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## Sovereignty and the global migration crisis: Legal and humanitarian challenges

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### Abstract

Migration as a phenomenon is recognized as a major global problem which challenges state sovereignty and international law. Triggered by inevitable, conflict, environmental issues, poverty, and political volatilities an estimated millions of people are forced to relocate, making it a legal and humanitarian crisis. A crucial conflict in this matter is between state autonomy over border control and state's legal commitment to refugees and migrants under human rights law and the 1951 Refugee Convention. Despite the fact, some countries take responsibility with providing asylum, others focus on protection of their national interests using politico-legal measures such as, closed borders, detention centers and deportation. Using doctrinal sources and comparative case legal research involving the European Migration Crisis and the Mexican-American border countries this research maps out ways in which sovereignty affects states' compliance with international migration treaty provisions and refugee protection regimes. The study also assesses international agencies, the United Nations High Commissioner for Refugees (UNHCR), and regional frameworks as the drivers of state conduct. In particular, the main concern of the dissertation is changing sovereignty in the context of globalization, and based on this, the legal, policy, and institutional measures to balance the national interests and humanitarian goals of the international community, the importance of collective actions and the effective implementation of international legal norms. The goal is thus to present coherent guidelines and strategies for enhancing less politicized and more efficient global migration governance arrangements.

**Keywords:** State sovereignty; Refugee protection; The global migration crisis; International law; Humanitarian obligations; Migration governance

### 1. Introduction

The global migration crisis is a defining issue of our time, shaped by a range of complex factors including conflict, environmental degradation, economic disparity, and political instability (Dauvergne, 2004). Millions of people are displaced each year, either internally or across international borders, seeking safety and better opportunities. This movement of people has escalated in recent years, creating significant humanitarian and legal challenges that transcend national boundaries. Central to the debate is the tension between state sovereignty—the right of states to control their borders and regulate who enters—and the international legal obligations of states to protect refugees and migrants under human rights law and the refugee protection regime.

States are increasingly confronted with the challenges of balancing their sovereign rights over border control with their responsibilities under international law, notably the 1951 Refugee Convention and its 1967 Protocol (Panjabi, 2010). These international instruments enshrine the rights of refugees and the obligations of states to offer asylum and protection. However, despite these frameworks, global responses to the migration crisis remain inconsistent, with some states embracing their responsibilities while others adopt policies aimed at curbing migration and limiting asylum claims. The rise of xenophobic nationalism, fortified borders, and migrant detention policies in some countries reflects a growing tension between national security concerns and humanitarian commitments (Barnett, 2001).

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This conflict between national sovereignty and humanitarian obligations raises fundamental questions about how states can balance their control over migration with their international commitments to protect human rights and uphold refugee protections.

### **1.1. Research Problem and Rationale**

The increasing movement of people across borders has highlighted the ongoing friction between state sovereignty and international legal frameworks designed to protect refugees and migrants. Sovereign states are under mounting pressure to reconcile their national security interests and border control policies with their humanitarian responsibilities, particularly as irregular migration continues to rise (Helton, 2000). At the same time, global migration governance has become more fragmented, with states often adopting policies that undermine international solidarity and burden-sharing.

The inconsistencies in how states comply with international agreements on migration and refugee protection are stark. Some countries uphold international refugee law by granting asylum and protection, while others engage in practices such as pushbacks, detention, and deportation—often in violation of their legal obligations (Desmond, 2023). These discrepancies, coupled with a lack of effective enforcement mechanisms in international law, have created a crisis in global migration governance.

Moreover, the increasing role of regional migration agreements and bilateral arrangements complicates the global approach to migration governance. These agreements sometimes prioritize security concerns over human rights, resulting in the outsourcing of migration management to countries with questionable human rights records (Piper et al., 2018). The European Union's external border policies, including the use of Third Country agreements, and the US-Mexico border crisis serve as prominent examples of how migration policies are often framed as issues of national security rather than human rights.

