

THE DEVELOPMENT OF
INTERNATIONAL ASSISTANCE TO REFUGEES
FROM THE NANSEN OFFICE TO THE PRESENT (1921-1952)

(A thesis presented to the Department of History as
partial fulfillment of the requirements for the degree
Master of Arts.

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Date: June 1953

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PREFACE

During 1951, I spent some time in the displaced persons camps in Germany as an employee of the United States Displaced Persons Commission. Throughout this period, I was in very close contact with displaced persons and refugees and their conditions, both material and mental. No matter what was done for their comfort while they were in the camps, their overriding concern was centered on losing the degrading status of "refugee". As long as there was a chance of their moving, any sort of condition of care and maintenance would be tolerated temporarily. When any of this group found that emigration opportunities were not available, or when a change in the laws of some receiving country caused them to be considered ineligible for movement because of their past affiliations - national or political - they became extremely bitter, non-cooperative and usually vindictive. However, their wrath could not be directed at the persons who were helping them in the camps, but rather at the far away governments that were passing cold, unemotional and selfish laws that provided, or denied, them a chance to start anew.

This sort of situation made me realize that the plight of the individual refugee is not used as the criterion for the setting up a program of aid or resettlement; there are other overriding factors that must be, and indeed which are, considered. Hence I undertook a study of the refugee situation, not in light of camp conditions, internal administration of refugee organizations or personal sufferings of the refugees themselves, but rather in light of the general development of the international assistance programs. It seemed to me that an understanding of this development was of primary importance in order that some perspective could be gained on the status of the present-day refugee problems. The advantage of this perspective is that one is able to discern how a refugee problem looks from the "outside"; the relationship becomes somewhat impersonal, but at the same time, one is able to arrive at a more realistic solution as a result.

Proof that a realistic solution can be worked out, particularly in the case of Europe, is to be found in the setting up of the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME). ^{1/} Built up patiently on

^{1/} This organization is discussed in Chapter XVI, below.

the experience of the past, this program is handling the problem as an unemotional "business". Unfortunately this paper was written during PICCME's early development and organization and its performance cannot be passed upon here. Nevertheless, its establishment was a logical follow-through of the principle that refugee problems have to be handled in a cold and calculating way.

The importance to the Arab World of a topic on the development of the international assistance to refugees becomes quite apparent after a few moments reflection. Today, the Palestine refugee situation symbolizes almost all the conflicts currently existing in the Middle East: the Israeli problem, the fear of Western encroachment and domination in trade, culture and politics, the fear of becoming a pawn in the present two-power struggle between the United States and the Soviet Union, and, the realization that to meet future threats, the whole area with its peoples must be awakened to the crisis. All these have been made vivid in the minds and hearts of the Arabs since it was found that they weren't able to withstand a common enemy.

It is the putting of this problem in perspective with the other major refugee problems of the world since the end of the First World War that helps bring many facets of the above mentioned Arab problems and conflicts into view. First of all, while the refugee problem is all-consuming and vital to the Arab countries and their precarious **economies** and standards of living, it is rather difficult to excite any of the European countries which, themselves, have been deluged continuously with all sorts of refugee problems. They have known what it is like to have a menacing neighbor next to their borders as they have known what it is like to receive thousands of terrorized people with almost no resources of their own. Refugee treatment in Europe has always been in a state of emergency and, understandably enough, always considered inadequate. To Europe, the Palestine problem is just "another" refugee situation of which they cannot be too concerned; their is pressing enough.

Secondly, it can be rather easily understood that when a group of highly organized agencies appeared on the scene of Europe and offered to take a portion of the unfortunate off their

hands and resettle them in some far off land - Palestine, a Promised Land - who among the European authorities would hesitate and ask if the population already there would mind? This was an opportunity to present an humanitarian solution for a group of people singled out for persecution and extermination. The rest of the onlooking countries were only too happy to contribute to such an easy solution; besides, it kept these refugees out of their own respective countries. Support was of the " guilty " conscience " type.

Thirdly, while the Arabs link their refugee problem directly with their political problems and will not allow any separate solution, those countries that are in a position to aid feel that there should be a separation; otherwise, contributing merely for the subsistence of a group of people that is not, at the same time, ready or willing to accept any other offers to alleviate their plight, seems futile and wasteful. Unhappily, this situation has continued to exist for the last five years. The understandable result has been that the refugees have grown to detest the agency set up to aid them; the agency finds fault

with the refugees and calls them a worthless lot; the Arab Governments distrust the intentions of the agency in its suspected role of helping carry out the "plot" of the West against the Arabs and forbid the resettlement or reintegration of any sizeable group; and the countries contributing to the program of care and maintenance feel that their contributions are doing nothing more than allowing a ridiculous situation to continue. While the governments involved realize what is going on, it is the less informed public behind them that begins to balk at giving more aid to, what they consider, an ungrateful group of governments.

These and many more relationships between a study of this sort and the present Middle East situation can be derived. Naturally, the scope and size of this thesis does not allow for more than a passing reference to the many related considerations of this story of the development of assistance to refugees. In all cases, the politics of the situation have been ignored as much as possible in order to avoid "justifications" for the activity of interested countries. Just as the refugees themselves consider governmental dealings irrelevant to their plight, so must this study for its purposes.

Beirut, June 1953

INTRODUCTION

The refugee is usually considered that person who is not protected by the government of the state of which he has been, or still is, a national. The reasons for this condition are many, but it is primarily because of some conflict with the established authority of that country.

It is not easy for people to leave their country of birth or residence to seek better fortune in another country if there is no assurance of their being received hospitably. It is only when all hopes of continued safe residence are gone, or when a policy of forceful ejection is being pursued by the authorities, that people decide to take such a risk. The number of refugees that are only economic opportunists, i.e., those motivated strictly by personal economic factors, has been comparatively small.

