

Congress of Social Work, Madrid, 2016.

The Politics of Expulsions and Mass Deportations: Current Issues and Challenges.

Scholten Andrew.

Cita:

Scholten Andrew (2016). *The Politics of Expulsions and Mass Deportations: Current Issues and Challenges*. Congress of Social Work, Madrid.

Dirección estable: <https://www.aacademica.org/andrew.scholten/10>

ARK: <https://n2t.net/ark:/13683/pq1o/hgU>



Esta obra está bajo una licencia de Creative Commons.
Para ver una copia de esta licencia, visite
<https://creativecommons.org/licenses/by-nc-nd/4.0/deed.es>.

Acta Académica es un proyecto académico sin fines de lucro enmarcado en la iniciativa de acceso abierto. Acta Académica fue creado para facilitar a investigadores de todo el mundo el compartir su producción académica. Para crear un perfil gratuitamente o acceder a otros trabajos visite: <https://www.aacademica.org>.

The Politics of Expulsions and Mass Deportations: Current Issues and Challenges

Summary: The aim of this article is to present the issues of forced deportation and expulsion in the context of international law and human rights law. The article is divided into three parts. The core part of the first part is presentation of the most important international law documents concerning deportation. Second part is focused on the current scale of deportations and expulsions in the different parts of the world. Part three is focused on the most burning aspects of this problems and the mechanisms of prevention of forced deportations. The article is also focused on the mechanisms of prevention of mass deportation and arbitrary displacement. A significant part of this article is focused on the political aspects of expulsions and deportations, and displacement in contemporary world.

Expulsion is an act by a public authority to remove a person or persons against his or her will from the territory of that state. A successful expulsion of a person by a country is called a deportation. The problem of protecting and assisting IDPs is not a new issue. In international law it is the responsibility of the government concerned to provide assistance and protection for the IDPs in their country. However, as many of the displaced are a result of civil conflict and violence or where the authority of the central state is in doubt, there is no local authority willing to provide assistance and protection. It has been estimated that some 5 million IDPs in 11 countries are "without any significant humanitarian assistance from their governments."¹

Unlike the case of refugees, there is no international humanitarian institution which has the overall responsibility of protecting and assisting the refugees as well as the internally displaced. A number of organizations have stepped into the breach in specific circumstances.

According to the European Court of Human Rights, collective expulsion is any measure compelling non-nationals, as a group, to leave a country, except where such a measure is taken on the basis of a reasonable and objective examination of the particular case of each individual non-national of the group. Mass expulsion may also occur when members of an ethnic group are sent out of a state regardless of nationality. Collective expulsion, or expulsion en masse, is prohibited by several instruments of international law. The living conditions varied greatly and depended on the geographic location of the forced settlement, local conditions, and type of work performed by the deportees. Even official reports acknowledged lack of suitable housing; for example, a report from Igarka described barracks with leaky roofs and without windows, beds, or bedding. Majority of the Lithuanian deportees were employed by the logging and timber industry. The deportees could not leave the location of their settlement or change work; their deportations had no expiration date and were for their lifetime. Those who attempted escape or "avoid work" were sent to prison camps. Between 1945 and 1948, 1722 Lithuanians attempted to escape; 1070 were caught by 1949. In 1948, stricter regulations adopted by the Supreme Soviet of the Soviet Union allotted 20 years in prison for those who escaped and 5 years for those aiding the fugitives. Children born in exile were classified as deportees and were subject to the same treatment as their parents, with some exceptions for mixed (deportee and non-deportee) families.

Due to poor living conditions, demanding physical labor, lack of food and medical care, the mortality rates were high, especially among the young and the elderly. Based on the incomplete and inaccurate records kept by MVD and MGB, Arvydas Anušauskas estimated that some 16,500 and 3,500 Lithuanians died in 1945–1952 and 1953–1958 respectively; this number does not include 8,000 deaths among the deportees of 1941. Thus total Lithuanian deaths could be around 28,000.