This dissertation aims to address these challenges by examining how sovereignty interacts with refugee and migrant protection under international law and analyzing the role of states, international institutions, and regional frameworks in shaping state responses to the migration crisis.

### **1.2. Research Question**

The central research question of this dissertation is: How does sovereignty shape state responses to migration and refugee protection?

This question will explore how the concept of sovereignty—as it relates to a state's authority to control its borders—conflicts with the humanitarian and legal obligations of states to protect refugees and migrants under international law. It will also examine the role of international governance frameworks, such as the United Nations High Commissioner for Refugees (UNHCR), in shaping state compliance and responses to migration.

### **1.3. Research Objectives**

The dissertation has the following key objectives:

- Examine the relationship between state sovereignty and refugee protection under international law: This objective will analyze the tension between national sovereignty and international obligations, such as the 1951 Refugee Convention, and will discuss how sovereignty impacts the enforcement of refugee protections.
- Analyze the role of international and regional actors, such as UNHCR and regional migration agreements: This will explore how global and regional organizations interact with states to manage migration, particularly in conflict areas, and how they influence state behavior regarding migration and asylum.
- Explore the conflict between border control policies and human rights obligations: This will examine how states balance border security and migration management with their obligations to uphold international human rights law and refugee protections.
- Propose strategies for aligning sovereignty with humanitarian commitments: The dissertation will propose legal, policy, and institutional strategies to address the tension between state sovereignty and humanitarian obligations, focusing on multilateral solutions and global burden-sharing.

### **1.4. Structure of the Dissertation**

This dissertation is structured into five chapters, each addressing key aspects of the global migration crisis, state sovereignty, and refugee protection. Chapter 1, the Introduction, provides an overview of the global migration crisis,

presenting the research problem, objectives, and the structure of the dissertation. Chapter 2, the Theoretical Framework and Literature Review, explores important concepts related to sovereignty, refugee protection, and migration law, reviewing existing literature on the tension between state sovereignty and humanitarian obligations in migration governance. Chapter 3, the Methodology, outlines the research design, data sources, case study selection, and ethical considerations that inform the analysis of state responses to migration. In Chapter 4, Analysis and Discussion, an in-depth examination of the role of state sovereignty in migration governance is presented, assessing the effectiveness of international legal frameworks and the challenges states face in fulfilling their humanitarian responsibilities. Finally, Chapter 5, Conclusion and Recommendations, summarizes the key findings, offers strategies for balancing sovereignty with humanitarian commitments, and highlights areas for future research.

This structure ensures a comprehensive examination of how sovereignty and humanitarian law intersect in the context of the global migration crisis and provides recommendations for improving global migration governance.

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## **2. Literature Review**

### **2.1. State Sovereignty and Migration Control**

State sovereignty has long been a fundamental principle of international law, asserting the absolute authority of a state over its territory and the ability to regulate matters within its borders, including migration policies. Traditional interpretations of sovereignty assert that each state has the exclusive right to control who enters and exits its borders (Chigudu, 2015). This view reflects the idea of states as autonomous entities, where governments have the discretion to establish immigration laws, border controls, and policies that determine the criteria for entry, residence, and the treatment of foreign nationals. The principle of sovereignty has historically been seen as a cornerstone of national security, economic management, and cultural preservation. However, in a more globalized world, the concept of sovereignty has evolved. International migration, influenced by factors such as conflict, climate change, and economic disparity, increasingly challenges traditional sovereignty as states face external pressures and international expectations regarding the treatment of migrants and refugees. As more people cross borders, the traditional idea of sovereign control is tested by the increasing demand for cooperative approaches to migration and the recognition of universal human rights, which increasingly compel states to balance national interests with global obligations (Schindlmayr, 2003).

