

1 The early years

The Second World War and the immediate post-war period produced the largest population displacement in modern history. In May 1945, over 40 million people were estimated to be displaced in Europe, excluding Germans who fled the advancing Soviet armies in the east and foreign forced labourers in Germany itself. There were also some 13 million ethnic Germans (*Volksdeutsche*) who were expelled from the Soviet Union, Poland, Czechoslovakia and other east European countries in the following months and who became known as expellees (*Vertriebene*). Another 11.3 million forced labourers and displaced persons were found by the Allies to be working on the territory of the former German Reich.¹

In addition to these people, over a million Russians, Ukrainians, Belorussians, Poles, Estonians, Latvians, Lithuanians and others fled from communist domination as it became clear that a new totalitarianism was being imposed by the Soviet leader, Josef Stalin. Meanwhile, civil war in Greece and other conflicts in southeastern Europe unleashed after the Nazi withdrawal began to generate tens of thousands of refugees. There had also been massive displacements outside Europe during the war. These included millions of Chinese people who had been displaced in areas controlled by Japanese forces in China.²

It was the movements of people across the European continent, which had been so devastated by war, that most concerned the Allied powers. Well before the war ended, they recognized that the liberation of Europe would bring with it the need to tackle this massive upheaval. The United Nations Relief and Rehabilitation Administration was therefore set up in 1943, and this was replaced in 1947 by the International Refugee Organization. This chapter examines the work of these organizations, which were the direct predecessors of UNHCR. It then describes the processes which led to the establishment in 1950 of UNHCR and to the adoption in 1951 of the UN Convention Relating to the Status of Refugees, which has since become the cornerstone of international refugee protection. Finally, the chapter examines UNHCR's response to its first major challenge—the flight of 200,000 people from Hungary following the suppression by Soviet forces of the 1956 uprising.

The UN Relief and Rehabilitation Administration

In November 1943, even before the end of the Second World War and the formal establishment of the United Nations itself in June 1945, the Allies (including the Soviet Union) set up the United Nations Relief and Rehabilitation Administration



Among the millions of people left homeless at the end of the Second World War were these refugees from eastern Europe in a camp in Germany. (UNHCR/1953)

(UNRRA). With a broad mandate to assist in the relief and rehabilitation of devastated areas, UNRRA was not created specifically as a refugee agency. It assisted all who had been displaced by the war and not only refugees who had fled their countries. In 1944–45, UNRRA provided emergency assistance to thousands of refugees and displaced persons in areas under Allied control, although the Soviet Union did not permit UNRRA to operate in the Soviet zone. Until the end of the war in Europe in May 1945, UNRRA worked closely with the Allied forces, which provided logistics and material support. By mid-1945, UNRRA had more than 300 teams on the ground.

Once the war ended, UNRRA focused largely on repatriation. Most of those who had been uprooted by the war were anxious to return to their homes. Countries providing asylum to large numbers of refugees, such as Germany, Austria and Italy, also wanted to see these people repatriate quickly. In addition, agreements made at the Yalta and Potsdam conferences in 1945 had provided for a speedy repatriation of Soviet citizens to the Soviet Union.

From May to September 1945, UNRRA assisted with the repatriation of some seven million people.³ As one historian has noted, however, UNRRA was constantly frustrated by its subordination to the Allied forces:

UNRRA found its prestige drained and its capacity for independent action stripped away . . . In the vacuum opened at an early stage by UNRRA's manifest lack of preparation for an enormous task, the military men took charge of a substantial amount of refugee activity. But the soldiers seemed equally ill-equipped to deal with displaced persons, particularly the steadily increasing proportion that could not or would not be repatriated. Gruff and impatient with their charges, military administrators often saw the refugees as a bother to be overcome.⁴

The repatriation operation became increasingly controversial, in particular as opposition to repatriation grew. Among those speedily repatriated during this period were some two million Soviet citizens of whom many, particularly Ukrainians and those from the Baltic states, had not wanted to return. Many of these people eventually ended up in Stalin's labour camps. East Europeans were repatriated less quickly. Many of them, likewise, did not wish to return to countries which were now under communist rule. But many were sent back, with

Box 1.1 High Commissioners Nansen & McDonald

UNHCR began its work after the Second World War, but concerted international efforts to assist refugees actually began in the inter-war years. Between 1919 and 1939, violent conflicts and political turmoil uprooted over five million people in Europe alone, including Russians, Greeks, Turks, Armenians, Jews and Spanish Republicans.

Two of the most important pioneers of international work on behalf of refugees in the inter-war period were the first two High Commissioners for refugees appointed by the League of Nations, Fridtjof Nansen of Norway (1921–30) and James McDonald of the United States (1933–35). These two men held different views on how to approach refugee problems, but they both made their mark on subsequent international refugee protection efforts.

Fridtjof Nansen

Formal international efforts to assist refugees first began in August 1921 when the International Committee of the Red Cross appealed to the League of Nations to assist the over one million Russian refugees displaced during the Russian civil war, many of them affected by famine. The League responded by appointing Fridtjof Nansen, a famous polar explorer, as ‘High Commissioner on behalf of the League in connection with the problems of Russian refugees in Europe’. His responsibilities were later extended to include Greek, Bulgarian, Armenian and certain other groups of refugees.

Nansen took up the huge task of defining the legal status of Russian refugees and organizing either their employment in host countries or their repatriation. The League gave him £4,000 sterling to accomplish this enormous task and he moved quickly to set up his staff. He established what would eventually become the basic structure of UNHCR—an office of the High Commissioner in Geneva with local representatives in host countries. To find suitable employment for refugees, he worked closely with the International Labour

Organization, helping around 60,000 refugees to find work.

Nansen devoted particular attention to the legal protection of refugees. He organized an international conference which resulted in the creation of travel and identity documents for refugees, commonly called ‘Nansen passports’. When negotiations with the Soviet Union about the repatriation of Russian refugees failed, Nansen spearheaded the adoption of additional measures to provide a secure legal status for refugees in their host countries. These early legal agreements later became the basis for both the 1933 and 1951 refugee conventions.

In 1922, Nansen had to address another refugee crisis—the flight of nearly two million refugees from the Graeco-Turkish war. He immediately travelled to the region to help coordinate international relief efforts. While in Greece, Nansen stressed that the High Commissioner must remain neutral in political disputes. Although he personally blamed Turkey for the crisis, he delivered aid to both Greek and Turkish refugees and met with officials on both sides. The League of Nations eventually assigned him responsibility for settling ethnic Greek refugees from Turkey in western Thrace. He spent much of his later life trying to arrange a loan to resettle Armenian refugees in the Soviet Union. Strong anti-communist opposition, however, prevented him from achieving this goal.

In 1922, Nansen was awarded the Nobel Peace Prize for his work. After his death in 1930, this work was continued by the Nansen International Office. Since 1954, UNHCR has presented a Nansen medal annually to individuals or groups of people who have given exceptional service to refugees.

James McDonald

In the 1930s, the international community faced the challenge posed by the flight of refugees from Nazi Germany. Although the League of Nations refused to finance refugee

assistance directly, it did appoint James McDonald, a US professor and journalist, to be an independent ‘High Commissioner for refugees (Jewish and other) coming from Germany’. From 1933 until 1935, McDonald fought immigration restrictions around the world in order to arrange resettlement for Jewish refugees. He was particularly useful in coordinating the work of voluntary agencies, which provided most of the funding for refugee assistance. In his two years as High Commissioner, he helped to resettle 80,000 refugees in Palestine and elsewhere.

