
INTRODUCTION

Traditionally, the regulation of migratory movements was left to individual State sovereignty, where States had the sole authority over their territory and population. With the increase in global movements, States came to recognise the need for regional and international cooperation in this field; thus, the number of norms of global scope has increased over time.

There is, however, no worldwide legislation establishing an exact legal framework for the movement of persons with which States must comply. Currently, “international migration law” is an umbrella term for the complex web of legal relationships among persons, groups and States that together regulate the movements of individuals. It is a branch of law that has developed over time and, indeed, continues to develop with the ever-increasing need for international cooperation and regulation involving States, migrants and international civil society in general.

This publication seeks to assist readers, be they students, academics, practitioners or migrants themselves, to better orientate themselves in the web of norms and principles existing at the international level. The focus of the compendium is on bringing together a comprehensive compilation of universal instruments with varying degrees of legal force – from authoritative international treaties, through customary international law, to the sets of principles and guidelines which, although non-binding, are nonetheless of clear contemporary relevance and can contribute to the progressive development of law in areas not yet covered by “hard” obligations. To further this end, this volume is being released as a companion to *International Migration Law: Developing Paradigms and Key Challenges*,* in order that the readers have access not merely to a comprehensive compilation of the relevant norms in abstract, but also to how these norms have been applied and are developing in various concrete contexts.

The instruments listed in this compendium are grouped in fourteen thematic sections, each including both “hard law” and selected “soft law” standards. The structure follows a general legal outline, by introducing first the common human rights standards (Section 1), followed by the more specific “migrant”-related conventions and recommendations of the United Nations and the International Labour Organization (Section 2). The subsequent sections then present core documents regulating specific migration-related issues, such as nationality and statelessness (Section 3), trafficking and smuggling (Section 4), international maritime law (Section 5), State security (Section 6) and detention (Section 7). The legal sources covering diplomatic and consular protection, the movement of service providers under GATS, migration and development, and the rights of

* R. Cholewinsky, R. Perruchoud and E. MacDonald, eds., *International Migration Law – Developing Paradigms and Key Challenges* (The Hague, T.M.C. Asser Press 2007).

minorities can be found in Sections 8, 9, 10 and 11. Finally, the reader will find fundamental instruments regulating forced migration, in terms mainly of the protection of refugees (Section 12), internally displaced persons (Section 13) and civilian population under international humanitarian law (Section 14).

All documents are published in their official English version, with the original source cited in each. Additionally, the text of each convention or agreement is accompanied by a list of State parties who have signed or ratified it; as relevant, it also indicates in brackets with an asterisk any reservations made to specific provisions of the instrument in question. The editors, however, encourage readers to consult the original sources for any details on declarations or for updates on the status of each treaty.

Most of the core instruments have been reproduced in full. Others, however, represent only those selected parts of the original document that relate directly to migrants, their rights, or the migration process itself. Of course, any act of selection is by definition subjective and, in particular in the context of a field as vast and complex as that of international migration law, it is impossible to be absolutely comprehensive. However, the editors hope that, by providing a wide degree of relevant excerpts of migration-related laws alongside the full versions of all of the central instruments in the field, the readers, if they do not find precisely what they are looking for in these pages, will at the very least find precisely where to look.

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