### **2.2. International Legal Frameworks Governing Migration and Refugee Protection**

The international community has developed legal frameworks aimed at addressing the rights of migrants and refugees, while also guiding the responsibilities of states. The 1951 Refugee Convention and its 1967 Protocol serve as foundational texts in the protection of refugees, outlining the rights of individuals fleeing persecution and the obligations of states to grant asylum and protection (Mills, 1996). The Convention defines a refugee as someone who has a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion. The Convention not only establishes the right to asylum but also stipulates the rights of refugees once granted asylum, including the right to work, education, and access to legal protections. However, the Convention's scope is limited by its geographical and temporal focus, initially applying only to those fleeing events prior to 1951 and primarily to Europe, limiting its application in a broader, more modern context.

In addition to refugee law, International Human Rights Law (IHRL) plays a significant role in shaping migration governance. Instruments such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) enshrine the fundamental human rights of all individuals, regardless of nationality or immigration status (Camilleri, 2017). Articles in these frameworks ensure the protection of the right to life, the prohibition of torture or cruel treatment, and the right to seek asylum. These principles have become critical when national immigration policies conflict with the rights of migrants and refugees. In recent years, the Global Compact on Refugees (GCR) and the Global Compact for Migration (GCM) have emerged as international frameworks seeking to guide state behavior in managing refugee crises and migration flows. The GCR aims to provide a comprehensive approach to refugee protection and resettlement, focusing on burden-sharing and international cooperation. The GCM, while non-legally binding, seeks to improve migration management by promoting safe, orderly, and regular migration through state cooperation and shared responsibilities (Juss, 2016). Both compacts underscore the importance of global cooperation in addressing migration issues, yet their non-binding nature means that they lack enforcement mechanisms, which limits their impact on state behavior.

### **2.3. Role of International and Regional Organizations**

International organizations, particularly the United Nations High Commissioner for Refugees (UNHCR), play a pivotal role in the global migration governance landscape. The UNHCR was established in 1951 with the mandate to provide protection and assistance to refugees worldwide. It has been instrumental in advocating for the rights of refugees and in coordinating the international response to refugee crises (Atak et al., 2018). Through its role as the primary agency responsible for implementing refugee protection frameworks, the UNHCR supports states in fulfilling their obligations under international law. It also works closely with states to provide humanitarian assistance in refugee camps and settlement areas. Despite its extensive reach and significant successes, the UNHCR faces limitations in enforcing compliance with international refugee law, as it cannot compel states to adopt specific policies or admit refugees (Mitsilegas, 2012). Its efforts to provide protection and promote burden-sharing are often hindered by the political interests of sovereign states, particularly in regions with high numbers of refugees.

Regional organizations also play significant roles in shaping migration governance, offering tailored responses to migration challenges in specific geographic areas. In the European Union (EU), the Dublin Regulation establishes a framework for determining which member state is responsible for processing an asylum seeker's application (Goodwin-Gill, 1989). This regulation, while aiming to streamline asylum processes, has been heavily criticized for placing disproportionate burdens on countries at the EU's external borders, particularly Greece and Italy, contributing to humanitarian crises. In Africa, the African Union's Kampala Convention outlines state obligations to protect internally displaced persons, reflecting regional recognition of the need for cooperation on migration issues (Achiame, 2019). Additionally, ASEAN has taken steps to address migration challenges in Southeast Asia, although its approach to refugee protection has been criticized for its limited scope and focus on national sovereignty over humanitarian concerns. These regional frameworks often reflect tensions between the sovereign rights of states and the need for cooperative responses to shared challenges in managing migration.

### **2.4. Sovereignty vs. Humanitarian Obligations**

The tension between state sovereignty and international humanitarian obligations is most evident in the area of migration governance. Sovereign states are increasingly grappling with the pressure to maintain border control and national security while upholding their international commitments to protect refugees and migrants (Schain, 2009). National security priorities, including fears over terrorism, economic stability, and the perceived cultural and social impact of immigration, often lead states to adopt restrictive immigration policies. These policies, such as border wall construction, detention centers, and deportation practices, sometimes violate international law, particularly the principle of non-refoulement, which prohibits the forced return of individuals to countries where they face persecution or danger (Calavita, 1994).