In September 1935, McDonald faced his greatest challenge, when the Nazis adopted the Nuremberg laws. These deprived Jews of citizenship and the right to vote. The Nazis also encouraged Germans to dismiss Jewish employees and to boycott Jewish businesses. As persecution increased, a flood of refugees left the country. Frustrated that the League would not take stronger action, McDonald resigned on 27 December 1935. In a letter widely published in the international press at the time, he warned:

When domestic policies threaten the demoralization of human beings, considerations of diplomatic correctness must yield to those of common humanity. I should be recreant if I did not call attention to the actual situation, and plead that world opinion, acting through the League and its Member States and other countries, move to avert the existing and impending tragedies.¹

Despite McDonald’s efforts, his plea for direct intervention in Germany went unheeded. The League of Nations continued to regard Germany’s treatment of Jews as a purely domestic matter. Although McDonald’s efforts failed, he stands out as an early advocate of the need for decisive political action to deal with the root causes of refugee movements.

little attention paid to their individual wishes. Although Western countries did not initially appreciate what was happening to many of those who were forcibly returned, the United States government in particular became increasingly critical of such returns.

By 1946, an acrimonious debate had arisen over whether or not UNRRA should provide assistance to people who did not wish to be repatriated. Eastern bloc countries asserted that assistance should be given only to displaced persons who returned home. Western bloc countries insisted that individuals should be free to decide whether or not to return, and that this choice should not prejudice their right to assistance. For its part, the US government denounced UNRRA's repatriation policies and its rehabilitation programmes in Eastern bloc countries as serving only to strengthen Soviet political control over eastern Europe.⁵

The reluctance of refugees to return to their countries of origin remained a major problem that would dominate the post-war years. Within the United Nations itself, the subject of repatriation became a major political issue. It was one of the most contentious issues before the UN Security Council during the first few years of its existence. The debate went to the heart of the fundamental ideological conflicts dividing East and West at the time. This concerned the issue of whether or not people should have the right to choose their country of residence, to flee oppression and to express their own opinions.

Eventually the US government, which provided 70 per cent of UNRRA's funding and much of its leadership, refused to extend the organization's mandate beyond 1947 or to grant further financial support. In its place and in the face of adamant opposition from Eastern bloc countries, the United States pressed hard for the creation of a new refugee organization with a different orientation.

The International Refugee Organization

The International Refugee Organization (IRO) was created in July 1947 as a non-permanent United Nations specialized agency. When it was set up, the expectation was that its three-year programme would be completed by 30 June 1950.

Although the IRO's work was limited to assisting European refugees, it was the first international body to deal comprehensively with every aspect of the refugee issue. Its functions were defined as encompassing repatriation, identification, registration and classification, care and assistance, legal and political protection, transport, resettlement and re-establishment. These multiple functions nevertheless masked a clear shift in priorities from a policy of repatriation, as carried out by UNRRA, to one of resettlement from countries of asylum to third countries.

The IRO Constitution included the assertion that the principal objective of the organization was that of 'encouraging and assisting in every way possible [refugees'] early return to their country of nationality, or former habitual residence'.⁶ This was put into perspective, however, by the General Assembly resolution establishing the IRO, which declared that that 'no refugees or displaced persons [with valid objections] shall be compelled to return to their country of origin'.⁷



Displaced people in Germany line up at the offices of the International Refugee Organization in 1950, hoping to be resettled in a new country. (IRO/1950)

This shift of emphasis from repatriation to resettlement prompted criticism by Eastern bloc countries. They argued that resettlement was a means of acquiring a ready source of labour, and of offering shelter to subversive groups which might threaten international peace. In the event, the IRO assisted with the repatriation of a mere 73,000 people, compared with over a million people whom it assisted in resettling. The majority went overseas to the United States, which took over 30 per cent of the total, to Australia, Israel, Canada, and various Latin American countries.

It became clear that the 1950s had ushered in a new era of emigration. One of the motivations for taking in refugees was the economic benefits that they could bring, fuelling economies by providing a ready labour force. Western governments argued that the scattering of refugees around the world would promote a more favourable distribution of population by decongesting Europe and benefiting the under-populated, less developed 'overseas democracies'.⁸

The IRO was not able, however, to bring the refugee problem to a conclusion. Around 400,000 people remained displaced in Europe at the end of 1951 and the organization officially closed down in February 1952.⁹ There was general agreement on the need for continued international cooperation in dealing with the refugee problem, but fundamental disagreement as to the objectives that such cooperation



Displaced people from camps in Austria, Germany and Italy board a ship chartered by the International Refugee Organization to start a new life in the United States. (UNHCR/1951)

should seek to fulfil. Eastern bloc countries were full of recriminations for the way in which the IRO had, in their view, been used as a tool by Western bloc countries. The United States, for its part, had become increasingly disillusioned with providing nearly two thirds of the funding for an organization which was costing more than the combined operating budget of the rest of the United Nations.

The establishment of UNHCR

The end of the 1940s saw a hardening of the Cold War stand-off that was to dominate international relations for the next 40 years. The Berlin blockade of 1948–49 was followed in quick succession by the explosion of the first Soviet atomic bomb, the formation of two separate German states, the creation of the North Atlantic Treaty Organization, Mao Zedong's victory in China, and the start of the Korean War in 1950. It became increasingly apparent that the refugee issue was not a temporary post-war phenomenon. New crises were generating new outflows of refugees, as had

happened following the communist seizure of power in countries from Czechoslovakia to China. At the same time, the Iron Curtain between Eastern and Western Europe was restricting movement between the two blocs.

Cold War ideological tensions permeated negotiations within the United Nations on the formation of a new UN refugee body. The formation of such a body had been proposed by various actors, including the International Committee of the Red Cross (ICRC). The Soviet Union boycotted many of the negotiations altogether, along with its satellite states. There were also widespread divergences amongst the Western powers themselves. The United States sought a strictly defined, temporary agency, requiring little financing and with limited objectives, notably the protection of the remaining IRO refugees until they were permanently settled. In particular, it sought to deny the new body a role in relief operations by depriving it of General Assembly assistance for operations and by denying it the right to seek voluntary contributions. By contrast, Western European states, which bore the brunt of the refugee burden, together with Pakistan and India, which were each hosting millions of refugees following the partition of India in 1947, favoured a strong, permanent, multipurpose refugee agency. They argued for an independent High Commissioner with the power to raise funds and disperse them to refugees.

The result of this debate was a compromise. In December 1949, the UN General Assembly decided, by 36 votes to five with 11 abstentions, to establish the Office of the United Nations High Commissioner for Refugees (UNHCR) for an initial period of three years, from 1 January 1951.¹⁰ It was to be a subsidiary organ of the General Assembly under Article 22 of the UN Charter. The UNHCR Statute, adopted by the General Assembly on 14 December 1950, reflected both the consensus of the United States and other Western states *vis-à-vis* their counterparts in the Eastern bloc and the differences between the United States and Western European states in their immediate priorities. According to one analyst: 'The severe limitations on UNHCR's functional scope and authority were principally the result of the desire of the United States and its Western allies to create an international refugee agency that would neither pose any threat to the national sovereignty of the Western powers nor impose any new financial obligations on them.'¹¹

Article 2 of the UNHCR Statute states that the work of the High Commissioner 'shall be of an entirely non-political character; it shall be humanitarian and social and shall relate, as a rule, to groups and categories of refugees'. The distinction made here between political and humanitarian concerns was crucial. Many UNHCR officials maintain that the emphasis on the non-political nature of the High Commissioner's work has been largely responsible for enabling the organization to operate both during the tense Cold War era and in subsequent situations of armed conflict. Other observers argue that while the distinction was to prove useful in many ways, it was in fact a somewhat misleading one from the start, having been designed primarily to mitigate the severe effects of bipolarization in the early 1950s and to prevent a total paralysis of the United Nations in dealing with the refugee issue at that time.¹² Some analysts have also argued that since UNHCR is a subsidiary UN body, which is subject to the formal control of the General Assembly, it can never be entirely independent of the political organs of the United Nations.¹³ The continuing

Box 1.2

United Nations assistance to Palestinian refugees

In November 1947, the United Nations General Assembly approved the partition of Palestine into a Jewish state and an Arab state. Five-and-a-half months later, the United Kingdom, which had a mandate for the administration of the territory throughout the period of the League of Nations, withdrew. The Arab population of Palestine and the Arab states rejected the partition plan which gave the Jewish population over half the territory, in spite of the fact that the Arab population at the time was larger. In the ensuing conflict between the Jews and the Palestinians, the Jews seized more territory. An Israeli state was declared on 14 May 1948 and, by the time an armistice was agreed in 1949, Israel controlled three quarters of the territory of the former British mandate.

