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**T H E   S C A P E G O A T S :**

Victims of Mass Expulsions

A Report of the Independent Bureau for Humanitarian Issues

Foreword by Manfred Lachs

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- I. List of mass expulsion since 1945
- II. UN General Assembly Resolution 42/140 relating to measures to improve the situation and ensure the human rights and dignity of all migrant workers.
- III. General Assembly Declaration 40/144 on the Human Rights of Individuals who are not Nationals of the Country in which They Live.

IV. Extracts from the International Labour Office,  
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V. Declaration of Principles of International Law on Mass  
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VIII. List of ICIHI TV Programmes and Publications.

## CHAPTER ONE

### A GROWING PROBLEM

"Everyone is quick to  
blame the foreigner"  
Aeschylus, 463 BC

In every part of the world, people are on the move. Some are trying to get away from conditions of intolerable poverty and insecurity. Many more are in search of new economic opportunities, attempting to improve their material circumstances. The number of people who spend the whole of their lives in their place of birth is becoming smaller and smaller.

Mass migration, facilitated by rapid advances in transport and communications technology, has almost invariably fuelled economic growth. Yet, its very volume has also placed great strains on the current arrangement of international boundaries.

In the early decades of this century, people could still travel from one country to another with considerable freedom. Countries seeking to achieve rapid growth and industrialization welcomed, and even competed for, migrant workers and settlers. Many international boundaries were still under dispute or in the process of consolidation, and could not be rigorously controlled.

This freedom of movement has been progressively curtailed. Since the collapse of the post-Second World War economic boom, the more developed States have introduced increasingly restrictive measures in order to regulate the scale and nature of inward migration. The precise form of such measures has varied from country to country, but it has normally entailed the reinforcement of border controls, the introduction of stricter immigration and family reunion

criteria, and the intensification of procedures designed to prevent the arrival of illegal immigrants and allegedly bogus asylum seekers. Some countries have attempted to regulate migration through the 'guestworker' system, and have offered financial inducements in an attempt to secure the 'voluntary' return of resident foreigners, particularly those of different ethnic and racial background to the majority community.

This hardening of national boundaries has also been manifested in the less developed regions of the world. After the Second World War, more than 100 new States gained their independence. They were anxious to establish and maintain their sovereignty. Many were confronted with territorial claims by neighbouring States, the threat of ethnic conflict and the rise of secessionist movements. By consolidating their frontiers, it was thought, they could accelerate the process of 'nation-building'. Economic considerations also played a part. As many Third World States plunged into crisis in the mid-1970s, indigenous entrepreneurs began to demand protection against foreign competitors. Governments wanted to reserve the dwindling supply of jobs for their own citizens and to increase the revenue at their disposal by preventing smuggling across national borders.

But despite these imperatives, the borders of many developing countries have remained highly porous. In the Third World, few States have the material or administrative resources required to police frontiers on a continuous basis or to remove unwanted aliens through bureaucratic procedures. Moreover, many developing countries have tolerated and even encouraged a high level of undocumented migration in periods of growth and prosperity - a trend that cannot quickly or easily be reversed when a government deems that alien workers or businessmen are no longer needed.

Confronted with pressing economic problems, a growing number of developing countries have attempted to reassert the integrity of their borders by compelling in a coercive and arbitrary manner unwanted foreigners to leave the country. Aliens are not deported on an individual basis through recognized legal procedures. They are simply told, induced or forced to leave *en masse*.

In a number of countries, mass expulsions have also been used to secure the removal of alien and minority groups who are perceived as opponents of or a threat to government policy. Mass expulsion is therefore not simply a crude method of regulating immigration; it can also be seen as an adjunct to other coercive techniques of state control, such as disappearances, detention without trial, political imprisonment and torture. This is not a new phenomenon. Throughout history, authoritarian rulers have used mass expulsion and forcible population transfers as a means of consolidating their political power.

What are the principal characteristics of contemporary mass expulsions, and how can they be distinguished from other forms of voluntary and involuntary migration? While they may diverge in some respects or dimensions, the cases considered in the book generally conform to the following paradigm.

As suggested already, mass expulsions of aliens are officially instigated or organized. As such, they can be clearly distinguished from exoduses provoked by natural and man-made disasters, which occur without any degree of deliberate planning. The dividing line between mass expulsions and refugee movements is more complicated. Under international law, refugees are nationals who leave their country of origin because of a "well founded fear of persecution" in order to seek asylum elsewhere. Immigrants and resident aliens who are expelled to their country of origin cannot, therefore, be regarded as refugees.



The methods which States use to instigate mass expulsions vary considerably. At one end of the spectrum are what have become known as 'hard expulsions'. They are announced by official decree and directly enforced by state agencies such as the police and army. At the other end of the spectrum are 'soft expulsions', which take place when aliens are induced to leave their country of residence through varying forms and degrees of persecution, intimidation and discrimination which are not directly attributable to the state authorities. This book is concerned primarily, but not exclusively, with the 'harder' end of the spectrum, where it is a State's clear intention, whether formally acknowledged or not, to get rid of a section of the alien population within its borders.

A second feature of the mass expulsions considered in this book is that they are sudden measures, episodes rather than continuous processes. They are announced at short notice and carried out in a relatively short period of time - they last days and weeks rather than months or years. This distinguishes them from the large scale deportations implemented continuously over long periods of time which have been implemented in some of the developed and industrializing States.

A third, and closely related feature of such episodes, is that being directed at masses of people, they are often arbitrary and discriminatory. Whole groups and categories of people are expelled, usually identified by their national or ethnic origin. In the atmosphere of panic and hostility generated during a mass expulsion, even people who have a right to remain in the country may feel obliged to leave.

Fourth, and as a direct consequence of the preceding feature, mass expulsions are to a large extent extra-judicial. The people affected normally have no means of legal redress, and they have no right of appeal.

Mass expulsions are often accompanied by the appropriation of assets by the State, its local agents, or members of the indigenous population. Expellees are restricted, both physically and legally, in what they can take with them. Compensation is rarely offered and, even less commonly, given.

Finally, mass expulsions tend to be announced and implemented unilaterally. The victims of the expulsion, affected countries and the international community generally are not consulted in advance. Governments instigating mass expulsions are usually little concerned about the ultimate destination of the expellees, or how they get there. This distinguishes mass expulsion from many of the population transfers and mass repatriations which have taken place, which were organised between States, often by treaty, and where the destination of the expellees was predetermined.

As these definitional observations suggest, mass expulsions raise important ethical and humanitarian issues. More often than not, mass expulsions are executed in an inhumane, arbitrary, and discriminatory manner. The victims may be forced to collect a few belongings and to leave the place they have made their home in a matter of hours. They may be subjected to physical abuse, and forced to undertake a long and arduous journey without any kind of planning or assistance. In the process, vulnerable groups - mothers, children, the elderly and the ill - inevitably come off worse. Whatever the legality of such measures, States which allow unbridled immigration when it is convenient for them are not justified in subjecting migrants to summary and forcible expulsion when the economy contracts or political circumstances change.

Mass expulsions are also open to criticism on more pragmatic grounds. Significantly, there is little evidence to suggest that they are successful in obtaining their

stated or underlying objectives. Mass expulsions do not provide a simple answer to complex economic or political problems, and may even exacerbate them. Recent experience has shown that they are economically disruptive, depriving the expelling countries of manpower resources and entrepreneurial skills which cannot easily be replaced. At the same time, they place an enormous social and economic burden on the countries to which the victims are expelled. Mass expulsions are liable to provoke a rupture in relations between neighbouring and nearby States, to provoke counter-measures, and to obstruct the cause of regional co-operation. They are not even always successful in ridding a country of unwanted foreigners. The victims of mass expulsions have often shown that they are prepared to return surreptitiously to the country which has expelled them if they see significant benefits in doing so.

Given their human, political and socio-economic costs, mass expulsions have attracted far too little attention from the international community. Few of the victims of mass expulsions fall directly within the mandate of any intergovernmental organisation. When mass expulsions have taken place, co-ordination between the various humanitarian agencies concerned has been seriously lacking. No general convention or international legal instrument directly addresses the issue, and the initiatives which have been made in this area have been piecemeal and slow-moving.

There is a need to recognize that States are unlikely to refrain from using mass expulsions in the near future. Indeed, while the political and economic instability of so many Third World States persists, more and more governments might be tempted to identify and expel what could be termed 'scapegoat communities'. The international community generally, and the United Nations system specifically, now have an obligation to consider ways in which mass expulsions might be anticipated, averted if possible, or mitigated when they do occur.

## CHAPTER TWO

### HISTORICAL OVERVIEW

"That which is close to home  
afflicts all alike, but a  
heart soon goes free of grief  
over a stranger's unhappiness."  
Pindar, 5th BC

Mass expulsions and compulsory population transfers are not a new phenomenon. They have taken place throughout history, invariably reflecting the injustices, conflicts and prejudices of their day. This chapter surveys a few of the major expulsions which have taken place since the 15th century, and provides a critique of the notion that compulsory population transfers represent an effective means of dealing with the problems of multi-ethnic States.

#### Early Expulsions

In the age of awakening nationalism in Europe, expulsions - primarily of ethnic minorities - reflected the affirmation of cultural identity and frequently followed territorial expansion. During the 15th to 18th centuries, an age of religious turmoil, expulsions were motivated by a striving for homogeneity of creed. Thus in 1492, the Kingdom of Spain expelled tens of thousands of Jews who refused to be baptized. Spanish Moslems who would not convert to Christianity were expelled in 1502, but many of these 'Moriscos' underwent a nominal conversion while continuing to practise their religion in private. As many as 150,000 were ultimately expelled to North Africa in 1609-10 to the great detriment of Spain's economy, since the Moors and the Jews were skilled farmers, artisans and merchants.

Religious intolerance in France led to the forced migration of many Protestants, especially after the massacres of St. Bartholomew's night in 1572, when several

thousand Huguenots were killed in Paris and the Provinces. The religious pacification of France was marked by the Edict of Nantes, proclaimed in 1598 by the new French King Henry IV. But when Louis XIV revoked the Edict in 1685, some 400,000 Protestants fled from France, many of them emigrating to America, while others sought refuge in Prussia at the invitation of the Protestant Frederick William. Again, in 1731, it was Prussia that welcomed more than 20,000 Salzburg Protestants expelled by the Catholic Archbishop Leopold von Firmian.

In the New World, the British Governor of Nova Scotia decided in 1755 to remove the 15,000 French-Acadian farmers from their 100-year home because he considered them to be less than loyal subjects of the King of England. Uprooted and forced into different ships, husbands were separated from wives and mothers from children. The ships unloaded their sad human cargo throughout the British North American colonies and many spouses never saw each other again.

In the Americas, however, it was primarily the indigenous population that suffered. In the USA, for instance, the policy of 'manifest destiny' resulted in the gradual displacement of the American Indian and the deportation of the remaining tribes to special government 'reservations'. One of the worst chapters of America's westward expansion was the compulsory transfer of the Cherokee nation from Georgia to Oklahoma between 1835 and 1838. Over a quarter of the expelled Cherokees did not survive the ordeal. The resettlement of indigenous peoples in reserves occurred as a consequence of colonial expansion and the peoples displaced were, therefore, not aliens but the original inhabitants.

It could be said that these displacements occurred in relatively unenlightened periods of history when human rights were hardly recognized, either in international or in national law. But as this chapter demonstrates, such episodes continued to occur during the 20th century.

## **The Exchange of Minorities in Bulgaria, Greece and Turkey**

Mass expulsions have not always been perceived in negative terms. At the end of the First World War, large-scale population transfers were regarded as a relatively simple and painless means of dealing with complex political issues.

The awakening nationalism of the Bulgarian, Greek and Serbian populations in Turkish-dominated Thrace and Macedonia at the turn of the century led to their joining forces against the Ottoman policy of 'Turkification'. In the first Balkan War in 1912, Turkey lost practically all its European territories except Constantinople. The conflict over the division of the conquered territory brought on the Second Balkan War of 1913, this time between Greece and Bulgaria. The struggle continued during the First World War, with Serbia and Greece on the Allied side, and Bulgaria and Turkey on the side of the Central Powers.

This troubled situation in the Balkans was accompanied by migratory movements of the populations affected by war or territorial changes. In 1913, for example, 70,000 Greeks were forced to emigrate from Western Thrace. In 1914 some 115,000 Greeks were expelled from Turkish Eastern Thrace and sought refuge in Greece; 85,000 Greeks from the same region were deported by Turkey into the interior of Asia Minor; 150,000 Greeks were driven from the coastal region of Western Anatolia and migrated to the Greek peninsula. During the war the Turkish government continued the deportation of Greeks to the interior of Anatolia, and many perished as a result of the privations endured during the transfer.

The Balkan wars and their continuation in the First World War deepened the old national animosities and hatreds of the area. At the Paris Peace Conference (1919-1920),

politicians thought that one of the ways of achieving a more durable peace in areas where the population was ethnically intermingled would be to disentangle them by reciprocal emigration.

Article 56 of the Neuilly peace treaty with Bulgaria (1919), for example, provided that " Bulgaria undertakes to recognize such provisions as the Principal Allied and Associated Powers may consider opportune with respect to the reciprocal and voluntary emigration of persons belonging to racial minorities."

Practically all of the 46,000 Greeks in Bulgaria declared their intention to emigrate and left Bulgarian territory between 1923 and 1928. Of the 139,000 Bulgarians living in Greek Macedonia and Thrace in 1920, some 92,000 emigrated. During these years a Mixed Commission was created to establish property rights over immovable property left by the emigrants. The Commission also determined the disposition of community properties and had recourse to the Permanent Court of International Justice.

In the light of the atrocities endured by the Greek and Bulgarian populations during the Balkan wars and the First World War, it can be said that the regime established by the Convention of Reciprocal Emigration was relatively humane and that the exchanges took place largely on a voluntary basis. For those Greeks who chose not to emigrate, the Treaty of Neuilly contained provisions for the protection of minorities. The Bulgarians still remaining in Greece benefited in turn from the provisions of the Treaty Concerning the Protection of Minorities signed at Sèvres in 1920.

But the Greek-Turkish exchange did not run so smoothly. As a sequel of the world war, Greece had occupied Smyrna and Western Asia Minor at the behest of the Allies.

In 1922, however, the Greek army was defeated by the Turks and nearly one million Greeks from Western Asia Minor fled to Greece. Peace negotiations at the Conference of Lausanne (1922-23) were difficult, and the victorious Turks insisted on compulsory instead of voluntary population exchanges.

Dr Fridtjof Nansen, who had been entrusted with the question of relief for refugees from the Greco-Turkish war, opposed both the compulsory nature of the exchanges and the inclusion of the Greeks of Constantinople. At a meeting held in December 1922 under the presidency of the British Foreign Minister, Lord Curzon, the Turkish representative charged "that the minorities, by continual and persistent misuse of the privileges granted to them and by making themselves the instrument of foreigners, had brought about the deplorable results which had ensued." In response, the Greek delegation observed :

Both the Greek and the Turkish populations involved in the compulsory exchange are protesting against this procedure. Stirred by the instinctive feeling of attachment to the land and homes where their ancestors have lived for centuries, the people who have already left refuse to believe that they may be severed from their native soil for all time, while those who may be compelled to leave display their reluctance and dissatisfaction by all the means at their disposal.

Lord Curzon, aware of the responsibility politicians engaged in the peace negotiations had, said that he "deeply regretted that the solution now being worked out should be the compulsory exchange of populations - a thoroughly bad, vicious solution, for which the world would pay a heavy penalty for a hundred years to come. " (1)

In spite of the serious ethical reservations expressed by Lord Curzon and Dr Nansen, the Convention of Lausanne



and its Protocol were signed on 30 January 1923. Article 1 laid down the principle of compulsory exchange by providing that "as from 1st May, 1923, there shall take place a compulsory exchange of Turkish nationals of the Greek Orthodox religion established in Turkish territory, and of Greek nationals of the Moslem religion established in Greek territory". A Mixed Commission to supervise and facilitate the execution of this Convention was constituted.

Great difficulties ensued, since no preparatory work of any kind had been done by the respective governments. Since religion was used as a criterion for exchange, there were numerous cases of change of religion in order to avoid being transferred. The Turkish authorities also undertook forcible expulsions of Greeks, without consulting the Commission and in other cases interned Greeks in camps pending embarkation. As to the Greek inhabitants of Constantinople, an advisory opinion sought from the Permanent Court of International Justice, held that the Mixed Commission was "alone competent to investigate in each individual case, whether a Greek inhabitant of Constantinople was 'established' in conformity with Article 2 of the Convention and could be exempted from the compulsory exchange." (2)

The statistical data collected by the Mixed Commission indicate that in the years 1923-1926, around 190,000 Greeks and 356,000 Moslems were transferred under the auspices of the Commission. These figures, however, do not reflect the hundreds of thousands of persons (mainly Greeks) who fled or were expelled before the establishment of the Mixed Commission or who left Greek or Turkey at their own initiative and by other means of transportation than those placed at the disposal of the Mixed Commission by the two governments.

As in the Greek-Bulgarian agreement, the Mixed Commission was also responsible for the assessment and liquidation of the movable and immovable property of the emigrants. But the settlement of property matters eventually proved unworkable, so that the Convention was abandoned and all accounts were liquidated in a wholesale fashion.

As to the manner of the exchange of populations, it should be noted that the removal of the Greeks from Asia Minor did not follow the orderly character which marked the departure of the Moslems from Greece. There were many irregularities, such as those reported to the Mixed Commission, indicating that the Turkish authorities either issued orders for the immediate and precipitate departure of the Greeks or prevented the departure of other Greeks who were employed on public works. The orders of immediate departure usually meant that the Greeks had to leave behind their movable property; moreover, they were not admitted to the courts to collect their debts. Thus the Greeks who left Asia Minor after the constitution of the Mixed Commission took with them little more than that carried by the destitute refugees that swarmed into Greece in the last months of 1922.

At the time of these incidents, however, only a handful of politicians realized the dangerous precedent that was being set. This compulsory population exchange was not seen by the international community as the brutal uprooting of hundreds of thousands of people from their homelands. Indeed, it was hailed by many as a legal measure, intended to bring peace on the basis of an international treaty and under the auspices of the League of Nations.

The principle of compulsory population transfers was seen by many as an answer to the troublesome minority problem. More and more politicians in countries with ethnic

and religious minorities invoked the precedent of the Convention of Lausanne as a way out of continued internal unrest. This was especially the case in countries which had been required at the Paris Peace Conference to agree to the protection of the rights of their minorities and to accept the League of Nations as guarantor. (3)

These countries resented the restriction of their sovereignty in this respect and considered the petition system of the League of Nations a particularly invidious form of interference in their internal affairs. Thus a too optimistic appraisal of the results of the Greek-Turkish population exchange under the Convention of Lausanne led both politicians and the public to exhibit a peculiar euphoria over the conceptual simplicity of the solution. Demographers were soon at work placing arrows on maps, and indicating the possible destination of prospective expellees.

### **Nazi Population Transfers**

Adolf Hitler was one of the leading advocates of the principle of population transfers and its most ardent practitioner.

Prior to the war he created conditions in Germany, Austria and Czechoslovakia leading to the mass exodus of some 700,000 Jews of German, Austrian and Czech nationality. Only the fate of their European brethren, who did not escape in time, makes their own suffering and deprivations appear less shocking. Their exodus was tantamount to a mass expulsion, being caused by such racial and religious discrimination and persecution, that their emigration could hardly be termed voluntary.

After conquering Poland and re-annexing the pre-Versailles German provinces of Posen and West Prussia into the Reich, Hitler needed Germans to settle this new 'Lebensraum'. In October 1939, in the course of a lengthy speech to the Reichstag, he announced that there would be "a new order of ethnographical conditions, that is to say, a resettlement of nationalities in such a manner that the process ultimately results in the obtaining of better dividing lines."<sup>(4)</sup> This meant that Hitler was going to draw upon the several million ethnic Germans living at that time in the various countries of eastern and south-eastern Europe.

In October 1939, Hitler signed a decree transferring to the Reich all Germans who were "threatened with de-Germanization." In the same month, the Reich concluded an agreement with Estonia involving the transfer of 12,900 "splinters of the German nationality", followed by an agreement with Italy involving 185,365 Southern Tyrolians, an agreement with Latvia involving 48,600 Baltic Germans, and an agreement with the Soviet Union involving 128,007 Germans from Volhynia and East Galicia.<sup>(5)</sup>

The agreements reached were so-called 'option' treaties, giving the ethnic Germans an opportunity to say no to Hitler's policy. Over 70,000 Baltic Germans decided that they would rather stay in the Baltic states, where their ancestors had settled in the late Middle Ages. But after the Soviet Union invaded and annexed Lithuania, Latvia and Estonia in 1940, it appeared that the majority preferred, after all, to be transferred to Germany.

A new option treaty had to be negotiated, this time between the Reich and the Soviet Union, and was signed in January 1941, five months before Hitler's attack upon the Soviet Union. By the summer of 1941 less than five thousand Baltic Germans remained.

These population transfers were 'legal' in the sense that, as in the case of the Convention of Lausanne, sovereign States had decided what to do with their

subjects. Admittedly, Hitler's treaties had an option clause, but the records show that pressures were brought to bear upon the persons concerned.

This right of option, however, was only offered to ethnic Germans. Other Nazi population transfers were unilateral expulsions or forced resettlements without treaty or right of option. Hitler thus expelled over one million Poles from areas of western Poland and resettled Germans from the Baltic and eastern Europe. After Germany's invasion of France and its occupation of Alsace-Lorraine, 100,000 French Alsatians were forcibly removed to Vichy France.