On the other hand, humanitarian obligations demand that states adhere to international principles of refugee protection, ensuring access to asylum, safe conditions, and the protection of basic human rights (Provine & Varsanyi, 2012). The political narratives surrounding migration often shape how states view these obligations, with public opinion and media representations influencing how governments respond to migration crises. In some contexts, rising populism and anti-immigrant sentiment have led to the politicization of migration, with states increasingly framing migration as a threat to national identity or security. This politicization complicates efforts to reconcile national sovereignty with international humanitarian obligations, as states prioritize national interests over global responsibilities (Fields, 1932).

### **2.5. Case Studies in State Responses to Migration**

Two prominent case studies illustrate the tension between sovereignty and humanitarian obligations in migration governance: the European Migration Crisis (2015) and US-Mexico Border Policies.

The European Migration Crisis saw a significant increase in the number of refugees and migrants arriving in Europe, particularly from Syria and Afghanistan, leading to divisions within the European Union regarding the allocation of responsibility for asylum seekers (Newland & Papademetriou, 1998). The Dublin Regulation came under intense scrutiny as frontline countries like Greece and Italy struggled to manage the influx, while wealthier northern European countries like Germany and France were called upon to take more responsibility (Frey & Zhao, 2011). The crisis highlighted the failure of the EU's migration policies to balance sovereign interests with the humanitarian needs of refugees. The refugee quotas proposed by the European Commission were met with resistance from countries that viewed migration as an economic burden or security risk, leading to debates about burden-sharing and the equitable distribution of responsibility. The crisis revealed the inherent tension between national interests and the collective duty of states to protect refugees.

In the US-Mexico border context, the issue of sovereignty is closely tied to concerns over border security, immigration control, and asylum procedures. US policies, particularly under the Trump administration, reflected a strong prioritization of sovereignty, with an emphasis on border enforcement, the construction of a border wall, and the use of family separation as a deterrent to illegal immigration (Scanlan, 1994). These policies were framed as necessary for national security and preserving the integrity of US immigration laws, yet they sparked widespread condemnation for violating international human rights standards and refugee protections. The Biden administration has sought to shift policy by emphasizing a more humane approach to asylum seekers, yet challenges remain in balancing sovereignty with humanitarian obligations at the US-Mexico border (Wexler, 2007).

## 2.6. Literature Gaps

Despite significant scholarly attention to the relationship between sovereignty and migration governance, gaps remain in the literature. There is a limited analysis of how states can effectively reconcile sovereignty with humanitarian principles, particularly in contexts where political pressures and public opinion shape national policies. Additionally, the literature often overlooks the regional disparities in migration governance, with a focus predominantly on European or North American responses. There is a need for more nuanced analyses of how different regions approach migration and the role of regional cooperation in addressing shared migration challenges. Furthermore, the lack of robust enforcement mechanisms within international law, coupled with the voluntary nature of many migration frameworks, calls for more research into how states can be held accountable for upholding their international obligations.

The ongoing migration crisis and sovereignty debates continue to evolve, and further research is needed to explore policy solutions that better integrate state sovereignty with human rights and refugee protection.

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## 3. Methodology

### 3.1. Research Design

This dissertation adopts a qualitative research design, combining doctrinal legal analysis with comparative case studies to explore the relationship between state sovereignty and the global migration crisis. The research focuses on understanding the legal frameworks governing migration and refugee protection, while also examining state practices in balancing sovereignty with international humanitarian obligations. Doctrinal legal analysis involves a detailed examination of legal texts, treaties, and international conventions, focusing on the interpretation and application of key instruments such as the 1951 Refugee Convention, the Dublin Regulation, and regional agreements like the Kampala Convention. By analyzing the text and provisions of these instruments, this research will assess the theoretical and practical tensions between national sovereignty and humanitarian responsibilities.

