experience internal organisational inadequacies leading to huge backlogs, and some instances of justice miscarriages (Farrow, 2014). In the end, some people alienate themselves from the courts and barely resort to courts for redress of injustices met. Hill (2021) opines that people hardly use formal justice mechanisms with just seven per cent using a court of law or some form of tribunal, and eight per cent getting advice from an attorney or legal representative. For many Global South countries, Bedner and Vel (2011) observe that these difficulties are aggravated where state institutions and courts of law are not that significant in handling disputes unlike in the Global North countries. For instance, in Tanzania, Zambia and Sierra Leone, the rural folk are hardly reliant on the formal system of justice, condensed in urban areas, costly and unaffordable by the illiterate and underprivileged(Bowd,2009). As an alternative, many people rely on informal justice institutions made up of traditional court and customary law systems. Access to justice as a procedure implies legal practices and access to lawful support that can tackle legally associated concerns (Rhode, 2013). Accordingly, several interventions meant to improve access to peace and justice are directed towards improving users' access through, for example, legal aid, and increasing the number of courts, police, paralegals and lawyers. These interventions include those from international development organisations conducted under the rule of law rubrics (Maru, 2009). Though relevant, a justice procedural approach fails to substantively examine justice and to capture how several people obtain or perceive justice and risks a depoliticising upshot. For instance, most programmes of development are meant to improve access to peace and justice for the underprivileged exclusively through legal assistance, technically addressing political and structural problems (Li, 2006). Regarding expatriates' rights, interventions to legally empower them may provide knowledge and skills for seeking justice in formal justice systems. However, this may not also tackle structural problems, effectively diverting from main expatriates' injustices hence the need to apply the expatriate adjustment models.

Expatriates' marginalisation

Some interventions by international development institutions intended to improve the rule of law including access to justice and peace have received criticism for not being effective (Ghai and Cottrel,2009). For interventions and research into access to justice to be more expressive for expatriates, expatriates need to be given a position which is more central, and not as marginal or minor subjects, but as subjects in search of peace and justice (D'Amato and Lucarelli, 2019). This means considering the individual backgrounds of expatriates, taking care of their susceptibilities, and recognising their work (D'Amato and Lucarelli, 2019). It is through understanding expatriates' injustices including how the justice problems can be addressed, that research can start testing and implementing responses focussed on expressive and expatriate-based justice results.

Methodology

This study employed content analysis as a research methodology (Gheyle and Jacobs 2017). Its application to this study was based on its use of large data and being a research technique that makes valid and replicable inferences from texts related to the phenomenon in question

(Krippendorff, 2019). Effective international migration study requires gathering large data from different sources. While international information systems assist managers in integrating some data into strategic planning, content analysis provides distinctive insights into trends, and cultural and thematic areas not ordinarily encapsulated by some data systems (Gheyle and Jacobs 2017). As a technique for research, content analysis evolved essentially to be applied in social science (Krippendorff, 2019). It was used in this study because it employs new optical scanners and analytical techniques that inexpensively examine large volumes of information and computer hi-tech software. It was used to manage literature, which used languages other than English such as Arabic, Chinese and Japanese. Content analysis has unlimited potential for applications to do international migration (Nalule et al, 2023). A codebook was constructed to code and interpret data informed by systematic coding rules (Schreier, 2014; Krippendorff; 2019; Neuendorff, 2002).

Discussion and Main Findings

Mobility justice is one of the critical political and ethical issues in this era when the entire world is concerned with how to ensure or have socially balanced and globally sustainable mobilities. The precarious challenges of access to mobility and risky or unsafe mobilities create the clearest contours of irregular mobility. International, regional and urban regulating authorities are wrestling with a string of crises linked to how to deal with peace, human security, justice, humanitarianism and a global border crisis of migrants. These issues look somewhat dissimilar from the Global North than in the Global South as corroborated by Bedner and Vel (2011), but these two regions are geographically intersected while the manifestation of unjust international migration, human security, and peace and justice concerns is a planetary and transnational conundrum that calls for collaborative attempts for social change. The solution lies in fostering innovative interventions to address the myriad challenges. Studying peace and human security in global mobility and narrowing the justice gap for expatriates, in general, was not about developing a new understanding of human security, positive peace and justice. Rather, it was to provide some insights into how best to institute and foster innovative interventions for improving peace, human security, and access to justice, and significantly engage problems related to justice. These innovative interventions are largely located in the expatriate adjustment models and bottom-up approaches. The study contributes to what is currently known and advocates for new approaches predicated on the ensuing aspects among others (Nalule et al, 2023):

a. The prerequisite for policy interventions and international migration research is informed by a bottom-up approach that focuses on expatriates' experiences, adjustment processes and perspectives.

b. The imperative to understand peace, human security and justice related to expatriates beyond conventional judicial and legal state institutions.

c. The necessity to deal with expatriates' structural imbalances in having access to justice and peace.

d. The need to develop peace and harmony among citizens and expatriates through being attentive to intersectionality in terms of their peace, security and access to justice experiences.