In the period leading up to the declaration of the state of Israel and immediately following further clashes between the Arabs and the Jews, some 750,000 Palestinians were expelled or were forced to flee from areas under Jewish control. The United Nations tried to negotiate their return home, but this was blocked by Israel.

New Jewish settlements were quickly established on large tracts of land belonging to the Palestinians and newly arriving Jewish immigrants were settled in Palestinians' houses. The majority of the Palestinian refugees settled in urban areas in Arab countries or repatriated, but roughly one third of the refugees remained in camps in the region. Ever since then, these camps have remained symbolic of the plight of the Palestinian refugees.

The creation of UNRWA

Assistance to the Palestinian refugees was first provided by non-governmental organizations under the umbrella of the United Nations Relief for Palestine Refugees (UNRPR). Then, in December 1949, the UN General Assembly decided to establish the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

The decision to establish UNRWA was primarily an initiative of the United States government, which was chairing the United Nations Conciliation Commission for Palestine. The decision was taken when it became clear that the government of the new state of Israel was unlikely to agree to any substantial return of refugees to its territory.

The US government proposed that the General Assembly establish a special agency which would continue to provide relief to the refugees, but which would primarily be responsible for initiating large-scale development projects—hence the 'works' in UNRWA's name. The Arab states only accepted this proposal after they were assured that the establishment of UNRWA would not jeopardize the right of the refugees to return to their original homes as stipulated in General Assembly Resolution 194(III) of 11 December 1948. This was clearly stated in UNRWA's founding mandate, UN General Assembly Resolution 302(IV) of 8 December 1949.

At the same time, negotiations were taking place at the United Nations on the formation of what was to become UNHCR. Once UNRWA was established, however, Arab states insisted that Palestinian refugees receiving UNRWA assistance should

be excluded from UNHCR's mandate and from the 1951 UN Refugee Convention. Arab states were concerned lest the individual refugee definition under discussion in the draft convention undermine the position of Palestinians, whose rights as a group to return had been recognized in General Assembly resolutions. Other parties also feared that the non-political character of the work envisaged for the nascent UNHCR was not compatible with the highly politicized nature of the Palestinian question.

For these reasons, both the 1950 UNHCR Statute and the 1951 UN Refugee Convention exclude 'persons who are at present receiving . . . protection or assistance' from other UN organs or agencies. The geographical field of UNRWA's operations is restricted to Lebanon, Syria, Jordan, the West Bank and the Gaza Strip. It is only once a Palestinian leaves the UNRWA field of operations that this person falls within the UNHCR mandate and the 1951 Convention.

Unlike UNHCR, UNRWA did not have a detailed statute and over time developed its own operational refugee definition in its *Consolidated Registration Instructions*. These define a Palestinian refugee as including people whose normal place of residence was Palestine for a minimum of two years preceding the 1948 conflict and who, as result of this conflict, lost both their home and means of livelihood and took refuge in 1948 in the areas where UNRWA operates. Also eligible for services are the descendants of such refugees.

Unlike the work of UNHCR, the scope of UNRWA's work does not

include the search for permanent solutions for the refugees under its care. Also, UNRWA's mandate extends primarily to the delivery of essential services and not to the provision of international protection, which by contrast lies at the core of UNHCR's work.

UNRWA's early years

UNRWA was established as a temporary agency with a mandate that was to be renewed periodically. In the early 1950s, when the United States was still refusing to fund UNHCR, it was UNRWA's principal donor. Since then the United States has remained UNRWA's main donor.

In 1950, UNRWA was responsible for almost one million refugees in Jordan, Lebanon, Syria, the West Bank and the Gaza Strip. UNRWA's first task was to continue the ongoing emergency relief started by its predecessors and to help the refugees move from tents to more permanent shelters. From 1950 to 1957, UNRWA supported regional economic development plans designed to expand agriculture, foster international cooperation, and thus absorb the Palestinians into the regional economy. In the mid-1950s, UNRWA tried to implement two major resettlement schemes. In both cases, it was both the host countries and the refugees themselves who rejected them and insisted on their right to return.

The failure of such initiatives led to a re-evaluation of the purpose of UNRWA. From 1957 to 1967, the agency abandoned grandiose regional development schemes and focused on relief, education and health programmes in the refugee camps.

As a result of the Arab–Israeli Six-Day War in 1967, large numbers of Palestinians fled or were expelled and a new group of Palestinian refugees was created. These refugees included those who fled from the West Bank to Jordan and Syria, or from the Gaza Strip to Egypt or Jordan. As in 1948, once they had fled, the Israeli government prevented their return to what became known as the Occupied Territories.

Of the 350,000 Palestinians who fled the 1967 war, about half were categorized as 'internally displaced'. They had not been displaced in 1948 and so did not fall under the UNRWA mandate, making them even more vulnerable. Although no formal adjustment to UNRWA's mandate was made to include this new category, the organization nevertheless provided some emergency services to these Palestinians with the support of the UN General Assembly. The others were fleeing for the second time in 20 years. In the West Bank and Gaza, Israel's occupation created a new and highly sensitive relationship between UNRWA, the Palestinian refugees and the Israeli government.

Later developments

It was 20 years before Palestinians took to the streets of the Occupied Territories in open and spontaneous revolt in December 1987. A month after the outbreak of what became known as the *intifada* (uprising), the UN Secretary-General proposed a limited expansion of UNRWA's work to include 'passive protection' functions in the Israeli Occupied Territories of the West Bank and the Gaza Strip. General Assembly resolutions subsequently supported this approach and as a result a legal aid

scheme was set up, additional local and international staff were recruited, and human rights monitors were deployed.

The September 1993 Declaration of Principles on Palestinian self-rule in the Occupied Territories, signed by the Palestinian leader Yasser Arafat and the Israeli Prime Minister Yitzhak Rabin, was designed to effect a gradual transfer of powers to the Palestinian National Authority. A month later, in order to support the peace process, UNRWA launched a 'peace implementation programme'. This has included projects to improve education and health facilities, to construct emergency housing and other infrastructure, and to provide small business loans.

The refugees are now in their third and even fourth generation. In 1999, there were some 3.6 million in the region, out of a total of some six million Palestinians worldwide. Around 1.5 million refugees are in Jordan and 1.3 million in the West Bank and the Gaza Strip. About a third of the refugees live in 59 refugee camps and the rest live in villages, towns and cities in the UNRWA areas of operation. Despite funding difficulties, over the years UNRWA has set up some 650 schools, which today have more than 450,000 pupils, eight vocational training centres, 122 health centres and many other projects serving different community needs. But the needs of the refugees remain great, and until a long-term and comprehensive political solution to the Palestinian problem is found and implemented, the status and future of the majority of Palestinian refugees will remain uncertain.

debate on this issue revolves largely around the fact that there has been a failure to define clearly what constitutes 'humanitarian action' and 'political action'.