Since World War I, the numbers of persons involved in refugee movements have mounted, and with the rising numbers have come increasing difficulties in providing any form of solution. Countries that normally accepted refugees from neighboring countries

without too great protest, soon began to attach severe restrictions. Opportunity for economic absorption was limited and the non-recognition of a legal status for the refugees caused immobility on the part of the latter, thereby forcing him to be a liability to the economy of his country of refuge.

There were four main factors that influenced these restrictive policies: 1) the growth of authoritarian states on religious, political, class or racial backgrounds; 2) the growth of nationalism, with its attendant tendency toward economic exclusiveness which discriminated against the employment of non-citizens; 3) the growth of trade unions and social services which also added to the obstacles for ready assimilation of aliens; and 4) the growth of states demanding greater political loyalty and not tolerating conflicts with their authority, even from their citizens.

Discussion in this paper is limited to the rise of the international organizations designed to meet and alleviate the problem that was caused by the above mentioned factors. This treatment is further limited to the documentary and chronological aspects as those persons falling within our discussion are defined.

The period covered is from September 1, 1921 - when Fridtjof Nansen was made the first League of Nations High Commissioner for Russian refugees - to the middle of 1952 - when the Provisional Intergovernmental Committee for the Movement of Migrants from Europe started moving in the direction of combining the current refugee problems of Europe with the general problem of overpopulation. In the case of the Palestine problem, the treatment continues until the early part of 1953.

The general aim of the agencies set up to meet the refugee problems has been, and remains, to devise the speediest means of restoring the refugee to self-subsistence and, at the same time, find means of financing him in the interim. However, many obstacles and pitfalls have made the realization to this aim extremely difficult. Aside from the operational difficulties normally encountered at the hands of the various governments involved with the refugees, there has been the very important difficulty of convincing the contributory governments that in order for any agency to meet and solve a refugee problem, adequate financing and capable and experienced supervision must be provided.

Whereas the early treatment of refugees' settlement has been done on an humanitarian basis, the increase of numbers in refugee movements and the crisis in finding countries willing to receive them has made technical organization a sine que non.

As one group, carrying out a study for the Intergovernmental Refugee Committee during the last war, put it:

Refugee settlement as it has developed to date is primarily a great humanitarian movement inspired by compassion on the part of individual groups for the oppressed and persecuted, and powered in the main by contributions of private philanthropy. Under the circumstances, it was almost inevitable that a certain amount of impractical idealism should invade the field of practical operations. But if the purpose is to transplant large numbers of people under conditions most conducive to economic independence, the maintenance of health and future security, impractical idealism must ultimately give way to practical organization and expert operation of the undertaking. 1/

This study foreshadowed the activity of the International Refugee Organization in its last stages and the Migration Committee for Europe with their lumping together of the refugees problem with the problems of population displacements within an area and of overpopulation. It also foreshadowed the initiating and fostering of economic development programs within the countries

1/ The Brookings Institution, Refugee Settlement in the Dominican Republic, Washington: The Brookings Institution, 1942. p. 10. This is a report on the economic problems involved in settling refugees in the Dominican Republic,.

of refuge in order that the absorptive capacity of those countries might be increased, thereby relieving the strain on the national economies.

In all cases, the success or failure of any of these organizations and schemes is directly contingent upon the amount of support given by the individual governments, since they are the final authority for allowing any activity within their boundaries.

The Beginning of League Participation

The League of Nations became directly involved in the refugee problem when the Joint Committee of the International Committee of the Red Cross and the League of Red Cross Societies called a conference of the principal organizations already concerned with the problem. This meeting was held on February 16, 1921 and was primarily concerned with those refugees that were from, or coming from Russia. On February 21st, this Committee invited the Council of the League to appoint a High Commissioner to define the status of the refugees, to secure their repatriation or their employment outside Russia and to coordinate measures for their assistance. This action was prompted by the fact that the emergency resources and funds of these organizations were becoming exhausted, and that there was no central coordinating body that could direct the efforts more effectively and efficiently.¹ Further, it was felt by these organizations that the League was "the only supranational political authority capable of solving a problem which is beyond the power of exclusively humanitarian organizations."²

Dr. Fridtjof Nansen, already acting as League High Commissioner

1) Sir John Hope Simpson, The Refugee Problem, London: Oxford University Press, 1939. pp. 198-199.

2) Quotation cited by Louise W. Holborn, "The League of Nations and the Refugee Problem", The Annals, CCIII (May 1939), p. 124.

for the repatriation of prisoners of war, was appointed as the High Commissioner for Russian refugees as of September 1, 1921. His work was to involve the three aspects mentioned above, but with the understanding that his office could take no responsibility for the organization or financing of relief and that its work would be considered temporary; two qualifications that persisted through the refugee work done by the League.¹

The immediate concern of this office was confined to those Russians who opposed the rise of the Bolshevists and were subsequently put to flight and denationalized by Soviet law. However, the urgency of other refugee situations enlarged the Office's scope of activity to include the Greek and Armenian refugees from Anatolia and the Bulgars arriving from Western Thrace.

In organization, the High Commissioner's Office was designed to have as direct contact as possible with the countries providing asylum and / or financial aid and relief, and with the refugees

1) Simpson, op. cit. p. 200. In his early work, Nansen had secured the cooperation of the Soviet Government along with the executive assistance from the national Red Cross Societies and, in 1921, he had accepted an invitation of the governments and private organizations to act as commissioner for the organization of relief to the populations in Russia suffering from famine. Because of his influence and proved ability to get governments to cooperate, he was the only practical choice the League could make to head this new Refugee Office. (p. 200).

themselves. The governments were asked to appoint officials that would communicate directly with the office and at the same time serve to receive communications from the Office. Nansen appointed some representatives in those countries to maintain this contact. As time went on, this work between the governmental officials and Nansen's representatives necessitated the setting up of local offices.¹

During this early period of the League's activity, an Advisory Committee of Private Organizations was formed in order that the problems facing the individual organizations be collected and presented to the League in hopes of receiving competent guidance and coordination. This committee worked closely with Nansen and went on to draw up a list of resolutions that were considered important and necessary. Nansen submitted them to the Council of the League in his report of July 20, 1922. They asked:

1) Holborn, op. cit., p. 125.

