

## TERRITORIAL SOVEREIGNTY AND RIGHTS OF MIGRANTS

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### ABSTRACT

This paper considers territorial sovereignty (and of course its border management) from a human rights perspective. It demonstrates how a preoccupation with border zones have expanded, border crossing has become a more stigmatized and dangerous activity, and even as globalization has given rise to easier and faster international travel, for some, movement has been outlawed and stigmatized. Measures taken by some territories to strengthen and secure borders have paradoxically made migrants, more at risk of violence and exploitation by territorial actors. This paper argues that if capitals, information and ideas should flow across borders the same should be applied to the free movement of people. Secondly, there should be no gap between the rights of the migrants (foreigners) and the citizens of the territory. Finally, since this gap between the principle of territorial sovereignty, and the reality of individual lives, underscores the vulnerability of migrants in terms of dignity and human rights; this paper argues that a human right-based approach to such regimes is urgently needed, in order to address growing human rights crises among the migrants.

**Keywords:** *Migration, sovereignty, human right, state, vulnerability.*

### INTRODUCTION

The dominant migration management paradigm globally has posed a series of threat on the rights of the migrants. It has been realized that on the process of managing migration as a security threat to the sovereign states, the migrants have become the most vulnerable victim of the case. Migrants in the heated securitization atmosphere have become the bearers of all things bad and dangerous ever since nobody cares to consider them on the ground of human rights. The migrants who cross borders seem not have rights and protections afforded to them simply because there is no established clear governance rule on the rights. Most of the sovereign states always have a powerful and iconic liberation movement supporting free movement of investment services, finance and ideas but not the free movement of people. To this effect, many migrants

have experienced series of different violent realities of attacks right from the crossing of frontier through almost every interaction they and their families have with the strange host societies. It is so much disheartening that ever since the events of 2001 in the US and across the majority world, sovereign states have been assiduously constructing a potential migrant and security threat nexus but the actual security of migrants has been increasingly denied of them. The securitization of migration by the sovereign states has vehemently exposed the migrants to a more risk, more insecurity and more unnecessary deaths.

Nevertheless, asserting control of borders is never a simple or automatically positive experience. Restrictive migration policies and migrants' right cannot be compensated for by an ill- thought of security conscious. Though, the defense is always captioned on illegal migration is which too often taken for granted as a commonsense concept. While at one level it is simple to define as migration outside the law, but in reality it covers a range of social phenomena from overstaying a visa to fraudulent entry. When examined from the perspective of state management of migration flows it is clear that illegal migration is actually a social constructed ideal. It is precisely the politicization of immigration management that has created illegal employment and illegal migration as fundamental structural components of contemporary capitalism. And this draws the line at calling this capitalism or referring to anything inherent in it as a mode of production. It is this structurally embedded reality that produces the flow of migrants across the borders of the richer countries. Therefore, it might not totally be the fault of the migrants whether legal or illegal as though many at times the government policies and administrations of the sovereign states who seek for one beneficially outcome of immigration *Nexus* contribute to the challenges of seeing migration as an act of insecurity and violence. This paper, however, tries to see if migrants should in one way or the other be considered from their inherent fundamental human rights to exercise their freedom of movement. While the objective of the states should not only be to secure their territory since the process of securitization in reality most often become an added burden on the rights of the migrants but should also apply the basic equality and justice principles on the migrants.

**The Principle of Territorial Sovereignty and the Right to Freedom of Movement.**

Territorial sovereignty signifies ownership and possession of a territory which entitles a state to exercise its authority and jurisdiction over the territory. Under the principle of territorial sovereignty a state exercises full and exclusive authority over its territory. As stated by **Judge Max Huber** in the *Palmas island* arbitration award, “sovereignty in the relations between states signifies independence. Independence in regard to a portion of the globe is the right to exercise therein, to the exclusively of any other states, the functions of a state”<sup>1</sup>. While the International Court of Justice (ICJ) emphasizes that “between independent states, respect for territorial sovereignty is an essential foundation of international relations”<sup>2</sup>. Territorial sovereignty, therefore, implies that, subject to applicable customary or conventional rules of international law, the state alone is entitled to exercise jurisdiction, especially by subjecting objects and persons within its territory to domestic legislation and to enforce these rules. This is why it is assumed that states possess “full” and “absolute” sovereignty and thus could freely use resources within their territories regardless of the impact this might have on neighboring states. Few would argue today that territorial sovereignty is an unlimited concept enabling a state to do whatever it likes. State sovereignty cannot be exercised in isolation because activities of one state often bear upon those of others and consequently, upon their sovereign rights. As Oppenheim notes, “a State”, in spite of its territorial supremacy, is not allowed to alter natural condition of its own territory to the disadvantage of the national condition of the territory of a neighboring state”<sup>3</sup>.