The debate over the extent to which an organization can protect and assist refugees and remain non-political was not a new one. It had been an issue even during the League of Nations period, when Fridtjof Nansen and James McDonald, two High Commissioners with responsibilities for particular groups of refugees, adopted different approaches [see Box 1.1].

UNHCR's primary functions were defined as being twofold: first, to provide international protection for refugees; and second, to seek permanent solutions to the problem of refugees by assisting governments to facilitate their voluntary repatriation or their assimilation within new national communities. While the new organization was granted the right to seek voluntary contributions, the United States succeeded in making General Assembly approval a precondition for all such appeals. As a result, UNHCR became dependent on a small administrative budget from the General Assembly and on a small 'emergency fund'.

The US government initially refused to make any contributions to this fund, as it did not at that stage view UNHCR as the most appropriate body through which to channel funds. Instead, it chose to fund the United States Escapee Program and the Intergovernmental Committee for European Migration. The latter was founded in 1952 to help move migrants and refugees in Europe to overseas immigration countries; it later became the International Organization for Migration. Within the UN system, the United States also funded the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) [see Box 1.2] and the United Nations Korean Reconstruction Agency (UNKRA), which provided assistance to the millions of people displaced by the Korean War.

UNHCR was constrained by inadequate funding from the start. Each project to aid refugees had to be financed through voluntary contributions, mostly from states. It was not given the resources to implement a repatriation programme such as the one carried out by UNRRA or a resettlement programme such as that carried out by the IRO. Rather, it was required to provide international protection and to promote solutions for refugee problems with only a small budget. As the first UN High Commissioner for Refugees, Gerrit Jan van Heuven Goedhart, expressed it, there was a real danger his office would simply 'administer misery'.¹⁴

With an annual budget of no more than US\$300,000, the expectation that UNHCR would be able to effect a final settlement of the European refugee problem within a few years proved false. Despite High Commissioner van Heuven Goedhart's efforts to persuade governments of the extent of the refugee problem, they provided only minimal funding. UNHCR nevertheless developed an increasingly effective partnership with voluntary agencies. The first substantial amount of money placed at the disposal of UNHCR came not from governments but from the Ford Foundation in the United States which granted the organization US\$3.1 million in 1951. This money was used for a pilot project, which for the first time put emphasis on local integration in European countries as a solution to refugee problems. Eventually, in 1954, a new United Nations Refugee Fund (UNREF) was set up to carry out projects in countries such as Austria, the Federal Republic of Germany, Greece and Italy. The United States contributed to this fund, having previously refused to fund UNHCR due to a decision

Box 1.3

The 1951 UN Refugee Convention

The 1951 Convention Relating to the Status of Refugees was adopted by the United Nations Conference on the Status of Refugees and Stateless Persons held in Geneva on 2–25 July 1951. It was opened for signature on 28 July and entered into force on 22 April 1954.

The Convention spells out the obligations and rights of refugees, and the obligations of states towards refugees. It also sets out international standards for the treatment of refugees. It embodies principles that promote and safeguard refugees' rights in the fields of employment, education, residence, freedom of movement, access to courts, naturalization and, above all, the security against return to a country where they may risk persecution. Two of the most important provisions are found in Articles 1 and 33:

Article 1—Definition of the term 'refugee'

A(2) [Any person who] . . . owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence . . . is unable or, owing to such fear, is unwilling to return to it . . .

Article 33—Prohibition of expulsion or return ('*refoulement*')

1. No Contracting State shall expel or return ('*refouler*') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion . . .

The refugee definition contained in the 1951 Convention was limited to persons who became refugees 'as a result of events occurring before 1 January 1951'. The time limitation, however, was subsequently removed by Article I(2) of the 1967 Protocol to the Convention [see box 2.2]. When becoming a party to the 1951 Convention, states also had the possibility of making a declaration limiting their obligations under the Convention to refugees from events occurring in Europe.

The 1951 UN Refugee Convention—along with its 1967 Protocol—is still the most important, and the only universal, instrument of international refugee law. By 31 December 1999, 131 states had acceded to both the 1951 Convention and its 1967 Protocol, and 138 states had ratified either one or both of these instruments.

by the US Congress in 1950 to veto the use of US funds for any international organization working in countries behind the Iron Curtain.

The Soviet Union's initial rigid opposition to UNHCR also began to shift in the mid-1950s. By then, the Cold War had spread well beyond the borders of Europe and new countries were influencing the work of the United Nations. The Soviet Union had helped to facilitate the admission of several developing countries to the United Nations and these countries now recognized the potential usefulness of UNHCR to their own refugee problems.

The drafting of the 1951 UN Refugee Convention

The rights and obligations set out in the 1951 UN Convention Relating to the Status of Refugees lie at the heart of UNHCR's work. Negotiations on the Convention took place in parallel with those concerning the establishment of UNHCR. The Convention was adopted by an international conference over seven months later, on 28 July 1951.

It was the definition of the term 'refugee' that provoked particular controversy. Since the Convention created new obligations which would be binding under international law, states participating in the drafting process aimed to restrict the definition to categories of refugees towards whom they would be willing to assume legal obligations. The United States favoured a narrow definition, in view of the resulting legal obligations that a broader definition would impose. Western European states, on the other hand, argued for a broad definition, although there were also divisions among these states as to what the definition should be.

In the end a compromise formula was reached. Governments agreed on a general, universally applicable definition of the term 'refugee' centred on the concept of a 'well-founded fear of persecution'. At the same time, they applied two important limitations on the Convention's scope. First, the benefits of the Convention were not to apply to people who became refugees as a result of events occurring after 1 January 1951, even if they otherwise corresponded to the definition. Second, when becoming a party to the Convention, states had the possibility of making a declaration limiting their obligations under the Convention to European refugees.

The adoption of this definition of the term 'refugee' marked a significant change in policy, as it meant that refugees would now be identified not only on a group basis, as had been the case in preceding years, but also on an individual case-by-case basis. The definition was also now a general one and not one which was tied to specific national groups, such as Russians from the Soviet Union or Greeks from Turkey, as had been the case in the inter-war years.