These latter expulsions were not only inhuman but also illegal. They were arbitrary actions by a belligerent occupant and in violation of the Hague Regulations on landwarfare, annexed to the IV Hague Convention of 1907. As early as September 1941, at an Inter-Allied meeting in London, the issue of Nazi expulsions was discussed. The Acting Minister for Foreign Affairs of the Polish government in exile stated :

The Polish Government is confident that none of the illegal acts perpetrated by Germany on the territory of Poland shall be recognized by the victorious democracies ... In particular, the Polish population of the Western provinces, so ruthlessly transplanted, must be given a possibility of an immediate reintegration in the land of their ancestors and the German settlers, installed in Polish homesteads, sent back to the Reich.(6)

The Allied Declaration on German War Crimes, adopted by the representatives of nine occupied countries in London on 13 January 1942, read in part : "Whereas Germany, since the beginning of the present conflict... has instituted in

the occupied countries a regime of terror characterized in particular by... mass expulsions... The undersigned Representatives... place among their principal war aims the punishment, through the channel of organized justice, of those guilty and responsible for those crimes."

Article 6(b) of the Charter of the International Military Tribunal at Nuremberg defined war crimes to include "murder, ill treatment or **deportation** to slave labour or **for any other purpose** of civilian population of or in occupied territory..." (emphasis added). Article 6(c) defined "crimes against humanity" to include "murder, extermination, enslavement, **deportation** and other inhumane acts committed against any civilian population **before** or during the war" (emphasis added).

Count 3, section J of the Nuremberg indictment charged:

In certain occupied territories purportedly annexed to Germany the defendants methodically and pursuant to plan endeavoured to assimilate these territories politically, culturally, socially and economically into the German Reich. They endeavoured to obliterate the former national character of these territories. In pursuance of these plans, the defendants **forcibly deported** inhabitants who were predominantly non-German and replaced them by thousands of German colonists (emphasis added).

In January 1946, the chief prosecutor for France at the Nuremberg trials asserted that "persons who appeared recalcitrant to Nazification ... became victims of large-scale expulsions, driven from their homes in a few short hours with their most scanty baggage, and despoiled of their property ... This inhumane evacuation of entire populations ... will remain one of the horrors of our

century."(7) The attempts on the part of the defence to appeal to *ultima ratio regum*, by which certain criminal acts can be legitimised in times of war, failed, and the Tribunal found those accused of mass deportations guilty of war crimes and crimes against humanity.

#### **Germans in the Eastern German Provinces and Czechoslovakia**

In the light of these Nuremburg principles, it would seem that the Allies were committed to a humane policy, recognizing a universal right of people not to be expelled from the land of their ancestors. The Anglo-American peace programmes, as set forth in the Atlantic Charter of 1941, recognized the right to self-determination and opposed territorial changes that did not accord with the freely expressed wishes of the people concerned.

Four more years of war and the unparalleled Nazi crimes in Eastern Europe led the Allies to retreat from their own moral commitments and to discard the Atlantic Charter with respect to the Germans. Just as the Nazis had disregarded the right to self-determination of the Czechoslovaks, the Poles, the Yugoslavs and the Russians, so too would the victorious Allies ignore the right of the German people to self-determination. In total 14 million Germans were to lose their homes in East Prussia, Pomerania, East Brandenburg, Silesia, Sudetenland and in countries throughout Eastern Europe. Over two million Germans eventually perished in the course of their displacement to the West.

In view of the magnitude of this expulsion, it appears worthwhile briefly to outline the reasons that led politicians who were ostensibly committed to human rights to consent to the transfer.

First, they remembered the post-World War I problems associated with the presence of German minorities in Eastern European countries; the frequent disregard of the minority protection treaties by the host states; the failure of the Council of the League of Nations to protect effectively the rights of the German minorities; and finally the politization of members of these minorities and their abuse by Hitler as a fifth column.

Second, they were committed to giving Poland, the first victim of Hitler's aggressions, a fair deal at the end of the war. However, Stalin had insisted at the Tehran Conference of 1943 on keeping the 70,000 square miles of pre-war Poland that he had annexed pursuant to the Ribbentrop-Molotov Pact of August 1939. Thus the issue of territorial compensation for Poland arose, and obviously Poland could only be compensated in the West at the expense of Germany. Since the Eastern German Provinces were relatively densely populated, people would have to be transferred.

Third, while the Allies were prepared to accept the principle of population transfers, they intended to limit the numbers affected and envisaged a transfer of three to four million people. Furthermore a 'Population Transfers Commission' was to supervise the transfers and make arrangements for indemnification for movable and non-movable property left behind.

Fourth, and unfortunately this general feeling played an increasingly important role as the war wore on, they saw the German population as being collectively guilty and meriting collective punishment. As Clement Attlee said in the British House of Commons:



They have broken down the old barriers, and therefore I say that they cannot appeal to the old Europe. If they have to yield to restitution, they are not entitled to appeal on the basis of the moral laws that they have disregarded or the pity and mercy that they have never extended to any others.(8)

The problem, of course, lies in the generalization. Who were "they"? The expulsion would affect guilty and innocent with equal severity: the East Prussians, the Pomerians, the Silesians, the Sudetenlanders. 'They' had no rights.

The memoranda and briefing papers prepared in the British Foreign Office and in the United States Department of State remained a dead letter. The plan to establish a Population Transfers Commission, and the idea of providing for compensation were not acted upon. In retrospect they appear thoroughly utopian.

Winston Churchill was proven wrong by events. In December 1944 he had said:

Expulsion is the method which, so far as we have been able to see, will be the most satisfactory and lasting. There will be no mixture of populations to cause endless trouble ... A clean sweep will be made. I am not alarmed by these large transferences, which are more possible in modern conditions than they ever were before. (9)

But by the summer of 1945, hundreds of thousands of German expellees had perished in the maelstrom of flight and expulsion. In August 1945 Churchill told the House of Commons:

I am particularly concerned ... with the reports reaching us of the conditions under which the expulsion and exodus of Germans from the new Poland are being carried out ... Sparse and guarded accounts of what has happened and is happening have filtered through, but it is not impossible that tragedy on a prodigious scale is unfolding itself behind the iron curtain which at the moment divides Europe in twain. (10)

Appalled at what he was seeing every day in Berlin, the American Political Adviser, Robert Murphy, cabled the State Department in October 1945 :

Here is retribution on a large scale, but practised not on the **Parteibonzen**, but on women and children, the poor, the infirm ... The mind reverts to other mass deportations which horrified the world and brought upon the Nazis the odium which they so deserved. Those mass deportations engineered by the Nazis provided part of the moral basis on which we waged war and which gave strength to our cause. Now the situation is reversed. We find ourselves in the invidious position of being partners in this German enterprise and as partners inevitably sharing the responsibility. (11)

In reviewing the catastrophe of the expulsion, the International Committee of the Red Cross observed:

Had it been borne in mind that the repatriation of some 1,500,000 Greeks from Asia Minor after the first World War had taken several years and required large-scale relief schemes, it would have been easy to foresee that the hurried transplanting of fourteen million human beings would raise a large number of problems from the humanitarian standpoint, especially in a Europe strewn with ruins and where starvation was rife. (12)

But the world had seen too much suffering and death. The plight of the German expellees therefore fell on blunted sensibilities and only a few public figures in the USA and Great Britain raised their voices in protest. Not without reason, the prominent British socialist Victor Gollancz called his book on the German expulsions **Our Threatened Values**. He observed:

If the conscience of men ever again becomes sensitive, these expulsions will be remembered to the undying shame of all who committed or connived at them ... The Germans were expelled, not just with an absence of over-nice consideration, but with the very maximum of brutality. (13)

#### **Other Population Transfers in Wartime and Post-War Europe**

The Germans were not alone in suffering the fate of being uprooted and expelled. Among the population-transfer agreements that were concluded at the end of the Second World War were the following: the treaty between the Governments of Czechoslovakia and Hungary of 27 February 1946, which provided for a compulsory transfer of 200,000 Magyars out of Czechoslovakia into Hungary against 200,000 Slovaks out of Hungary into Czechoslovakia; the treaty of September 1946 between Hungary and Yugoslavia, providing for the exchange of 40,000 Magyars against 40,000 Serbs and Croats; the transfer agreements between Poland and the Soviet Union of 6 July 1945 and between Czechoslovakia and the Soviet Union of 10 July 1946.

Particularly tragic was the fate of the Polish population residing east of the Ribbentrop-Molotov line. It has already been mentioned that at the Tehran Conference, Stalin declared that he would keep that half of Poland which he had invaded in 1939 and where some four million Poles resided. Admittedly, these areas had been

seized by Poland during the Russo-Polish war of 1920-1921, and in the Treaty of Riga of 18 March 1921, Soviet Russia had yielded to Poland territories that were mainly Ukrainian and Byelorussian in population. Even the British Foreign Minister, Lord Curzon, had proposed in 1920 a demarcation line running only slightly to the east of the Ribbentrop-Molotov line.

It was therefore difficult for Churchill and Roosevelt to demand from a victorious Stalin that he restore to Poland all occupied Polish territory and recognize the pre-war frontiers. Indeed, they bargained hard to try to reach a compromise, but Stalin did not lower his demands, which he enforced by the persuasive presence of the Red Army. Another question was whether the Polish population should be allowed to stay in their homes and given Ukrainian or Byelorussian citizenship, or whether they would be forced to emigrate. In the event, 2.1 million Poles were forcibly resettled in Western Poland by 1950, and a further 300,000 were subsequently repatriated.

Mass deportations of a political and punitive character also took place within and into the Soviet Union during and immediately after the Second World War. Following the German attack on the Soviet Union in June 1941, hundreds of thousands of Soviet citizens of German ethnic origin, who for centuries had been living in the Volga region and around the Black Sea and Caucasus, were precipitously transplanted beyond the Urals. Over a million other non-Germans were also deported *en masse* from the European part of the Soviet Union to Central Asia. The manner in which these peoples were deported and the conditions in the resettlement areas were such that it has been estimated that, for instance, over 46 per cent of the Tatars died on the journey or during the first 18 months after deportation. According to one report, 50,000 Meskhetians perished in Uzbekistan alone from hunger and cold. (14)

It does credit to the Soviet Union that these excesses were openly criticized by Nikita Khrushchev at the 20th Party Congress in 1956. The following year, the President of the Supreme Soviet declared that the displaced Kalmyks, Chechens, Ingush and Balkars could return to their native areas. In 1964 the Supreme Soviet decided that the Volga Germans had been unjustly accused of disloyalty, but they have not been allowed to reestablish the Volga German Republic, abolished in 1941.

### **The Palestinian Exodus**

Palestine belonged to the Turkish Empire until the end of the First World War, when Great Britain was entrusted with the mandate over the territory. The allied powers agreed that the mandatory should be responsible for putting into effect the declaration originally made in 1917 by Britain in favour of the establishment of a national home for the Jewish people in Palestine. This commitment, known as the Balfour Declaration stated:

His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.(15)

The Arab population of the region were less than happy with this declaration. The Jewish population in Palestine, around 84,000 in 1922, increased largely through immigration under the terms of the League of Nations mandate. For the Jews, immigration was a means of

establishing a majority in Palestine as the prerequisite for the creation of a Jewish State. Gradually, Arab political leaders, aware of the political implications, began to oppose Jewish immigration. Anti-Jewish riots in 1920, 1921, 1929 and 1936-1939 manifested this opposition. The Arab communities, backed by the neighbouring independent Arab States, demanded that all Palestine be converted into an independent State, ruled by its Arab majority. Such a plan was irreconcilable with Jewish aspirations and a stalemate continued through the years of the Second World War and shortly thereafter.

Early in 1947 Great Britain announced her intention to lay down the mandate as of May 1948. This brought the Arab-Jewish controversy over the future of Palestine to a head. In an effort to arrive at a compromise solution, the United Nations decided to partition Palestine into a Jewish state with a population of 538,000 Jews and 397,000 Arabs, and an Arab State with a population of 804,000 Arabs and 10,000 Jews. The enclave of Jerusalem was to be a neutralized international zone with a population of 105,000 Arabs and 100,000 Jews.

Political scientists in Western Europe and the United States made a case for an Arab-Jewish exchange of population. Such a scheme had already been put forward in 1937, in the report of the British Royal Commission on Palestine under the chairmanship of Lord Peel, which proposed a partition combined with a transfer of population. The Royal Commission based its proposal on the "instructive precedent" of the exchange of Greek and Turkish populations after the Greco-Turkish war of 1922. While the British Government endorsed the scheme as "the best and most hopeful solution of the deadlock", the discussion in both houses of the British Parliament in July 1937 revealed that representatives of all three parties sharply opposed the entire partition scheme.

The idea of a partition scheme was then extensively discussed by the Permanent Commission of the League of Nations, which in a Preliminary Opinion submitted to the Council of the League of Nations endorsed the principle of population transfer in application to Palestine, while stressing that the problem, was a "delicate" one and that "in order to guarantee that the advantages of such a transfer should outweigh the disadvantages, particular care would have to be given to ensure that it was carried out with the greatest fairness."(16)

The British Government then appointed a special Partition Commission, which concluded, however, that there was "little possibility of the voluntary exchange of population between the Jewish state and the Arab state."(17) The partition plan was eventually put aside and other schemes, including the transfer of Palestinian Arabs to other Arab States - notably Iraq - were seriously discussed.

After the Second World War the scheme was revived of transferring the Palestine Arabs to Iraq and, as a counterpart, of removing Jewish minorities from Arab-speaking countries and transferring them to the new state in Palestine. Yet every mention of the eventual transfer of Palestine Arabs to other Arab countries caused limitless indignation. Similarly, the Jewish communities in the Arab states were not enthusiastic about the transfer.

Following the United Nations resolution to partition Palestine, open Arab-Jewish war broke out, intensified in May 1948 by the proclamation of the state of Israel. The question of a population transfer was overtaken by events, when the conflict led to a mass exodus - arguably a mass expulsion - of Arab civilians from Jewish-occupied areas to the Arab-occupied portions of Palestine and to the neighbouring Arab States. By the time the truce was signed in 1949, more than 600,000 Palestinian Arabs had become refugees.

The international community responded to the crisis by establishing the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). The Agency began its operations in 1950, providing essential services for needy refugees living in Lebanon, Syria, Jordan and the Gaza Strip. As a result of the 1967 hostilities, some 500,000 more Palestinians became refugees. Today, the number of Palestinian refugees registered with UNRWA has reached 2.2 million.

### **Displacements in India and Pakistan**

British India in 1941 had a population of 389 million people, including 255 million Hindus and 92 million Moslems. Political independence in 1947 and the partition of India into Hindu and Moslem states led to a mass exodus of people fleeing communal violence. Though not necessarily intended by the governments of India or Pakistan and not systematically carried out by state authorities, the causes and effects of this exodus are very similar to many mass expulsions. After Britain announced in 1946 that it would grant independence to India, Moslem leaders, fearing Hindu domination, focused on the need for constitutional guarantees of their equality in a new democratic state. But the Hindus also felt concerned about the integrity of their way of life. Eventually, it was agreed that an independent state of Pakistan would be created in areas of a majority Moslem population, alongside an independent India. Pakistan would comprise the province of Sindh, Baluchistan, and the Northwest Frontier, as well as parts of Bengal and the Punjab.

As a corollary to the partition question, the issue arose of transferring Hindus from Pakistan to India and Moslems from India to Pakistan. A categorical opponent of this scheme was Mohandas Gandhi, the most outstanding spiritual personality in India, who in September 1947 said



that even at the risk of standing alone, he would oppose them, because "the transfer of millions of Hindus, Sikhs and Moslems is unthinkable and wrong." (18)

Unfortunately for all concerned, communal warfare broke out in the Punjab, Bengal and other areas near the line of partition. Expropriations, vandalism, systematic looting and other forms of persecution led to reprisals and counter-reprisals; it is estimated that as many as half a million Moslems and Hindus perished as a consequence of acts of violence. For millions of human beings caught in this vicious cycle of attack and revenge there was only one salvation: flight. The self-evacuation, for which no one was prepared, took place in the simplest and oldest way - on foot.

India's first Prime Minister, Jawaharlal Nehru, observed at a press conference in October 1947 that the government of India "had no policy with regard to exchange of population and that there was no talk of it before (Independence Day), although since March about half a million people must have gone through the frontiers of the Punjab to the United Provinces and other places ... None of us envisaged a major transfer of population at any time." (19) For his part, Liaqat Ali Khan, Prime Minister of Pakistan, declared that there was no deliberate transfer of minority populations in the Punjab, but only an organized evacuation "of those who wish to go." (20)

In the absence of a governmental agreement regulating the migration of millions of destitute people, the Indian army began using tanks to escort long columns of Moslem evacuees moving toward Pakistan through the Hindu and Sikh country of East Punjab. At the same time, the Indian government, with the consent of the government of Pakistan, sent its own troops across the Pakistani border to protect caravans of Hindus and Sikhs leaving the West Punjab. By September 1947, the army had evacuated 400,000 Moslems to Pakistan and had 850,000 still to move, while in Pakistan 600,000 non-Moslems were marching toward the border.

Finally, the two governments made emergency agreements to organize and coordinate the evacuations, so as to prevent violence and to expedite the transfer before famine and epidemics began. Organized transfers affecting a further four million people took place from 21 October to 25 November 1947. In all it is estimated that some 14 million people were uprooted in the course of these population exchanges.

### **Repatriation from Sri Lanka**

In the 19th century, over 800,000 Tamils from southern India were recruited to work as indentured plantation labourers on the island of Sri Lanka (at that time known as Ceylon). This cheap labour force was to lay the foundations of the island's economy, which was based on the export of tea, coffee and rubber. As the plantations boomed, the estate workers acquired what has been described as "a degree of dependent prosperity," while the expansion on the estates led to acute land shortages amongst the local Sinhalese population.(21)

At the time of Independence, the Sinhalese politicians who assumed control of the country were presented with an opportunity to redress the balance, and to pass legislation which favoured up-country peasants from their own ethnic group. Until Independence there were no citizens of Ceylon, as all were subjects of the United Kingdom. One of the new government's first acts was to pass the 1948 Citizenship Act, which restricted citizenship to those who could prove it by descent or registration, procedures which were largely unavailable to most Indian Tamils. In this way, the majority of plantation workers were rendered stateless. Over 825,000 Indian Tamils applied to become Sri Lankan citizens, but to no avail. Only 140,000 were successful, and further legislation, such as the 1949 Indian and Pakistani Residents Act and the Election Amendment Act of 1950, confirmed the plantation workers' statelessness and removed them from the electoral register.

The Indian authorities initially rejected Sri Lankan proposals for the deportation of the plantation workers, but in 1964, under the terms of the 'Sirimavo-Shastri pact', it was agreed that 525,000 of the stateless people were to be given Indian citizenship and repatriated over a 15 year period. The implementation of the agreement turned out to be slower than anticipated, but an estimated 460,000 people had been repatriated by the beginning of 1988.

The overwhelming majority of this number were citizens of India only in the most technical, legal sense of the word, since they had never before set foot in the country. Moreover, as one author argues, "on arrival in India, it became clear that they would not easily be accepted as Indians, even in this land they had been told was their own." (22) Several rehabilitation programmes were established to assist these "citizens without a country" repatriants, but they have been undermined by poor planning and implementation. According to the writer T.N. Goplan, "As much as 83.4 per cent of those repatriated so far have been given assistance under the Business Loan scheme. Most of them have not returned to obtain the second instalment... These people, traditionally used to plucking tea leaves and dutifully carrying out the orders of their masters, were asked to turn into businessmen overnight in a place whose culture was alien to them." Land colonization schemes, state farm projects and programmes designed to find wage employment for the new arrivals have also come to grief. "Today," says T.N. Goplan, "it is these men and women who drift into hill areas to eke out a miserable existence under harrowing conditions." (23)

## Conclusion

This historical survey of mass expulsions has analyzed the causes, described the execution and assessed some of the consequences of mass expulsions and population transfers. Many important conclusions can and should be drawn from these experiences. Millions have perished in the course of expulsions or as a result of the ensuing deprivations; millions of expellees have suffered from a total dislocation of their lives; or, transplanted into a strange new environment, have endured a form of cultural genocide.

But as this book demonstrates, mass expulsions continue to take place. Public opinion, if duly informed, can perhaps bring its weight to bear on the problem. But thus far, the public has learned too little, too late about involuntary migrations. If the sad experience of the expellees of the 20th century is to serve as a warning against future population expulsions, the facts will have to become more generally known.

The ostensible justification for these compulsory expulsions and transfers has been the preservation of peace, it being argued that ethnic and religious minorities pose insoluble problems and that stability is best secured by striving for ethnic or religious homogeneity in States. But the world is characterized by a diversity of races and faiths, and the attempts to achieve uniformity by such means as the mass expulsion of minority populations ignore that reality.

## CHAPTER THREE

### MODERN MASS EXPULSIONS : CAUSES AND CONSEQUENCES

"Nationalism is the big enemy of the human race. Technology has made the world one, and nationalism tries to keep it apart."  
Arnold Toynbee, 1967.

Since the Second World War, and particularly in the last two decades, there has been an enormous increase in worldwide population mobility. Facilitated by improvements in transport and communications, many people have left their homes to try to better their lives abroad. Others have been forced to flee from their homelands by disaster, conflict or persecution.

But in recent years, the economic and political difficulties experienced by many less developed countries have reduced their capacity to sustain large inward migrations. Mass expulsions are a manifestation, a consequence, and sometimes a cause of such economic and political strains. Even where immigrants have contributed little to such pressures, they have provided a scapegoat for them.