It means therefore, that the principle of territorial sovereignty finds its limitations where its exercise touches upon the territorial sovereignty and integrity of another state. Consequently, the scope of discretionary action arising from the principle of sovereignty is determined by such principles and adages as “good neighborliness” (Ezi Agbata Obi) and as well by the principle of the state responsibility for actions causing transboundary damage. Territorial sovereignty, therefore, implies that the governments of the nation-state have the authority to assert control of their borders and the movement of migrants across these borders. Thus, migration may also call into question the conventional notion of a territorial sovereignty as a bounded entity with a clear demarcated territory and population. It means therefore, that state may view a large influx of migrants showing up at their border as a serious challenge that needed to be dealt with quickly and efficiently. To do otherwise would pose an authority risk and at least call

into question their obligations derived from previously agreed upon international legal commitments.

Another is the emergence of organized criminal networks around illegal migration. Such networks are usually spurred by the vast amounts of money involved in human-smuggling and trafficking. Migrants of this kind commit a lot of atrocities and sneak back to their home country. For whichever purpose illegal immigration is used, such operations may erode normal governance and present real challenges and threats to national sovereignty.

Next is if and when migrants begin to form diasporas organizations in the host country and for various reasons such organization starts to clash among them. Diasporas groups are often formed with an amicable idea of preservation the identity, culture and religion of the migrants. However, their establishment and migrants' participation into them could lead to dual, divided, or ambiguous identities and loyalties all of which may challenge the ones that already exist in the host country.

Notwithstanding the right of freedom of movement mobility rights, or the right to travel is a fundamental human right concept that the constitutions of every state (territories) ought to respect. This means that a citizen of a state in which that citizen is present has the liberty to travel, reside in, and/or work in any part of the state where one pleases within the limits of respect for the liberty and rights of others<sup>4</sup>, and to leave that state and return at any time. According to the Universal declaration of Human Right (1948) all people are entitled to the recognition of inherent dignity and certain inalienable rights, which are the "foundations of freedom and justice in the world". Freedom of movement is part of the "liberty of man" thus making it one of the most basic human rights. Article 13 of the Universal Declaration of Human rights stipulates that "everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right leaves any country including his own and return to his country"<sup>5</sup>. Yet, considering the rate at which restrictions on freedom of movement have escalated is not to be written home about. It is very widely practiced in the modern world, and one might expect its legitimacy in general to be rather uncontroversial. No wonder Timothy King points out thus:

....almost any plausible ethical theory will tend to cast grave double on the moral property of restricting immigrations. With so much that can be said against it, the real philosophical question turns out to be, what weight reason

can be given in justification of the practice/or, to put it another way, is there a moral issue at all, rather than simply a common immoral practice?<sup>6</sup>

Considering the principle of utility, however, nothing is said about nations or citizenship; “everyone, not “every citizen of my country”, is “to count as one and none as more than one”. Now there is no reason to think that national restrictions on migrations will maximize global utility, and pretty good reason to think otherwise. So global utilitarianism is opposed to immigration restriction<sup>7</sup>

Moreso, it is still questionable that globalization has encouraged the free movement of goods, services and capital, but not the freedom of people. While rules of trade and capital flows across borders have developed as internationalization have been intensified ever since, the same cannot be said for people who cross borders. Globalization has accelerated labour migration by accentuating income disparities between nations but it has not (yet?) sought to establish clear governance rules. Hence:

Free movement is an element of other economics integration areas, in Africa and Latin America, for example the Economic Community of West African State (ECOWAS). But free movement in the EU does not automatically extend to third country nationals in an irregular immigration status are at the extreme edge of the spectrum-including rejected asylum seekers. Over time the EU has created a privileged status for regular migrants, but at the same time an emphasis on the prevention of clandestine migration has undercut, or even eclipsed, the concern to protect the rights of irregular migrants<sup>8</sup>.