- 1) that immigration countries take note of the refugee problem;
- 2) that Nansen offices be established in Poland and Rumania in order that the entire Russian problem be met; ¹
- 3) that the High Commissioner be asked:
 - a) to continue work on Russian Refugee certificates and visas,
 - b) to convene an international conference on this matter,
 - c) to have the Legal Section of the League Secretariat meet with the Russian Jurists to determine the legal status and situation of refugees in capitulatory countries,
 - d) to have the powers assure legal status in Constantinople after the Nansen Office leaves,
 - e) to make representations to those countries which are passing laws that create or aggravate the refugee problem. ²

All this activity was aimed at a program that didn't hold repatriation as the only solution and considered the doling out of relief and charity for the refugees as futile; neither course of action would provide a solution to the actual problem. Both Nansen and the Advisory Commission were trying to set up a system whereby the refugee could be made a self-supporting and

1) At the time, the only office was in Constantinople. The feeling was that on-the-spot offices would be more efficient and effective.

2) League of Nations, Official Journal, III (August 1922). p. 925. (to be cited as Official Journal hereafter.)

productive unit of the country he was in. This means that some legal status had to be secured and such status could be achieved only by the concurrence of the interested governments. Nansen, himself, devised a Certificate of Identity and a visa that would serve this purpose and presented them along with the Advisory Commission's resolutions. At the Intergovernmental Conference in July 1922, fifty-two countries adhered to an Agreement which issued these certificates to the Russian refugees in their respective areas of residence.¹ Two years later, on May 31, 1924, another Arrangement was agreed to by thirty-eight states extending these provisions to Armenian refugees. In 1928 the provisions were extended in Assyrian, Assyro-Chaldean, Turkish and Assimilated Refugees, and on May 24, 1935 to Saar refugees.²

In presenting his proposal to the Council, Nansen said:

The proposed document contains all the information usually included in a passport and states that the bearer is a Russian national by origin and that he has acquired

1) Ibid., pp. 926-928.

2) Holborn, op. cit., pp. 125-126 and footnote 5 on p. 126.

no other nationality. The document will cease to be valid if the bearer enters Russian territory at any moment, and will be issued subject to the laws and regulations with regard to the control of foreigners in force in the States concerned. 1

This document became known as the Nansen Passport and served as an identity card and travel document, and was issued only on a yearly basis. By the Arrangement of May 12, 1926, the right for the holder to return to the country issuing the passport was granted by twenty-three states. Although most of these countries granted the same rights that usually go to an alien with a foreign passport, they made no concessions providing for equal treatment with citizens in matters of labor permits, social security and taxation. However, this arrangement was a definite start in getting international interest aroused over the mutually depressive presence of these unfortunates. 2

In June 1928, upon the recommendation of the League Assembly, another Intergovernmental Conference was held for the purpose of providing a clearly defined and stable legal

1) Official Journal, III (August 1922). p. 926

2) Holborn, op. cit. p. 126

and personal status to the refugees. As in most of the conferences of this type, only those countries which were directly concerned with the refugee problem entered into any form of accord. Those countries not directly affected by the pressure created by the refugees generally abstained from official participation in order that they remain unobligated towards the refugees. They did, however, contribute financial and material aid from time to time as a token of good will and international concern.

Throughout these various conferences, four classifications of countries were recognized and subsequent appeals for aid were made on this basis:

- 1) those geographically close to countries of origin who had the obligations of asylum and transit;
- 2) those sparsely populated or developing which had the obligation of allowing for settlement of nonrepatriable refugees;
- 3) those which could not receive refugees but could help financially or materially;
- 4) those where internal conditions cause refugee movements which had the obligation of not being indifferent

to the problem. Naturally, the obligations that went with the classification could not be binding upon any sovereign state but the aim of the League organization and personnel was to get these obligations voiced so that they would be recognized by all countries and become morally binding.¹

From this conference emerged " An Arrangement Concerning the Legal Status of Russian and Armenian Refugees " dated June 30, 1928 and signed by fifteen countries: Austria , Belgium, Bulgaria, Czechoslovakia, Egypt, Estonia, Finland, France, Germany, Greece, Latvia, Poland, Rumania, Switzerland and Yugoslavia.²

According to the Arrangement:

The High Commissioner is recommended to appoint representatives in the various countries, in consultation with the interested governments, vested with the following functions, many of which are already exercised semi-officially by his representatives, and which should be given as official a character as possible, and for which moderate fees might be charged:

- a) To certify the identity of the refugees
- b) To certify the civil status of the refugees
- c) To attest the regularity and legality of documents issued in the refugees' country of origin

1) Official Journal, XVII (February 1936). pp. 144-145.

2) Ibid . (March 1929). pp. 483-485 .

- d) To certify the signature of the refugees and copies and translations of documents drawn up in their own language
- e) To attest vis-a-vis the authorities, the character and good conduct of the refugees, their previous records of service, their professional and academic qualifications
- f) To recommend the refugees to the competent authorities, particularly for obtaining visas, permis de sejour, admission to schools, libraries, etc.. 1

Besides the definition of his personal status, the refugee was promised:

- 1) Enjoyment of certain rights usually granted to foreigners on conditions of reciprocity
- 2) Benefit, under certain conditions, of free legal assistance
- 3) Recommendation that restrictive regulations concerning foreign labor be not continuously applied to the refugees
- 4) Relaxation, in certain circumstances, of expulsion measures
- 5) Fiscal equality with nationals
- 6) Facilities for obtaining and prolonging passports and visas and for freedom of movement
- 7) That the identity cards be issued with the understanding that a person may return to the country where it was issued. 2

At the same time, a resolution was adopted stating that those refugees who contributed to the cost of social services in a country would receive equal treatment with the nationals.