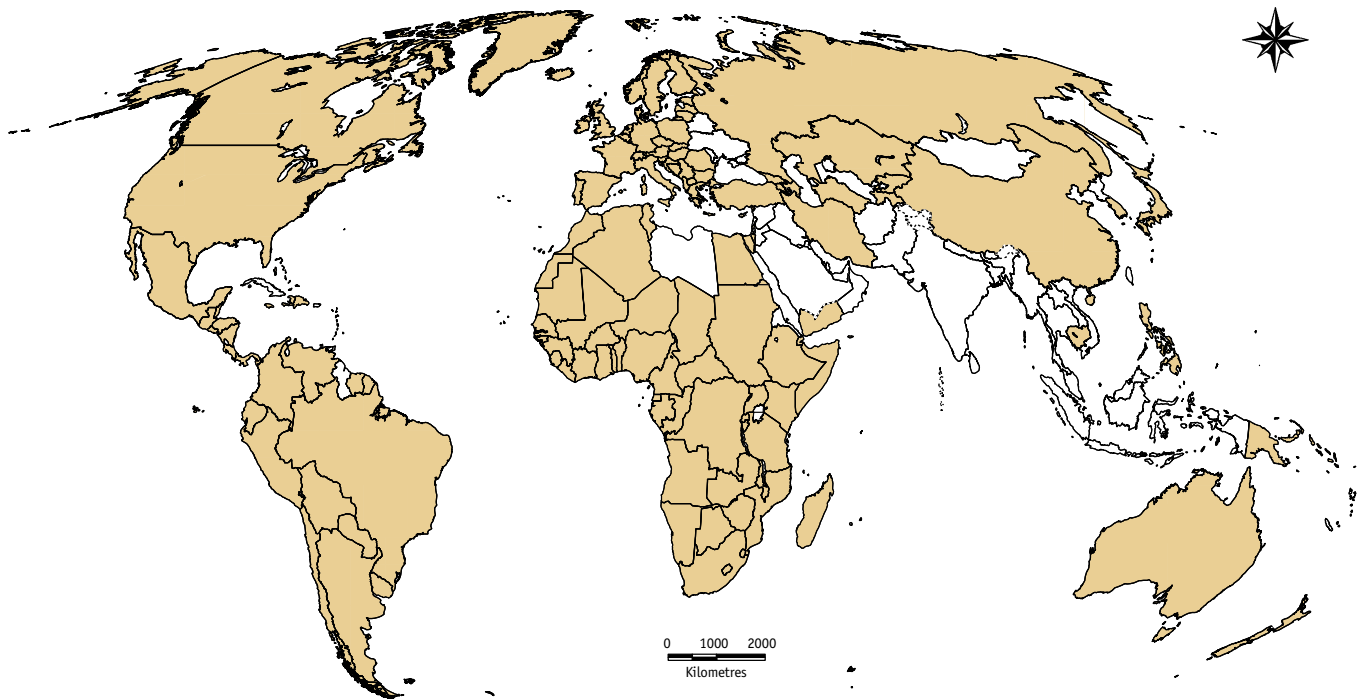
Although the 1948 Universal Declaration of Human Rights had affirmed an individual's right to seek and enjoy asylum, the importance for states of preserving their sovereign right to grant admission to their territory meant that the states which drew up the UN Refugee Convention were not prepared to recognize an unconditional right of asylum in this new legally binding Convention. The new Convention

therefore contains no mention of a ‘right to asylum’. However, one of the key provisions of the Convention is the obligation of states which are party to it not to expel or return a refugee to a state where he or she would face persecution. This is known as the principle of *non-refoulement*, using the French word used in Article 33 of the Convention. Other provisions contained in the Convention outline refugees’ rights in relation to issues such as employment, housing, education, social security, documentation and freedom of movement [see Box 1.3].

Similar rights had been set out in the 1933 Convention Relating to the International Status of Refugees, which was the first international instrument to refer to the principle that refugees should not forcibly be returned to their country of origin.¹⁵ This convention was, however, only ratified by eight states. Another relevant international instrument was the 1938 Convention Concerning the Status of Refugees from Germany,

States party to the 1951 UN Refugee Convention and/or the 1967 Protocol, 30 June 2000

Map 1.1



LEGEND	
	Party to Convention and/or Protocol

Note:
The boundaries shown on this map are those used by the UN Cartographic Section, New York.
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

but this was overtaken by the outbreak of the Second World War and received only three ratifications. By contrast, the strength of the 1951 UN Refugee Convention lies in the large number of ratifications it has secured across the globe [see Map 1.1].

The Hungarian crisis of 1956

UNHCR's first major test was the exodus of refugees from Hungary after the Soviet suppression of the uprising in 1956. Many of these refugees followed the same route to Austria that Hungarians fleeing the Red Army had taken in 1944–45. While the vast majority of the refugees—some 180,000—fled to Austria, some 20,000 escaped to socialist Yugoslavia, which had broken with the Soviet Union in 1948. This exodus provided UNHCR with its first experience of working with a mass influx of refugees fleeing political repression. It also gave UNHCR its first experience of working with the International Committee of the Red Cross (in Hungary) and the League of Red Cross Societies (in Austria).

During 1956–57, UNHCR carried out a major relief operation, looking after Hungarian refugees in Austria and Yugoslavia, assisting with their resettlement in 35 countries around the world, and with the voluntary repatriation of some to Hungary. The crisis was handled by Auguste Lindt, who replaced van Heuven Goedhart as High Commissioner on 10 December 1956. This operation marked the beginning of UNHCR's transformation from a small UN body dealing with a residual caseload of refugees remaining from the Second World War to a much larger organization with broader responsibilities. UNHCR was to emerge from the crisis, which became one of the important landmarks of the Cold War, much strengthened and with its international prestige considerably enhanced.

The roots of the Hungarian crisis lay in the thaw in Eastern Europe and the Soviet Union following Stalin's death in March 1953. The communist regime which had taken power in Hungary in 1947–48 had been led by one of Stalin's closest followers in Eastern Europe. In 1949, it had staged a series of show trials, mirroring those in Moscow in 1936, and resulting in the execution of many leading communists. Then, in 1954, the year after Stalin's death, the chief of the security police and the first secretary of the ruling communist party were themselves arrested and tried on charges of exceeding their authority and carrying out unwarranted detentions.

Nikita Khrushchev's famous speech to the 20th congress of the Communist Party of the Soviet Union in February 1956, in which he acknowledged that Stalin had made serious mistakes, sent shock waves not only through the Soviet Union but throughout the communist world. His specific undertaking to reassess the Soviet Union's relations with its satellite neighbours had dramatic consequences in Eastern Europe, especially in Poland and Hungary. In Poland, demonstrations and strikes in June led to a change of government and a carefully calibrated liberalization of the regime, which was reluctantly accepted by Moscow.



Hungarians fleeing the Soviet suppression of the 1956 uprising cross the border into Austria. (RDZ/1956)

In Hungary, by contrast, the attempt at reform was to have a tragic outcome. At first the regime appeared to recognize the need for reform. It endorsed concessions to the peasantry and a relaxation of the terror, while reluctantly appointing Imre Nagy, a critic of collectivization and forced industrialization, as Prime Minister. But popular demonstrations in October 1956 nevertheless revealed widespread disapproval of the regime itself and hatred of its secret police. The movement culminated in a wholesale revolt on 23 October, when some 300,000 people protested on the streets and clashed with Hungarian and Soviet troops. Responding to popular demands, on 27 October Nagy formed a coalition government excluding communist hardliners and promised free elections. On 1 November he fatefully proposed to withdraw Hungary from the Warsaw Pact and to declare the country neutral.

Having initially removed its troops from the Hungarian capital, Budapest, the Soviet Army attacked the capital in force on 4 November. In the widespread street fighting which followed, resistance to the Red Army—with 200,000 troops and more than 2,000 tanks at its disposal—was decisively crushed. Thousands of Hungarians were deported or, like Nagy, executed. More than 3,000 people died on the streets of Budapest in 10 days of what turned out to be the most violent confrontation in Europe between the Second World War and the wars in Yugoslavia in the 1990s.

Box 1.4

Germany's refugee compensation scheme

Soon after the Federal Republic of Germany was founded in 1949, discussions began on the issue of compensation for victims of Nazi persecution. The word 'reparation' or *Wiedergutmachung* in German (literally, 'to make good again') was rarely used, since it was generally agreed that no financial payment could compensate for the horrors of the Holocaust.

The early laws of the Federal Republic of Germany defined as 'persecuted' for the purposes of indemnification and compensation those people who had suffered because of their race, religion or political opinion. Others, even if they had been in a concentration camp or forced to work as slave labourers, did not qualify as 'persecutees', but rather as persons 'injured for reasons of nationality' (*Nationalgeschädigte*, in German).

There were tens of thousands of these 'national persecutees'—Poles, Ukrainians, Belarussians, Serbs, Czechs, Slovaks and others who had been interned or deported to work as slave labourers in German factories. The lives of these survivors had been shattered in most cases: their health ruined, their families uprooted and dispersed, their homes damaged or destroyed. After the war, many went to North or South America, South Africa or Australia. However, their new countries of residence did not take up their claims, since they were not citizens of those countries when the persecution occurred.