#### **Vulnerable groups**

Much debate has surrounded the mechanisms of migratory movements. Some economists have maintained that migration from disadvantaged to more prosperous areas represents a natural, rational and desirable distribution of labour which promotes economic growth. Others, reacting to this model of a 'free' labour market involving 'voluntary' migration, have stressed the elements of compulsion in migratory movements, such as the use of force by colonial

authorities, conscription and compulsory labour recruitment, the imposition of taxes and the loss of land. They have demonstrated the damaging effects of emigration on labour-sending areas, which results in underdevelopment, rural impoverishment and further out-migration as such regions become less and less capable of sustaining their populations.(1)

Such factors have undoubtedly been instrumental in initiating and maintaining many migratory flows. But in highlighting them, the importance of individual decision-making in the calculation, whether or not to move, has been understated. Economic migrants are not all passive victims of inexorable pressures or push/pull factors. Perhaps the best characterisation of economic migrants is that they are the 'least involuntary', in that they have a greater capacity to determine whether to move or stay put than other migrants such as refugees fleeing persecution, war or environmental disaster.

Support for such an argument is to be found in the observation that, contrary to received wisdom, economic migrants are rarely the poorest of the poor. Indeed, the latter often simply do not have the resources to move. Migrants need money for travel, food and other expenses on their journey, and personal resourcefulness to circumvent bureaucratic hurdles and to survive in a new and sometimes hostile environment. Migrations therefore commonly include the better-off, who using their resources to maintain and raise their standards of living by moving to places where new opportunities are available.

Migrant workers are the largest category of these economic migrants. But some consideration of the category 'migrant worker' is needed, since the term subsumes a disparate variety of people, a fact which has an important bearing on the economic motivations for and consequences of expulsions.

A distinction can be made between contract or officially recruited labour and 'free' or 'voluntary' migration, as this has important implications for the ease with which labour can be shed. Countries with a laissez-faire immigration policy have most often resorted to the mass expulsion of migrant workers. Such a policy - or lack of it - may seem advantageous during periods of boom, but leads to difficulties when the economy contracts and labour is no longer needed.

A related distinction, which is also relevant to the incidence of mass expulsion, can be made between skilled and unskilled labour. In periods of economic expansion and prosperity, States tend to attract and admit both types of migrant. But during times of contraction, unskilled workers become the primary targets of expulsion.

Labour migration may bring with it large movements of people who have no intention of entering wage employment. Many of these might be termed 'migrant entrepreneurs', people who engage themselves in the informal sector of small-scale manufacturing, the provision of services, trading and street hawking. Such activities may sometimes involve petty crime, which can also be a means of livelihood for migrants who cannot find work. Official justifications of mass expulsions often refer to immigrants as people who occupy the fringes of the economy and the criminal world.

Economic migration is often accompanied or followed by the movement of dependents and family members. While such social migration has received most attention in the developed countries, such movements are also significant in less developed countries. In both contexts, it has been argued that dependents are a drain on the resources of their host country, particularly during times of economic strain.

Some migratory movements result in the establishment of settled alien communities. One type of these, sometimes referred to as 'middleman minorities', has repeatedly been subject to expulsion. Such communities commonly dominate the trading and commercial sector of their adopted country, and are distinguishable from the mass of the population by colour, race, religion or nationality. They may be long-established, their members having acquired rights of residence or even assumed the nationality of the host country.

Nevertheless, they commonly retain an orientation towards their country of origin which, combined with their economic success, may isolate them from the host community. The 50,000 people of Asian origin expelled from Uganda by President Amin in 1972 fall into this category, as do the 50,000 Nigerian traders expelled from Ghana in 1969-70.

Long-term residents of alien origin are not all involved in the commercial sector. Such communities may also be engaged in the rural economy. Many of the Salvadorans expelled from Honduras in 1969, for example, were farmers who had migrated to Honduras in the 1950s and 1960s, large numbers of them squatting on sparsely populated land. Similarly, many of the Banyarwanda expelled from Uganda in 1982 and 1983 were descendants of Rwandese migrants who had been settling in Uganda as farmers, herders or labourers since the 1920s. Many of these settlers had become Ugandan nationals or had a legitimate claim to Ugandan nationality.

Other categories of migrant have been subject to expulsion in recent years, although not in such great numbers as the economic migrants and settled alien groups outlined above. Environmental refugees, forced to flee natural and man-made calamities such as floods, earthquakes, droughts and famine, have occasionally been



expelled from countries where they have taken refuge. Even legally recognized refugees, victims of persecution or conflict, have been expelled from their countries of asylum and forcibly returned to their country of origin, in direct violation of international law. These 'involuntary migrants', who have become more and more numerous with the deterioration of economic, political and ecological conditions in many parts of the world, may become increasingly vulnerable to mass expulsion in the future.

### **Economic Motivations for Mass Expulsions**

Economic grounds are commonly uppermost in official justifications for mass expulsions. While such grounds are often cited in an attempt to obscure other, political motivations, recent evidence suggests that States which are experiencing severe economic difficulties are particularly likely to instigate mass expulsions.

Economic deterioration in Honduras, for example, was behind the move against Salvadoran immigrants in 1968-69. A land reform programme required the recipients of redistributed land to be Honduran by birth, thereby excluding long-term Salvadoran settlers and squatters, many of whom were farmers. Amidst rising tension between the two countries, at least 20,000 Salvadorans were evicted and expelled, some officially, many others in a wave of anti-Salvadoran feeling that followed the Honduran government's moves.

Economic decline also provided a background to the expulsion of aliens from Ghana in 1969-70. Official justifications for the expulsion centred on growing unemployment; the worsening balance of payments deficit, which was said to be exacerbated by remittances abroad by foreign workers and traders; and the involvement of aliens

in smuggling, and other economically damaging crimes. Foreign domination of many commercial sectors was also a cause of resentment among excluded Ghanaians. Nigerians dominated the butchery trade, and were prominent in petty trade, milling, baking, brewing and the service sector.

Economic motivations were clearly revealed in the expulsion of the Asian community from Uganda in 1972. By mid-1971 a serious balance of payments crisis had developed. Urban food shortages were common and prices were rising. It was against this background that President Amin accused the Asians of economic sabotage and trading malpractice. The government alleged that the Asians dominated commerce against the interests of Africans, and that they were responsible for a capital outflow which had contributed towards the balance of payments crisis.

There was some evidence to support these charges. The Asian community's role in the economy did arouse the resentment of a rising but frustrated African business class. Asians controlled most of the wholesale trading sphere, much of the retail trading sector, and significant portions of industry and urban real estate.

Asians also exported capital, by both legal and illegal means. But the incentive to do this was accentuated by the growing climate of insecurity the Asians were experiencing, not just in Uganda but throughout East Africa. Measures favouring indigenous Ugandans, trade licensing and other state controls introduced in the late 1960s were designed to reduce the Asian dominance of the commercial sector. But they had little effect, except to encourage the Asians to keep the possibility of emigration in sight. These economic measures, together with changes in British and Ugandan immigration/emigration law, increased the pressure for Asians to send capital out of the country. As Tribe points out, "there was something of a vicious

circle in operation so that pressure against the Asian community led to reactions which in turn led to further anti-Asian pressure".(2)

Other aspects of the expulsion indicate that it was implemented expressly to effect a large-scale expropriation of Asian assets. The Declaration of Assets (Non-Citizen Asians) Decree of 1972 prohibited expellees from transferring property or businesses. After declaring their assets, expellees were to put them in the hands of an agent, in return for which a receipt would be issued. But much of the property was looted or auctioned off to favoured groups in the army and there was little indication that compensation was to be paid.

Pressure on land in south-west Uganda was a significant economic factor in the expulsion and internal displacement of around 100,000 Banyarwanda in 1982-83. Annual population increases of 3 per cent for more than two decades in south-west Uganda had led to a decline in soil fertility. As a result, agriculturists had migrated on to land formerly used exclusively by pastoralists. Competition for land had led to soaring prices. Government officials and members of the ruling party asserted that they should own the land in preference to the Banyarwanda. Again the assets of expellees were appropriated, in this case mainly by local party officials.

A number of Banyarwanda expelled in 1982-83 were relatively prosperous refugees who had fled from ethnic conflict in Rwanda around the time of independence and in the early 1970s. In other countries, the expulsion of refugees has been motivated more by the host government's desire to avoid the burden imposed by large influxes of destitute and dependent people. The government of Djibouti, for example, has always argued that it cannot afford to offer a permanent home to refugees. On a number of

occasions in recent years it has forcibly expelled groups of Ethiopian exiles and induced others to leave through various forms of harassment. The government of Thailand has taken more drastic action. In June 1979, at least 43,000 displaced Kampucheans were forcibly repatriated to their homeland by the Thai authorities.

Since the onset of the international recession, immigration has been discouraged and repatriation has been encouraged not just in Western Europe and the USA, but also in newly-industrialising countries that have used migrant workers, such as the oil-producing States of the Middle East, Venezuela, Malaysia, Singapore and Hong Kong. For example, around 150,000 unskilled foreign workers currently in Singapore are to leave by 1991, because a government minister claims "in the long term they have no economic value to the country". The government wished "to avoid the serious social and economic problems that now confront many Western European countries stuck with a massive and permanent pool of foreign workers".(3) Both legal and undocumented immigrants are being squeezed. In many countries work permits are no longer issued and contracts are no longer renewed. Illegal immigrants are regularly deported.

This trend has also been working its way through to the less developed countries, which rarely have the resources needed to control immigration systematically and through the due process of law. In such countries the shedding of migrant labour is therefore likely to assume the less subtle form of mass expulsion.

### **The Nigerian Expulsions**

Against a background of sharply falling oil revenues and serious economic decline, the government of President Shehu Shagari announced in January 1983 that all illegal

immigrants should leave Nigeria. Nigeria's boom, generated by large oil revenues, had attracted large numbers of people from other West African countries. Chief among these immigrants were Ghanaians, who had left their own country as it simultaneously lurched towards economic collapse. Other immigrants included nationals of Niger and Chad, escaping from the intensifying drought, famine and poverty of the Sahel.

The ratification of a protocol on the free movement of citizens by members of the Economic Community of West African States (ECOWAS) in 1979 and 1980 increased this migratory flow. The protocol allowed immigrants to enter other member states without a visa for a period of up to 90 days. Working was technically not permitted. Nevertheless, many migrants overstayed the 90 days and found employment, both of which were tolerated by the Nigerian authorities during the boom.

Economic contraction in the wake of a slump in world oil prices forced the Nigerian government to reconsider its laissez-faire immigration policy. The country's fourth development plan assumed oil production of up to 2.4 million barrels a day, but in 1982 it averaged just under 1.3 million. Oil earnings were halved between 1980 and 1982. Curiously though, apart from general references to the serious difficulties facing the economy, economic justifications did not feature largely in official pronouncements on the expulsion.

But unemployment was an issue. Austerity measures introduced in April 1982, followed by further import curbs in January 1983, led to large-scale lay-offs and widespread unemployment. According to some estimates, foreigners occupied 1.5 million jobs that could have been taken by Nigerians. More concern was expressed over the rise in famine, for which unemployed immigrants were alleged to be

responsible. About 2.2 million people were eventually expelled, around half of whom were Ghanaians.

More explicitly economic motivations were articulated by spokesmen of the subsequent military government when it implemented another mass expulsion in May 1985 - largely of migrants who had returned since 1983 or who had avoided expulsion in that year. After the Shagari regime was ousted, further austerity measures were introduced. These led to lay-offs on an even larger scale than before and consequently even greater unemployment. Cuts in pay and social services led to still greater hardship. According to Chief of Staff Major General Idiagbon, those immigrants who were not involved in crime took up all the available job openings to the disadvantage of Nigerians. It was only logical for Nigeria to protect her social and economic interests, he argued. The government claimed that 700,000 illegal immigrants were affected, but in the event around 250,000 were expelled.

#### **Libya and South Africa**

A slump in oil earnings was also the background to Libya's expulsion of more than 60,000 foreign workers, mostly Egyptians and Tunisians, in 1985. As oil revenues fell from 22 billion dollars in 1981 to 8 billion dollars in 1985, imports were curbed and construction projects curtailed. The foreign workforce of around one million was gradually reduced to about 600,000, but the Libyan government argued that the 1985 expulsion was necessary to reduce the foreign labour force further.

In South Africa, economic difficulties were put forward as a reason for the threat to expel 1.6 million foreign workers in 1986. The Minister of Manpower, Pietie du Plessis, alleged that, "more than 1.3 million workers from neighbouring countries are illegally in South Africa

and holding jobs and thereby depriving unemployed South African workers of a livelihood". (4) But as will be shown below, the threat was motivated less by a concern for the country's unemployed blacks than by a desire to retaliate against the threat of international sanctions.

### **Political Motivations for Mass Expulsions**

Governments which instigate mass expulsions commonly justify their actions in terms of economic necessity. But in most of the episodes referred to above, political motivations were at least as significant as the economic rationale, and in several cases more so.

Four interrelated sets of political motives for mass expulsions can be identified, in which both domestic and international political considerations feature :

1. Expulsions are motivated by political pressures generated by the economic strains outlined in the previous section: the classic 'scapegoat' strategy, in which outsiders are blamed for a country's ills.
2. Expulsions have been instigated during periods of political consolidation: after independence, war, or a change of regime. Because of their home orientation and isolation from the host community, alien communities are particularly vulnerable in periods of nationalist upsurge. Similarly, they may be vulnerable during the run-up to elections when ruling parties attempt to maintain power.
3. Expulsions are associated with official anxiety about internal or external security.
4. Expulsions are used as an instrument of foreign policy in the course of international disputes.

Mass expulsions commonly involve a combination of these political motives which, like the economic motivations, may be overt or covert.

The expulsion of Asians from Uganda was motivated by a complex combination of political factors. Apart from 'economic sabotage', President Amin referred to the Asians' social exclusiveness and failure to 'integrate'. Besides this overt political justification for the expulsion were a number of more covert motivations. It diverted attention from economic problems which were causing increasing political unrest. The expulsion used populist and nationalist sentiments to Amin's advantage. By giving them the chance to take over important sectors of commerce, the expulsion made Amin the apparent ally of disparate African interests that were potential opponents of his regime. Finally, the expulsion provided Amin with spoils with which to reward his supporters, particularly those in the army.

The expulsion of the Banyarwanda from south-west Uganda was primarily politically motivated, featuring the first three sets of factors listed above. The Banyarwanda were said to be of suspect loyalty to President Obote's regime (which may have been largely true), and to have been collaborators with the Amin regime (which was unsubstantiated). Both central and local political factors were at play in this displacement. According to Clay, the expulsion was a manifestation of a local power struggle within the ruling party, providing spoils for one faction to increase its support at the expense of the other.(5)

At national level, the move was related to President Obote's loss of control both of parts of the country and his party. Although the displacement was initiated by local officials while Obote was out of the country, it removed a large section of the population that was opposed to him and which might have provided support for



anti-government guerrillas. This explains the regime's minimal efforts to halt the displacement. At the very least, by not intervening, the displacement became government policy by default. But there is also strong evidence of more substantial central government complicity in the events of 1982-84.

The Nigerian expulsion of 1983 was likewise informed by a variety of political considerations. The diversion of popular attention from serious economic difficulties was an important factor. A related motivation for the expulsion was the Shagari government's need to attract popular support in the run-up to elections. Official anxiety about internal security was also an important factor. Frequent references were made to the involvement of illegal aliens in violent crime and in religious riots by Moslem fundamentalists, although neither allegation could be properly substantiated. The expulsions of 1984 and 1985 by the succeeding military government were more straightforwardly an attempt to defuse social and political discontent by diverting attention away from the hardship that the continuing economic slump and stringent austerity measures were causing.

An official desire to divert internal discontent also played a part in the expulsion of foreign workers from Libya. The question of nationality and the issue of integration were also present. Colonel Gaddafi maintained that foreign workers had been offered 'Arab' (i.e. Libyan) nationality under measures approved in 1982, and that only those refusing it were being expelled.

The selective nature of the expulsion from Libya in 1985, however, strongly suggests that it was a manifestation of the regional power struggle between Libya and neighbouring pro-Western States. The expulsion was mainly directed against Tunisia and Egypt, while immigrants

from other North African and Arab States were not affected. Both Tunisia and Egypt charged Libya with attempts to sabotage their economies, and alleged that subversives and terrorists had been infiltrated amongst the returnees. Significantly, the expulsion of Tunisians was accompanied by Libyan troop movements to the border and incursions into Tunisian airspace by Libyan fighters.

Mass expulsions have also figured in international disputes. In 1977, the government of Gabon threw out more than 6,000 Beninois after the Benin government had accused Gabon of being involved in an invasion and coup against it. The long-standing conflict between Iraq and Iran has led to several mass expulsions. Iraq expelled large numbers of Iranians in 1969 in retaliation for Iran's policy over navigation in the Shatt-al-Arab river. In 1979-80, over 30,000 Iraqi Shi'ites of Iranian descent were expelled during border hostilities. At least 70,000 more have been expelled since then.

An economic rationale for the threatened expulsion of 1.6 million foreign migrant workers was barely raised by the South African Government in 1985, although it received more emphasis when the threat was repeated in 1986. References to the relief of unemployment amongst the country's blacks were added almost as an afterthought to the primary motive, which was retaliation against the disinvestment campaign and the threat of international sanctions. The expulsion threat was also made with internal security in mind, being designed to dissuade foreign workers from participating in political protest. Many thousands of the potential expellees were migrant mine workers from Lesotho, members of the National Union of Mineworkers, the country's biggest black trade union and the largest affiliate to the fiercely anti-government Congress of South African Trade Unions.

### **Economic Consequences of Mass Expulsions: Expelling States**

Expulsions rarely achieve the economic objectives sought by the governments which initiate them. In fact, they often prove to be economically damaging.

The disruption of commerce invariably follows the expulsion of 'middleman minorities'. Such was the case after the departure from Ghana in 1969-70 of some 50,000 Nigerians, most of whom were traders. Around 4,000 market stalls were vacated in the major towns, resulting in shortages of goods and rising prices. Trade was dislocated in Uganda after the expulsion of Asians. Africans subsequently filled the gaps in the wholesale and retail trade, but commercial experience was lost and reduced competition drove up prices.

Expulsions have helped to reduce the flight of capital, but at the expense of other economic damage. For example, while the expulsion of Ugandan Asians removed one source of capital outflow, the immediate effect on the balance of payments was unfavourable: goods ordered and paid for by the departing Asians were never received, and export earnings were never repatriated. Government revenues from customs duties, sales tax and income tax were also reduced.

It might be argued - leaving aside questions of legality and morality - that the instigating country gains from the expropriation of expellees assets. The Asian property left behind in Uganda was valued at up to \$ 750 million. But it is questionable whether these assets were subsequently used in a productive way. Much was simply looted, or auctioned off to favoured groups in the army.

The most serious economic impact of expulsions on the countries implementing them is in the labour market. Overall unemployment is seldom relieved significantly, and the departure of foreign workers can leave labour shortages in crucial sectors of the economy.

Many of the immigrants expelled from Ghana in 1969-70 were agricultural labourers. Cocoa farmers, who produced the country's largest source of foreign exchange, quickly realised the damage that would be done to their already scarce labour supply. In January 1970, after appeals by the employers, the government excepted agricultural and mine workers from the expulsion. Nevertheless, many continued to leave in the face of intimidation, harassment and extortion. By April 1970 it was estimated that over half the foreign farm workers - 84,000 - had left. About 64,000 of the subsequent shortfall in the labour force were replaced by Ghanaian and foreign workers who had escaped the order or returned after the exemption. But farmers complained of difficulties in securing the right kind of labour. Farm workers used their new bargaining power to press for more favourable contracts. Wage demands increased and farmers found that the Ghanaian replacements were less amenable to work discipline than the foreigners.

While it was but one of several factors, the expulsion contributed to the stagnation of Ghana's cocoa industry in the 1970s, and thereby to Ghana's disastrous economic decline in that period. Many expellees from Upper Volta (Burkina Faso) subsequently migrated to the Ivory Coast, whose economic growth in the 1960s and 1970s, and particularly its agricultural expansion, is largely attributed to the widespread utilisation of foreign labour.

The expulsion of immigrants from Nigeria 13 years later similarly disrupted the labour market. Nigeria's construction industry was probably the most seriously affected. Large numbers of Ghanaians were employed as artisans and general labourers. Many construction sites in large cities were reported idle immediately after the expulsion order. The major steel project at Ajaokuta relied heavily on foreign labour. The ports were also affected. The Dockworkers Union of Nigeria estimated that some 7,000 dockers, mainly casual workers, were subject to the decree. The effects of the expulsion were also felt in the service sector, with catering and domestic staff reported scarce after the order for aliens to leave.

Expulsions inevitably drive wage rates up. The daily rates demanded by casual construction workers after the Nigerian expulsion increased by between 25 per cent and 33 per cent. Nigerian private sector employers lost out on the advantages typically associated with the employment of 'illegal' migrant labour. Usually non-unionised, their insecurity forces such workers to tolerate poor wages and conditions. Most unskilled foreign workers were paid much less than the statutory minimum wage. With the threat of betrayal to the authorities hanging over them, illegal migrant workers are more readily disciplined by employers. Indigenous workers are not so vulnerable to such conditions and gaps in the unskilled labour market are therefore difficult to fill. From the point of view of many employers, mass expulsions can be seen as disadvantageous.

More significant in the longer term is the loss of skilled workers and professionals. Apart from traders, the Asian expellees from Uganda included lawyers, accountants, doctors, teachers and engineers. Some indication of the longer-term impact of their loss to Uganda may be deduced from reports suggesting that the expellees have done well in the United Kingdom and other resettlement countries. (6)

Similar problems have arisen elsewhere. In Nigeria, foreigners were extensively employed in the public sector prior to the expulsion of 1983. It was estimated that there were some 35,000 Ghanaian teachers working in the country, particularly in rural areas where Nigerians were reluctant to be posted; 2,600 illegal immigrants were said to work in Lagos schools. Others were employed as civil servants in the federal and state administrations.