1) Ibid . p. 485 .

2) Ibid.

Earlier, it had recommended that the International Labor Office (ILO) take over the technical aspects of employment, resettlement and migration while the Nansen Office remained occupied with the legal aspects of the refugee problem. Although reluctant to accept, the ILO acquiesced and entered into this dual arrangement which was to last from January 1925 until the end of 1929. Overseas migration and colonization were considered the main aspects of their respective programs aimed at alleviating the strain caused by the refugees. However, little success was achieved in diminishing the number of these persons with the cause of this failure generally attributed to the lack of funds for large-scale migration operations and because of the onset of the world economic crisis. ¹

The ILO discontinued its participation in the refugee work on the grounds that its work was completed and that continuance of its participation would mean duality of functions.

1) Simpson, op. cit. pp. 197-198. The Staff of the High Commissioner was incorporated in the Diplomatic Division of ILO with Major Johnson as its chief. He was also assistant High Commissioner for Refugees thereby allowing for close coordination in the technical and political aspects of the Problem. (Holborn, op. cit. p. 130).

During its period of operation it claimed that it found work for approximately 60,000 persons; it felt that the work remaining was one of colonization, to be preceded in some cases by the establishment of training centers, and of important legal, financial and political questions which belonged more properly to the competence of the High Commissioner. ¹

This situation initiated a reorganization of the League's refugee activity in an effort to maintain, and further achieve, efficiency. The problem was to set up a basis for an autonomous international refugee office to handle the humanitarian aspects while the regular organs of the League kept jurisdiction over political and legal protection of the refugees. This task was entrusted to Dr. Max Huber who was then president of the International Red Cross Committee.

In his letter of transmittal, when presenting to the League his findings, he explained that he had allowed nine years to settle all problems relating to the program and that

1) Simpson, op. cit. p. 206 .

he had accordingly made elastic statutes in order that the organization could adapt itself to changing conditions with little difficulty.¹ Coming under the direction of the League, the new organization was to have the following functions:

- a) Collecting and collating information regarding the material and moral welfare of the refugees; facilitating the task of finding them work and settling them, and for that purpose collecting useful information as to the conditions of labor in the countries to which they emigrate;
- b) Giving general directions to relief institutions which already exist, or which may be established subsequently with the authorization of the various national authorities, and coordinating their work;
- c) Collecting and distributing with the help of other bodies, particularly the Advisory Committee of the private organizations the resources placed at its disposal with a view to the improvement of the lot of the refugees, including the resources derived from the sale of Nansen stamps; 2
- d) Facilitating, within the limits of its competence, the application, in particular cases, of the arrangements that have been made for the benefit of refugees.

For the attainment of these objects, the Office may organise local centers dependent on itself, after consulting the national authorities. 3

1) Official Journal, XII (February 1931). pp. 308-309.

2) The Nansen Stamp was actually a tax paid by the richer refugees for the benefit of the poorer. Apart from the material benefits it provided, the systems embodied the useful principle of organized selfhelp, and did provide a symbol of solidarity among the refugees. In actual practice, much of the proceeds from this fund was used in local relief and not for the original purpose of financing the program. (Simpson, op. cit. p. 205).

3) Official Journal XII (February 1931), pp. 309-310.

These recommendations were approved by the League Assembly on January 19, 1931; the date of liquidation was simultaneously set for December 31, 1938. On April 1, 1931, the autonomous Nansen International Refugee Office began its operations with Dr. Huber as its first president. ¹

1) Dr. Nansen died on May 13, 1930, but to keep before the governments and organizations the need for continuing his work, the new refugee office bore his name. Further, subscriptions for a Nansen Memorial Fund was opened in order to provide extra funds for the humanitarian work which he had supported so long. (Simpson, op. cit. pp. 207 - 208).

The 1933 Convention on Refugee Status

With a time limit of eight years for the League's work for refugees, it was decided to consolidate and assure legal protection by an international Convention which should be binding on the Contracting Parties after the Office disappeared. The Council of the League endorsed the proposal for drafting such a Convention on May 22, 1933; it was completed and ready for signing by October 28 of the same year.¹

Besides stating that such action is in accord with the Covenant of the League and with previous international measures, the preamble of the Convention states that it is

Anxious to establish conditions which shall enable the decisions already taken by the various States with this object to be fully effective, and desirous that refugees shall be ensured the enjoyment of civil rights, free and ready access to the courts, security and stability as regards establishment and work, facilities in the exercise of the professions, of industry and of commerce, and in regard to the movement of persons, admission to schools and universities.....²

The contents of the Convention did sum up rather thoroughly the previous Arrangements made on behalf of the refugees and most of the principles are the same as those mentioned in the preceding chapter.

1) Simpson, op. cit., pp. 210-211. Text of this Convention is found in Appendix VII, pp. 566-594 of Simpson.

2) Ibid., p. 566.

The follow-through on this Convention was not impressive. Only five countries signed it immediately, and the first ratification of signature did not come until December 1934 ! By August 1937 only nine ratifications were received, and with these ratifications, there was the right to make as many reservations or modifications of the articles as was thought to be in the interest of the ratifying country.¹

Michael Hansson in a survey presented to the League Assembly declared:

The Convention represents as it were a goal to be striven for; it confers upon refugees the maximum legal advantages which it has been considered possible to afford in practice.²

He went on to state that the restrictions to its practical value were that it applied mainly to Russian refugees and that there were too many reservations on the refugees' economic and social rights. Also, the main reasons for most countries not acceding to the Convention were that they did not want to give such treatment to refugees and they were afraid to commit themselves on obligations that would have to be reconsidered in the light of changing matters in international affairs.³

1) Original signers were Belgium, France, Bulgaria, Egypt and Norway. Later Denmark, Italy, Czechoslovakia and the United Kingdom acceded.