Expatriate experiences

To effectively narrow the justice gap, the analysis of justice issues, as they relate to expatriates, requires adopting a bottom-up approach based on the injustices experienced by expatriates and the application of the adjustment models discussed above. These constitute promoting innovation in addressing these grand challenges. Any research or analysis that fails to consider expatriates' experiences regarding solutions for their security, and peace and narrowing the justice gap could be maintaining epistemic injustice (Fricker, 2007; Byskov, 2021: Anderson, 2012). A bottom-up approach to expatriate justice, peace and security is fundamental for developing any solutions or recommendations to have a modicum of legitimacy. This would serve also as an important compass for suitable interventions in trying to better the landscape for peace, security and justice for disadvantaged and marginalised expatriates in communities where they work or live.

Justice and judicial structure

International relations and international law give primacy to the state-owned institutions in guaranteeing justice delivery, and some other formal mechanisms of justice. States' effort to guarantee access to justice, security and peace for everyone despite the justice gap remains considerably wide. A bottom-up approach to justice delivery needs a recognition that justice occurs beyond formal judicial and legal structures. These structures are not an end, but instead, they are steps on the way to peace, security and access to justice (Farrow, 2014). At both the national and international levels, there is a departure from conventional court-run justice mechanisms, with an increased establishment and recognition of, alternative mechanisms of dispute resolution (Harper, 2011; Nalule et al, 2023). In terms of international migration, and especially among the Global South countries, there is a need to widen the lens and consideration of the different available justice mechanisms to the public. This consideration should involve both non-formal mechanisms and non-judicial structures, which enable expatriates to access formal justice and peace mechanisms. This could include expanding the view of what may be conceived as a justice forum to encompass administrative systems that have the power and authority to formulate and implement procedures for realising lofty justice aspirations (Brock, 2020).

With this wide understanding, some institutions like hospitals or schools, for instance, could be viewed as structures for administrative delivery of justice where it is within their ambit to extend expatriates services or not irrespective of immigration category. This is not meant to absolve governments of justice commitments but to make sure that the responsibility of all governance structures of justice delivery is considered in the adjustment process, interventions and access to peace and justice (Fraser, 2008). The structure of governance could be the state, but it could also be global, regional and local strengthened institutions as long as they provide enforceable regulations that shape meaningful social interaction. Governance structures could include both non-formal and informal structures, and non-state and state actors (whether at sub-state, interstate or state levels), which all have the potential to address perceived or real injustices.

Enhancing access to justice and peace

The move from seeing access to justice and peace in a largely procedural manner to getting involved with more important matters of justice means rethinking what kind of justice to be

involved in. This takes a fostering innovation approach. The following three dimensions of justice have been proposed (Fraser, 2008):

• Redistribution dimension: This is about society's economic structure, and addresses social inequalities like economic marginalisation and labour exploitation.

• Recognition dimension: Recognition of justice is a dimension of societal order, which addresses the socio-cultural dichotomies, and places some groups as loftier than others leading to injustices like cultural dominance and prejudice.

• Representation dimension: This is concerned with participation in politics, dealing with political process exclusions and political voicelessness (for example, denying individuals access to be involved in political decision-making.

This non-state concept of social justice and tridimensional frame helps to locate the expatriate analysis of access to peace and justice. This is useful for mapping out central issues to do with justice, whether this affects expatriates, migrants and the general disadvantaged public. These dimensions are mutually inclusive, on the other hand, they intersect if cases of injustice and subordination are analysed. Most of the injustices, which expatriates experience as discussed in this paper, could be examined under any one of the three dimensions or more whether occurring in countries of destination or origin. For example, in the case of the migration trajectory, the injustices related to racism are perhaps a clear breach of justice in terms of the recognition dimension (failure to recognise others). In the distribution dimension context, racism is also an injustice due to maldistribution, because it sculpts an organisational division of labour rendering the racialised group a labour force, which is exploitable and consigned to menial jobs. From the representation dimension, racism stands as well as the injustice of misrepresentation, given that in most cases those who are racialised, were deprived of equal participation in politics, suffered political underrepresentation and marginalisation, and were denied equal protection and rights. For expatriates, misrepresentation injustice is well pronounced owing to their lack of belonging politically, which makes them voiceless politically. Looking at peace and justice for expatriates regarding misrepresentation, misrecognition and maldistribution may both have an innovative, collective and individual dimension.