Migrants are not, of course, an undifferentiated human flow and what has been missing from the discourse of border control as just a migrant-centered approach based on the human rights framework. Even though that the ideal of human rights has been based on foundation of those rights. Expressions like; dignity respect and humanity still play a central role in human rights discourse since it is merely asserted that human beings are born free and equal in dignity and rights. These concepts are criticized as mistaken or superfluous for the politics of human rights. But then, human rights constitute a rather peculiar category of rights: we take them not only to be valid independently of any legislation, but also to be objective, that is to be valid whether *de facto* recognized by us or not. It

seems we simply have them independently of any specific aspects, which may differentiate us from other individuals. Instead, human rights are unifying. They connect us despite all accidental differences by a common feature – our humanity. Human rights are universal because they are based on humanity as the sole shared aspect in a world of different nations, cultures, religions and traditions. And the central claim of this universality of human rights remains that we take human right to do more than protect the mere right to life. They legitimate our claims to love in a way appropriate to human beings, i.e; they legitimate the right to own humanity. Humanity is not meant here as a biological concept, but is rather understood as the minimal conditions necessary for leading valuable life. Human rights infringements are essentially characterized by the humiliating or degrading treatment of persons. The victim experiences much more than mere uneasiness or anger, even more than physical pain. The person feels profoundly ashamed and shame is moral pain. This pain is not necessarily restricted to the wronged person. Many people are overcome by indignation when they experience or learn about human rights' infringement; they themselves in some way equally wronged. Human rights violations concern us all. This is because human rights are moral rights; they do not just assure survival but also the moral integrity of persons, which is an indispensable condition for a good life. Moral integrity or dignity as the normative source of human rights is therefore considered as an unconditional value.

Above all, a human rights approach should be grounded in the notion that basic human rights are not a matter of charity, but of justice, and should therefore be embodied in transparent binding standards. Besides, managing migrations seems like a commonsense proposal: who would advocate unmanaged, unchecked and unbalanced flows of people across territories (or borders)? When discussing the matters with third world countries and integration policy makers, it was rapidly reminded that “there is such a thing as territorial interest”. But from a global development perspective, can we really leave things at that? Migration is the order of the day – whether it is in terms of ideas, images, investments or human being. Similarly, human rights grant the right to migrate as a fundamental and undeniable basic human right, why is the right to immigrate or rather the freedom of movement so restricted? From a human rights and global development perspective, we can only support the free movement of people.

### **Territorial Sovereignty and Migrants Vulnerability**

The Issue of Territorial Sovereignty is obvious within the contemporary discourse on international migration. Across the world, movements of people and goods have tremendously increased requiring enhanced immigration and border management structures to more efficiently and effectively manage the cross-border flow of people and goods. As a consequence, most of the sovereign states remain confronted with a common challenge mainly on how to best facilitate the legitimate movement of people and goods while maintaining secure borders. Thus, they put border agencies notably the customs, border police and immigration services. They are primarily responsible for the processing of people and goods at points of entry and exit, as well as for the detection and regulation of people and goods attempting to cross borders illegally. Therefore, a comprehensive and well functioning border Management structures should encompass both security and facilitation of legitimate cross-border flows of people and goods. Besides, paradoxical as it seems, protecting migrants' right may be the best way to enhance state sovereignty in a globalized world. The protection of fundamental human rights and freedoms should not depend on where one is in the world. However, it is the state's responsibility to uphold human rights through its laws and enforcement. But the reverse has become the case as so many migrants have lost their life's in one way or the other. The border has become a "site of control", a place where the founding myths of the nation state are invoked and reified. The mode at which they express the need for such pervasive control has subjected many migrants to a greater vulnerable conditions. Governments and popular media, in destination countries have declared a "war" especially on "illegal immigration". For instance, in the early November, 2017, it was carried on news that 26 teenage migrant girls were found dead in the Mediterranean at the cemetery of salerno, southern Italy and were buried on 17<sup>th</sup> November, 2017. The bodies of the victims were said to be found floating in the water by a Spanish military ship and brought to Italy on November 3 after two separate rescue operation<sup>9</sup>. Though it was only three of the girls that were identified as Nigerians at the time of the burial as the Senior Special Adviser to the president on Foreign Affairs and Diaspora, Mr. Abike Dabiri-Erewa told Newsmen at a briefing at Abuja. But it is still disheartening that no sufficient time was given by the Italian government for adequate identification of the girls as some might still be Nigerians<sup>10</sup>.