The first negotiations on indemnification focused on those persecuted for religious reasons. The Conference on Jewish Material Claims against Germany (the 'Claims Conference'), founded in 1951, brought together numerous Jewish organizations and, over the next half-century, intervened energetically on behalf of Nazism's Jewish victims. Others—Roma (gypsies) or communists, for example—had no similar organization, nor did the 'national persecutees'.

The Federal Republic of Germany's first Indemnification Act, adopted in 1953, provided for some limited payments to certain 'national persecutees' whose health was seriously damaged and who became refugees by specified cut-off dates. Further legislation in 1956 did not provide this group with any additional help.

In 1957, Western governments started negotiations with the German government in Bonn about compensation for their citizens. There was talk of a global fund to include the 'national persecutees', but it was decided that the question of compensation should await a formal peace treaty. Meanwhile, Germany would hold talks with UNHCR about the refugees who suffered because of their nationality.

In 1960, Germany and UNHCR concluded a first agreement. UNHCR would administer a 'hardship fund' worth DM 45 million provided by the government for 'national persecutees' who became refugees before 1 October 1953. Over the next five years, UNHCR made payments of between DM 3,000 and DM 8,000 to some 10,000 people.

Meanwhile, other potential beneficiaries fled to the West. By 1965, the Fund was exhausted. One year later, UNHCR and Germany concluded a supplementary agreement advancing the cut-off date to 31 December 1965 and providing an additional DM 3.5 million. Demand for compensation continued to outstrip the money available, however, and this additional sum was rapidly spent.

It was a difficult task deciding who should receive the modest amounts put at UNHCR's disposal. UNHCR staff sifted through applications from survivors around the globe. Many had enclosed snapshots of themselves before they were deported and put to work as slave labourers in Germany. Others had enclosed medical certificates, hand-written household budgets or unpaid bills. The relatively

small amounts available for distribution were in no way commensurate with the persecution which they had suffered. It was nonetheless considered to be of great importance to show the victims that they had not been forgotten.

In 1980, the Claims Conference started negotiations with the Federal Republic of Germany concerning the establishment of a new fund for Jewish persecutees who only fled to the West after 1965. UNHCR also sought further funds for 'national persecutees' who became refugees after 1965.

The negotiations led by the Claims Conference resulted in three new funds worth a total of DM 500 million for victims as defined in German law, excluding the 'national persecutees'. For the latter group, a new UNHCR-administered fund of DM 5 million was established. It rapidly became clear that this would not suffice. Emigration from Eastern Europe, especially from Poland, was on the rise, and the new wave of refugees included many eligible for compensation. In 1984, Germany increased the UNHCR-administered fund by a further DM 3.5 million. By May of that year, over 1,100 new applications had been received and more were expected, all from survivors who became refugees after 1965.

The letters received by UNHCR demonstrated that the applicants still suffered the effects of persecution. Many were in such bad health that they were unable to work. No sum of money could repair the damage done, but the victims wanted their suffering to be recognized, even if they were already beyond retirement age. UNHCR's assistance to refugees through the hardship fund ended in 1993. By this time, the Federal German government had paid DM 59 million through the UNHCR-administered fund to refugees and former refugees who had been victims of Nazi persecution.

The refugee exodus

Even before the suppression of the Hungarian uprising, refugees had begun arriving in Austria. By 5 November, this was serious enough for the Austrian government to appeal to UNHCR for help. Offers of permanent or temporary asylum soon came from Canada, Chile, France, Denmark, Norway Sweden and the United Kingdom. On 8 November, President Dwight D. Eisenhower announced that the United States was willing to take 5,000 refugees immediately. This number was subsequently raised to 6,000 and in December the US government announced that an additional 16,500 Hungarians could be processed in Austria for admission to the United States.¹⁶

In the end, some 200,000 Hungarian refugees were to flee their homeland. By the end of November, 115,851 had been recorded as having arrived in Austria. Men, women and children fled, frightened and desperate, dragging behind them suitcases and wheelbarrows. They followed the same road to the border town of Hegyeshalom that tens of thousands of Hungarian Jews who had been deported by the Nazis had trodden 12 years previously. One refugee explained: 'We left everything behind, like you would if your house were on fire.'¹⁷ Between December 1956 and January 1957 a further 56,800 arrived in Austria. Thereafter, arrivals in Austria tapered off dramatically, principally as a result of the tightening of border controls by the new Soviet-installed regime in Budapest led by János Kádár.

Faced with this influx, the Austrian government addressed an urgent appeal to UNHCR for financial assistance and for the resettlement of as many refugees in third countries as possible. Austria was still recovering from the hardships of the Second World War, in the closing stages of which the country had been the scene of bitter fighting between the Nazis and advancing Soviet forces. The Allied occupation of Austria, which like Germany had been divided into four zones, had formally ended in May 1955. The occupying forces had left four months later and in early 1956 the Hungarian authorities had removed many of the barbed wire barriers between the two countries. Austria had thus only recently regained its sovereignty and during the crisis it stressed its neutral position between the two Cold War blocs.

The relief operation to assist the refugees was led by the Red Cross, which worked closely with UNHCR. This was to be the first of many emergency operations in which the two organizations would work alongside each other in the field. The basis for UNHCR's involvement was provided by UN General Assembly Resolution 1006 of 9 November 1956. In December, within days of his election as High Commissioner, Auguste Lindt travelled to the Austrian capital, Vienna, to assess for himself the urgent needs of the Hungarian refugees who at that time were arriving at a rate of 3,000 a night across the Austrian border.¹⁸

Some refugees also found an alternative to asylum in Austria by fleeing to Yugoslavia, itself a communist state but one whose leader, Josip Broz Tito, had broken with Stalin in 1948. After Stalin's death, relations had improved and his successors, Nikita Khrushchev and Nikolai Bulganin, had visited Belgrade in May 1955, signalling Soviet acceptance of Yugoslavia's independent path. In this context, Tito's act in admitting the Hungarian refugees was a courageous move.¹⁹

Yugoslavia had been the only communist country to participate in the international conference in Geneva which drafted the 1951 UN Refugee Convention. The first UN High Commissioner for Refugees, van Heuven Goedhart, had himself visited Yugoslavia in April 1953 to introduce the work of UNHCR to the Yugoslav government. It was the first such visit to a communist country.²⁰ This bridge-building exercise between UNHCR and Yugoslavia was to prove very useful during the Hungarian crisis. In December 1956, Tito appealed directly to UNHCR to assist in handling the refugee influx.

At first, the Yugoslav government insisted that all the refugees had to be resettled and that the government had to be compensated for all its expenses. These conditions were, however, eventually dropped. Between November and December 1956 some 1,500 Hungarians arrived in Yugoslavia. By contrast, in January 1957 over 13,000 arrived.²¹ Tens of thousands of ethnic Hungarians already lived in Yugoslavia, principally in the Vojvodina region, making acceptance of the refugees easier. Ironically, in the 1990s, with the break-up of Yugoslavia, many ethnic Hungarians were to make the journey in the opposite direction.

In Yugoslavia, a coordinating committee to deal with the emergency was established on 21 February 1957 with representatives of the Yugoslav government, UNHCR, the League of Red Cross Societies, Cooperative Action for American Relief Everywhere (CARE), Church World Service, and the British Voluntary Society for Aid to Hungarians. By March 1957, when High Commissioner Lindt visited Belgrade and commended the government on its treatment of Hungarian refugees, UNHCR had already dispersed US\$50,000 to the Yugoslav Red Cross and a further US\$124,000 had been allocated to the UNHCR office in Belgrade.²²

The applicability of the 1951 UN Refugee Convention

While the Hungarians who left their country in 1956 were generally considered by governments of Western countries to be 'refugees', it was not immediately clear that the rights and responsibilities set out in the 1951 UN Refugee Convention would apply to the Hungarian crisis, since the Convention stated clearly that it applied only to 'events occurring before 1 January 1951'. Irrespective of their legal position, however, all those who left after 23 October 1956, the date of the general uprising in Budapest, were in practice considered by UNHCR and Western governments to be refugees, provided that individual screening did not provide evidence to exclude them from this category. In this respect, there was a similarity with the practice followed during the League of Nations period, when the status of an individual was determined on the basis of his or her identification as a part of a particular refugee group.