Narrowing the justice gap

In developing an innovative approach to policy and research intervention distinguished by expatriates, there is a need to be conscientious about the level to which marginalised people could also experience the same injustices. Isolating the injustices faced by expatriates from those felt by other people portrays the nature of prejudices, and what may potentially undermine alliance-building over injustices that traverse the residents' divide. However, this does not imply disregarding the obstacles that are faced specifically by expatriates based on their cultural traits and legal status among others. Instead, it entails addressing expatriates and those with different statuses of immigration, such as asylum-seekers and migrant workers through expatriate adjustment models among others (Crawley and Skleparis, 2018). However, it would be an epistemological misstep to take these variations for granted and think they best represent empirically germane attributes that answer some questions about injustices encountered by the

public (Dahinden,2016). In addressing injustices through policy intervention, cognisance must be taken that the status of migration is not the most important or the only criteria that determine the injustices experienced, or the avenues to justice at their disposal. It could be that the status of migration is empirically germane only if it intersects some other different categories like age, sexuality, gender and class. Hence, it will be important not to naturalise government categories and make analyses that would artificially divorce expatriates from wider societies and some social groups in which they reside. In this regard, the All-Subjected Principle then becomes applicable because relevant justice issues are not positioned as being exclusively applied to those with a political inclination in a given country (Abizadeh, 2021; Fraser, 2008).

Perhaps, the starting point for narrowing the justice gap and access to justice and peace for expatriates, especially in the Global South must be a practical reflection of what expatriates identify to be exclusively unjust to them or endured as well by the marginalised category of citizens. The injustices identified might be codified as crimes in the laws of the countries where they take place or not. The injustices could be those endured collectively or individually. If justice should be done, there is a need for an administrative mechanism to superintend some formalistic or legal infractions on those seeking justice, hence the significance of firewalling between systems of justice and immigration. A bottom-up approach would incorporate justice arrangements, which are more relevant and practical for a given community. Such arrangements may not include formal institutions of justice but could involve all the intermediaries, administrative, customary, and informal avenues to which local people and expatriates seek to access justice. However, these interventions should not be left to obfuscate or miss issues of structural inequality, social injustice and powerlessness that trigger most injustices. It could be helpful if the interventions interrogate how the different injustice practices speak to the overlapping dimensions of representation, recognition and redistribution.

The aforementioned interventions for human security, peace and access to justice for expatriates should strive to investigate intersectional injustices and build solidarity between similarly and different groups affected and contribute significantly to the SDG16.

Conclusion

In the modern environment of international migration, it is inexcusable to be trapped in the state-centric narrative of putting national interest first for inaction or actions when expatriates and other migrants are not secure, have no peace and are faced with a series of injustices. However, there are concerns about international security and national sovereignty insinuating that it is worth setting a high-pitched threshold for any form of expatriates' innovative interventions based on the expatriate adjustment models. In theory, working out such a threshold is not that difficult, but in practice, a robust debate would be required about some issues of security, peace and justice for migrants. Some voices should be truly heard from an international discourse given an opportunity to debate. The concept of mobility justice is all-encompassing in terms of how inequality and power inform the control and migration governance, influencing human security and peace amongst expatriates. This shows that injustices occur at different levels and magnitude, and should be analysed from the micro-level, meso-level to macro-level embodying interpersonal relations

and transnational relations. A bottom-up approach is required to innovatively address concerns of peace and justice and strengthen institutions that work towards shrinking the justice gap among other unjust practices encountered by expatriates. Redistribution, recognition and representation dimensions should be entrenched in the interventions to reduce the justice gap and cultivate a peace and justice trajectory that enhances the well-being of expatriates and underprivileged people. In the final analysis of narrowing the justice gap and addressing the grand human security concerns, peace and justice for expatriates will be a step in the right direction for realising SDGs, especially SDG16.

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