2) Official Journal , XVII (February 1936). p. 156 .

3) Ibid. pp. 156 - 157 .

Guiding Tenets of League Participation

The principles under which the League operated raised certain operational difficulties. While accepting responsibility for the legal and political protection of certain categories of refugees, it at no time gave official encouragement for the extension of this protection to all categories. Secondly, there had never been any guarantee that the status gained for the refugees by the League would be permanent; the Nansen Office was set up for the "liquidation" of a specific problem with no indication that the benefits accruing to the refugees under its jurisdiction would remain for the benefit of the unassimilated refugees after the dissolution of the Office. Third, the financial policy limited League funds to administrative purposes. sometimes grants were made, but only when a crisis was evident or urgent matter demand immediate attention.¹

Financial resources for operations were received primarily from governmental contributions, either direct or in the form of supporting various facets of the general program; from private institutions or individuals. The League organizations

1) Simpson, op. cit. pp. 192-194.

were expected to coordinate the efforts made by, and the contributions received from, others.¹

Sir Samuel Hoare, Nansen's deputy, made an appeal to the League Council asking for funds for the administration of the High Commissioner's Office, and sounded the tone that was to continue even to the present in appealing for financial support from the central international body:

I am aware that the League has never undertaken any financial obligation regarding the refugees. Indeed, it has expressly guarded itself against financial liabilities, and, as a result, is apparently without financial resources. None the less, I say that a year ago, when the High Commissariat for Russian Refugees was officially formed, the League undertook some kind of obligation. Without money it cannot hope to deal with the problem. With a limited sum it cannot only hope to deal with it, but it can actually hope to solve it. It is on this account that I press the Council as strongly as I can to provide the small sum (30,000 pounds) for which I have asked, and by this means gain for the League the credit, not only in Constantinople, but throughout the world, of having solved an administrative problem that for its urgency and its human interest is second to none in importance. 2

Another point that the League remained unyielding on was its refusal to set up a single agency to handle the entire refugee problem. Instead, it set up various ad hoc organizations

1) Ibid.

2) Official Journal, III (May 1922). p. 401.

to meet the problems not covered by the Nansen Office, e.g., the refugee Settlement Commission for the Greek situation, the appointment of a League Commissioner to supervise the expenditure of relief funds for the Bulgarians, the Board of Trustees set up by the League for the Assyrians, and the separate High Commissioner's Office for the refugees coming from Germany and Austria after 1933.

Some explanation for the League's attitude comes from the fact that it was an association of States aiming at universality and in undertaking the protection of people driven by persecution of one sort or another from a given state it would incur some sort of hostility from that member or potential member. In early dealings with Russian refugees, this attitude wasn't of prime concern since Bolshevist Russia was not generally recognized by the individual powers; but in the case of the German refugees, the relationship between the organization set up to handle the problem and the League was as slim as possible.¹

1) Simpson, op. cit. pp. 191-192.

The Refugees from Germany

More problems were presented to the League when the internal situation of Germany caused a great surge in the flow of refugees; these refugees were mostly Jewish seeking to escape from the discriminatory policies of the German government towards them. Petitions from interested governments and organizations to the League for some positive steps on behalf of these unfortunates were finally answered by the establishment of a separate High Commission for German Refugees. There were various reasons why this a new organization was established instead of being incorporated with the Nansen Office: first, there were those who feared that such added activity would give the Nansen Office reason to prolong its life, thereby making it a quasipermanent organ of the League; secondly, the private Jewish organizations that were operating in this problem had great resources and didn't want to lose representation proportionate to their wealth by being connected with the Nansen Office and the other organizations not directly concerned with the German

problem; and, lastly, there was the fact that Germany, being a member of the League, was hostile to any close connection of the League with an organization that implied passing judgement on Germany's national policy.¹

James G. McDonald, chairman of the Board of the American Foreign Policy Association, was appointed the first High Commissioner on October 6, 1933. After two years of trying to meet the situation, which became increasingly worse in light of the National Socialist Legislation passed at the Party Congress at Nuremberg in September 1935, and with virtually no funds coming from the League, save an early loan that was paid back, McDonald resigned in protest to the entire situation. His letter of resignation to the League was both a challenge to the League and a rebuke to Germany.

The private organizations, Jewish and Christian, may be expected to do their part, if the Governments, acting through the League, make possible a solution. But in the new circumstances it will not be enough to continue the activities on behalf of those who flee from the Reich. Efforts must be made to remove or mitigate the causes which created German refugees. This could not have been any part of the work of the High Commissioner's Office; nor, presumably, can it be a function of the body to which the League may decide to entrust future administrative activities on behalf of the refugees. It is a political function, which properly belongs to the League itself. ²

1) Simpson, op. cit. p. 215, footnote # 4.

2) Official Journal, XVII (February 1936). p. 160

... This is a function of the League, which is essentially an association of States for the consideration of matters of common concern. The Covenant empowers the Council and the Assembly to deal with any matter within the sphere of activity of the League or affecting the peace of the world. The effort of the League to ensure respect for human personality, when not grounded on express provisions of the Covenant or in international treaties, has a sure foundation in the fact that the protection of the individual from racial and religious intolerance is a vital condition of international peace and security. 1

Sir Neill Malcolm was then appointed temporary High Commissioner on January 24, 1936. He centered his attention on the legal and political protection of these refugees, and he succeeded in securing a Provisional Arrangement on the Status of Refugees until more binding international action could be taken. This Arrangement, dated July 4, 1936, gave the German refugees practically the same status that the other groups enjoyed in regard to identity cards and freedom of movement within defined bounds. 2

The definition given to a " Refugee coming from Germany "

was:

1) Ibid. p. 163. This letter is dated December 27, 1953. See Appendix II below for the chronology and development of the internal legislative treatment suffered by the Jews in Germany and Austria. This illustrates how a refugee situation can be created by the passing of discriminatory legislation against a certain element of the population.