¹ Terminski B., *Development-Induced Displacement and Resettlement: Causes, Consequences and Socio-Legal Context*, Ibidem Press, 2015.

Children accounted for about a quarter of the total casualties.

Forced expulsions and deportations are associated with the issue of arbitrary displacement. According to specialists we can distinguish four basic categories of this issue: conflict-induced displacement, environmentally-induced displacement, disaster-induced displacement and development-induced displacement (Terminski, 2015). While the above stresses two important elements of internal displacement (coercion and the domestic/internal movement), it is important to note that, rather than a strict definition, the Guiding Principles offer "a descriptive identification of the category of persons whose needs are the concern of the Guiding Principles". In this way, the document "intentionally steers toward flexibility rather than legal precision" as the words "in particular" indicate that the list of reasons for displacement is not exhaustive. However, as Erin Mooney has pointed out, "global statistics on internal displacement generally count only IDPs uprooted by conflict and human rights violations. Moreover, a recent study has recommended that the IDP concept should be defined even more narrowly, to be limited to persons displaced by violence. Thus, despite the non-exhaustive reasons of internal displacement, many consider IDPs as those who would be defined as refugees if they were to cross an international border, hence, the term refugees in all but name is often applied to IDPs. In a 2006 policy statement, the ICRC stated: The ICRC's overall objective is to alleviate the suffering of people who are caught up in armed conflict and other situations of violence. To that end, the organization strives to provide effective and efficient assistance and protection for such persons, be they displaced or not, while taking into consideration the action of other humanitarian organizations. On the basis of its long experience in different parts of the world, the ICRC has defined an operational approach towards the civilian population as a whole that is designed to meet the most urgent humanitarian needs of both displaced persons and local and host communities. However, its Director of Operations has earlier recognized that IDPs "deprived of shelter and their habitual sources of food, water, medicine and money, they have different, and often more urgent, material needs."

Aguila, Jaime R. "Book Reviews: Decade of Betrayal: Mexican Repatriation in the 1930s. By Francisco E. Balderrama and Raymond Rodríguez". *Journal of San Diego History*. 52:3-4 (Summer-Fall 2006).

Balderrama, Francisco and Rodriguez, Raymond. *Decade of Betrayal: Mexican Repatriation in the 1930s*. Albuquerque: University of New Mexico Press, 1995.

Christensen, Peter. *The Decline of Iranshahr: Irrigation and Environments in the History of the Middle East, 500 B.C. to A.D. 1500* Copenhagen, Denmark: Museum Tusulanum Press, 1993.

Conquest, Robert. *The Nation Killers*. New York: Macmillan, 1970.

Daniels, Roger. *Coming to America: A History of Immigration and Ethnicity in American Life*. New York: HarperCollins, 2002.

Dillman, Caroline Matheny. *The Roswell Mills and A Civil War Tragedy: Excerpts From Days Gone by in Alpharetta and Roswell, Georgia*. Vol. 1. Roswell, Ga.: Chattahoochee Press, 1996.

Fischer, Ruth and Leggett, John C. *Stalin and German Communism: A Study in the Origins of the State Party*. Edison, N.J.: Transaction Publishers, 2006.

Forsythe, David P. and Lawson, Edward. *Encyclopedia of Human Rights*. 2d ed. Florence, Ky.: Taylor & Francis, 1996.

Fragomen, Austin T. and Bell, Steven C. *Immigration Fundamentals: A Guide to Law and Practice*. New York: Practising Law Institute, 1996.

García, Juan Ramon. *Operation Wetback: The Mass Deportation of Mexican Undocumented Workers in 1954*. Westport, Ct.: Greenwood Publishing Group, 1980.