Realising the problems that their loss would cause, and responding to pressure from employers, the Nigerian Government extended the deadline for the departure of professional and technical workers, to give them time to regularise their status. Immigrant workers in the public sector were exempted from the expulsion, allowing Ghanaian teachers, among others, to remain. There were no such exemptions in the 1984 and 1985 expulsions, which were made against the background of large-scale purges of public sector employment. Some 12,000 professional and technical workers were affected, most of them teachers. The object was to make room for qualified but unemployed Nigerians. But in the circumstances of austerity that have obtained since, public sector employment has contracted.

Hastily introduced exemptions are an acknowledgement of the economic contribution made by immigrants, often officially unrecognised until their impending departure. Significantly, employers are often strong opponents of expulsions. The South African Chamber of Mines vigorously opposed the government's threatened expulsion of up to 1.6 million foreign workers in 1985 and 1986. Many foreign workers, particularly those from Lesotho, are skilled and indispensable to the gold mines. One prominent mines employer was quoted as declaring: "The repatriation would be a cause for great concern and would be against the will of most of the mining industry." (7)

Similar concerns have prompted employers in Western Europe to oppose mass repatriation policies, fearing that they might lead to labour shortages and upward pressure on wages. In the USA, the great majority of farmers in Texas opposed 'Operation Wetback', the mass deportation of illegal immigrant workers in 1954. In many cases Texan growers physically obstructed the Border Patrol in their attempts to implement the round-up. Since that time, employers in the southern states of the USA have continued to oppose moves against low-paid illegal immigrant workers.

The expense of organising and implementing a mass expulsion represents a further cost to the instigating country. Scarce public funds have to be drawn on and resources diverted from more productive uses. Transport systems are disrupted. Despite the cost and disruption, mass expulsions are seldom effective. Expellees simply make their way back through unauthorised border crossings once the atmosphere is less charged, or they avoid expulsion by lying low or acquiring fake documentation. Such was the case after the Nigerian expulsions. It has also occurred after the periodic mass deportations of undocumented migrants from the USA, which again provides an instructive comparison. During 'Operation Wetback' in 1954, some of the illegal immigrants apprehended were given the opportunity of registering as legal workers, or 'braceros'. As Garcia points out, the "legalizing of many of the 'wetbacks' apprehended during the drive in Texas created the strange situation of the United States expending large amounts of money to oust 'illegals, and then turning around and spending even more money to return them to this country as 'legalized' braceros." (8)

#### **Economic Consequences of Mass Expulsions: Receiving States**

If the economic consequences of mass expulsions are likely to be negative for expelling States, the effects on those countries receiving expellees are altogether more serious.

The immediate problems of accommodation and dispersal are expensive to deal with. Collection centres and transit camps have to be set up and emergency food, water, sanitation and medical attention provided. Local infrastructure, already critically deficient in many developing countries, is placed under even greater strain. Transport is another expensive logistical problem. Administrative costs are incurred when returnees are screened. Again, such expenditure diverts resources from more productive uses in countries that are often already beset by serious economic difficulties. The disruption of the local economy in areas where expellees congregate is almost inevitable as markets are destabilised and food prices shoot up.

More serious in the medium term are the employment implications. The return of an estimated one million expellees to Ghana in 1983 increased the population by nearly 10 per cent. The proportion of the Ghanaian population reckoned to be 'economically active' (that is, farmers and traders as well as wage and salary earners) is thought to be around 40 per cent. If so, the increase in the population of working age must have been around 20 per cent - a serious blow to an economy which had been severely debilitated by more than a decade of decline and where unemployment was already at record levels.

The economy of Niger, wracked by drought, could also scarcely absorb 200,000 returnees - perhaps 15 per cent of the economically active population - into employment. The economy of Chad, which had to absorb some 150,000 returnees, was similarly hit. Large unexpected population influxes obviously put great strain on countries that are already under severe economic pressure.



The loss of remittances from migrant workers represents another serious problem for countries receiving large numbers of expellees. It has been estimated that if the Ghanaians resident in Nigeria had remitted just one dollar a week to their homeland, they would have contributed around \$7.5m per week to Ghana's national income.<sup>(9)</sup> While it should be remembered that little of this would have passed through the official banking system, and thus been of limited benefit to the Ghanaian exchequer, the remittances represented an important flow of private income and capital into the economy.

A mass expulsion of migrant workers from South Africa would have very serious consequences for Lesotho. With a population of only about 1.5 million, the return of up to 200,000 migrants would obviously put severe strain on the economy and society. Although many would probably return to South Africa illegally, unemployment, already very high among the young, would be greatly increased. Inequality of landholdings and landlessness would be exacerbated, agricultural productivity would decline and urbanisation increase. The annual equivalent of \$235m in labour income from abroad - much more than Lesotho's Gross Domestic Product - would be lost, together with the multiplier effects of those remittances. As one observer has recently pointed out: "The economic structure of Lesotho is such that a rapid decrease in migrant labour would undoubtedly cause widespread destitution if not famine ... Take away over half the nation's purchasing power - which is what a ban on migration to South Africa would do - and, unless there are active compensatory measures, some starvation would occur." <sup>(10)</sup>

The longer term consequences of mass expulsion for receiving countries may not all be negative. The return of migrant workers is potentially beneficial. Critics of migrant labour systems have long argued that the skills, energy and enterprise of migrant workers should be used productively in home industries and agriculture rather than contributing to growth abroad.

Nearly five years after the first mass return of expellees, Ghana is in much better economic shape than it was at the time of the expulsion. While there are many other contributory factors, some of the credit for this recovery is due to the returnees. They were enthusiastic and energetic in their efforts to become self-sufficient. With the help of their home communities, returnees were rapidly engaged or engaged themselves in building work, road construction, health and sanitation, and above all farming. Land was quickly cleared and planted, averting the widespread food shortages which had been predicted at the time of the expulsion.

The experience of other receiving countries provides more evidence that expulsion might not be as damaging as anticipated. Between 1970 and 1976, Malawi managed to absorb half of its migrants from abroad - including 120,000 mineworkers from South Africa in 1974 - with little disruption of the domestic economy and, reportedly, with little hardship to those repatriated.

Malawi may have been in a better position to absorb returnees than Lesotho is now, partly because of a stronger agricultural sector but also because Malawi initiated the withdrawal of workers and was therefore prepared for the mass return. Nevertheless, the impact of a mass expulsion may not be as economically damaging as has been feared, even for a country as dependent on migrant labour as Lesotho. In the early 1970s, more than 10,000 Basotho miners returned en masse from South Africa after disturbances in the compounds there. Despite official anxiety and the initial presence of returnees on the streets of large towns, the migrants were rapidly absorbed, mostly into their households in the rural areas, with little socio-economic disruption.

Following this episode, the government established, on the advice of the International Labour Office and World Bank, a Labour Construction Unit to create new jobs in public works. But the potential for the absorption of returnees into activities like road building and construction is limited, not least by funding constraints. Further contingency planning is therefore needed.

There may be other, more ambivalent, benefits of mass expulsions. Like other disasters, mass influxes of expellees can assist governments to bargain for international assistance. Donors were reluctant to commit aid to Ghana because of the politically unstable condition of the country and the ideological complexion of the Rawlings regime. But soon after the expulsion \$189m was channelled into Ghana, \$50m for emergency-related relief and \$ 139m for longer term recovery-related aid. The expulsion was among the factors that swung international donors behind Ghana, leading to International Monetary Fund and World Bank finance for its economic recovery programme.

### **Political Consequences of Mass Expulsions**

Some of the political objectives of expulsions may be achieved in the short term. They may temporarily encourage a veneer of national unity. The manipulation of popular xenophobia may secure electoral advantage. Scapegoats may provide a useful diversion from economic and political difficulties. But such political gains are usually short-lived, and they are outweighed by the damage done to the international relations of instigating States.

Most obviously, mass expulsions result in increased tension between the States involved. The forced flight of Salvadoran settlers from Honduras exacerbated the already tense relations between the two neighbouring states. In

June 1969 Salvadorans at the World Cup qualifying match in San Salvador between the two countries protested against the expulsions and alleged atrocities. Shortly afterwards, in retaliation for the expulsions, the Salvadoran army invaded Honduras and a four-day conflict followed - the so-called 'Soccer War'. This episode has had serious consequences for subsequent relations between the two States.

Subsequent expulsions have had comparable effects. The expulsion of migrant workers by Libya in 1985 predictably heightened tension with its neighbours Tunisia and Egypt: indeed, it was a barely disguised act of aggression.

Expulsions have also placed additional strain on humanitarian relief agencies and hampered the effective functioning of organisations set up to promote regional integration. Nigeria's actions in 1983 and 1985 rendered largely irrelevant one of the main objectives of ECOWAS: the free movement of persons between member states. The subsequent ratification in 1986 of a second phase of the protocol, relating to rights of residence in member states, seemed similarly unconvincing.

Expulsions provoke reprisals. The expulsion of Nigerians from Ghana in 1970 was frequently cited in justification of the 1983 expulsions from Nigeria. Some of the more perceptive Nigerian critics of the 1985 expulsion pointed out that there were more Nigerians working or trading abroad (two million in Sudan alone) than there were aliens in Nigeria. These Nigerian emigrants now had the threat of retaliatory action hanging over them. The Libyan expulsion of 1985 prompted Tunisia to deport 253 Libyans who were alleged to be spies and a threat to the country's security.

Ceylon's political independence from Britain in 1948 and the coming to power of a Singhalese dominated government led to the repatriation of hundreds of thousands of ethnic Tamils. Far from solving the issue of Singhalese-Tamil relations, the situation markedly worsened after the repatriation and the government was soon faced with a full-scale military insurgency. This insurgency was to a great extent supported by Tamils in India, many no doubt victims of earlier discriminatory policies.

The civil war ended with the Indo-Sri Lankan agreement of 1987. Though the sources of the conflict are complex and deeply rooted in the long history of relations between the two peoples, it is clear that the expulsion of Tamils following independence, like many mass expulsions did not prove to be a panacea for the political, economic and social problems for which the presence of an ethnic minority was blamed.

Some States with regional hegemony have used the threat of mass expulsion to reinforce their influence over neighbouring States. South Africa has used Lesotho's vulnerability to considerable effect in its campaign to prevent members of the African National Congress from taking refuge there. The South African Government's threat to repatriate both legal and illegal migrant workers from the frontline States in response to the sanctions campaign is also a powerful weapon.

But the force of this threat is declining. For a variety of reasons, the number of foreign migrants in the total black labour force has been falling since the 1970s. Of course, illegal immigration is still substantial, but the trend is clear. The potential impact of expulsion, while still considerable, is therefore declining. As Cobbe argues, "the rational policy for the South African

Government to follow is to keep the threat of a ban on migrants credible, but never to impose it since once it is imposed, this leverage is lost." (11) The same might be said of mass expulsions threatened elsewhere in pursuit of international political goals.

### **Conclusion**

This examination of recent mass expulsions allows some general conclusions to be drawn about their socio-economic and political aspects. While mass expulsions are justified in economic terms, they are often politically motivated. They are usually ill-considered measures, essentially ad hoc reactions by governments which are under pressure and seeking to impose simplistic solutions for complex problems. They rarely achieve what they set out to do. Their consequences are usually damaging for all parties involved : individuals, communities, states, and regional organisations. At the same time, they impose an additional and unnecessary burden on hard-pressed relief and development agencies.

In the future, there may be a shift discernible in the type of expulsion. While it would be unwise to suggest that no more expulsions of ethnic 'middleman minorities' are likely, it may be the case that the achievement of independence by most countries, and their subsequent consolidation, removes one of the pretexts for such episodes: 'alien' minorities are now less likely to be expelled in the name of 'nation-building'.

Of course, 'aliens' remain ready-made scapegoats for those wishing to retain or consolidate political power. In the 1980s, migrant workers have been more vulnerable to mass expulsion. Together with refugees, they are likely to be more so in the future, as countries beset by economic problems adopt increasingly restrictive policies towards

immigrants and asylum-seekers. Mass expulsions from developing states, like immigration controls in developed countries, appear to be marking the end of the period of labour migration to newly industrialising states of the Third World. They also reflect the hardening of national boundaries worldwide.

Countries that have hitherto pursued relatively laissez-faire immigration policies - or lack of policies - are those which are most likely to implement mass expulsions. Without the resources or the inclination to impose routine immigration controls, such States resort on an ad hoc basis to intermittent mass expulsions to remove immigrants they no longer want. This is the case in much of Africa except for South Africa, with long tradition of free movement, and explains why so many of the recent mass expulsions have been in that continent.

Neither tighter immigration control nor mass expulsions solve the problems raised by the increasing mobility of the world's population. The result of both is the increasing volume of illegal immigration, now reaching unprecedented levels in many countries, which simply breeds new problems. At best such measures merely divert migratory flows temporarily, for while the conditions remain which impel people to move to better their lives, or simply to survive, they will continue to migrate whatever obstacles are put in their way.

## CHAPTER FOUR

### LEGAL ASPECTS

"Those who do not feel pain  
seldom think that it is felt."  
Dr Johnson

Recent examples of mass expulsion have exposed the liability of individuals, groups and communities to forcible removal from their country of residence or nationality. The potential for further excesses appears practically unlimited; national minorities, ethnic groups, the politically undesirable, migrant workers, refugees and displaced persons may all one day face the consequences of the arbitrary and capricious exercise of sovereign state powers.

Given the inherently political and politicised discourse surrounding incidents of mass expulsion, a major problem remains to accommodate, and achieve some sort of consensus among the actors concerned. Mass expulsion involves not only individual human beings and expelling and receiving States; it also involves international and regional community interests. Mass expulsion is thus a destabilising factor, and in itself a major threat to the development and maintenance of desirable standards of interstate conduct.

At the same time, it invites serious consideration not only of fundamental principles of human rights (in their individual aspect), but also of related concerns of States, including issues of self-determination, development, economic rights and sovereignty over natural resources. The ultimate aim is to reach a series of guidelines or standards of conduct commensurate with that degree of protection of human dignity which is required by the international community. What therefore are the legal dimensions of mass expulsions?



### Definition

The term "mass expulsion", as it is used in this chapter requires clarification. An expulsion is an order which is given by a State government and directed towards aliens, persons who are either of foreign nationality or are stateless. The order obliges the aliens to leave a territory within a fixed, usually short, period of time. The use of an expulsion order implies that the population asked to leave was accepted or given permission to reside in the country. If there had not been an acceptance by the authorities of its alien population, then this would be a case of non-admission and not expulsion. A deportation order generally enters into force if the expulsion is not acted upon.

The term "mass" is a relative concept. It refers to a group of people within the society who possess some common characteristic, such as religion or ethnic origin. In executing a mass expulsion, a State is often creating an artificial group for the sake of expediency. The key factor is therefore, the depersonification of the individual, so that he or she is dealt with exclusively as a collectivity.

### **Individual expulsions**

A universally accepted principle is that of the right of a state to expel aliens. This prerogative is occasionally presented as a natural corollary of the right to decide freely to admit aliens. This principle, however, is not absolute. A first qualification is that discretionary power should not be abused. States are not free to overstep the limits of their discretionary power and act in an arbitrary way. Nevertheless, the demarcation line between discretionary and arbitrary power is an awkward one to draw.

A second qualification is that States must have legitimate grounds for expulsion. As a consequence, the basic norm to be respected can be formulated thus: "the State has the right to expel aliens threatening public order or national security". In most cases public order and national security are the reasons which are usually given, and accepted, to justify an expulsion order.

The customary law relating to the expulsion of aliens also contains obligations, as far as the **implementation** of the measures is concerned. Expulsions should not be unduly brutal or vexatious, and should be carried out without causing hardship or violence or unnecessary harm to the alien expelled. This means that a victim of the measure must be given a reasonable amount of time between the expulsion notice and the actual time of departure; must be able to choose freely the country to which he or she will go; and must not be deprived of his or her acquired rights such as work or property rights, without prompt, effective and adequate compensation.

Imperfect as it may be, the law of aliens has thus gradually imposed upon States a respect for fundamental human rights. In this matter, the international instruments for the protection of human rights have in essence codified the rules arising from practices between States.

But what happens if the expulsion order is not justified in law? Some think that the victim should be able to seek either administrative or legal redress before the measure is executed. This condition - desirable as it may be - is far from having unanimous support and does not reflect the state of contemporary law. If an expulsion appears to be unjustified, arbitrary or executed in flagrant breach of the fundamental rights of the individual, it is considered the responsibility of the

State of which the victim is a national to make its protest to the State that has ordered the expulsion. This protest may be made directly, at State level, if there is a convention in existence, such as an establishment treaty, or through diplomatic protection. This latter, however, does not give any guarantee to the victim that redress will in the end be granted.

### **Legality of mass expulsion**

In conventional international law, there are no treaties or conventions specifically relating to the mass expulsion of aliens. Equally, in no general instrument relating to the law of aliens or to human rights is any provision to be found dealing with the legality or illegality of the mass expulsion of aliens.

However, some provisions relating to mass expulsion appear in certain regional treaties. Article 21 of the San José Pact of 22 November 1969, for example, prohibits the mass expulsion of aliens (para. 9). The pact is in force but is not yet binding on all the States of the American continent. Furthermore, the prohibition can lose most of its meaning if a State invokes Article 27, paragraph 1, which allows for the temporary cancelling of contracted obligations, in the event of a war, threat to public security or any other extraordinary circumstance threatening the independence or the security of the State. Measures taken on the basis of race, colour, religion, sex, birth or language are, however, prohibited by the treaty. The prohibition is further diminished in strength by the fact that it is not listed among those articles which are obligatory in all circumstances.

A second regional instrument containing a similar provision is Protocol IV of the European Convention on Human Rights and Fundamental Freedoms of 4 November 1950.

Article 4 of the Protocol prohibits the mass expulsion of aliens. It is not, however, binding on all European States. Furthermore, the parties to this instrument may invoke Article 15 of the Convention which allows them to depart from their obligations in the event of a threat to national security. Thus, the prohibition in principal is modified by an exception clause. In practice, this is the argument generally used by States operating mass expulsions.

Lastly, Article 12, paragraph 5, of the African Charter for Human Rights and Peoples of June 1981, prohibits group expulsion of aliens. The Charter had been ratified by 31 States by mid-1988. Group expulsion is defined as the kind of expulsion aimed at national, racial, ethnic or religious groups. The African Charter does not include a clause suspending the exercise of certain rights in the event of a threat to public order. The advance may be more apparent than real. In the event of a breach of its treaty obligations, a State can claim exoneration of its responsibility if the breach was dictated by the need to safeguard public order or national security. The Charter also contains protective measures whose effectiveness has not yet been tested.

Regional conventions have not yet succeeded in establishing a universally accepted prohibition of the mass expulsion of aliens. Nonetheless, they do establish a qualified prohibition. There may be a gradual move towards a reversal of the situation observed in the case of individual expulsions. In this latter case, expulsions could proceed under certain conditions, whereas in the instance of mass expulsions there appears to be an evolution towards a prohibition subject only to certain exceptions.

The study of customary law prohibiting the mass expulsion of aliens can be examined in two ways: firstly by an analysis of the practice of States, whether they are the originators of the expulsions or directly or indirectly concerned with these measures; and secondly by a study of whether the rules eventually arising out of practice are binding or not.

States' practices are very clear. During the last 20 years, mass expulsions of aliens have been numerous and are on the increase. It is revealing to note that if the States whose nationals were subjected to expulsions have often criticised the conditions under which those expulsions have taken place, they themselves have but rarely questioned the right of a State to proceed with expulsion. The very few cases in which the right to expel has ever been questioned were those in which there were doubts as to national or alien status.

This indifference of States in the face of the act of expulsion itself is linked, consciously or unconsciously, to the basic principle that a State has the right to expel aliens if the reason invoked is valid and reasonable. At the present time there exists no customary law which outlaws the mass expulsion of aliens.

#### **Restrictions of the exercise of the right of mass expulsion**

One of the first criticisms of some recent mass expulsions is the absence of reasonable grounds. At times, as has been mentioned previously, it was the principle of expulsion itself as it affects persons, aliens or nationals, whose status is not established with certainty, which is condemned. In other circumstances, the State has been suspected of either planning to seize the assets of those expelled without offering them adequate compensation,

or of hiding racist motives under a legal facade. In short, doubts were raised as to whether the expulsion was genuinely dictated by the need to protect public order and national security.

The requirement of these reasonable grounds is therefore firmly established. However, with regard to mass expulsion, an additional problem arises because such measures are likely to encroach upon the principle of non-discrimination. It has sometimes been contested that any form of mass expulsion is illegal because it contravenes the principle of non-discrimination. A more moderate view is appropriate. The principle of non-discrimination cannot be applied uniformly at all times. Certain forms of discrimination are admissible, even necessary, if States are not to be accused of illogicality or arbitrariness. If a State decides to expel all aliens, there is indeed discrimination in comparison to nationals. But, provided there are reasonable grounds, this reflects an already existing and tangible difference and does not signify any illegal discrimination. Similarly, the expulsion of all illegal aliens can be admissible without threatening the principle of non-discrimination.

Nonetheless, since discrimination on grounds of sex, race or religion is prohibited, the State is left with less room to manoeuvre. Even in this last case, if for example a religious minority threatens State security, we would be disposed to admit the legality of a mass expulsion when it was the only recourse open to the State. A balance between the aim and the chosen means needs to be found. The criterion of proportionality should be respected if there are reasonable grounds for mass expulsions and if the principle of non-discrimination can be put in abeyance with good reason.

The person expelled has, as a rule, a limited amount of time to leave the country. In the case of an individual expulsion, the departure must take place in humane conditions. The situation changes in the case of mass expulsions where transport is often inadequate and poorly organised, where those expelled are ill-treated by nationals - sometimes with the active or passive complicity of the authorities - and where their assets are seized and their acquired rights ignored.

Fundamental human rights, or at least the minimum standard applicable to aliens, must be respected in such situations. The principle established, it still remains to define the scope and the limits of these fundamental rights. All agree upon the principle, but not on the content.