2) Simpson, op. cit. p. 218. For text of the Arrangement see Official Journal, XVII (December 1936). pp. 1419-1423.

... any person who was settled in that country, who does not possess any nationality other than German Nationality, and in respect of whom it is established that in law or in fact he or she does not enjoy the protection of the Government of the Reich. 1

As in the preceding inter-governmental dealings , reservations were permitted, qualifications announced and the right to immediate denunciation acknowledged.

On February 10, 1938, a Convention concerning the Status of Refugees from Germany was drawn up and served the same purpose as did the Convention of 1933: it summed up the preceding inter-governmental arrangements and attempted to put moral obligations upon the international community. 2

1) Official Journal, XVII (December 1936).p. 1419. The signers to this Arrangement were Belgium, the United Kingdom, Denmark, Norway, Netherlands and Switzerland.

2) Ibid., XIX (March-April 1938). pp. 268-293. Text is also found in Simpson, Appendix VII, pp. 566-594. Of the estimated 150,000 refugees that had left Germany by 1939 all but 15,000 were Jewish and private Jewish Agencies were mostly involved in handling them. These operations were run rather efficiently, until the increased difficulties of 1938, for three major reasons: 1) the well-organized system the Jews in Germany had themselves; 2) the liberality of German Jewish communities in assisting emigration; and 3) the resources and organization of Jewish Agencies throughout the world were placed at their disposal. This third group had had a long history in aiding and planning such movements and therefore could apply their system to the emergency. Their system was not merely the transfer of people, but was one of training the emigrants for a new life. In their colonization of Palestine long before the emergency of 1933, the agencies trained the emigrants before they left their homes, continued to do so after their arrival in the new country, and supervised their work as settlers until they were firmly established. If money was loaned to individuals the terms of repayment were reasonable, and the money expended on the venture was adequate to insure successful resettlement. The money spent by the agencies on the general development of Palestine was not expected to bring a direct return. (Simpson, op. cit., p. 186,. Also see pp. 435-438 for elaboration of Agencies' program in Palestine.) More will be found on the matter of Jewish immigration in Palestine below in chapter XVII.

The New League High Commissioner's Office

With the end of the Nansen Office looming because of its set date of termination, and with the increase in intensity of the problem of the refugees coming from Germany, discussions were started to determine the course of future League action. The Committee on International Assistance to Refugees presented a report in January 1936 which surveyed the scope of the problem and made certain recommendations. Most of the information already mentioned above was enumerated in the body of their report; while they upheld the decision to dissolve the Nansen Office at the end of 1938, they maintained that the League was not in the least absolved from the obligation to handle the legal and political protection of refugees.¹

A review of the steps taken on behalf of the Nansen refugees was made, with the concluding remark being:

... The essential point is to ensure the permanency of those indispensable guarantees that are now afforded to these categories of refugees by the Nansen Office.²

1) Official Journal XVII (February 1936). pp. 142-159.

2) Ibid. p. 149.

It was further recommended that: a) German refugees should be given juridical status; b) diversity in treatment of the various groups of refugees should be eliminated as much as possible; c) countries of immigration - those which are in a state of evolution - should be prepared to receive refugees; and d) since the final step of assimilation and naturalization is an individual state's problem, the refugees should be taught that becoming citizens of their new countries is an advisable step; one which will make countries less reluctant to receive new groups of people than if the old feelings of allegiance were maintained.¹

This report led to the adoption on October 5, 1937 of a resolution on International Assistance to Refugees. It stated that there were 600,000 refugees recognized by the League and that upon the demise of the Nansen Office and the High Commission for German Refugees, a single agency should be set up to perform the necessary duties. This in

1) Ibid. pp. 149 - 50.

turn led to the final resolution which set up the new Office for five years as of January 1, 1939.¹ The new High Commissioner

for Refugees would have the following duties:

- a) To provide for the political and legal protection of refugees as entrusted to the regular organs of the League by Paragraph 3 of the Assembly's decision of September 30, 1939;
- b) To superintend the entry into force and the application of the legal status of refugees, as defined more particularly in the Conventions of October 28th, 1933, and February 10th, 1938;
- c) To facilitate the coordination of humanitarian assistance;
- d) To assist the Governments and private organizations in their efforts to promote emigration and permanent settlement.

[Further]...the High Commissioner shall have no power to enter into any legal commitment whatsoever on behalf of the League of Nations: the League assumes no responsibility, legal or financial, in respect of his activities. ²

Thus, while admitting its obligations, the League continued its policy of accepting no responsibility for the operation of the organs it authorized to be set up. The money that was granted by the League could only be used for administrative purposes and under no conditions for relief and resettlement of the refugees.

1) Ibid. XIX (May-June 1938). pp. 365 - 367.

2) Ibid. p. 366.

In treating the humanitarian aspect of the problem, the Committee stated that the prevailing conditions were a menace to the future of two generations and raised a moral and material problem. The League must distribute and place the refugees by: a) more specific agreements with countries that can receive larger amounts of refugees as settlers; b) training refugees for new occupations and skills; and c) making agreements to allow for refugees to transfer their property in order that a new beginning would be easier for them. Further, the work of the international organizations treating the refugee problem and of the League must be coordinated with private organizations to achieve greater unity and scope in their respective operations.¹

These recommendations of coordination and cooperation with the receiving countries were based on the facts that since the numbers of refugees were growing and since repatriation was out of the question, other countries not

1) Ibid. XVII (February 1936). p. 146.

presently sharing the burden of granting asylum would have to accept its share. The traditional countries of primary asylum were beginning to feel the pressure of this never ceasing problem.

