Contents

Abbreviations	xi
Foreword by Louis B. Sohn	XV
Acknowledgments	xvii
Introduction	1
Chapter 1. The Prohibition of Mass Expulsion of Aliens	8
1. Introduction	8
2. Regional Human Rights Conventions	9
3. Comparison of the Regional Human Rights Conventions	18
4. Prohibition of Discrimination	21
5. Prohibition of Arbitrariness	28
6. Practical Implementation of Mass Expulsions	40
7. Conclusion: The Current Status of the Prohibition	
of Mass Expulsion of Aliens	45
Chapter 2. Specific Aspects of Mass Expulsion of Migrant Workers	50
1. Introduction	50
2. International Conventions on Migrant Workers	51
3. Mass Expulsion of Migrant Workers in Practice:	
An Issue of Illegal Immigration	60
4. The Ghanaian Mass Expulsion of Migrant Workers	63
5. The First Nigerian Mass Expulsion of Migrant Workers	66
6. The Second Nigerian Mass Expulsion and Its Aftermath	68
7. The Mass Expulsion of Haitians and Dominico-Haitians	
from the Dominican Republic	72

viii Contents

Chapter 3. Mass Expulsion of Persons Enjoying Special Protection	78
1. Mass Expulsion of Nationals	78
2. Mass Expulsion of Permanent Resident Aliens	83
3. Mass Denationalization and Mass Expulsion	85
4. The Right to a Nationality and Mass Expulsion	90
5. Mass Expulsion of Stateless Persons	97
6. Mass Expulsion of Refugees	99
Chapter 4. Indirect Mass Expulsion	108
1. Introduction	108
2. Refugee-Generating Policies	110
3. Economic Policies Causing Departure	120
4. Voluntary Return Policies	122
5. Population Exchange	123
Chapter 5. Mass Expulsion and War	135
1. Mass Expulsion at the Outset of War or During War	135
2. Mass Expulsion After War	138
Chapter 6. Mass Expulsion by an Occupant:	
Deportation of Enemy Civilians During Belligerent Occupation	143
1. Geneva Law of War	143
1.1. The Basic Prohibition	144
1.2. The Evacuation Exception	145
1.3. Transfer of Persons into Occupied Territory	148
1.4. Relation with the Prohibition of Forced Labor	149
2. Hague Law of War	151
3. Customary International Law	152
4. Deportation as an International War Crime	154
4.1. The Judgment of the International Military Tribunal	154
at Nuremberg 4.2. The Draft Code of Crimes Against the Peace and Security	134
of Mankind	156
4.3. The Occupation of Kuwait	150
4.4. The Yugoslav War of Dismemberment	162
1. 1. THE TABODIAN MAIL OF PRINCIPLE THE THE	102

	Contents	ix
5. Deportations in the West Bank and the Gaza Strip: Theory and Pra	ctice	165
5.1. Applicability of the Fourth Geneva Convention in General		166
5.2. Application of International Law Concerning Deportation		169
5.3. Position of the International Community		171
5.4. The Israeli Deportation Practice		174
5.5. Conclusion		176
6. Conclusion		178
Chapter 7. Some Aspects of Emergency Relief, Remedies, Enforce	ment	
and Prevention		179
1. Emergency Relief		179
2. Specific Remedies		183
2.1. Voluntary Return		183
2.2. Compensation		187
3. International Enforcement and Prevention Mechanisms		189
Conclusion: Summary of Findings		199
Appendix I. Representative List of Mass Expulsions since 1945		204
Annandiz II Danzagantatizza List of Tracty Dravisions and Daclaration		
Appendix II. Representative List of Treaty Provisions and Declaration Affecting Mass Expulsions	S	206
Appendix III. Documents on the 1972 Ugandan Mass Expulsion of Association 1. A Catalogue of Grievances: Speech of President Amin to a of Leaders of the Asian Community in Uganda, Decem	Meeting	210
1971		210
2. The Immigration (Cancellation of Entry Permits and Certifical Residence) Decree, 1972	cates of	215
3. The Declaration of Assets (Non-Citizen Asians) Decree, 19'	72	216
Appendix IV. United Nations Human Rights Committee: General Con 15/27 on The Position of Aliens under the Covenant	nment	219
Appendix V. Draft Declaration of Principles of International Law on Expulsion	Mass	220
Appendix VI. International Law Association: Declaration of Principles International Law on Mass Expulsion	sof	223

x Contents

Appendix VII. Documents on the 1991 Dominican Mass Expulsion of	
Haitians and Dominico-Haitians	228
1. Cable of the Inter-American Commission of Human Rights to the	
Secretary of State for Foreign Affairs of the Dominican	
Republic	228
2. Reply from the Government of the Dominican Republic.	229
Appendix VIII. Documents on the Mass Expulsion of Iraqi Kurds from Iraq	232
Appendix IX. Institut de Droit International: Règles internationales sur	000
l'admission et l'expulsion des étrangers	236
~ 1 . T. 1 1	240
Select Bibliography	240
Indow	219
Index	24C