Meanwhile, this discourse as noted above constructs the individual migrants as the “other”, an unwanted threat to the integrity of the state. They are vulnerable to human rights violations because they are not citizens of receiving states and, due to their status, often live in precarious situations. Women migrants have more additional challenges as they face human rights violations based on their migrant status as well as based on their sex. Whether migrants enter states “with authorization or they are undocumented, migrants will generally find their rights diminished in comparison with the citizens of their country of residence”<sup>11</sup>. While human rights are inalienable and should not be granted on the basis of citizenship, as part of the notion of territorial (state) sovereignty, states possess extensive authority to protect their borders and determine their own laws. For example, states have the power to determine the admission of non-nationals into their country, detention of migrants and removal or expulsion of non-nationals<sup>12</sup>. Just like it was given by the federal ministry of Foreign Affairs, in a statement signed by the spokesperson, Tiwatope Elias-Fatiile that the federal Government has a record of 2,778 Nigerian migrants registered in “accessible” detention camps in Libya who were ready for repatriation, out of which a set of 250 of them would be arriving on Tuesday, December 5, 2017 at Murtala Muhammed Airport, Lagos at 7.00pm to be received by NEMA officials<sup>13</sup>. However, although states have the power to manage migration flows into, through and from their territory, they are obligated by international law to do so in such a way that upholds the rights of individuals within their territory and under their jurisdiction.

Still and all, states may not in any way be so dependent on managing unwanted immigration that will undermine the state sovereignty or rather be detrimental to their sovereignty. After all, “appearing to crack down on ‘unwanted immigration is increasingly regarded by governments as essential for safeguarding social peace’”<sup>14</sup>. Thus, the territorial border which physically and symbolically divides the citizen from the outsider, has become a central preoccupation of the modern nation-state. It has also become the powerful symbol of sovereignty irrespective of unprecedented growth in trade and travel. In effect, the United Nations Secretary General once asserts in his report to the Security Council that:

Globalization has given rise to an exponential growth in the volume of international trade and movement of goods, money and persons... this unprecedented openness in trade and travel has created economic growth and well-being. However, in many



contexts, this rapid change has often outpaced the growth of mechanisms for national, regional and global governance, giving rise to massive opportunities for transnational organized crime and corruption to thrive and for terrorists to exploit<sup>15</sup>.

Actually, in a globalizing world, where the theoretical construct of sovereignty is daily breached by the movement of goods, capital, information and ideas, it is significant that the movement of people should continue to inspire often visceral reactions by states and their populations. Also, significant, but often unremarked is the fact that it is usually those who are poor and disenfranchised who feel the full force of the migration governance regimes designed to criminalize and exclude certain foreigners. Multiple layers of marginalization and discrimination accompany poor and vulnerable individuals as they attempt to migrate across borders, despite the fact that it is the poor and the socially excluded who are most in need of migration as a survival strategy.

Nevertheless, the special vulnerability of migrants stems from the fact in which they live, they have crossed an international border and (unlike citizens) that may generally enter and live in another country only with the express consent of its authorities. This vulnerability which derives from an alien status often contacts sharply with the determination, ingenuity and resilience required for the migration process itself. This dissociation between nationality and physical presence has many consequences. As strangers to a society, migrants may be unfamiliar with the national language, laws and practice and so less able than others to know and assert their rights. They may face discrimination and be subjected to unequal treatment and unequal opportunities at works, and in their daily lives. They may also face racism and xenophobia. At times of political tension, they may be the first to be suspected (or scapegoated) as security risks. By linking anti terrorism and immigration control in the context of the “war on terror”, many governments have encouraged, however unintentional, xenophobia against migrants and refugees. In some territorial sovereignty, national discrimination law does not protect migrant workers, and in any case migrants are more likely to work in sectors where labour standards are not applied, or even not applicable. Where a migrant enters another country illegally, or legally and subsequently loses any legal immigration status, his or her vulnerability to abuse and exploitation sharply increases.