The majority of Governments, which have applied the right of asylum in a liberal spirit, have found that their obligations in the matter of assistance, already complicated by unemployment, were further increased by the influx of refugees, and there was an inextricable network of countless general and individual cases in connection with the admission of refugees, public safety and police regulations, identification, housing, temporary or extended residence, the elementary right to subsistence (i.e., either to relief or to employment), provision for the sick, children, the infirm, the old, conveyance to other countries, and even refusals of admission and deportations; 1

This realization was to be a major consideration when the refugee organizations after World War II were established.

1) Ibid. p. 144.

The Intergovernmental Committee

Outside the League, other action was taken that was to strengthen the New High Commissioner's Office. On March 23, 1938, President Franklin D. Roosevelt, in the name of the United States, sent a message to twenty-nine countries—twenty American and nine European - asking that they attend a conference whose purpose would be:

1. To consider what steps can be taken to facilitate the settlement in other countries of political refugees from Germany (including Austria).....
2. To consider what immediate steps can be taken, within the existing immigration laws and regulations of the receiving countries, to assist the most urgent cases. ...
3. To consider a system of documentation, acceptable to the participating states, for those refugees who are unable to obtain requisite documents from other sources.
4. To consider the establishment of a continuing body of governmental representatives, to be set up in some European capital, to formulate and to carry out, in cooperation with existing agencies, a long-range programme looking toward the solution or alleviation of the problem in a larger sense.
5. To prepare a resolution making recommendations to the participating governments with regard to the subjects enumerated above and with regard to such other subjects as may be brought for consideration before the intergovernmental meeting. 1

Although the United States had suggested that the meeting be held in Switzerland, the Swiss Government declined

1) Proceedings of the Intergovernmental Committee, p. 8, cited by Eric Estorick, "The Evian Conference and the Intergovernmental Committee", The Annals, CCIII (May 1939), p. 136.

the offer and upon an invitation from France the Conference was convened on July 6, at Evian-les-Bains, and lasted until July 15, 1938.¹

Myron C. Taylor, the United States delegate, spoke in the following terms at the opening session:

While, for example, our ultimate objective should be to establish an organization which would concern itself with all refugees, whenever governmental intolerance shall have created a refugee problem, we may find that we shall be obliged on this occasion to focus our immediate attention upon the most pressing problem of political refugees from Germany (including Austria). ... Without wishing to set a precedent for future meetings, persons coming within the scope of the conference shall be: (a) persons who have not already left Germany (including Austria), but who desire to emigrate by reason of the treatment to which they are subjected on account of their political opinions, religious beliefs or racial origin, and (b) persons defined in (a) who have already left Germany and are in process of migration.²

During this conference all the familiar economic and political obstacles, i.e., familiar to all who had been attempting to treat the refugee situation, were encountered.

1) Estorick, in The Annals, op. cit., p. 136.

2) Cited in Simpson, The Refugee Problem, op. cit., pp. 223-224. Mr. Taylor was assisted at this conference by Robert T. Pell and George L. Brandt of the State Department, and by James C. McDonald and George L. Warren, Chairman and executive secretary of the President's Advisory Committee on Political Refugees. These men formulated the problems which had to be met. (Estorick, in The Annals, op. cit., p. 136.)

To this was added the hesitancy of the Latin American countries, which would normally welcome immigrants, but, because of the extensive trade agreements with Germany and because these countries had large German populations, were now cautious in agreeing to any program that might incur Germany's disapproval. However, by the 14th of July, a resolution was adopted which set up the machinery necessary to attack the problem along the broad lines essential to its solution.¹

The Conference in its resolution noted that most of the migration was involuntary and that in days of unemployment such conditions, if allowed to persist, would only magnify international unrest. A long-range program was advocated " to coordinate assistance to these people in the framework of existing immigration laws and practices of governments."² Its recommendations were:

a) that persons to be considered within the scope of the Intergovernmental Committee be those persons who will be leaving Germany, or who have left and have not yet resettled, on account of political opinions, religious beliefs or racial origin;

1) Estorick, in The Annals, op. cit., pp. 136-137.

2) League of Nations Official Journal, XIX (August-September 1938), pp. 676-677.

- b) That the participating governments furnish the Committee with details of their immigration policies and their laws and practices, as strictly confidential information;
- c) That the refugees should be willing to accept temporary changes in living conditions in their countries of refuge;
- d) That governments of refuge and settlement should not assume any obligations for the financing of involuntary emigration;
- e) That participating governments accept other than regular national identity documents (such as Nansen passports, etc.) for these refugees;
- f) That a Committee meeting be held in London in an effort to improve the present conditions of exodus and to replace them by conditions of orderly emigration;
- g) That this meeting's work be furthered by a subsequent meeting in London. The Director chosen by this committee shall have the following duties:

- 1) to undertake negotiations to improve the present conditions of exodus and to replace them by conditions of orderly emigration.
- 2) to approach the Governments of the countries of refuge and settlement with a view to developing opportunities for permanent settlement.

Further, the Intergovernmental Committee, recognizing the value of the work of the existing refugees services of the League and of the studies of migration made by the International Labor Office, shall cooperate ~~xxx~~ fully with these organizations, and consider the means by which the cooperation between these groups can be established. 1

The central idea of this Committee was to make the solution of the refugee problem a matter of convenience for all concerned. It would allow for countries with internal population pressures to remove the excess, with the understanding that

1) Ibid.

such countries not send such persons in a destitute condition; and, it would allow for developing countries to fill in their economic gaps by a form of population selection based on the information provided to them by the Committee. In its role, then, the Intergovernmental Committee would be purely diplomatic in character.¹

A second meeting of the Committee was held in London on August 3, 1938. There it took on its organizational form as laid out at Evian, and Lord Winterton of Great Britain was selected permanent chairman. Throughout this meeting the stand stated above in the resolution was repeated by the delegates with most of the emphasis centered on the obligations that Germany was incurring upon herself by her actions.²

Typical of the remarks was that of M. Berenger, the French delegate, when he exclaimed:

The nations which expel have towards the masses expelled more duties than the nations which receive them. So long as these duties are not recognized, defined, and put into practice by an understanding between the Governments which expel and the Governments which receive, the end of this disorder cannot

1) Simpson, Refugees, London: Oxford University Press, 1939. pp. 18-19.