For the legal justification of this matter, as on so many other issues in the first two decades of UNHCR's existence, the defining voice was that of Paul Weis, a refugee from Vienna and Legal Adviser to the High Commissioner at the time. At the request of the High Commissioner, Weis defined UNHCR's position in a key memorandum in January 1957.²³ He did so, not simply because of the necessity for clarification on the matter, but also because there had been some misgivings even amongst friendly countries,

such as Sweden, over the extension of UNHCR's role to include contemporary events.

Weis's obvious starting point was the definition of the term 'refugee' contained in Article 1A(2) of the 1951 UN Refugee Convention and especially its problematic linking of the definition to 'events occurring before 1 January 1951'. He pointed out that the Ad Hoc Committee on Statelessness and Related Problems, which drew up the draft convention, argued in the report on its first session on 17 February 1950, that this expression was 'intended to apply to happenings of major importance involving territorial or profound political changes, as well as systematic programmes of persecution'. He declared that this interpretation and the discussions which took place in the various bodies which drew up the definition in the Convention made it clear that the date on which a person became a refugee was irrelevant. Weis also argued that in Hungary it was clear that there had been 'profound political changes', namely the establishment of a people's republic dominated by the Communist Party in 1947–48. The October 1956 uprising and the consequent exodus of refugees were in that sense 'an after-effect of this earlier political change'. Provided they fulfilled the conditions of Article 1A(2), they were therefore definitely refugees.

As regards the UNHCR Statute itself, Weis said it was clear that refugees from Hungary who fulfilled the conditions of Article 6B must be considered as falling within the mandate of UNHCR. This Article extends UNHCR's competence to 'any other person, who is outside the country of his nationality . . . because he has or had well-founded fear of persecution by reason of his race, religion, nationality or political opinion and is unable . . . to return to the country of his former habitual residence'. Weis granted that it seemed 'baffling' that the UNHCR Statute contains two definitions of refugees who fall within UNHCR's competence in Articles 6A(ii) and 6B which are almost identical apart from the fact that Article 6A(ii) contains the dateline of 1 January 1951. He attributed this to the fact that, in the deliberating bodies which framed the Convention and the Statute, there were two opposing views as to the definition of the term 'refugee', namely the universalist one advocating a broad general definition and the more conservative one advocating a definition by the enumeration of categories of refugees. In the end, the definition which emerged was a compromise drawn up by an informal working party.

Finally, for Weis, the history of these deliberations made it clear that, while those who became refugees as a result of events after 1 January 1951 also came within the mandate of UNHCR, the High Commissioner could in addition consult its Advisory Committee (which later became the Executive Committee) or bring the question to the General Assembly. This much was clear from Articles 1 and 3 of the Statute. In the case of Hungary, the UN General Assembly had clearly established the competence of the High Commissioner as regards the Hungarian refugees.²⁴

Resettlement of Hungarian refugees

Resources from the United Nations Refugee Fund, which had been established in 1954, made possible the UNHCR emergency operation for the refugees who fled the suppression of the Hungarian uprising. The High Commissioner also appealed for special

contributions and the response was generous. In November 1956 a joint committee was established, composed of UNHCR, the Intergovernmental Committee for European Migration, the Austrian government, the United States Escapee Program and voluntary agencies. In the winter of 1956 and throughout 1957, voluntary agencies played a key role in assisting in the relief and resettlement of the Hungarian refugees.

From the beginning, a premium was placed on resettling the refugees in third countries as the main solution to the problem. Austria, which had initially carried an overwhelming burden, needed prompt relief. Also, there was a feeling of revulsion throughout the Western world at the turn of events in Hungary and considerable guilt that more had not been done to assist the Hungarian people in their struggle for democracy.

To a degree perhaps not easy to imagine at the end of the 20th century, there was a great deal of popular pressure upon Western governments to grant immediate access to the refugees. No central agency for the registration of the refugees arriving in Austria was established because of the perceived need to resettle them as soon as possible. In a memorandum of 20 November 1956, for example, the UNHCR branch office in Vienna informed the High Commissioner that it was simply not possible to carry out the normal screening and eligibility procedures.²⁵ It was therefore agreed with the Austrian authorities that detailed screening should take place in the country of resettlement.

The speed with which the refugees were resettled can be gauged from the figures relating to arrivals in the United States. The first group of 60 Hungarian refugees arrived by aeroplane on 21 November 1956.²⁶ A large army base, Camp Kilmer in New Jersey, was turned over for the temporary accommodation of the refugees. By the end of February 1957, a further 9,000 refugees had been flown across the Atlantic by the US Air Force and another 7,000 arrived on US Navy ships. By mid-1958, the United States had resettled some 38,000 Hungarian refugees. Other major countries of resettlement included Canada (35,000), the United Kingdom (16,000), the Federal Republic of Germany (15,000), Australia (13,000), Switzerland (11,500), and France (10,000). Smaller numbers were resettled in places as diverse as Chile, the Dominican Republic, Iceland, Ireland, New Caledonia, Paraguay and South Africa.

Repatriation to Hungary

Even in the context of the Cold War stand-off, resettlement was not the only solution available for the refugees. A number of refugees, including in particular those divided from their immediate families, opted for repatriation. Such repatriation was encouraged by the Hungarian government. The Kádár regime, installed on the back of the Soviet military intervention, began cautiously to display signs of modest independence from 1957 onwards. This was tacitly tolerated by the Soviet Union. In this sense, there was a considerable difference between post-1956 Hungary and post-1968 Czechoslovakia, the object of an even more repressive Soviet military intervention.

As early as late November 1956, the new Hungarian government had offered a limited amnesty to those who had fled as a result of the uprising.²⁷ The acute political tensions notwithstanding, High Commissioner Lindt established contact with the new government. As a subsequent legal adviser to the High Commissioner noted:

Box 1.5

Chinese refugees in Hong Kong

As a city on the southern coast of China under British colonial administration from 1842, Hong Kong became a refuge during periods of unrest on the Chinese mainland. Its population was swollen by people seeking sanctuary from the Taiping Rebellion in the 1850s, the Boxer Rebellion around 1900, the revolution that resulted in the foundation of the Republic of China in 1912, and the Sino-Japanese War of 1937–45. Following the Japanese defeat of British forces in December 1941, Hong Kong's population declined by over a million to about 650,000, but most of those who fled during the Japanese occupation returned when British control was re-established in 1945.

In 1949–50, these returnees were joined by hundreds of thousands of new arrivals fleeing from the triumph of the communist forces in China. Many of these new arrivals subsequently returned to their homes on the mainland once peaceful conditions returned. Hong Kong's population began to stabilize at around 2.25 million in 1953–54. This more than threefold increase in population in just eight years put a severe strain on the local infrastructure.

The representative of China to the UN raised the issue of these new arrivals in the UN General Assembly in 1951 and 1952. In response, in 1954, High Commissioner van Heuven Goedhart dispatched a 'survey mission' funded by the Ford Foundation to investigate the case of the Chinese refugees in Hong Kong. According to the mission's report, submitted in 1954, not all of the new arrivals could be considered refugees with a 'well-founded fear of persecution'.ⁱⁱ It identified some 285,000 people who had come to Hong Kong for 'political reasons',

amounting to 53 per cent of the immigrants who had arrived between 1945 and 1952. This figure rose to 385,000 including 'refugees *sur place*' (those who had initially come for other reasons but who were unwilling to return for political reasons). The figure rose even higher when taking into account all members of refugee households, such as spouses and Hong Kong-born children. By including all these categories, almost 30 per cent of the total population of Hong Kong at the time of the mission survey could be classified as 'refugees'. This appeared to reaffirm the common assumption in Europe and North America at the time that virtually anyone leaving a communist state was a refugee.