These fundamental rights to which no derogation can be made even in the event of an exceptional public threat endangering the life of the State are protected by Article 4, paragraph 2 of the International Covenant on Civil and Political Rights. The formal guarantee of inalienable rights does not suffice, however, given the exceptional circumstances in which mass expulsions take place. The guarantee must be effective and concrete measures must be taken in order to safeguard human dignity.

The States enforcing the measure, the State of origin and international bodies all have areas of responsibility. The methods of implementing expulsions established by the States must provide for tangible assistance, protection against exactions, adequate foodstuffs and means of transport. States whose nationals are the victims of mass expulsion are bound to offer assistance and such an offer may not be refused. This obligation is the direct result of the nationality bond by which every individual has the

right to return to his or her own country. As a corollary to this right, it is the duty of the State to take in any returning national. This obligation is sometimes questioned but it is rooted in so many international instruments that it must be considered as a customary norm. The responsibilities of the State of origin do not in any way replace the responsibilities of the State enforcing the measure but must be seen as complementing them. Neighbouring States also have responsibilities and have a duty to grant the right of passage to the victims through their territories. Although the way in which this transit takes place can be subject to reasonable restrictions.

If the States concerned do not have the resources to deal with a large-scale expulsion, the offer of assistance by international bodies should not be rejected on the grounds that it constitutes an unfriendly gesture or even an interference in the internal affairs of the State. However, international organisations should offer their services only if they have taken the necessary steps to coordinate their efforts. This must be planned and is one of the very first tasks to be undertaken.

#### **Protection specific to certain groups of aliens**

**Refugees:** The situation of refugees is governed in the main by the UN Convention relating to the Status of Refugees of 28 July 1951. According to Article 32, States cannot expel a refugee who is legally on their territory for reasons other than national security or public order. Furthermore, according to Article 33, the expulsion or **refoulement** of a refugee cannot be made to a country where the refugee's life or liberty would be threatened because of his race, religion, nationality or because of his social group or political opinions. The principle of non-expulsion or return of a refugee affords him special



protection, but does not, in fact, eliminate the possibility of expulsion. Furthermore, as is noted in Article 32, the refugee must be allowed the time necessary to enable him to enter another country legally. This, in practice, makes a mass expulsion of refugees difficult.

**Stateless persons:** The Convention on the Status of Stateless Persons of 28 September 1954 contains in Article 31 a rule analogous to Article 32 of the Convention relating to the Status of Refugees. The conclusions set out above are therefore applicable *mutatis mutandis*.

**Migrant workers:** As the previous chapter has indicated, migrant workers are a favourite target of mass expulsion, especially in times of economic difficulty. The protection of migrant workers is the object of constant concern to the International Labour Office (ILO) in particular, as well as to other organisations. Although a general summing-up of the various conventions and recommendations is not necessary, it is perhaps worth pointing out that legitimate migrant workers enjoy no special protection against mass expulsion. They are, therefore, in the same position as other aliens living legally in the country.

Undocumented migrant workers or migrants in an irregular situation are particularly vulnerable to measures of mass expulsion, as contemporary practice demonstrates.

The conventions and recommendations of the ILO do not protect illegal workers from mass expulsion. The most detailed instrument, Convention No. 143, guarantees certain rights in the work situation and makes provision for sanctions against those engaged in illegal labour trafficking. The only reference to expulsion appears in Recommendation No. 151 and does not go beyond the customary provisions of the law concerning aliens.

Nevertheless, it should be noted that the UN Working Group on the Drafting of an International Convention on the Protection of the Rights of all migrant workers and their families, in draft Article 22 refers to the mass expulsion of migrant workers. However, the Working Group which was established by a General Assembly resolution in 1979, has not yet completed its work.

The lack of protection against mass expulsion is, in the last analysis, hardly surprising given that even aliens living legally in a country are not fully protected against such measures. Moreover, the requirement of legal residence appears in the majority of international instruments, including those in the process of being drafted.

A final question of a legal nature is that of the general power of States to expel migrants by invoking as reasonable grounds their illegal entry into the country. It is doubtful if this reason alone is adequate, especially when the State looks favourably upon the arrival of undocumented migrants, when it tolerates their presence over a period of many years and when it cannot or chooses not to control its frontiers adequately to prevent the influx of illegal migrants. One could claim that by its attitude, the State has forfeited the right to use this reason alone to justify mass expulsion of migrants. In practice, however, governments often invoke the threat to public order and national security represented by migrant workers as their chief justification.

#### **Mass expulsions in armed conflicts**

Mass expulsions in times of armed conflict have not been given sufficient attention in recent debates. The question has been analysed mainly from the point of view of deportations, transfers and evacuations, placing emphasis on Article 49 of the Fourth Geneva Convention of 12 August

1949. This last measure corresponded to an obvious need, given the deportations and inhuman conditions documented in the course of the Second World War.

Such an approach is, however, incomplete and perhaps inadequate. We have defined mass expulsion as the action of a State compelling aliens in its territory to leave that territory and such a definition is found in Article 49 of the above Convention. The occupying power may not compel aliens who are not residing on its territory to come to that territory or to that of another State. Only Articles 35 to 46 of the Fourth Convention, regarding the treatment to be given to aliens on the territory of a power engaged in war, and Articles 27 to 34, contain regulations dealing both with the territories of the warring parties and with the occupied territories.

In 1949, in the light of events documented during the war, it was not so much a question of protecting enemy civilians against mass expulsion as of safeguarding them from internment or forced labour - measures which could reduce them to virtual hostages. That is why Article 35 gives every protected person the right to leave the territory at the start of or in the course of a conflict, unless his or her departure is harmful to the national interest. Departures must take place in satisfactory conditions of security, hygiene, health and adequate food supply (Article 36). We observe, therefore, that adequate measures have been taken to ensure that, as far as possible, mass expulsions are not permitted.

Once the voluntary departures have taken place, there is nevertheless a danger that aliens who have not been repatriated will subsequently become the target of a mass expulsion order. Two other provisions of the same Convention are noteworthy. Firstly, Article 38 concerning non-repatriated persons stipulates that: "the situation of

protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in peace time." Secondly, Article 45 concerning transfer to another power governs all displacements of persons, individually or collectively, that are implemented by the power responsible; neither individual expulsion nor mass expulsion is mentioned. It is nonetheless useful to quote here the opinion of Jean Pictet, one of the most authoritative commentators on the Geneva Conventions:

...no provision exists with regard to deportation, the measure whereby a State removes an undesirable alien from its territory. In the absence of any text that equates expulsion with a form of transfer, this article does not seem to oppose the right of Parties involved in conflict to expel aliens in individual cases when national security makes it an absolute necessity. But practice and doctrine limit this right. It would definitely not be acceptable for a belligerent State to expel all aliens from its territory at the beginning of hostilities. Expulsion, if it does take place, must be carried out under humane conditions, without brutality and with respect for human dignity. Individuals under an expulsion order shall be able to present the case for their defence freely and be allowed a reasonable period before the implementation of the decision, if it is upheld; if such is the case, the protecting Power must be informed. (1)

Without going into the details of Pictet's argument, one fact remains clear: there does not exist, in the law on armed conflicts, any specific provision relating to mass expulsion. This observation applies equally to international and non-international armed conflicts.

The only special provisions relating to situations that have some factual analogies with mass expulsion - although they cannot be equated with mass expulsion in law - are those that prohibit deportation from the occupied territories to the territory of an occupying power. If one accepts that present-day law does not formally prohibit mass expulsion of enemy aliens, this would indicate that mass expulsion based on the criterion of nationality is possible. However, the admissibility of such a criterion in peace time must be regarded with caution. Indeed, the underlying justification would always be the need to safeguard national security and the expulsion order would invoke this reason rather than that of nationality.

A final question might be asked with regard to the situation of neutral subjects. Cases of individual expulsion are not unknown but a mass expulsion is hard to envisage if such people conform to the rule of personal neutrality laid down at the beginning of this century. There again, the existence of reasonable grounds would be imperative.

Mass expulsion of aliens is not at present prohibited in international law. However, the conditions laid down for the exercise of the right to carry out mass expulsions are stricter than in the case of an individual expulsion. States must demonstrate "reasonable grounds" and are required to take practical steps to assist and protect those involved. Such measures are not required in the case of individual expulsion. Furthermore, responsibility does not lie with a single State, but with a plurality of States and international organisations.

## CHAPTER FIVE

### FUTURE ACTION

"Until man learns to accept his fellow-man with all his faults, as well as his virtues, there can be no peace, no joy, no real understanding."  
Henry Miller, 1967.

As previous chapters have demonstrated, mass expulsions are unethical and their legality is questionable. What is more, they seldom achieve the stated or even covert objectives of the governments which implement them. Mass expulsions create an enormous amount of human suffering, and are responsible for creating and exacerbating tensions which already exist within the international system.

And yet the international community has done very little to remedy the problem. No organisation is specifically mandated to alleviate the plight of expelled populations and no international instrument has been developed to prevent or regulate the implementation of mass expulsions. This chapter addresses these issues, suggesting some practical ways in which the problem of mass expulsions might be tackled.

#### Compensation and Repatriation

Draft articles on state responsibility currently before the International Law Commission appear at first to propose, as a general obligation, the duty of the wrongdoing State to re-establish the situation as it existed prior to a mass expulsion, provided the manner in which the expulsion is carried out constitute a breach of international law. Only where that is materially impossible is the payment of monetary compensation

contemplated. Where the breach of duty concerns a standard of treatment due to aliens, however, a broad discretion would be conceded to the wrongdoing State to elect to pay compensation in lieu of making restitution (such as readmitting those expelled). Whether such a discretion is desirable or not, it is fairly firmly based in state practice, at least in regard to expulsion.

This does not mean that remedies, if at all available, must be limited to compensation. Return may well be practicable, and alternative modes of relief and reparation are often obtainable through regional or other competent human rights institutions. There will always be dangers, though, in an excessively legal or political approach to any manifestation of the problem. Overall, neither relief nor condemnation is a sufficient response to the phenomenon of mass expulsion, which itself reveals gaps in the international scheme of responsibility.

In theory, a variety of international institutions can become involved. The Office of the United Nations High Commissioner for Refugees (UNHCR), for example, may be present in the case of refugee outflows, the International Committee of the Red Cross (ICRC) in cases of armed conflicts, and various UN agencies, notably the United Nations Disaster Relief Organisation (UNDRO), the League of Red Cross Societies (LRCS) and non-governmental organisations in cases of natural disaster. Other institutions, such as the International Labour Organisation (ILO) or the Intergovernmental Committee for Migration (ICM) may also become involved in the matter.

Nevertheless, there is little consistent practice of institutional coordination, particularly where expulsion is directed against non-nationals; the express or tacit

assumption is that the State of nationality bears the full measure of responsibility for protection, reception and assistance.

Moreover, little, if any, attention has been given to that other possible and surely desirable institutional goal, prevention and containment. The following sections will examine that aspect, the question of the legal and physical protection of expellees, and needs arising from the requirements of relief, assistance and reintegration.

### **Prevention and Containment**

The question of prevention at once invites consideration of the causes of mass expulsions. As chapter three indicated, race may be a factor in the political decision to expel, or an element in or the cause of the breakdown of communal relations leading to spontaneous trans-border flight. Political reasons may have an internal, external or mixed dimension. Internally, expulsion can be the product of civil strife, racial or xenophobic tension; or it may be perceived as a useful diversion from the failings of government. Externally, expulsion can be a reaction to a particularly low state of bilateral relations, a form of reprisal prior or incidental to armed conflicts, of revenge for alleged economic wrongs, or an assertion of sovereign independence vis-a-vis a former colonial power.

Economic reasons can pervade the whole spectrum. Periods of recession remove the employment opportunities which first attracted and sanctioned the entry of migrants, and foreigners are often perceived as taking jobs from nationals; they may be accused of monopolising sections of the economy, of constituting an obstacle to progress and reform, and of responsibility for the high incidence of crime.



Generally, the reasons for mass expulsion can also be classified by those in which internal factors predominate and those by which external factors take precedence. Consequently, preventive efforts should be formulated, initially, in the light of this distinction.

#### **Dealing with Internal Factors**

The attempt to influence the political decision to order an expulsion, is to become involved in matters which, almost certainly, will be claimed to fall within the reserved domain of domestic jurisdiction. In racial matters, the question is whether any international mechanism can determine objectively the causes of tension, and contribute to the attainment of the alternative, often contradictory goals of integration, assimilation and the maintenance of cultural identity.

Likewise, economic conditions require objective assessment and the provision of such assistance as may allow the selection of other economic options than expropriation, confiscation or termination of resident or lawful employment status, which are the precursors to expulsion.

#### **Dealing with External Factors**

In the present context, the reference to external factors denotes one or more elements in a State's relations with other States which may influence the decision to expel. An obvious example would be an imminent or actual armed conflict, such as that which led to Iraq's expulsion of Iranians in 1981. But lesser degrees of tension can have similar results.

Article 14 of the United Nations Charter specifically empowers the General Assembly to recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations between States. This is certainly wide enough to allow for action in situations of mass expulsion, but General Assembly involvement has been noticeably lacking in practice.

The degree of politicization which can affect any dispute between States is more likely to lead to statements than to effective solutions. In 1947, for example, the General Assembly established a special committee on the Balkans to observe compliance with various resolutions and to be available to assist in their implementation. A number of surveys and enquiries were undertaken, but the legality of the committee was challenged by other governments, which also refused to admit its members.

The Security Council is similarly empowered under Article 29 to establish such subsidiary organs as it deems necessary for the performance of its functions, but its efforts are perhaps no more likely to succeed. At first glance, therefore, the more traditional methods of dispute settlement might appear to apply to instances of mass expulsion, facilitating a lessening of tension, the impartial determination of facts, and remedial or preventive measures.

The Commissions of Inquiry set up under the 1899 Hague Convention for the Pacific Settlement of International Disputes, for example, were specifically required not to pronounce verdicts. However, they did not take pre-emptive steps and their role was limited to the ascertainment, rather than the judgement of facts, from which the parties were free to draw whatever conclusions they desired. Both these commissions and those established under the Bryan

treaties, however, have been little used by States. Conciliation commissions competent to examine the broader aspects of disputes - political, juridical and factual - have suffered a similar fate; one commentator attributes this to States' identification of such commissions with the legal process, a form of arbitration likely to lead to unsought-for rulings.

Other writers have observed, with evident justification, that dispute settlement at the international level must rest on political rather than legal institutions and devices, on balancing conflicting interests, on negotiation, bargaining, and the search for a mutually acceptable solution, rather than a trial in a court of law. The presence, to any degree, of political elements necessarily prejudices the likelihood of success which 'formal' methods of dispute settlement might otherwise present; almost by its very nature, the phenomenon of mass expulsion is liable to elude such processes.

The United Nations has not been notably successful in developing methods of fact-finding and inquiry as effective instruments to resolve international disputes. The nature of the General Assembly and the Security Council has contributed to a level of politicization - evident in the composition, mandate and excessive pronouncements of such organs as have been established - alien to the attainment of mutually acceptable solutions. Indeed, it is probably unrealistic to expect that such bodies can ever be sufficiently non-political and attain the desired levels of impartiality, efficiency and rectitude.

Fact-finding, apart from formal dispute settlement procedures, nevertheless remains of crucial importance. Fact-finding accompanied by, or as the essential background to, a 'good offices' function offers prospects for the solution of a variety of problems, including mass

expulsion. Knowledge of facts is essential to effective decision-making by those charged with finding solutions, while the good offices function itself has the advantages of discretion and impartiality.

In his 1982 Report on the Work of the Organisation, the UN Secretary-General noted the Security Council's increasing use of the process of 'informal consultations'. Wary lest this might replace action or excuse inaction, he argued for a review and streamlining of existing practices and procedures so as to achieve swift and decisive action.

The Secretary-General, he suggested, should make greater use of Article 99 of the Charter: "The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security". In order to carry out effectively the preventive role foreseen under that article, he proposed "to develop a wider and more systematic capacity for fact-finding in potential conflict areas". This would be done in close coordination with the Council, which could itself devise "more swift and responsive procedures for sending good offices missions, military or civilian observers or a United Nations presence to areas of potential conflict". Simultaneously, it might be necessary to resort to new rules and procedures of negotiation, avoiding the often rhetorical and confrontational aspects of public debate.<sup>(1)</sup>

Successful action at the initiative of the Secretary-General will depend either upon the eventual co-operation of the Security Council, or upon the successful choice of ad hoc, informal methods. Under Article 34 of the Charter, the Security Council remains competent to investigate a threat to international peace, and under Article 35 a member State, like the Secretary-General, can bring such a situation to its attention.

In mid-1971 it was indeed the Secretary-General who advised the Council of his concern for the situation in East Pakistan, some months before the Indo-Pakistan war and the secession and independence of the new State of Bangladesh. The Security Council might have taken action under Articles 41 and 42, or proposed provisional measures such as a fact-finding mission, observers or a peacekeeping force under Article 40; or have recommended other appropriate procedures, such as negotiation or mediation under Article 36. In fact, the Security Council took no action until an international armed conflict broke out.

Whether the Security Council would likewise refrain from action when faced with an imminent mass expulsion is unclear, but given that very uncertainty the Secretary-General might opt for alternative methods. The appointment of 'special representatives' is now fairly frequent; they have recently been assigned to cover Afghanistan, Kampuchean humanitarian assistance programmes, and relief to the victims of the African drought. One recent study proposed the institutionalization of such efforts by the appointment of a Special Representative for Humanitarian Questions, a role to be strengthened by access to a corps of humanitarian observers. (2)

Of course, mass expulsions are frequently sudden occurrences, and time, or the lack of it, may be the most frustrating factor. Nevertheless, there is scope within existing UN mechanisms for pre-emptive steps. Fact-finding and good offices by the Secretary-General directly, or by a delegate, could prevent or contain mass expulsions by relieving tension between States; by clarifying the facts in an objective and impartial manner; by initiating appeals for international assistance to remove or remedy proximate causes (for example, through economic and developmental aid); by involving relevant UN agencies to the same end; and by contributing to the promotion of inter-communal understanding and the protection of human rights and fundamental freedoms.

Even where such efforts fail, the process itself could form the necessary groundwork for subsequent and well-informed action by the Security Council, the General Assembly, or other UN bodies such as the Commission on Human Rights. Moreover, similar efforts may be undertaken in its own right by the International Labour Organisation (ILO) where representations or complaints are received concerning freedom of association, discrimination, or other violation of the rights of migrant workers.

### Regional Roles

Besides the role proposed for the United Nations, some scope remains for independent or complementary activity by regional institutions. None so far has been used to prevent a mass expulsion or similar exercise of state power, and the question in each case will be whether the principal institutions or their subsidiary organs can be geared up to prompt and effective action.

Most regional co-operation agreements contain some provision for the peaceful settlement of disputes. The Association of South East Asian Nations (ASEAN) 1976 Treaty of Amity and Co-operation in South East Asia, for example, establishes a High Council of ministerial representatives to take note of disputes between parties and to recommend appropriate means of settlement. Moreover, if the parties consent, the High Council may provide good offices, mediation, inquiry or conciliation.

Within the Council of Europe the deliberative organ is the Parliamentary Assembly which may discuss and make recommendations to the Council of Ministers on any matter within the competence of the Organisation. The Council of Ministers, in turn, may take decisions on its own initiative; such decisions, which are in the form of recommendations, nevertheless require unanimity. They are not formally binding, but are clearly of strong, persuasive force.

The Organisation of African Unity, with its stated objective of promoting unity and solidarity, in fact contains no organ competent to exercise disciplinary powers. Its Commission of Mediation, Conciliation and Arbitration anticipates the peaceful settlement of disputes by traditional means, with less flexibility for informal or ad hoc methods.

The Organisation of American States (OAS) includes pacific settlement of disputes among its purposes, as well as co-operation for development and seeking solutions to such political, juridical and economic problems as may arise between its members. The 1947 Rio Treaty of Reciprocal Assistance, to which almost all OAS member States are party, empowers a Meeting of Consultation of Ministers of Foreign Affairs to take action, for example, where a factor or situation is capable of endangering peace in the Americas.

Finally, it is uncertain to what extent, if at all, the United Nations Regional Commissions might have a role to play. Their concern is with economic development and economic activity, and also, in developing regions, with the social aspects of development. They are certainly engaged, therefore, in matters which often form the background to expulsion, but any formal preventive action appears to be excluded.

#### **Regional Human Rights Machinery**

The Organisation of American States and the Council of Europe have both promoted the establishment of regional instruments and machinery for the protection of human rights and fundamental freedoms. Assuming that intervention has not been frustrated by too rapid state action, some possibility for preventive action remains.

The Inter-American Commission on Human Rights is competent to examine alleged violations of rights, in accordance with the functions and powers described in Articles 18-20 of its statute. Its supervisory role varies according to where the Commission is exercising its duties in regard to states parties to the American Convention (the Pact of San José) or to non-parties, whose activities may be assessed in the light of the provisions of the American Convention. Under the broader powers conferred by the Convention, the Commission may act on petitions and communications reviewed, appear before the Inter-American Court of Human Rights, and request that Court "to take such provisional measures as it considers appropriate in serious and urgent cases ..., whenever this becomes necessary to prevent irreparable injury to persons."<sup>(3)</sup>

The Commission's powers in respect to the American Convention of Human Rights are limited to examining communications, requesting information from governments and making recommendations to bring about more effective observance of human rights. However, such recommendations are not binding and there is no provision for conciliation. A special procedure applies where violations of certain specific rights are alleged, including the right to life, liberty and security of the person, the right to equality before the law, and the right to due process of law. On the spot investigations may be undertaken, with the consent of the government concerned, where the seriousness and urgency of the situation described in the communication make such investigations necessary. Apart from making recommendations and reports, however, the Commission's opportunities for effective preventive action are practically non-existent.