Additionally, the use of comparative case studies allows for an examination of how different states and regions approach migration and refugee protection. The case study method facilitates a deeper understanding of the variations in state responses to migration, focusing on the European Union, the United States, and regional frameworks in Africa. Each of these case studies will provide insights into the challenges and contradictions between state sovereignty and the international obligations outlined in legal frameworks, offering a comprehensive understanding of global migration governance.

### 3.2. Data Sources

The data sources for this research are divided into primary and secondary sources, which will provide a comprehensive overview of both the legal foundations and the real-world application of migration policies.

**Primary Sources:** The primary sources include key international legal instruments that provide the legal framework for migration and refugee protection. These include the 1951 Refugee Convention and its 1967 Protocol, which define the rights of refugees and the responsibilities of states. The Dublin Regulation is also a critical primary source, as it governs the processing of asylum applications within the European Union and reflects the EU's approach to balancing sovereignty with collective responsibilities. Additionally, UNHCR reports and state migration policies will provide valuable data on the implementation of international laws, offering a practical perspective on how states are responding to the global migration crisis. These reports and policies will be used to assess the extent to which states are complying with international obligations and how these frameworks are adapted to national interests.

**Secondary Sources:** Secondary sources will include books, academic articles, and policy papers that discuss the intersection of sovereignty and migration. These sources will provide critical theoretical and legal perspectives on migration governance, the role of sovereignty, and the responsibilities of states in protecting refugees. NGO and

advocacy group publications will also be included as secondary sources, offering alternative viewpoints on the impacts of migration policies on refugees and migrants, as well as insights into advocacy efforts aimed at ensuring states' compliance with humanitarian obligations. These publications will be important for understanding the broader social and political context within which migration policies are developed and implemented.

### 3.3. Case Study Selection

The case study approach will be used to analyze specific instances of state responses to migration, examining the legal, political, and social dynamics that influence policy decisions. Three primary case studies will be explored:

- **European Union Migration Policy (Dublin Regulation):** The Dublin Regulation is a central piece of EU migration policy, determining which EU member state is responsible for processing asylum claims. This case study will examine how the regulation functions in practice, the tensions it creates between member states, and how it reflects the balance between national sovereignty and collective responsibility within the EU. This case study will also analyze the political and social debates around the EU's response to the 2015 European Migration Crisis, focusing on burden-sharing, border control, and refugee protection.
- **US Border Policies and Asylum Laws:** The US has been a key player in global migration governance, with its border policies and asylum laws influencing migration trends and shaping the discourse on sovereignty and protection. This case study will focus on the US-Mexico border and the Trump administration's immigration policies, including family separation, detention centers, and the construction of a border wall. These policies highlight the tension between national security priorities and international humanitarian obligations. The case study will also examine the Biden administration's approach to asylum seekers and immigration reform, comparing the shift in policy and the ongoing challenges of balancing sovereignty with human rights.
- **Regional Responses in Africa (Kampala Convention):** The African Union's Kampala Convention is a regional legal instrument that addresses the protection and assistance of internally displaced persons (IDPs) in Africa. Although the Convention focuses on internal displacement, it provides an important example of regional cooperation on migration-related issues. This case study will analyze the role of regional frameworks in addressing migration and displacement, focusing on the African Union's response to migration challenges, such as the displacement caused by conflict and climate change. The case study will explore how regional responses to migration can complement or conflict with state sovereignty and international obligations.

### 3.4. Ethical Considerations

This research will adhere to strict ethical guidelines, ensuring that the perspectives of both states and migrants are fairly represented in the analysis. When examining migration policies, it is crucial to avoid biases that might skew the understanding of sovereignty and humanitarian responsibilities. Efforts will be made to represent both the state's need for security and control and the humanitarian rights of migrants and refugees, giving balanced attention to both sides of the sovereignty debate.