This relatively straightforward picture was complicated by two main factors. First, the British did not recognize that a refugee situation, as such, existed in Hong Kong. The vast majority of the new arrivals, regardless of their motives for entering the colony, had integrated and were able to move around freely. Less than one third of the heads of household of the new arrivals were registered with a refugee organization. The British considered that while there were problems of overcrowding and a lack of basic services, the Chinese population was not discriminated against. The one exception to the new arrivals entering the community at large was the settlement at Rennie's Mill, which was inhabited mainly by Guomindang sympathizers from northern China, who remained separate from the majority of Hong Kong Cantonese.

The second factor was the curious legal position of the new arrivals in Hong Kong. While hundreds of thousands left China for political reasons, there was theoretically nothing to

prevent them from returning safely to China, in the sense that they could go to Taiwan. This was where the government of the Republic of China (as recognized by the United Nations until 1971) was based. Strictly, therefore, it could be argued that the new arrivals in Hong Kong were not refugees as they had the protection of, and could return to, their state of origin. In practice, however, the number of new arrivals from mainland China who were accepted by nationalist Taiwan was relatively small, even though the mission survey had shown that well over half of the new arrivals in Hong Kong had expressed a willingness to be resettled in Taiwan. This may have been due to Taiwanese fears that the new arrivals might try to subvert the nationalist government. In the end, the nationalist regime in Taiwan admitted over 150,000 refugees from Hong Kong and Macau between 1949 and 1954.

The United Kingdom, meanwhile, recognized the government of the People's Republic of China in Beijing and dealt with it directly in attempting to control the movement of people to Hong Kong from mainland China. Thus, the attitude of the colonial government, and the curious situation of people in Hong Kong belonging to the two Chinas of the time, prevented more vigorous intervention by UNHCR. Nevertheless, in 1957, the UN General Assembly requested UNHCR to use its 'good offices' to seek contributions to assist the Chinese refugees in Hong Kong, marking a first step towards UNHCR's involvement with refugees outside Europe.ⁱⁱⁱ Funds raised by UNHCR during World Refugee Year in 1959/60 were channelled in particular to housing projects being undertaken by voluntary organizations in Hong Kong.

'The humanity and courage of this action did much to break the almost complete isolation of his Office from the Socialist countries and to facilitate family reunion and the large return movement which took place in the succeeding months and years.'²⁸

Lindt went to considerable lengths to see that UNHCR played a positive role in the voluntary repatriation of refugees. Specific procedures were established in both Austria and Yugoslavia to this end. Hungarian repatriation missions were always accompanied by Hungarian-speaking staff members, and refugees wishing to go home were accompanied to the border by UNHCR staff. In January 1958, when Lindt visited Budapest at the invitation of the Hungarian government, he met with a number of the refugees who had returned home.²⁹ Altogether, some 18,200 refugees returned to Hungary, representing more than nine per cent of the total.

The problem of unaccompanied minors

A particularly vexed question was raised by the problem of 'unaccompanied minors', now often referred to as 'separated children'. When refugee children flee on their own or become separated from their families during flight, they are highly vulnerable. Determination of refugee status for such children is difficult but important, since only in so far as a minor can be regarded as a refugee does he or she come within the mandate of UNHCR.

In November 1956, the Hungarian authorities requested that the Austrian government return unaccompanied children under the age of 18. The matter was discussed at an urgent meeting between UNHCR and ICRC in Geneva on 13 December. It was agreed that children under 14 would have to be repatriated if both parents were in Hungary and if they asked for the child's return. The age distinction was later dropped. Requests had to be made in writing to ICRC which, unlike UNHCR, was represented in both Austria and Hungary.

From the start, it was foreseen that problems might arise if the parents could not be traced, if only one parent were alive, or indeed if the child were an orphan. In these cases, the best interest of the child had to be taken into consideration. It was the legal authority of the country concerned which was judged to be competent in this matter.³⁰ There remained a substantial problem, however, where both parents demanded the return of the child to Hungary, but the child objected to such a return. UNHCR was to confront similar problems relating to unaccompanied minors many times in the years ahead.

Bridging the East-West divide

In April 1961, Lindt reported to the UNHCR Executive Committee that the progress achieved towards a solution of the Hungarian refugees meant that 'it was no longer necessary to treat these refugees as a special group'.³¹ UNHCR's international profile had been substantially raised as a result of its emergency operation to assist the Hungarian refugees. If there was a defining moment for UNHCR in the 1950s, it was the Hungarian refugee crisis.

In particular, the attitude of the US government towards UNHCR changed for the better after 1956. Indeed, what was most remarkable about the crisis was the passive acquiescence of Western states in what they deemed a Soviet *fait accompli*. In that sense, as with many of the high profile crises in which UNHCR was to be involved in the years to come, governments in London, Paris, Washington and elsewhere were relieved that ‘something was being done’.

The Hungarian refugee crisis was important to UNHCR because, for the first time, it opened doors for the organization in the communist world, both in Yugoslavia and in Hungary itself. This came about largely as a result of High Commissioner Lindt’s political and diplomatic handling of the crisis. One of Lindt’s main achievements was that of extending support to countries in the communist world, whilst securing the support of the Western world in general and the United States in particular. Earlier US scepticism towards UNHCR gave way to a recognition of the need for an international body with specific responsibilities for refugees.

The Hungarian crisis was the first big emergency in which UNHCR was involved. It highlighted the need for maintaining an international system for handling refugee emergencies as they arose. During the crisis, UNHCR had played a critical role as a coordinating body, linking up not only with governments, but also with non-governmental organizations and inter-governmental agencies. The crisis had also demonstrated in a remarkably clear way the close connections between UNHCR’s various functions—providing not only international protection and material assistance but also searching for permanent solutions to refugee problems.

UNHCR’s handling of the Hungarian emergency played a major role in influencing the passage of a General Assembly resolution the following year which recognized that the refugee problem was global.³² This resolution provided for the establishment of an emergency fund. It also established the Executive Committee of the High Commissioner’s Programme (EXCOM), to approve the High Commissioner’s annual material assistance programme and to advise the High Commissioner, when called upon, on matters concerning the Office’s protection and assistance functions. Both organizational changes marked a wider acceptance of the ongoing role of UNHCR, which was further consolidated by World Refugee Year in 1959/60. Amongst other things, this publicized not only UNHCR’s work in Europe but also its work on behalf of Chinese refugees who had fled to Hong Kong [see Box 1.5] and on behalf of Algerian refugees in Morocco and Tunisia.

UNHCR’s involvement with Chinese refugees in Hong Kong represented an important breakthrough in the evolution of the organization’s work. It was on behalf of this specific group that in November 1957 the UN General Assembly first asked UNHCR to use its ‘good offices’ to seek funds to assist a group of refugees who were outside Europe.³³ Although relatively little support was eventually needed, as the refugees were soon absorbed into the expanding Hong Kong economy, the request set an important precedent for UNHCR’s involvement in the developing world. For the first time, the organization was becoming equipped to handle major refugee crises not only in Europe but also beyond.

Endnotes

Many of the documents cited in the book are drawn from the UNHCR archives. These references give the author, recipient (if appropriate), the title or subject of document, file, unit, date, and fonds and series number (e.g. F/HCR 11.2).

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