Under the Fourth Protocol of the European Convention on Human Rights the collective expulsion of aliens is expressly prohibited, while the rights of non-nationals are also protected by the general provisions of that



instrument.<sup>(4)</sup> Many states have also recognised the right of individual petition which, analogous to domestic remedies, would permit measures of mass expulsion to be challenged before the European Commission and the European Court of Human Rights. Even without such individual action, the availability of inter-state applications offers similar opportunities, while the concept of a European public order allows a state to take up the case of a group threatened with expulsion, even though none of its own nationals is affected.

The European institutions have developed rapid procedures to deal with urgent cases and many governments have undertaken to delay or postpone action (for example, the implementation of a decision to deport) pending inquiry by those organs. Whether these procedures would prevent a decision to resort to mass expulsion is theoretically questionable. Collective expulsion of aliens nevertheless remains expressly prohibited, and specific measures to that end may themselves be disallowed by other provisions of the Convention, as well as by the network of related European treaties. On the other hand, departure may be deliberately encouraged by less overt measures, including financial incentives; it is less certain how these may be constrained by human rights mechanisms.

### **Protection**

The protection of nationals abroad is traditionally the prerogative of the State of nationality, in relation to any admitting State or other State which harms their interests. In the absence of diplomatic or national protection, refugees and displaced persons of concern to the international community may fall within the competence of UNHCR. In practice, however, the victims of mass expulsion can be effectively deprived of any form of protection; they may not come within UNHCR's purview; or

the State of nationality may be unable to exercise normal protection functions, especially where large numbers are involved who are exposed to danger to life or limb or other hardship, and who are still within the territorial jurisdiction of either the expelling State or some transit State.

The protection of expellees by the United Nations would be analogous to the protection of refugees by UNHCR, which is expressly ascribed that function by its Statute. The absence of any similar authority ought not to deter appropriate action, for the question of standing can be effectively settled today by reference to fundamental human rights, as limitations upon the sovereignty of all States; to the essentially humanitarian obligations to render assistance to persons in distress; and to the general interest of the United Nations in such matters which is acknowledged, in Articles 55 and 56 of the UN Charter, and which has been developed in the practice of the Organisation.

In many cases protection needs may be coextensive with relief needs, and so resolved by relief assistance. In other cases, however, the protection of those affected could best be secured by the presence on the spot of humanitarian observers enjoying some form of international status. They might be deployed, for example, as an adjunct to a good offices exercise in the pre-expulsion period; or afterwards, in the context of relief operations.

Protection can also be secured or promoted through the appropriate use of the human rights machinery mentioned above. Conceivably, the International Court of Justice might even make an order for interim measures of relief.

In the Iran hostages case, the Court noted that its power to indicate such measures has, as its object, to preserve the respective rights of the parties pending the

decision of the Court, and presupposes that irreparable prejudice should not be caused to rights which are the subject of dispute in judicial proceedings. The rights of the United States to which the Court referred included the rights of its nationals to life, liberty, protection and security. It held that continuation of detention exposed the individuals in question to privation, hardship, anguish and even danger to health and life, and thus to a serious possibility of irreparable harm. Equivalent interests are clearly at stake in a situation of mass expulsion.

### **Relief**

Where preventive measures fail, relief assistance will frequently be necessary. What is needed is either an operational agency competent to assess and provide the material needs; or, and this is perhaps more feasible in a world of disparate but interdependent agencies, a body capable of co-ordinating effectively the work of a wide variety of international and non-governmental organisations. Such activities might extend throughout the expulsion period and take place within the expelling and receiving States, including transit States. The scope of relief assistance, depending on the particular circumstances of each case, might include the provision of transport, material assistance and measures to facilitate rehabilitation in the country of nationality or other receiving state.

### **Existing UN agency responsibilities**

Though none is specifically charged with assisting the victims of mass expulsion, many United Nations agencies may become involved incidentally, and many also have incorporated emergency response mechanisms into their organisational structure. The special role of the Office of the United Nations Disaster Relief Co-ordinator (UNDRO) is treated separately below.

Among the best known relief agencies is the United Nations Children's Fund (UNICEF), established in 1946. Its original mandate was to provide assistance to children in countries which were the victims of aggression, but it now provides both emergency and long-term assistance to mothers and children in need throughout the world. Its New York headquarters includes the office of the Co-ordinator of Emergency Operations to link field offices and other UN and voluntary agencies.

UNICEF has frequently worked in association with UNHCR in the areas of safe water supply, therapeutic feeding, and provision of supplies stockpiled in Copenhagen (UNIPAC). It also acted as lead agency to co-ordinate UN relief operations along the Thai-Kampuchean border from 1979 to 1982 (prior to the establishment of UNBRO, the United Nations Border Relief Operation), and provided assistance to governments affected by the expulsions from Nigeria in 1983. The list of basic drugs for Benin, for example, drawn up by UNICEF after consultation with the Ministry of Health and WHO, was intended to replenish government stocks. It was supplied from UNIPAC and included antibiotics, anti-diarrhoea pills, syringes and bandages, sufficient to treat 300,000 people for one month. In Ghana, UNICEF's objectives included the strengthening of existing programmes in the fields of primary health care, water and sanitation, vocational training and pre-school education, all of which would be stretched by the sudden need to reabsorb upwards of one million returnees.

The Food and Agriculture Organisation (FAO) has long been involved in disaster assistance, and the capacity of the UN to respond was strengthened in the 1960s with the creation of the World Food Programme (WFP), responsible for disposing of surplus food and channelling aid to meet "food needs and emergencies inherent in chronic malnutrition". WFP has its own staff in many countries, and the United

Nations Development Programme (UNDP) Resident Representative also acts on its behalf. The use of WFP resources, however, is generally dependent on a government request to the Director-General of FAO and the latter's approval of an emergency project on the advice of the Executive director of the WFP.(5)

The FAO itself has also acted as lead agency for UN operations in the drought stricken Sahel. In 1973-74, the FAO's Office for Sahelian Relief Operations became the focal point for the whole UN relief effort. This was subsequently continued as the Office for Special Relief Operations (OSRO) as a permanent unit within the FAO's Office for Interagency Affairs, charged with directing food relief programmes. OSRO may thus provide agricultural and technical assistance to promote recovery, rehabilitation and development.

Article 2 (d) of the Constitution of the World Health Organisation (WHO) empowers it "to furnish appropriate technical assistance and, in emergencies, necessary aid upon the request or acceptance of Governments." WHO is strongly represented throughout the world, with Programme Co-ordinators or National Programme Coordinators working in almost every country. Obviously, measures of mass expulsion can contribute to the incidence and spread of disease, particularly where large numbers are crowded into makeshift camps with poor sanitation. In emergencies, WHO can provide advice and the services of specialists, as well as urgently needed medicines from its Geneva and regional stocks.

The ILO, in addition to its possible pre-emptive role on behalf of migrant workers and indigenous populations, or where trade union rights are affected, has also co-operated with UNDRO in organising emergency employment schemes. Training and rehabilitation needs have been assessed and

governments assisted with the design and implementation of such schemes, which can clearly be of value in the face of the sudden return of large numbers of workers from abroad.

The ILO has also mediated in the dispute over the Libyan mass expulsion of Egyptian and Tunisian workers. In March 1986, the Tunisian government submitted a complaint to the ILO claiming that the Libyan authorities had expelled, since August of the previous year, nearly 30,000 Tunisian workers from Libya. These workers, Tunisia claimed, had been subject to violence, had their belongings confiscated, and had been forced to make the choice of accepting Libyan nationality or leaving the country immediately. More specifically Tunisia stated that Libya had violated ILO conventions on the Protection of Wages, Discrimination (Employment and Occupation) and the Equality of Treatment (Social Security).

The ILO sent missions to both Libya and Tunisia and arranged for several meetings to take place, between representatives from both countries, from September 1986 to April 1987. As a result of these bilateral negotiations, an agreement was reached, and Tunisia dropped its complaint to the ILO.

A second complaint had been submitted by the Federation of Egyptian Trade Unions in October 1985. Egypt similarly claimed Libyan non-observance of a number of ILO conventions and stated that Libya, through "abusive measures and provocative action" had expelled 15,000 Egyptian workers since August of that year. Unlike the case of Tunisia, Egypt and Libya had no standing bilateral agreements on migrant workers, and it was much more difficult for the ILO to arrange talks between the two countries. Libya, for its part, said that its actions were taken for purely economic reasons and did not violate any agreements to which it was a party.

An ILO Committee formed to study the Egyptian complaint found that Libya had indeed expelled large numbers of foreign workers, and failed to pay outstanding wages, offer compensation, transfer workers savings to the home country or allow the repatriation of worker's belongings. All this was in violation of existing conventions. Eventually, the ILO was able to set up negotiations between Egypt and Libya.

### **Existing non-governmental responsibilities**

A great number and variety of non-governmental organisations can become involved in meeting the relief needs generated by mass expulsion. In the case of Nigeria, for example, national Red Cross societies and the Salvation Army provided reception facilities, while supplies were made available by other League of Red Cross Societies. The Red Cross is indeed an obvious partner in the provision of relief to the suffering and it has long experience both with the victims of natural disaster (usually left to the Leagues) and with those affected by an international or local armed conflict, or by some other man-made disaster (usually dealt with by the ICRC). In appropriate cases joint operations may be undertaken.

As with the UN family, a frequent need with regard to the activities of non-governmental organisations will be to promote effective co-ordination and management of their contribution. While not underestimating the special practical difficulties which such relations may generate, the essential objectives will remain very similar.

### **The role of UNDRO**

UNDRO was established in 1971 to provide "an adequate permanent office in the United Nations system for disaster relief matters." On behalf of the Secretary-General, UNDRO

is authorised, "to mobilise, direct and co-ordinate" the UN's relief activities, to co-ordinate such assistance with that provided by intergovernmental and non-governmental organisations, and to receive contributions.

UNDRO's first years were marked by caution, under-funding and understaffing, but it succeeded in establishing and maintaining relations with UN and other agencies. Between 1976 and 1978, memoranda of understanding were concluded with ten other agencies to clarify areas of competence and to provide for local co-operation in disaster teams set up by UNDP Resident Representatives.(6)

UNDRO has tended to stay away from 'man-made disasters', such as civil strife. The General Assembly Resolution which established UNDRO recognises its responsibility for co-ordinating relief assistance to "persons compelled to leave their homes as a result of ... the effects of natural and other disasters such as earthquakes, volcanic eruptions, droughts, floods, storms and epidemics and also aviation, maritime, industrial or nuclear radiation accidents." The possibility thus remains of an UNDRO role both where an exodus results from a mixture of causes, and where it is due to mass expulsion.

Recent years have seen a significant increase in all fields of UNDRO activity, including the assessment of needs, the co-ordination of relief and obtaining and disseminating information. Specific proposals for strengthening the capacity of the UN system to respond to natural and other disasters have recently been submitted by the Secretary-General. None specifically addresses the problem of mass expulsion, but the definition of disaster in a proposed draft convention on expediting the delivery of emergency relief would certainly include some such instances. 'Disaster' is there defined as meaning "any



natural, accidental or deliberate event (not being an on-going situation of armed conflict) as a result of which assistance is needed from outside the State upon whose territory the event occurred or which has been affected by the consequences of the event."(7) It remains to be seen whether this initiative will be used to develop the competence of UNDRO.

### **Needs and Options**

Three fundamental objectives may operate at different times to govern the response of the international community to incidents of mass expulsion. They are, first, the prevention or containment of such situations; second, the protection of those affected; and third, the provision of relief assistance, initially to preserve life and thereafter to promote rehabilitation and reintegration, or settlement in a new community.

International organisation at present contains a number of gaps which frustrate the attainment of these objectives. There is no office or institution competent to engage in the broad range of activities necessary to prevent or contain mass expulsion; regional human rights machinery offers limited opportunities and often operates only after the event.

Apart from cases involving nationals, which permit UNHCR to invoke its mandate on behalf of refugees and displaced persons of concern to the international community, there is likewise no office or institution ready to offer protection to those affected; the ICRC and the LRCS may be denied the necessary opportunities or requisite legal standing vis-a-vis governments. Finally, the provision of relief is dependent upon the respective competences of different international organisations. It may be further complicated or frustrated by doubts as to

the proper sphere of UNDRO activity, either where it is claimed that mass expulsion is not a disaster within the contemplation of that office, or where the relief necessary shades into long-term development assistance.

An effective response to mass expulsion requires an umbrella under which to accommodate, initially at least, institutional responsibility for prevention, protection, and relief. The necessary activity and expertise will vary, of course, in regard to each domain. Prevention and protection, for example, are matters touching the sovereign sensitivities of States; they must be approached flexibly, in the manner of a good offices exercise. This suggests formalisation of a distinct humanitarian role for the Office of the United Nations Secretary-General, either directly or by delegation to the Office of the Under-Secretaries-General for Special Political Affairs, or the Office of the Under-Secretary-General for Political and General Assembly Affairs. (8)

In practical terms, the umbrella office could retain flexibility in the face of varying situations by keeping open the option of appointing special representatives, involving the assistance of other organisations, such as the ICRC or regional human rights institutions, by undertaking fact-finding or by dispatching humanitarian observers.

With regard to relief, it may be recalled that in a formal sense, the UN Disaster Relief Co-ordinator already acts 'on behalf' of the Secretary-General. The only obstacle to UNDRO's involvement in relief to the victims of mass expulsion, apart from the absence of need or the objections of governments, appears to relate to the correct or desirable interpretation to be given to the phrase "other disaster situation(s)" which appears in the General Assembly resolution establishing UNDRO. A generous

interpretation could conflict with the assumed and extended mandate of UNHCR, but problems of competence in overlapping situations ought to be soluble at secretariat level. A too cautious approach, on the other hand, could lead to the denial of protection or relief to those in need on merely technical grounds.

In principle, there is no reason why 'disaster' should not encompass mass expulsion. The circumstances of urgent necessity and distress are what trigger, or should trigger, the mechanism of relief. The draft definition of disaster referred to above, in so far as it excludes the victims of armed conflict, thus remains unsatisfactory in the face of overall, humanitarian objectives. It does not necessarily follow that those expelled in the course of armed conflicts will fall within the competence of any existing international organisation. They should therefore become the concern of the mechanism of response sketched above. Otherwise it could be determined that they are refugees within the competence of UNHCR; alternatively, relief may be in fact provided by UNHCR in accordance with arrangements proposed and coordinated by the Secretary-General or other delegated authority.

In both refugee and mass expulsion situations common factors will often be present, including the need to alleviate human suffering and to provide certain forms of protection. Even in advance of such population flows there may arise the common factor of prevention or, somewhat later, containment.

The underlying considerations which should condition the international response are, on the one hand, the obligation of States to respect and protect fundamental human rights; and, on the other hand, the seeming contradiction of limitations on sovereignty and an obligation to co-operate in the search for solutions which derives from urgent necessity and the existence of people in distress.

### **Possible Lines of Organisation**

This concluding section sets out a possible scheme of organisational responsibilities, designed with mass expulsion in mind but capable of adaptation and application to other humanitarian emergencies.

1. Primary responsibility for UN action is centred on the Office of the Secretary-General, which in turn may find it appropriate to delegate authority to the Office of the Under-Secretary-General for Special Political Affairs (the principal authority).

2. Information about imminent or actual mass expulsions would be sent to the principal authority by States, intergovernmental or non-governmental organisations. The principal authority would also hold a watching brief in such matters, using in this regard the information gathering resources of UNDP and other UN agencies.

3. Where mass expulsion appeared to be imminent, the principal authority would immediately establish contact with the governments involved (expelling State and States of nationality or transit). Where appropriate, a special representative would be appointed to travel directly to the countries in question, to intervene and negotiate with governments, to establish the facts and liaise with regional organisations, if any. The special representative would attempt to have the mass expulsion decision revoked or reduced in severity; and in any event he or she would try to secure a UN presence. Where contacts with the expelling government were denied or frustrated, a UN presence in neighbouring countries would be established.

4. The special representative would also be responsible for liaising with and informing other UN family agencies, such as UNHCR and the ILO, which might be competent in legal and protection matters.

5. Where mass expulsion occurred, the special representative would be responsible for securing the protection of those affected. To this end, he or she would seek to promote recognition of fundamental human rights and humane standards of treatment. Where refugees or displaced persons within UNHCR's mandate were involved, protection activities would be tailored accordingly.

6. Simultaneously with the efforts of the special representative, the principal authority would, first, advise the UN's relief machinery of the existence of a potential emergency. UNDRO would be requested to establish appropriate contact with the usual agencies: UNICEF, FAO/WFP, WHO, ILO, ICRC, ICM, NGOs, etc. UNHCR would likewise be advised wherever the expulsion appeared likely to involve a refugee element.

7. Where expulsion in fact resulted, the UN relief mechanism would be activated, under the overall responsibility of the principal authority.

8. The principal authority would keep the Secretary-General fully informed. The Secretary-General, in turn, may choose to refer the situation to the Security Council under Article 99 of the UN Charter. The General Assembly could likewise be put on notice of the situation and the extent of UN activity. It would remain open to both bodies to initiate further action under the relevant provisions of the Charter.

9. The principal authority would remain responsible for overseeing the follow-up to its own and other agencies' activities, and for reporting to the Secretary-General (and the General Assembly) on events and operations.

## CHAPTER SIX

### CONCLUSIONS AND RECOMMENDATIONS

The mass expulsion of foreigners, whether for political, economic or ideological reasons has occurred throughout history. In this century, the redrawing of national borders, changes in regimes, political independence from colonial rule and the instability of international relations have all proved to be continued sources of mass expulsions. Throughout the world, people have been suddenly forced to leave their homes with often little compensation offered or given. They are forced to depart en masse, perhaps under the threat of violence, humanitarian considerations giving way to the dictates of national and international politics.

Mass expulsions do not clearly violate existing international law. The expulsion of a non-national has always been the prerogative of sovereign states. However, the manner in which people have often been expelled, with no warning and in an arbitrary manner, is seen as running counter to the spirit of human rights upon which much international law is based.

Expelling states often offer economic justifications for mass expulsions. Expelled populations have, in the past included minority groups, settled during periods of colonial rule who occupy specific niches in the country's economy. In addition, a number of states have expelled migrant workers, admitted during periods of labour demand and then sent them back during periods of economic recession.

Political motivations many times lie behind mass expulsions. Expelled population serve as scapegoats for failed government policies. Foreign minorities are also seen as possible threats to national security during a political crisis. Expulsions may also be politically popular and galvanize support for an otherwise unpopular regime. Finally, expulsions may be an instrument in dealing with hostile foreign states who are suddenly burdened with the return of large numbers of citizens.

Expulsions create problems for both expelling and receiving states. Politically provoked expulsions may create severe economic dislocations for all countries involved and can undermine bilateral ties. It has not been demonstrated that the expulsion of minority populations have ever solved the problems for which they were blamed. In many cases, mass expulsions benefit only small elites in the expelling countries.

No specific legal instruments are available to protect the victims of mass expulsions. Similarly, no international organisations are mandated to provide assistance. A number of United Nations agencies have recently attempted to deal with mass expulsions but nothing comparable to the support systems available to refugees or stateless people exists today for those who have been expelled.

The conditions that cause mass expulsions will not disappear: up-turns in the economy of one country will always attract migrant workers from poorer neighbouring States. No States will willingly give up the right to expel foreigners they deem, rightly or wrongly, to hold back economic development or to cause political instability. Indeed, it is doubtful that states, especially those who resort to torture, disappearances or the detention without trial of its own citizens will eschew the relatively mild practice of mass expulsions. Nevertheless, it is important

to recognise the violation of fundamental human rights that accompany mass expulsions. The international community by appreciating the gravity of today's situation, where large numbers of people are potential victims of mass expulsions, where the tragedy which the world has witnessed many times in the past may be repeated, should begin to seek solutions to the problem.

International organisations are in a position to help solve the problem of mass expulsions. They can attempt to anticipate when and where mass expulsions are likely to occur. They can set up negotiations between the states involved and in other ways attempt to prevent an expulsion from occurring. If an expulsion does occur, they should be prepared to assist victims in whatever way necessary.

The international community must look for ways of anticipating and preventing mass expulsions. The United Nations system in particular has a major role to play. In this context, we are of the view that it would be useful if the United Nations would:

- ° utilise its fact-finding role to investigate and clarify the issues involved in potential mass expulsion situations;
- ° monitor mass expulsions and ensure respect for fundamental human rights;
- ° use its 'good offices' to relieve tensions between the expelling and receiving State;
- ° help to coordinate the activities of governmental, intergovernmental and voluntary agencies both before and after a relief programme has become necessary.



We urge the international community to support the United Nations in this task by providing the assistance required for the victims of mass expulsions to be returned to and resettled in the receiving State in conditions of safety and dignity.

We believe that the protection of people subjected to mass expulsions could be enhanced by developing a legal instrument or a set of principles governing their treatment. The '1986 Declaration of Principles of International Law on Mass Expulsion' of the International Law Association could provide a suitable starting point. Recognising that mass expulsions can, in certain circumstances, be considered lawful, the international community should take full account of Principle 17 of this declaration which states: "Mass expulsion of aliens... must not be arbitrary or discriminatory in its application, or serve as a pretext for genocide, confiscation of property or reprisal. The power of expulsion must be exercised in conformity with the principles of good faith, proportionality and justifiability, with due regard to the basic rights of the individuals concerned".

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#### Chapter 5

1. UN doc. A/37/1, (1982) pp. 5-8, cf. Commission on Human Rights, Res. 8 (XXIII), March 16, 1967, by which it invited the Sub-Commission on Prevention of Discrimination and the Protection of Minorities "to bring to the attention of the Commission any situation which it has reasonable cause to believe reveals a consistent pattern of violations of human rights and fundamental freedom". Approved by ECOSOC Res. 1235 (XLII), June 6, 1967.