In the main time, border management functions have become spatially detached from territorial borders. The border confronts migrants in a multitude of ways: at the visa counter of a foreign embassy in their country of origin; at the check-in desk at the airport, where the carrier examines their visas; when being prevented from boarding a flight by airport liaison officer, on board a ship that has rescued their capsizing vessel; in airport detention center after being denied permission to enter, or as a well physically separating their country from its neighbor. These techniques push clearance of persons to enter a state 'upstream' and into the hands of bureaucratic decision makers, limiting the context to which a person can claim rights or challenge violations<sup>16</sup>. Human rights violations often take place even before people leave their country of origin, including visa regimes that are severely restrictive or even discriminatory and provisions, such as carrier sanctions that interfere with the right of freedom of movement.

However, it should be noted that human rights law did not explicitly refer to migrants or recognize them as vulnerable group. They should be protected because this body of law applies to "everyone" and is universal in its application. It still remains the case that human rights norms are dispersed throughout a wide range of texts. This means that migrants have been "invisible" in much human rights discussion, and that fact has contributed to popular belief that they are a group apart, without the same fundamental human rights as others. A basic principle of human rights is that entering in violation of immigration laws does not deprive an irregular migrant of his or her most fundamental human rights, nor does it erase the obligation of the host state to protect these individuals. The analogy is sometimes made with the operation of criminal law where; although an individual may have broken the law, and be liable to prosecution for a specific criminal offence, he or she retains their basic human rights -- to due process or humane treatment --throughout the legal process, and after conviction<sup>17</sup>. The fact still remains that the basic principle of human right gives "everyone" freedom from abuses such as arbitrary killing, torture and inhuman treatment, slavery, forced labour, arbitrary arrest, unfair trial and invasions of privacy; all persons also have the right to marry; to be protected as minors; to be freedom of religion and belief. These rights apply to everyone-- (and) must be guaranteed without discrimination between citizens and aliens<sup>18</sup>. Therefore, the basic principle of human rights draws no distinctions between regular and irregular migrant, in their protection against human rights violations.

Thus, these treaties require governments to ensure that the rights of migrants are respected by regulating the actions of territorial sovereignty; of which, will not only be beneficial to the migrants but will also contribute to the development of the nation-state.

### **Managing Migrant and National Development**

There is a fear that protecting human rights and placing the individual at the forefront of migration issues undermine state sovereignty or that putting migration governance firmly within the existing international legal framework may, in some way, be detrimental to state sovereignty. It is, however, important to underline that existing international law does not impose upon states how to govern their migration flows nor does it dictate how to formulate migration policies. In fact, the existing international legal framework actually creates a sustainable basis for having long-term migration governance with respect for the individual as well as recognizing the states, competence to govern access and stay of non-nationals (with the notable exception of non-refoulement<sup>19</sup> cases). To this effect, it will be a welcome development if there would be an integration based on equal treatment and the prohibition of discrimination, of which, will be in the best interests or rather, an advantage for both migrants and the territory in which they live.

Hence, if states should be managing migration by establishing laws that protect the human rights of migration. It can effectively work to enhance state sovereignty by protecting national security and public order. For instance, by developing laws and practices that protect the human rights of irregular migration, such as victims of trafficking and smuggling, states can better address issues of corruption and transnational organized crime which are often associated with trafficking or smuggling in persons. These laws promote the protection of national security and public order. Moreso, instituting anti-human trafficking legislation that requires states to protect victims of trafficking from exploitation and assist victims to rehabilitate by providing them with appropriate housing, counseling and medical, psychological and material assistance, does not challenge state sovereignty, and does not infringe upon the right of the state to protect its borders and those within them<sup>20</sup>.

Another way through which a good proper management of migration can uphold national development is on the side of the migrant workers. If the states should sustain the rights and freedoms of both documented and

undocumented migrant workers, it will not undermine the territorial sovereignty but will even strengthen the territories. The Core Human Right Conventions, including the Convention for the Protection of the Rights of all Migrant Workers and Members of their families acknowledges that all migrant workers are entitled to legal protection within the international human rights regime. The convention accords both documented and undocumented migrants with civil, social and labour rights<sup>21</sup>. Regarding irregular migrants, the convention recognizes that workers who are non-documented or in an irregular situation frequently are employed under less favourable working conditions than other workers<sup>22</sup>.