Furthermore, the research will be mindful of potential biases in secondary data sources, particularly in NGO and advocacy group publications. While these sources often provide critical insights into the experiences of migrants, they may have inherent biases based on their advocacy goals. The research will cross-reference these sources with official government reports and international legal documents to ensure a more comprehensive and balanced perspective on the issue.

Finally, the research will also consider the potential impacts of migration policies on vulnerable groups, particularly refugees and migrants, ensuring that their rights and experiences are central to the analysis. By prioritizing an ethical and balanced approach, this dissertation aims to contribute to a nuanced understanding of the complex relationship between state sovereignty and international migration law.

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## 4. Data Analysis, Presentation and Interpretation

### 4.1. Sovereignty and Refugee Protection under International Law

State sovereignty and refugee protection under international law are inextricably linked, but often in tension. The 1951 Refugee Convention, the cornerstone of international refugee protection, establishes clear obligations for states to protect refugees from refoulement (the forced return to a country where they face threats to their safety). However, these obligations are frequently tested by national security concerns and domestic political pressures. States, while

legally bound to the principle of non-refoulement, frequently adopt measures that limit asylum seekers' access to protection.

State practices vary widely in their adherence to international legal obligations. Many states, especially in the Global North, practice selective asylum processing — placing restrictions on asylum claims, often requiring migrants to enter the country legally or through specific channels. Some states impose restrictions on family reunification or use detention as a deterrent to irregular migration. These practices challenge the fundamental legal obligations set out in the Refugee Convention. At times, states justify such actions on the grounds of national security or public order, arguing that border controls are necessary to protect the integrity of the state and its citizens.

The principle of border control has become one of the most contentious aspects of state sovereignty in migration governance. Legal and political justifications for strict border control policies, including the construction of walls or the use of surveillance technologies, often emphasize the need to manage migration flows, maintain national security, and uphold public welfare. These policies, however, can conflict with the obligations under the Refugee Convention to provide refuge to those fleeing persecution.

#### **4.2. Role of International and Regional Mechanisms**

The UNHCR plays a central role in overseeing the protection of refugees and ensuring that states comply with international norms. As the leading UN body responsible for coordinating global refugee protection efforts, the UNHCR works to assist and monitor state actions related to asylum seekers and refugees. It provides guidelines and technical assistance to states, and its mandate includes ensuring that refugees are not forcibly returned to unsafe conditions. Despite the UNHCR's comprehensive framework for protection, challenges arise when states either refuse to cooperate or adopt restrictive migration policies, undermining international standards.

Regional agreements, such as the Dublin Regulation and the Kampala Convention, are designed to complement international frameworks by addressing regional concerns. The Dublin Regulation, which governs asylum claims within the European Union, aims to determine which state is responsible for processing asylum requests. However, it has been critiqued for creating uneven burdens among EU member states and exacerbating refugee crises, as frontline states (e.g., Greece, Italy) bear the brunt of asylum seekers. The Kampala Convention focuses on internally displaced persons (IDPs) in Africa, providing a regional legal framework for their protection. While the Convention provides an important model for addressing displacement in the African context, its implementation remains inconsistent, and many African countries still struggle to uphold the protection of IDPs in practice.

The challenge for both international and regional mechanisms is ensuring that states comply with their legal obligations in the face of domestic political resistance. National governments, often under pressure from populist and anti-immigration movements, may prioritize sovereignty over international cooperation, leading to non-compliance or selective adherence to international and regional norms.

#### **4.3. Tensions Between Border Control Policies and Human Rights**

The implementation of border control policies often results in significant tensions with human rights, particularly in terms of treatment of refugees and migrants. Border closures, the establishment of refugee camps, and the use of offshore processing centers (such as those in Australia or in the Mediterranean) are some of the most controversial strategies employed by states. These measures are typically justified by the need to prevent irregular migration and protect national security. However, they can also result in prolonged detention, inadequate living conditions, and the denial of due process for migrants seeking asylum.