2. Sadruddin Aga Khan, *Study on Human Rights and Massive Exoduses*, UN doc. E/CN, 4/1503, (1980), paras 133-5.

3. *Statute of the Inter-American Commission on Human Rights*, art. 19 (c).

4. The European Commission observed in one case that to single out for different treatment a particular group identifiable by reference to race could constitute inhuman and degrading treatment under Article 3 of the Convention.

5. WFP supplied food relief to Benin and Ghana to meet needs arising from the Nigeria expulsions. The WFP definition of emergency includes "urgent situations in which there is clear evidence that an event has occurred which causes human suffering or loss of livestock and which the Government concerned has not the means to remedy; and it is a demonstrably abnormal event which produced dislocation in the life of the community on an exceptional scale".

6. UNDP Resident Representatives act as local representatives of UNDRRO and WFP; they have also been designated by the Secretary-General as resident co-ordinators for all in-country development and assistance programmes, and provide advisory, administrative and information services to the entire UN system.

7. UN doc. A/39/267/add.2, June 18 1984, Art.1, p.6.

8. Cf. the proposal, not since acted upon, to establish an inter-secretariat unit to co-ordinate the international response to "economic emergency situations." This included suggestions for a number of preventive measures, the establishment of focal points, etc. See UNGA res.2625 (XXV), Oct.24 1970; UN docs. E/5843 (1976) and E/5989 (1977).

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ANNEXES

ANNEX I

List of Mass Expulsions since 1945

- 1956 Egypt expelled several thousand French and British nationals following deterioration in relations with governments of France and the U.K.; at least 11,000 stateless Jews left during this period as well
- 1958 Ivory Coast expelled over 1,000 Beninese and Togolese nationals on grounds that they occupied "privileged" positions for too long and should give way to local people
- 1964 Ivory Coast expelled 16,000 Beninese
- 1967 Cameroun expelled 800 Nigerians
- 1967 Senegal expelled Guineans
- 1968 Sierra Leone, Guinea and Ivory Coast expelled Ghanaian fishermen
- 1969 Iraq expelled large numbers of Iranians in retaliation for Iran's policy over navigation on the Shatt-al-Arab river
- 1969 Ghanaian Government decision to tighten controls over alien population lead to the exodus of between 500,000 to one million people from Nigeria, Upper Volta and Niger; in addition to economic reasons, non-nationals were said to be involved in criminal activities of one kind or another
- early 1970 Alleged mistreatment by the Nguema regime in Equatorial Guinea lead to the departure of 30,000 Nigerian cocoa farm workers and dealers

- 1971 Zaire expelled thousands of foreigners justifying it on grounds that non-nationals were engaged in illegal diamond traffic causing the state to lose 25 per cent of its revenues from the diamond trade
- 1971 Zaire ordered all aliens without valid work permits to leave; estimated 150,000 labourers from Rhodesia, Botswana, Zaire, Tanzania and Somalia were affected
- 1972 Uganda expelled U.K. citizens of Asian origin "because they are sabotaging the economy" as well as Asians of Ugandan nationality who were deprived of their status by reason of "defects" said to have been found in their original registration; estimated number of Asians in Uganda at the time was 70,000
- 1976 Equatorial Guinea expelled all Nigerian workers; at the time there were 45,000 Nigerians in the country
- 1976 Libya expelled a reported 21,000 Egyptians by mid-March and approximately 2,200 Tunisians
- 1978 Gabon expelled approximately 6,000 Beninese because of "attacks" by President Kerekou against President Bongo, accompanied by threats and insults alleged to have been broadcast on Radio Benin
- 1978- Vietnam allegedly expelled ethnic Chinese minority
- 1979 (between March 1978 and mid-1979, 65 per cent of the 163,000 people who left Vietnam for non-communist countries were from Vietnam's Chinese minority; in same period 250,000 Chinese left Vietnam for China); causes of Chinese minority exodus were complex in first phase but after outbreak of Chinese-Vietnamese war (Feb-March 1979), government measures against Chinese were reported to be tantamount to expulsion

- 1979 Chad expelled thousands of Benin nationals on grounds that they were illegal immigrants and not law-abiding
- 1979 Zambia deported 4,000 illegal immigrants from Zaire, Tanzania, Malawi, Somalia and Mozambique
- 1979 Kenya returned Ugandan refugees who fled Kenya after the overthrow of Idi Amin's government and expelled thousands of well-established Ugandans, including Ugandans born in Kenya and who regarded themselves as Kenyans
- 1980 Cuba allegedly expelled hardened criminals to the U.S.
- 1982 Youth Wing of the Ugandan Peoples' Congress drove out 80,000 persons of Rwandese origin from south-western areas of Uganda (50,000 proceeded to Rwanda, remainder moved to refugee settlements in Uganda)
- 1983 Nigeria expelled approximately 2 million illegal aliens from West African countries (predominantly Ghanaians) for reasons of serious economic difficulties and high incidence of crime among the undocumented; political considerations cannot be discounted
- 1984 Nigeria expelled 3,000 illegal immigrants in mid-April; some of the aliens were alleged to be responsible for Moslem sectarian violence a month earlier in Jimeta

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

42/140. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

The General Assembly,

Reaffirming once more the permanent validity of the principles and standards set forth in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination 3/ and the Convention on the Elimination of All Forms of Discrimination against Women, 4/

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling its resolution 34/172 of 17 December 1979, in which it decided to establish a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also its resolutions 35/198 of 15 December 1980, 36/160 of 16 December 1981, 37/170 of 17 December 1982, 38/86 of 16 December 1983, 39/102 of 14 December 1984, 40/130 of 13 December 1985 and 41/151 of 4 December 1986, in which it renewed the mandate of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and requested it to continue its work,

Having examined the progress made by the Working Group at its sixth inter-sessional meeting, held from 1 to 12 June 1987, and at the current session of the General Assembly, from 22 September to 2 October 1987, during which the Group continued with the second reading of the draft convention,

1. Takes note with satisfaction of the two most recent reports of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families 5/ and, in particular, of the progress made by the Working Group on the drafting, in second reading, of the draft convention;

- 1/ Resolution 217 A (III).
- 2/ Resolution 2200 A (XXI), annex.
- 3/ Resolution 2106 A (XX), annex.
- 4/ Resolution 34/180, annex.
- 5/ A/C.3/42/1 and A/C.3/42/6.



2. Decides that, in order to enable it to complete its task as soon as possible, the Working Group shall again hold an inter-sessional meeting of two weeks' duration in New York, immediately after the first regular session of 1988 of the Economic and Social Council;

3. Invites the Secretary-General to transmit to Governments the two most recent reports of the Working Group so as to enable the members of the Group to continue the drafting, in second reading, of the draft convention during the inter-sessional meeting to be held in the spring of 1988, as well as to transmit the results obtained at that meeting to the General Assembly for consideration during its forty-third session;

4. Also invites the Secretary-General to transmit the above-mentioned documents to the competent organs of the United Nations and to the international organizations concerned, for their information, so as to enable them to continue their co-operation with the Working Group;

5. Decides that the Working Group shall meet during the forty-third session of the General Assembly, preferably at the beginning of the session, to continue the second reading of the draft international convention on the protection of the rights of all migrant workers and their families;

6. Requests the Secretary-General to do everything possible to ensure adequate secretariat services for the Working Group for the timely fulfilment of its mandate, both at its inter-sessional meeting to be held after the first regular session of 1988 of the Economic and Social Council and during the forty-third session of the General Assembly.

93rd plenary meeting  
7 December 1987

Declaration on the Human Rights of Individuals Who are not  
Nationals of the Country in which They Live

*Adopted by General Assembly resolution 40/144 of 13 December 1985*

*The General Assembly:*

*Considering* that the Charter of the United Nations encourages universal respect for and observance of the human rights and fundamental freedoms of all human beings, without distinction as to race, sex, language or religion,

*Considering* that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in that Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Considering* that the Universal Declaration of Human Rights proclaims further that everyone has the right to recognition everywhere as a person before the law, that all are equal before the law and entitled without any discrimination to equal protection of the law, and that all are entitled to equal protection against any discrimination in violation of that Declaration and against any incitement to such discrimination,

*Being aware* that the States Parties to the International Covenants on Human Rights undertake to guarantee that the rights enunciated in these Covenants will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Conscious* that, with improving communications and the development of peaceful and friendly relations among countries, individuals increasingly live in countries of which they are not nationals,

*Reaffirming* the purposes and principles of the Charter of the United Nations,

*Recognizing* that the protection of human rights and fundamental freedoms provided for in international instruments should also be ensured for individuals who are not nationals of the country in which they live,

*Proclaims* this Declaration:

*Article 1*

For the purposes of this Declaration, the term "alien" shall apply, with due regard to qualifications made in subsequent articles, to any individual who is not a national of the State in which he or she is present.

*Article 2*

1. Nothing in this Declaration shall be interpreted as legitimizing the illegal entry into and presence in a State of any alien, nor shall any provision be interpreted as restricting the right of any State to promulgate laws and regulations concerning the entry of aliens and the terms and conditions of their stay or to establish differences between nationals and aliens. However, such laws and regulations shall not be incompatible with the international legal obligations of that State, including those in the field of human rights.

2. This Declaration shall not prejudice the enjoyment of the rights accorded by domestic law and of the rights which under international law a State is obliged to accord to aliens, even where this Declaration does not recognize such rights or recognizes them to a lesser extent.

*Article 3*

Every State shall make public its national legislation or regulations affecting aliens.

*Article 4*

Aliens shall observe the laws of the State in which they reside or are present and regard with respect the customs and traditions of the people of that State.

*Article 5*

1. Aliens shall enjoy, in accordance with domestic law and subject to the relevant international obligation of the State in which they are present, in particular the following rights:

(a) The right to life and security of person; no alien shall be subjected to arbitrary arrest or detention; no alien shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law;

(b) The right to protection against arbitrary or unlawful interference with privacy, family, home or correspondence;

(c) The right to be equal before the courts, tribunals and all other organs and authorities administering justice and, when necessary, to free assistance of an interpreter in criminal proceedings and, when prescribed by law, other proceedings;

(d) The right to choose a spouse, to marry, to found a family;

(e) The right to freedom of thought, opinion, conscience and religion; the right to manifest their religion or beliefs, subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others;

(f) The right to retain their own language, culture and tradition;

(g) The right to transfer abroad earnings, savings or other personal monetary assets, subject to domestic currency regulations.

2. Subject to such restrictions as are prescribed by law and which are necessary in a democratic society to protect national security, public safety, public order, public health or morals or the rights and freedoms of others, and which are consistent with the other rights recognized in the relevant international instruments and those set forth in this Declaration, aliens shall enjoy the following rights:

(a) The right to leave the country;

(b) The right to freedom of expression;

(c) The right to peaceful assembly;

(d) The right to own property alone as well as in association with others, subject to domestic law.

3. Subject to the provisions referred to in paragraph 2, aliens lawfully in the territory of a State shall enjoy the right to liberty of movement and freedom to choose their residence within the borders of the State.

4. Subject to national legislation and due authorization, the spouse and minor or dependent children of an alien lawfully residing in the territory of a State shall be admitted to accompany, join and stay with the alien.

*Article 6*

No alien shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and, in particular, no alien shall be subjected without his or her free consent to medical or scientific experimentation.

*Article 7*

An alien lawfully in the territory of a State may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons why he or she should not be expelled and to have the case reviewed by, and be represented for the purpose before, the competent authority or a person or persons specially designated by the competent authority. Individual or collective expulsion of such aliens on grounds of race, colour, religion, culture, descent or national or ethnic origin is prohibited.

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*Article 8*

1. Aliens lawfully residing in the territory of a State shall also enjoy, in accordance with the national laws, the following rights, subject to their obligations under article 4:

(a) The right to safe and healthy working conditions, to fair wages and equal remuneration for work of equal value without distinction of any kind, in particular, women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(b) The right to join trade unions and other organizations or associations of their choice and to participate in their activities. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary, in a democratic society, in the interests of national security or public order or for the protection of the rights and freedoms of others;

(c) The right to health protection, medical care, social security, social services, education, rest and leisure, provided that they fulfil the requirements under the relevant regulations for participation and that undue strain is not placed on the resources of the State.

2. With a view to protecting the rights of aliens carrying on lawful paid activities in the country in which they are present, such rights may be specified by the Governments concerned in multilateral or bilateral conventions.

*Article 9*

No alien shall be arbitrarily deprived of his or her lawfully acquired assets.

*Article 10*

Any alien shall be free at any time to communicate with the consulate or diplomatic mission of the State of which he or she is a national or, in the absence thereof, with the consulate or diplomatic mission of any other State entrusted with the protection of the interests of the State of which he or she is a national in the State where he or she resides.

Extracts from the International Labour Office,  
The Rights of Migrant Workers and Recommendation 151 III (33)

(v) Repatriation <sup>1</sup>

(i) Appeal against arbitrary decisions <sup>2</sup>

Migrant workers have the right to appeal against a decision to terminate their employment or to deprive them of their resident status. The workers affected are entitled to challenge the decision, and if successful, to reinstatement or time to find alternative employment, and to compensation for loss of wages. Migrant workers have the same right to legal aid as national workers, and should have the possibility of being assisted by an interpreter.

(ii) Travel costs <sup>2</sup>

Existing ILO standards do not provide an absolute right to free travel back to the home country. However, if a migrant worker fails, for a reason for which he is not responsible, to secure the employment for which he has been recruited, or other suitable employment, he will not have to pay the cost of his return, nor that of members of his family who have been authorised to accompany or join him.

A migrant worker and his family members who are expelled from a country may have to pay his own travel costs but he does not have to bear the costs of the administrative or judicial procedures leading to the expulsion, or of implementing the order, for example of police escorts to the frontier.

(iii) Assistance with arrangements <sup>3</sup>

The arrangements for leaving the country of employment can be complicated and difficult, and migrant workers are entitled to assistance in dealing with the problems involved. Irrespective of whether they were present or employed legally or illegally, they have a right to outstanding remuneration, severance pay, compensation for holidays not taken, as well as, in certain cases, the reimbursement of social security contributions. If any difficulty arises in obtaining these entitlements, they should enjoy equal treatment with national workers as regards legal assistance.

(iv) Rights of returning migrants in home country <sup>4</sup>

Assuming that they have retained the nationality of their State of origin, migrant workers have the right to assistance when they return to their home country, to whose finances they will normally have contributed during their absence abroad by sending home a part of their earnings. They are entitled to unemployment benefit, if necessary and if it exists, assistance in obtaining work - for example by not being obliged to satisfy conditions as to previous residence or employment. Their rights in the field of social security would also include rights acquired in the course of their employment abroad.

As in the case of arrival in the country of employment, migrant workers and their families should be exempt from customs duty on their personal possessions, including hand tools and portable equipment which they have owned for an appreciable time and which they intend to use in the course of their occupation.

1. Resolution 151, para.32,33 and 34
2. Convention 143, art.9(3); Convention 97, art.9; Resolution 100, para.10
3. Convention 143, art.9(1) and (2); Resolution 151, para.33 and 34
4. Convention 97, Appendix III, art.2; Resolution 86, para.20

Recommendation 151 III ( 33 ) :

33. A migrant worker who is the object of an expulsion order should have a right of appeal before an administrative or judicial instance, according to conditions laid down in national laws or regulations. This appeal should stay the execution of the expulsion order, subject to the duly substantiated requirements of national security or public order. The migrant worker should have the same right to legal assistance as national workers and have the possibility of being assisted by an interpreter.

## DECLARATION OF PRINCIPLES OF INTERNATIONAL LAW ON MASS EXPULSION

The International Law Association,

Recognizing that the phenomenon of mass expulsion continues to be a major cause of refugee flows, human suffering and strained relations among States;

Considering that mass expulsion results from the use of coercion, including a variety of political, economic and social measures which directly, or even more so indirectly, force people to leave or flee from their homelands for fear of life, liberty and security, which are rights guaranteed in Article 3 of the Universal Declaration of Human Rights; Considering further that 'expulsion' in the context of the present Declaration may be defined as an act, or a failure to act, by a State with the intended effect of forcing the departure of persons against their will from its territory for reasons of race, nationality, membership of a particular social group or political opinion;

Noting that 'a failure to act' may include situations in which authorities of a State tolerate, or even aid and abet, acts by its citizens with the intended effect of driving groups or categories of persons out of the territory of that State, or where the authorities create a climate of fear resulting in panic flight, fail to assure protection to those persons or obstruct their subsequent return;

Mindful of the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)), which proclaims the principle that

States have the duty to co-operate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international co-operation free from discrimination based on such differences.

Recalling the Universal Declaration of Human Rights, which provides that no one shall be subjected to arbitrary exile (Article 9) and that everyone has the right to leave any country, including his own, and return to his country (Article 13(2));

Recalling further, that the principle against the expulsion of people from countries of which they are citizens is included in many regional instruments, such as the 1969 American Convention on Human Rights (Article 22(5)), the 1948 American Declaration on the Rights of Man (Article 8) and the 1963 Fourth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 3); Cognizant of the fact that the Charter of the Nuremberg International Military Tribunal defined crimes against humanity as including 'murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population' and that the Nuremberg principles are re-affirmed in General Assembly Resolution 95(1);

Recognizing also the link that mass expulsion has had to the creation of divided States, which problem needs to be addressed in any codification and progressive development of international law on divided States; Expressing deep concern about the vulnerability and precarious position of many minorities, whether racial, ethnic or religious, and of aliens generally, including long-term residents and migrant workers;

Declares the following principles of international law and human rights as applicable to mass expulsion situations and calls upon all States to observe scrupulously these principles in their conduct toward nationals and aliens alike:

### Principle 1

By expelling its own nationals, a Government violates not only such movement-related rights of the Universal Declaration of Human Rights as the right to leave and return to one's country (Article 13) and the right to be free from 'arbitrary arrest, detention or exile' (Article 9), but also any rights, whatever their legal sources, that are to any extent dependent for their full and effective enjoyment on the person's being able to live in his own country. Since the full and effective enjoyment of all articles in the Universal Declaration presupposes a person's ability to live in his own country if he so chooses, the State that turns him into a refugee is in violation of all the articles of the Declaration.

Principle 2

By expelling its own nationals, a Government destroys the legal bond between a State and its citizens; hence it follows that such expulsion is incompatible with the responsibilities of statehood, acceptance of which is the foundation of international law.

Principle 3

The massive character of an expulsion of nationals compounds the illegality and the violation of human rights. In particular, mass expulsion falls under the purview of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide 'if committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such...

- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part'. (Article II)

Principle 4

The Draft Articles on the State Responsibility adopted by the International Law Commission (Article 19(3)(c)) define 'international crime' *inter alia* as 'a serious breach on a widespread scale of an international obligation of essential importance for safeguarding a human being, such as those prohibiting slavery, genocide and *apartheid*'. Since 'slavery, genocide and *apartheid*' are cited only for illustrative purposes, any act that falls within the above definition would be deemed to be an 'international crime'. In view of the violation of *all* human rights of citizens who are expelled *en masse*, the act of mass expulsion partakes of the attributes of 'international crime', with all the consequences that go with it.

Principle 5

The reaffirmation by the General Assembly each year of resolution 194(III), paragraph 11 of 11 December 1948, which identifies certain matters as governed by 'principles of international law...or equity', has over time imbued those matters with legal quality. This paragraph reads in part: The General Assembly,

Resolves that the refugees wishing to return to their homes at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible....

Principle 6

In addition, the country of asylum may claim compensation from the country of origin on the bases of respect for the rights and duties of States, the sovereign equality of States, quasi-contractual relationship and State responsibility for international delict and international crime arising from mass expulsion.

Principle 7

Where mass expulsion of nationals has occurred, the country of asylum may lodge a protest with the country of origin and require the latter:

- (a) To discontinue the act;
- (b) To apply remedies provided under the municipal law;
- (c) To restore the situation to that which existed prior to the act;
- (d) To pay appropriate compensation in the event of the impossibility of the restoration of the pre-existing situation; and
- (e) To provide appropriate guarantees against the repetition or recurrence of the act.

(Fifth Report on the Content, Forms and Degrees of State Responsibility (Part Two of the Draft Articles), by Willem Riphagen, Special Rapporteur, UN Doc. A/CN.4/380, 4 April 1984, Article 6.)

Principle 8

If protests are ignored, the country of asylum may resort to Chapter VI of the Charter of the United Nations governing the pacific settlement of disputes. Accordingly, the States of origin and asylum should seek, first of all, a solution by 'negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice'. After all the international procedures for peaceful settlement of disputes have been exhausted, the country of asylum may, with due regard to the principle of proportionality, impose such economic sanctions as the suspension of treaties of commerce, trade, navigation and consular rights, and of the most favoured nation clause.



Principle 9

Where 'international crime' has been committed through e.g., mass expulsion of citizens for reasons of genocide, *apartheid* or other serious and large-scale breach of human rights, the international community as a whole should, under the coordination of the appropriate U.N. organ, provide the following sanctions:

- (a) Not to recognize as legal the situation created by such crime; and
  - (b) Not to render aid or assistance to the State which has committed such crime in maintaining the situation created by such crime.
- (Fifth Report on the Content, Forms and Degrees of State responsibility (Part Two of the Draft Articles), by Willem Riphagen, Special Rapporteur, U.N. Doc. A/CN.4/380, 4 April 1984, Article 14(2).)

Principle 10

The role of the UNHCR as the guardian of the interests of refugees is implicit in the Statute of the United Nations High Commissioner for Refugees (paragraphs 8 and 10). Accordingly, the United Nations has both the capacity (see ICJ's Advisory Opinion in *Reparation for Injuries Suffered in the Service of the United Nations* in ICJ Reports, 1949, 172, 180) and duty to claim compensation from the countries of origin for loss or damage to the property of refugees.

