

Migration at the crossroads of customary international law and modern concepts of humanitarian duty

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International legal norms on migration

- **What is migration?**

- Internal
- International
- Forced/coerced or voluntary.

- **Who is a migrant?**

- Refugees,
- IDPs
- Asylum-seekers,
- Migrants (in a narrow sense)
- Environmental refugees/migrants (climate change refugees), Teitiota-case (2015, Supreme Court of New Zealand; but see: NZs Jacinda Ardern's proposal in 2017 for creating a Climate Change Refugee Visa Program)

International legal norms on migration

- **International refugee (rights) law**
 - Universal international treaties:
 - 1951 Geneva Convention relating to the Status of Refugees (145 parties as of 11/01/18)
 - 1967 New York Protocol (146 parties as of 11/01/18)
 - Regional treaties:
 - EU law,
 - Some treaties within the CoE, 1959 European Agreement on the Abolition of Visas for Refugees (23 parties, though 2 suspended); 1967 Protocol to the European Convention on Consular Functions concerning the Protection of Refugees (3 parties, not yet in force), 1980 European Agreement on Transfer of Responsibility for Refugees (13 parties)
 - African Union 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (46 parties)
 - Customary rules etc. (incl. the right to seek asylum)

International legal norms on migration

- Migration
 - Some partial international treaties, like:
 - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990
 - ILO Conventions
 - CoE 1977 European Convention on the Legal Status of Migrant Workers (13 parties)

Customary international rules on migration

- Improving human rights norms (incl. the right to migrate)
- Improving human rights norms (by using evolutive interpretation)
- Lack of new international treaties, adopting political documents as tools of global governance
- First and foremost the Global Compact for Migration.

Global Compact for Migration

- What is it?
- What is the essence of this document?
- Cross-reference techniques,
- Gradual emergence as customary law,
- Global governance vs. International law.

Thank you for your attention!