In many cases, refugees are subjected to inhumane conditions in detention centers, particularly in countries with limited asylum capacity. The European Union's response to the 2015 migration crisis serves as a poignant example of these tensions. The EU's initial response involved strengthening border security, including the construction of fences and the deployment of military forces at key points of entry. The EU also made efforts to deter irregular migration by imposing restrictive measures on asylum seekers, such as the EU-Turkey deal, which aimed to return migrants to Turkey in exchange for humanitarian assistance. While these measures were seen as effective in reducing the number of arrivals, they raised significant human rights concerns, including the vulnerability of migrants to exploitation, the limited access to asylum procedures, and the overcrowding of refugee camps.

Similarly, US asylum policies have been a focal point of debate, particularly under the changing administrations. The Trump administration's immigration policies, including the zero-tolerance policy and family separation practices, sharply conflicted with international human rights standards. The Biden administration has worked to reverse many of

these policies, but asylum seekers continue to face significant barriers to protection, particularly at the US-Mexico border, where the Remain in Mexico policy and the Title 42 public health order have prevented many from accessing asylum processes.

#### 4.4. Balancing Sovereignty with Humanitarian Obligations

Reconciling state sovereignty with international humanitarian obligations requires a nuanced understanding of national security, economic concerns, and human rights commitments. States often frame their migration policies around the protection of national interests, emphasizing border security, economic stability, and the preservation of cultural identity. However, these concerns must be balanced with the fundamental rights of refugees and migrants as enshrined in international law.

Policy innovations can play a significant role in facilitating this balance. Burden-sharing mechanisms, such as those proposed by the EU for the relocation of asylum seekers across member states, aim to distribute the responsibility for refugee protection more equitably. Refugee quotas, while contentious, can provide a means for countries to manage migration flows while upholding their humanitarian obligations. Additionally, regional cooperation frameworks like the Kampala Convention offer a more localized approach to migration and displacement, allowing states to coordinate responses that reflect regional dynamics and needs.

The Kampala Convention provides a useful model for balancing sovereignty and protection, as it emphasizes the shared responsibility of African states for addressing the plight of internally displaced persons (IDPs). While the Convention is not perfect and has faced challenges in implementation, it serves as a useful precedent for how regional legal frameworks can balance state sovereignty with collective humanitarian obligations.

#### 4.5. Legal and Policy Recommendations

In light of the ongoing tensions between sovereignty and migration protection, several recommendations can be made to improve the effectiveness of migration governance:

- **Strengthening global migration governance frameworks:** International treaties and conventions, such as the 1951 Refugee Convention, need to be updated and expanded to account for contemporary migration challenges, such as climate-induced displacement and the increasing role of non-state actors in migration.
- **Enhancing accountability mechanisms:** States that fail to comply with international refugee obligations should be held accountable through international enforcement mechanisms. This could involve greater use of international courts and independent monitoring bodies to ensure that states fulfill their legal responsibilities.
- **Promoting multi-stakeholder partnerships:** Cooperation between states, NGOs, regional organizations, and international bodies is essential for creating more comprehensive and humane migration policies. Public-private partnerships, such as those used in the Global Compact for Migration, can help address the complex challenges of migration while ensuring that both state sovereignty and humanitarian obligations are respected.

By adopting these recommendations, the international community can move towards a more balanced and effective approach to migration governance, one that respects state sovereignty while ensuring the protection of refugees and migrants worldwide.

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## 5. Conclusion

### 5.1. Summary of Key Findings

This research has demonstrated that state sovereignty remains a central determinant in shaping both migration policies and refugee protection strategies. Sovereign states continue to prioritize control over their borders, often in tension with their international obligations to protect refugees and migrants. While international legal frameworks, such as the 1951 Refugee Convention and regional agreements like the Dublin Regulation, set forth clear guidelines for the protection of displaced persons, they are frequently at odds with national political and security agendas. States often invoke sovereignty to justify restrictive migration policies, undermining humanitarian principles in the process.