Gibney, Matthew J. and Hansen, Randall. "Deportation and the Liberal State: The Involuntary Return of Asylum Seekers and Unlawful Migrants in Canada, the UK, and Germany". *New Issues*

- in Refugee Research: Working Paper Series No. 77. Geneva, Switzerland: United Nations High Commissioner for Refugees, 2003.*
- Grams, Grant W. "Deportation from Saskatchewan during the Great Depression, the case of H.P. Janzen", in John D. Thiesen (ed.), *Mennonite Life*, 2010.
- Grams, Grant W. "The Deportation of German Nationals from Canada, 1919 to 1939", in Peter S. Li (ed.), *Journal of International Migration and Integration*, 2010.
- Grams, Grant W. "Immigration and Return Migration of German Nationals, Saskatchewan 1919 to 1939", in Patrick Douand (ed.), *Prairie Forum*, 2008.
- Gutiérrez, David G. *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity*. Berkeley, Calif.: University of California Press, 1995.
- Henckaerts, Jean-Marie (1995). *Mass Expulsion in Modern International Law and Practice* [Mass](#) *The Hague: M. Nijhoff*.
- Hing, Bill Ong. *Defining America Through Immigration Policy*. Philadelphia, Pa.: Temple University Press, 2004.
- Hitt, Michael D. *Charged with Treason: The Ordeal of 400 Mill Workers During Military Operations in Roswell, Georgia, 1864-1865*. Monroe, N.Y.: Library Research Associates, 1992.
- International Law Commission. United Nations. *Yearbook of the International Law Commission 1996: Report of the Commission to the General Assembly on the Work of Its 48th Session*. New York: United Nations Publications, 2000.
- Lewis Attacks Deportation of Leaders by West Virginia Authorities". *The New York Times*. July 17, 1921.
- Lindquist, John H. and Fraser, James. "A Sociological Interpretation of the Bisbee Deportation". *Pacific Historical Review*. 37:4 (November 1968).
- López, Ian F. Haney. *Racism on Trial: The Chicano Fight for Justice*. New ed. Cambridge, Mass.: Belknap Press, 2004.
- Martin, MaryJoy. *The Corpse On Boomerang Road: Telluride's War on Labor, 1899-1908*. Lake City, Colo.: Western Reflections Publishing Co., 2004.
- Mata, Albert G. "Operation Wetback: The Mass Deportation of Mexican Undocumented Workers in 1954 by Juan Ramon García". *Contemporary Sociology*. 1:5 (September 1983).
- Mawdsley, Evan. *The Stalin Years: The Soviet Union 1929-1953*. Manchester, England: Manchester University Press, 2003.
- McCaffray, Susan Purves and Melancon, Michael S. *Russia in the European Context, 1789-1914: A Member of the Family*. New York: Palgrave Macmillan, 2005.
- McKay, Robert R. "The Federal Deportation Campaign in Texas: Mexican Deportation from the Lower Rio Grande Valley during the Great Depression". *Borderlands Journal*. (Fall 1981).
- Naimark, Norman M. *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe*. Cambridge, Mass.: Harvard University Press, 2001.
- Perruchoud, Richard; Jillyanne Redpath-Cross, eds. (2011). *Glossary on Migration. International Migration Law (Second ed.)*. Geneva:
- President's Mediation Commission. *Report on the Bisbee Deportations Made by the President's Mediation Commission to the President of the United States*. Washington, D.C.: President's Mediation Commission, November 6, 1917.
- Silverberg, Louis G. "Citizens' Committees: Their Role in Industrial Conflict". *Public Opinion Quarterly*. 5:1 (March 1941). "1930s: A Family History and Oral History". *Multicultural Education*.

Spring 2006.

Termiński, Bogumil, Migracje ekonomiczne w prawie i współpracy międzynarodowej: Wybrane aspekty instytucjonalno-prawne, CeDeWu, Warsaw, 2016.

Terminski Bogumil, Development-Induced Displacement and Resettlement: Theoretical Frameworks and Current Challenges, Geneva, 2016.