Principle 11

In addition to claiming compensation from the country of origin on behalf of refugees as their guardian (Principle 10), the United Nations may claim reimbursement from the country of origin for expenditures incurred in the care and maintenance of refugees in the country of asylum pursuant to the principle of quasi-contract.

Principle 12

The principle of *non-refoulement* is the cornerstone of the protection of refugees, and is applicable whether or not refugees are lawfully admitted into the receiving State, and whether refugees arrive individually or *en masse*.

Principle 13

In cases of large-scale influx of asylum seekers admitted on a temporary basis, such persons may not be expelled until their individual applications for the refugee status have been processed according to appropriate rules and procedures, or until another country has been found willing to receive them.

Principle 14

Compulsory transfer or exchange of population on the basis of race, religion, nationality or a particular social group or political opinion is inherently objectionable, whether effected by treaties or by unilateral expulsion.

Principle 15

Neither denationalization nor denial of citizenship to persons born in the receiving State pursuant to *jus sanguinis* may be invoked as legitimate ground *per se* for deportation, expulsion or refusal of return.

Principle 16

During an armed conflict of an international or non-international character, no person may be deported or forcibly transferred from an occupied country except in conformity with the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the Protocol I Additional to the Geneva Convention relating to the Protection of Victims of International Armed Conflict, as well as the 1977 Protocol II Additional to the 1949 Geneva Conventions and relating to the Protection of Victims on Non-international Armed Conflicts.

Principle 17

Mass expulsion of aliens, whether long-term residents, migrant workers, stateless persons or irregular asylum seekers, must not be arbitrary or discriminatory in its application, or serve as a pretext for genocide, confiscation of property or reprisal. The power of expulsion must be exercised in conformity with the principles of good faith, proportionality and justifiability, with due regard to the basic human rights of the individuals concerned.

Principle 18

Mass expulsion of 'undocumented' or illegal workers or aliens must also be carried out in full conformity with applicable ILO and other international instruments, as well as customary international law.

**Principle 19**

States shall cooperate with one another and with the United Nations and its agencies to develop and utilize to the fullest extent possible regional and subregional organizations and resources, both governmental and nongovernmental, to avert mass expulsions, to establish early warning systems, and to provide assistance and protection to refugees where mass expulsions have already occurred.

**Principle 20**

States shall, individually or jointly or through the United Nations, act in a spirit of cooperation to lighten the burden resulting from the massive flows of refugees in accordance with Articles 55 and 56 of the Charter of the United Nations and Article 2 of the 1967 Declaration on Territorial Asylum.

ANNEX VI

**Information Note on the Independent  
Commission on International  
Humanitarian Issues**

The establishment of an Independent Commission on International Humanitarian Issues (ICHI) was the response of a group of eminent persons from all parts of the world to the deeply felt need to enhance public awareness of important humanitarian issues and to promote an international climate favouring progress in the humanitarian field.

The work of the Commission was intended to be a part of the continuing search of the world community for a more adequate international framework to uphold human dignity and rise to the challenge of colossal humanitarian problems arising with increasing frequency in all continents.

In 1981, the United Nations General Assembly adopted by consensus a resolution relating to a "New International Humanitarian Order" in which it recognised: "The importance of further improving a comprehensive international framework which takes fully into account existing instruments relating to humanitarian questions as well as the need for addressing those aspects which are not yet adequately covered". In doing so, the Assembly bore in mind that "institutional arrangements and actions of governmental and non-governmental bodies might need to be further strengthened to respond effectively in situations requiring humanitarian action".

### **Composition of the Commission**

The Commission was an independent body whose members participated in their personal capacity and not as representatives of governments or international bodies to which they might have belonged. Its work was not intended to interfere with governmental negotiations or inter-state relations nor to duplicate work being done by existing governmental or non-governmental bodies.

In its deliberations, the Commission benefited from the advice of governments, existing international governmental and non-governmental bodies and leading experts. The composition of the Commission was limited and based on equitable geographical distribution. It had twenty-nine members. Details regarding the members are to be found at the end of this Note.

### **The Purpose of the Commission was :**

- ° to study specific humanitarian issues that have been inadequately dealt with to date, or call for solutions in line with new realities;
- ° to identify opportunities for more effective action by the international community and to make practical, action-oriented proposals that promote the well-being of people;
- ° to enhance public awareness of the conditions that create and perpetuate human suffering, and to strengthen efforts, at governmental and non-governmental level to bring about changes that will help make the world a more humane place.

The Work of the Commission was determined by the desire to be realistic, pragmatic and innovative. During its limited life-span, the Commission focused on three broad areas of concern:

**Humanitarian Norms** in the context of armed conflicts: although considerable progress has been made in developing and codifying international humanitarian law, flagrant disregard of humanitarian norms persists. This reality spells heightened dangers for the victims of armed conflicts, an increasing number of whom are civilians. The aim of the Commission, on the one hand, was to encourage actively adherence by governments to existing international instruments and, on the other, to propose measures that deal with new problems arising out of contemporary armed conflicts.

**Disasters, natural and man-made**, are not a new phenomenon. But their debilitating frequency and catastrophic consequences provoke pertinent questions as to the international community's ability and willingness to address the root causes of such calamities. The new humanitarian crises demonstrate the necessity of new perspectives and approaches in translating the short-term relief efforts of today into long-term strategies that safeguard the welfare of future generations. The factors which create disasters - and most cannot simply be attributed to the caprices of nature - are many and complex. The Commission, therefore, selected a number of inter-related issues that are central to disaster prevention and preparedness. Particularly concerned about the destruction of the earth's resources, the Commission focused on the humanitarian aspects of problems such as desertification, deforestation, famine as well as such man-made disasters as the nuclear and industrial accidents.

**Vulnerable Groups** is a term attributed to many who suffer deprivation by virtue of their status in society. However, given that the Commission's work was limited in time and scope, it concentrated on the plight of only a few of the unprotected or vulnerable groups in specific situations of acute hardship. These include the stateless, the disappeared, refugees and displaced persons, indigenous populations, street children and the urban young. The Commission's purpose was to study the problems unique to each group, the deprivation entailed, the lack of an adequate international response, and the practical measures which could be taken to lessen their hardship.

#### **Independent Bureau for Humanitarian Issues**

The Final Report of the Independent Commission was presented to the Secretary General of the United Nations in November 1987. On 7 December 1987, the General Assembly adopted without a vote a resolution relating to the work of the Independent Commission (A/42/120). At that time, the creation of the Independent Bureau for Humanitarian Issues to carry out follow-up activities was also noted. The Bureau will publish further reports dealing with humanitarian issues and disseminate its publications to governments, international and non-governmental organisations and the general public; it will also organise meetings at the international, regional and national levels to promote the Independent Commission's recommendations.

The work of the Bureau is supported by contributions from governments, non-governmental organisations and private sources.

### **Members of the Commission**

**Sadrudin AGA KHAN** (Iran): UN High Commissioner for Refugees, 1965-77; Special Consultant to the UN Secretary-General since 1978. Special Rapporteur of the UN Human Rights Commission, 1981. Founder-President of the Bellerive Group.

**Susanna AGNELLI** (Italy): Under-Secretary of State for Foreign Affairs since 1983. Member of the Italian Senate. Member of the European Parliament, 1979-81. Journalist and author.

**Talal bin Abdul Aziz AL SAUD** (Saudi Arabia): President, The Arab Gulf Programme for UN Development Organisations (AGFUND). UNICEF's Special Envoy, 1980-84. Former Minister of Communications, of Finance and National Economy and Vice-President of the Supreme Planning Commission.

**Paulo Evaristo ARNS** (Brazil): Cardinal, Archbishop of Sao Paulo. Chancellor of the Pontifical Catholic University, Sao Paulo State. Author.

**Mohammed BEDJAOUI** (Algeria): Judge at the International Court of Justice since 1982. Minister of Justice, 1964-70. Ambassador to France, 1970-79; UNESCO, 1971-79; and the United Nations in New York, 1979-82. Author.

**Henrik BEER** (Sweden): Secretary-General of the League of Red Cross Societies, 1960-82; Secretary-General of the Swedish Red Cross, 1947-60. Member of the International Institute for Environment and Development and the International Institute of Humanitarian Law (Deceased 1987).

**Igor P. BLISHCHENKO** (USSR): Professor of Legal Sciences, Chairman of the International Law Department, Moscow; Member of Soviet Delegation to international humanitarian meetings, including the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law. Consultant to the Soviet Academy of Sciences.

**Luis ECHEVERRIA ALVAREZ** (Mexico): President of the Republic, 1970-76; Founder and Director-General of the Centre for Economic and Social Studies of the Third World, 1976. Former Ambassador to Australia, New Zealand and UNESCO.

**Pierre GRABER** (Switzerland): President of the Swiss Confederation, 1975; Foreign Minister, 1975-78. President of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law, 1974-77.

**Ivan L. HEAD** (Canada): President of the International Development Research Centre (IDRC); Special Assistant to the Prime Minister of Canada, 1968-78. Queen's Counsel.

**M. HIDAYATULLAH** (India): Vice-President of India, 1979-84. Former Chief Justice of the Supreme Court; Chancellor of the Jamia Millia Islamia since 1979. Former Chancellor of the Universities of Delhi, Punjab. Author.

**Aziza HUSSEIN** (Egypt): Member of the Population Council. President of the International Planned Parenthood Federation, 1977-85. Fellow of the International Peace Academy, Helsinki, 1971 and the Aspen Institute of Humanistic Studies, 1978-79.

**Manfred LACHS** (Poland): Judge at the International Court of Justice since 1967 and its President, 1973-76. Professor of Political Science and International Law. Former Chairman of the UN Legal Committee on the Peaceful Uses of Outer Space. Author.



**Robert S. McNAMARA** (USA): President of the World Bank, 1968-81; Secretary of Defence, 1961-68. President, Ford Motor Company, 1960-61; Trustee of the Brookings Institute, Ford Foundation, the Urban Institute and the California Institute of Technology. Author.

**Lazar MOJSOV** (Yugoslavia): President of the Presidency of the Socialist Federal Republic of Yugoslavia. Former Foreign Minister. Ambassador to the USSR, Mongolia, Austria, the United Nations, 1958-74. President of the UN General Assembly, 32nd Session and of the Special Session on Disarmament, 1978.

**Mohamed MZALI** (Tunisia): Former Prime Minister and General Secretary of the Destorian Socialist Party. Former Minister of National Defence, Education, Youth and Sports and Health. Author.

**Sadako OGATA** (Japan): Professor at the Institute of International Relations, Sophia University, Tokyo. Representative of Japan to the United Nations Human Rights Commission. Member of the Trilateral Commission.

**David OWEN** (United Kingdom): Member of Parliament since 1966. Leader of the Social Democratic Party since 1983. Foreign Secretary, 1977-79.

**Willibald P. PAHR** (Austria): Secretary-General of the World Tourism Organisation, Madrid; Federal Minister of Foreign Affairs, 1976-83. Ambassador. Vice-President of the International Institute of Human Rights, Strasbourg.

**Shridath S. RAMPHAL** (Guyana): Secretary-General of the Commonwealth since 1975. Former Attorney-General, Foreign Minister and Minister of Justice.

**RU XIN** (China): Vice-President of the Chinese Academy of Social Sciences; Professor of Philosophy at the Xiamen University; Executive President of the Chinese National Society of the History of World Philosophies.

**Salim A. SALIM** (Tanzania): Deputy Prime Minister and Minister of Defence. Former Prime Minister and Foreign Minister. Ambassador to Egypt, India, China and Permanent Representative to the United Nations. Former President of the UN General Assembly and the Security Council.

**Léopold Sédar SENGHOR** (Senegal): Member of the French Academy. President of the Republic of Senegal, 1960-80. Cabinet Minister in the French Government before leading his country to independence in 1960. Poet and philosopher.

**SOEDJATMOKO** (Indonesia): Former Rector of the United Nations University, Tokyo, 1980-1987. Ambassador to the United States. Member of the Club of Rome and Trustee of the Aspen Institute and the Ford Foundation. Author.

**Hassan bin TALAL** (Jordan): Crown Prince of the Hashemite Kingdom. Founder of the Royal Scientific Society and the Arab Thought Forum. Concerned with development planning of Jordan and the formulation of national, economic and social policies. Author.

**Desmond TUTU** (South Africa): Archbishop of Cape Town. Winner of Nobel Peace Prize. Former Secretary-General of the South African Council of Churches. Professor of Theology.

**Simone VEIL** (France): Member of the European Parliament and its President 1979-82; Chairperson of the Legal Affairs Committee of the European Parliament. Former Minister of Health, Social Security and Family Affairs, 1974-79.

**E. Gough WHITLAM** (Australia): Former Prime Minister, 1972-75; Member of Parliament, 1952-78. Former Minister of Foreign Affairs and Ambassador to UNESCO.

2/120 New international humanitarian order

The General Assembly,

Recalling its resolutions 36/136 of 14 December 1981, 37/201 of 18 December 1982, 38/125 of 16 December 1983 and 40/126 of 13 December 1985,

Recalling further the reports of the Secretary-General, 1/

Bearing in mind the comments communicated by Governments to the Secretary-General regarding a new international humanitarian order,

Recognizing the urgent need further to improve and strengthen the international framework relating to humanitarian issues while taking fully into account existing instruments and mechanisms,

Noting with concern that emergencies and disasters, mostly man-made, have increased in frequency in recent years, posing a growing challenge to mechanisms of international responses to them,

Aware that institutional arrangements and actions of governmental and non-governmental bodies require further invigoration as well as adjustment to new realities in order to respond more effectively and speedily to contemporary humanitarian problems,

Noting the efforts of the Independent Commission on International Humanitarian Issues to promote public awareness of humanitarian issues, analyse relatively neglected aspects and identify alternative approaches for resolving humanitarian problems,

Noting further the establishment, outside the United Nations, of an Independent Bureau for Humanitarian Issues to disseminate and follow up on the work of the Independent Commission,

Taking note of the report of the Independent Commission, as well as the sectoral reports on specific humanitarian issues,

1. Expresses its appreciation to the co-chairmen and members of the Independent Commission on International Humanitarian Issues for their humanitarian endeavours;

2. Draws the attention of Governments as well as intergovernmental organizations, including those functioning at the regional level, to the report of the Independent Commission;

3. Requests the Independent Commission to transmit its report to Member States as well as to the executive heads of specialized agencies and programmes of the United Nations system in order to enable them to consider its analyses and conclusions;

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1/ A/37/145, A/38/450, A/40/348 and Add.1 and 2, A/41/472.

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42.

4. Invites all non-governmental organizations concerned with the humanitarian issues examined by the Independent Commission to bear in mind the recommendations and suggestions made in its report in the context of their policies and actions in the field;

5. Invites Governments to make available to the Secretary-General, on a voluntary basis, information and expertise on humanitarian issues of concern to them, in order to identify opportunities for future action and to strengthen international co-operation in the humanitarian field;

6. Requests the Secretary-General to remain in contact with Governments, relevant specialized agencies and programmes of the United Nations system, non-governmental organizations concerned as well as the Independent Bureau for Humanitarian Issues and to report, on the basis of information made available to him, on the progress made in the humanitarian field to the General Assembly at its forty-third session;

7. Decides to review at its forty-third session the question of a new international humanitarian order.

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93rd Plenary Meeting  
7 December 1987

ICHIHI PUBLICATIONS

Sectoral Reports

List of editions/languages (not exhaustive)

- **Famine: A Man-Made Disaster?**  
- Pan Books, London/Sydney, 1985

Other Editions:

- BRAZIL: Editora Vozes, Petropolis, Rio de Janeiro, 1986
- EGYPT: Al Ahram, Cairo, 1986
- FRANCE: Berger-Levrault, Paris, 1985
- ITALY: Tascabili Bompiani, Milan, 1985
- JAPAN: Sekai No Ugoki Sha, Tokyo, 1985
- SPAIN: Alianza Editorial, Madrid, 1986
- USA: Random House, New York, 1985
- YUGOSLAVIA: Medunarodna politika, Belgrade, 1985

Editions to appear later: Bulgarian, Russian.

\* \* \*

- **The Encroaching Desert:**  
**The Consequences of Human Failure**  
Zed Books, London/New Jersey, 1986

Other Editions:

- CHINA: Chinese Academy of Sciences, Beijing, 1988
- EGYPT: Al Ahram, Cairo, 1986
- FRANCE: Berger-Levrault, Paris, 1986
- HONG KONG: ARENA Press, 1988
- ZIMBABWE: College Press, Harare, 1986

Editions to appear later: Russian, Spanish.

\* \* \*

- The Vanishing Forest:**  
**The Human Consequences of Deforestation**  
(Zed Books, London/New Jersey, 1986)

Other Editions:

- CHINA: Chinese Academy of Sciences, Beijing, 1988
- FRANCE: Berger-Levrault, Paris, 1986
- HONG KONG: ARENA Press, Hong Kong, 1988
- MALAYSIA: Sun Book Co., Kuala Lumpur, 1987
- USSR: International Relations Publishing House, Moscow, 1987
- YUGOSLAVIA: Medunarodna politika, Belgrade, 1986
- ZIMBABWE: College Press, Harare, 1986

Editions to appear later: Indonesian, Spanish.

- **Street Children: A Growing Urban Tragedy**  
Weidenfeld & Nicolson, London, 1986

Other Editions:

- FRANCE: Berger-Levrault, Paris, 1986
- ITALY: Tascabili Bompiani, Milan, 1987
- JORDAN: Arab Thought Forum, Amman, 1987
- YUGOSLAVIA: Medunarodna politika. Belgrade, 1986

Editions to appear later: Indonesian, Japanese, and Spanish.

\* \* \*

- **Modern Wars: The Humanitarian Challenge**  
Zed Books, London/New Jersey, 1986

Other Edition:

- FRANCE: Berger-Levrault, Paris, 1986

Editions to appear later: Japanese, Russian and Spanish.

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- **Disappeared! Technique of Terror**  
Zed Books London/New Jersey, 1986

Other Editions:

- FRANCE: Berger-Levrault, Paris, 1986
- HONG KONG: ARENA Press, Hong Kong, 1988
- USSR: International Relations Publishing House, 1987

Editions to appear later: Indonesian, Portuguese and Spanish.

\* \* \*

- **Refugees: Dynamics of Displacement**  
Zed Books, London/New Jersey, 1986

Other Editions:

- FRANCE: Berger-Levrault, Paris, 1988
- HONG KONG: ARENA Press, Hong Kong, 1988
- USSR: International Relations Publishing House, Moscow, 1987

Editions to appear later: Arabic, Indonesian, Japanese, Spanish and Thai.

- **Indigenous Peoples**

Zed Books, London/New Jersey, 1987

Other Edition:

- **FRANCE:** Berger-Levrault, Paris, 1988

Editions to appear later: Bengali, Hindi, Japanese, Portuguese, Quechua, Russian and Spanish.

Other reports prepared in conjunction with ICIHI:

- **Protection of Children: Proceedings of Amman Symposium**

ICIHI, Geneva, 1986

**Rehabilitation of Degraded Tropical Rainforest Lands**

International Union for Conservation of Nature and Natural Resources, Gland, 1985

**Economic Use of Tropical Moist Forests**

IUCN Commission on Ecology, Gland, 1985

**The future of Tropical Rain Forests in South East Asia**

IUCN Commission on Ecology, Gland, 1985

**Proceedings of The Tokyo Forum: Ethics of Human Survival**

National Institute for Research Advancement, Tokyo, 1985

Other sectoral reports to be published include:

- **People without a country: the problem of statelessness**

- **Disaster management**

- **The protection of children: a task for our times**

- **Urban outcasts: young people in the cities**

- **Modern disasters: the human consequences of new technology**

- **The uprooted : specific aspects of the Refugee Problem**

- **First Nations : Problems of Indigenous peoples**

ICIHI T.V. PROGRAMMES

The Independent Commission decided at the outset that in order to reach and influence a wide public around the world, it would be necessary to use the media, particularly television. A series of 8 short T.V. programmes entitled "Humanitas", destined essentially for the Third World TV networks, has been designed to cover some selected humanitarian issues examined by the Commission. These films are intended to serve as 'support material' to its reports and recommendations. The first three of the following films have already been completed and used by the national television networks of a number of countries.

1. "Bitter Harvests" (TV Documentary : 25 minutes), the story of continuing desertification in developed and developing countries with special reference to its impact on people directly affected by it.
  
2. "Vanishing Forests" (TV Documentary : 25 minutes), the problem of deforestation, its consequences and impact on human beings particularly those living in tropical forests.
  
3. "Street Children" (TV Documentary : 30 minutes), a global view of the problem of abandoned and alienated children living in streets in the cities of both the rich and poor countries of the world. How they survive and what can be done to help them.
  
4. "Indigenous Peoples" (TV Documentary : 30 minutes), the problems faced by some 200 million indigenous peoples, particularly in Asia and Latin America - ethnocide perpetrated against them and the flagrant discrimination by dominant societies of which they continue to be victims.



5. "Disappeared Persons" (TV Documentary : 25 minutes). The story of kidnapping, torture and murder mainly of those perceived as political opponents, carried out on behalf of governments. The practice of "disappearances" is not limited just to Latin American countries but is spread around the world : at present some 40 countries are known to have recourse to it.

6. "Refugees" (TV Documentary : 20 minutes). A global view of the problem of forced displacement and uprootedness. The film deals with the increasingly serious problem of some 15 million refugees, affecting all parts of the world.

7. "Armed Conflicts" (TV Documentary : 30 minutes). Since World War II, 20 million people are estimated to have died in local wars. More than thirty armed conflicts, are raging around the world right now. This documentary deals with the continuing problem of armed conflicts and the violation of humanitarian norms.

8. "Disaster Management" (TV Documentary : 30 minutes). Despite modern technological progress, the number of disasters and the victims they claim has been increasing during recent years. Why? And what can be done about it? The documentary also deals with relatively new man-made catastrophes, e.g. industrial and nuclear accidents.