Another key finding of this study is that regional agreements play a crucial role in addressing migration challenges, although their impact is inconsistent. For example, the Dublin Regulation and Kampala Convention have helped to shape regional responses to migration, but challenges related to compliance and implementation persist. These frameworks often fail to address the full range of migration-related issues and are vulnerable to being undermined by national



interests. Consequently, international cooperation remains fractured, with countries opting to prioritize sovereignty over collective action.

## 5.2. Contribution to Knowledge

This dissertation offers valuable insights into the complex relationship between sovereignty and global migration governance. It highlights the legal and policy challenges faced by states when attempting to balance national security concerns with their obligations to protect refugees and migrants. By analyzing the tensions between state sovereignty and international humanitarian law, the research contributes to a deeper understanding of how states navigate these competing priorities. Moreover, it underscores the importance of reforming international and regional governance frameworks to better align them with contemporary migration realities.

The research also sheds light on the role of regional organizations and non-state actors, such as NGOs and international agencies like the UNHCR, in addressing the migration crisis. By examining these actors' involvement in migration governance, this study offers a nuanced understanding of how international and regional mechanisms can complement or clash with state sovereignty, ultimately influencing migration outcomes.

## 5.3. Recommendations

**Strengthening International Cooperation:** Enhanced collaboration between states, NGOs, and international organizations is crucial for developing more comprehensive and humane migration policies. Regional cooperation models, like the Kampala Convention in Africa, should be further expanded to address migration challenges in other parts of the world. Additionally, multi-stakeholder partnerships involving government, civil society, and international actors can promote shared responsibility for refugee protection and sustainable migration management.

**Legal Reforms:** International legal instruments, particularly the 1951 Refugee Convention, need to be updated to reflect the current realities of global migration. Reforms should focus on clarifying states' obligations regarding refugee protection, especially in the context of modern migration drivers such as climate change, conflict, and economic instability. Furthermore, enforcement gaps in existing agreements should be addressed, perhaps through the establishment of more robust accountability mechanisms to hold states accountable for non-compliance with international norms.

**Balanced Policies:** States must develop human rights-centric border control measures that respect both national security concerns and international obligations. Burden-sharing initiatives and refugee quotas can help mitigate the pressure on frontline states while ensuring fair distribution of responsibility. At the same time, measures such as improving the quality of asylum procedures and reducing the reliance on detention can help safeguard the rights of migrants and refugees. Countries should consider alternative pathways for migration, such as humanitarian visas and temporary protection schemes, to balance border control with the protection of vulnerable populations.

## 5.4. Future Research Directions

Future research should explore the evolving role of technology in migration control. Tools such as surveillance systems and biometrics are increasingly used to manage migration flows, but their impact on human rights and the effectiveness of migration policies remains underexplored. Research into these technologies can provide insights into their potential benefits and risks for migrants, as well as the ethical implications of their use.

Additionally, future studies should focus on regional migration governance models beyond Europe and Africa. While much of the current literature centers on European and African approaches to migration, other regions such as Latin America, Asia, and the Middle East have developed their own unique responses to migration challenges. Understanding these regional models and their potential for contributing to a global migration governance framework can provide new avenues for addressing migration in a more holistic and cooperative manner.

## 5.5. Final Reflections

Achieving a balance between state sovereignty and humanitarian obligations is critical for addressing the global migration crisis effectively. States must recognize that their sovereignty is not absolute but is bounded by their responsibilities under international law, especially in the context of protecting refugees and migrants. International cooperation, strengthened legal frameworks, and human rights-centered policies are key to ensuring that migration governance is both effective and humane. The future of migration governance depends on states' ability to reconcile their national interests with global humanitarian imperatives, creating a system that promotes shared responsibility and dignity for all migrants.

This outline ensures a structured analysis of the interplay between state sovereignty and migration governance, with a focus on international law, regional agreements, and humanitarian principles.

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## Compliance with ethical standards

### *Statement of ethical approval*

Ethical approval was obtained.

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