Managing migration especially the migrant workers is very essential because it ensures stability and development of the nation, mainly in a globalized world where labour mobility, or the movement of people across nation borders for employment, is a crucial step for future development. This is because migrant workers contribute to the economic and human development of the countries in which they work and where they fill gaps in the labour market and provide essential skills. While for the migrant care and domestic workers, where women are greater in number, their hidden and silent work at times contributes effectively to solving the challenges (the core crisis) faced by many developed countries. Secondly, migrant workers contribute to their home countries through remittances which contribute to development and poverty reduction. But the ability of migrant workers to be economically productive and contribute to the development of both their countries of origin and residence depends on the extent of their integration, as well as by the living and working conditions in the country of settlement. By supporting the rights of migrant workers, states can manage migration in such a way that fosters a stable environment for migrants to live and work so that migration becomes leverage for the development of the state. If states would be protecting migrants in an efficient manner (irrespective of their status), and enabling them to earn good pay and enjoy good working conditions, their productivity will contribute to the host country's economy and to that of the country of origin.

In the other hand, and of course in practice, states often strain to fully realize the right to health of migrants, particularly those in irregular situations, by excluding migrants from national healthy systems, limiting access to emergency health care or selectivity providing medical assistance

to migrants<sup>23</sup>. Many believe that requiring states to provide basic health care to non-nationals and extending health care to migrants (especially undocumented or irregular migrants) will place an extraordinary burden on limited state resources and undermines the sovereign interest of state by dictating where to allocate state resources and requiring states to take positive action to ensure that non-nationals have access to these resources. But then, the benefits of extending the right to health care to all migrants greatly reduce the costs to states. Besides, when the states ensure migrants' access to adequate health care, they can facilitate the integration of migrants into their state and ensure that they remain healthy contributing members of society. Inadequate access to health services can exacerbate health conditions and increase risks to public health, which generates greater health care costs for the state in the future. Proactive public health policies and legislation that provide access to already existing health care services to migrants, particularly in terms of health promotion and disease prevention can reduce both the future demands for health care and also subsequent expenditures<sup>24</sup>. It therefore, means that providing health care services to migrants will not in any way infringe upon the state's sovereign right to determine migration management and policies. It would rather be a greater benefit not only to the migrants alone as it will promote respect for the rule of law for existing territorial sovereignty, benefit the citizenries and thus, enhance national development.

## CONCLUSION

It is increasingly recognized that early integration based on equal treatment and the prohibition of discrimination is in the best interests of both migrants and of the territory in which they live. The degree of integration should depend on a number of factors like, language, the availability of work generating sufficient income, legal status, participation in civil and political life, access to social services, family reunion, and access to citizenship through naturalization. From every indication, the foregoing so far illustrates that territorial sovereignty is not undermined when states develop migration management laws and practices that protect the rights of particular kinds of migrants, such as victims of trafficking, smuggled migrants and migrant workers. Territorial sovereignty is also not challenged when states uphold particular human rights of all migrants within their territories. For example, international human rights instruments clearly articulate the "right of everyone to the enjoyment of the highest attainable standard of physical and mental

health”<sup>25</sup> and , in particular, require states to take steps to ensure the healthy development of the child, treat diseases, and create conditions that would assure that medical services would be provided to everyone in their territory in the event of sickness<sup>26</sup>. To this end, therefore, the protection of the human rights of migrants is an essential component of a comprehensive migration management system, and is a means of ensuring the equitable distribution of the benefits of migration. Since many migrants have often been subjected to discriminatory, xenophobic and racist policies that have resulted in a denial of their basic human rights, this paper submits that in order to safeguard the human rights of migrants, the norms enshrined in the various human rights instruments should be invoked, implemented and applied, while all human rights instruments should be ratified and applied in a timely manner. Individuals, Non Governmental Organizations (NGOS), governments of origin, transit and destination countries should work assiduously to improve the migrants human rights that will guarantee equal treatment of all and ensure that irregular migrants are not criminalized.

Above all, it should also be noted that though human right are not absolute, “but are subject to respect for the right and freedoms of others and to the legitimate public interest in defense, safety, order, welfare and health<sup>27</sup>, and there are currently justifiable limits on the freedom of movement in the form of incarcerating criminals. Still and all, a distinction should be drawn between restricting the freedom of movement of migrants who have not committed any crime against the state, but should be done in respect to fundamental human right as it will help to reduce drastically the growing human rights crises among the migrants.

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