2) Estorick, in The Annals, op. cit., p. 139.

really be expected. The Government which expels should leave to the expelled their properties, which are up to the present their only means of livelihood. And the Governments who receive should accord to those they receive the means of working so that they may live in the new careers which may be open to them. 1

From July 1938 until the outbreak of the Second World War in September 1939, the Committee spent most of its time trying to work out a plan with Germany that would be acceptable to all concerned.

On February 13, 1939, Mr. Georges Rublee, the first director of the Committee, submitted a memorandum to the Committee meeting in London based on private discussions between himself and Dr. Schacht and Dr. Wohlthat of Germany. This plan - subsequently known as the Rublee Plan - was presented in such a way as to make it appear that Germany was genuinely concerned with the international refugee situation, and, at the same time, it showed that Germany was not willing to sacrifice its economic position by allowing sources of foreign exchange to slip away during

1) British Foreign Office Report on Intergovernmental Committee Meeting, August 3, 1938. p. 2., cited by Estorick, in The Annals, op. cit., p. 139.

any display of altruism.¹

The plan provided that of the estimated 600,000 Jews remaining in Germany, Austria and the Sudetenland, there were 150,000 men and single women between the ages of 15 and 45, individually capable of earning a living and otherwise fit for emigration, that could be emigrated within a minimum period of three, and a maximum of five, years. As these wage earners were established in other countries they would be able to send for their dependents, then estimated at 250,000.

A commissioner was to be named by the German Government to supervise the work of the various Jewish organizations in controlling this emigration with the help of foreign experts who were acceptable to the German Government. Passports, and necessary documents for those with no citizenship, would be issued to those emigrating under this scheme.

Suggestions for the improvement of the Jewish population in Germany were also advanced, including plans to train the

1) New York Times of February 15, 1939. The proposals which follow are also found in this article.

prospective emigrants in new skills and occupations as well as giving aid to those Jews whose property resources had been exhausted.

The whole of the carrying out of this program rested on the provision made outside the Reich for this emigration which was to be financed through a corporation set up especially for this scheme. A trust fund was to be formed that would administer twenty-five per cent of the Jewish wealth in Germany with the goal of providing for the actual costs of emigration, the equipment of emigrant wage earners, fares on German ships and other related expenses.

Certain safeguards were attached to the amount and type of goods that could be exported by these emigrants. They could take with them their personal effects, tools, household goods, but not jewelry, precious metals or works of art. They would be exempt from all emigration taxes, including the flight tax.

The advantage is retained by Germany throughout this plan. Its terms were conditioned by her lack of foreign exchange in that she claimed it impossible to allow the export of capital

or to allow the emigrants to take other than some personal belongings. The internal German Jewish Fund mentioned in the text above would have provided only the barest costs for emigration, and outside organizations would have had to meet the costs of settlement. No mention is made of the use the remaining seventy-five per cent of the Jewish wealth in Germany would be put to.¹

The Committee could not refuse the German proposals for fear that the Germans would become convinced that the Jewish problem was not to be settled by international agreement and thereby intensify its program of persecution and extermination of Jews in Germany. And, throughout the negotiating, there were no guarantees that such a plan would not be revoked without notice or that the remaining Jews in Germany would be granted any better conditions of treatment.²

It was while these outside provisions of the plan were being discussed that the war came and the matter was dismissed.

1) Simpson, Refugees, op. cit., p. 21.

2) The Manchester Guardian of February 17, 1939 cited by Estorick, in The Annals, op. cit., p. 141.

Postwar activity was begun in 1945 when plans were laid for the emigration and financing of transportation of individual refugees and family groups, primarily those who had found temporary asylum in Western European countries. In 1946, field offices were established in the area of Germany and Austria occupied by the United States, Great Britain and France with the function of helping in the emigration and permanent resettlement of those refugees who could be considered under the Committee's jurisdiction. This involved the sending of four separate missions to South America to explore resettlement opportunities in Brazil, Argentina, Paraguay, Uruguay, Bolivia, Peru, Ecuador, Chile, Colombia and Venezuela. Subsequent agreements with Bolivia, Brazil, Chile, Colombia, Ecuador, Peru and Venezuela were scheduled to resettle approximately 20,000 persons during 1947.¹

Other agreements were drawn up between: the United States and British Occupation authorities and Belgium for

1) Migration From Europe, Geneva: International Refugee Organization, 1951, pp. 20-21.

the recruitment of displaced persons to work in the Belgium mines; with both the Netherlands government and the French authorities in Tunisia for displaced persons labor; and with Canada which was interested in allowing relatives of its citizens to migrate from Europe. Negotiations for setting up a program to be initiated during the second half of 1946 were completed with Australia, which was planning a large-scale immigration program; while, the United Kingdom initiated its own scheme for absorbing 15,000 persons from its occupation zone in Germany to work in English industry and agriculture.¹

There were two methods being applied in this emigration planning: first, to allow the interested government to select the emigrants through special selection missions sent to Europe or, secondly, to have emigration through the normal consular channels after designating the number and type of persons eligible to enter. Under the first system, approximately

1) Ibid. p. 21.

29,400 persons, both refugees and displaced persons, were moved, while under the second plan some 7,500 persons were moved. All this movement was prior to June 30, 1947.¹

During the Intergovernmental Committee's sixth session, held from the 16th to 20th of December, 1946, it was decided that the International Refugee Organization - which was being debated by the General Assembly of the United Nations at that time - would include the scope of activity then being handled by the Intergovernmental Committee. Accordingly, the Committee voted that its existence cease and its organization and activity be transferred as soon as the Refugee Organization came into being. This transfer occurred on July 1, 1947 when the Preparatory Commission of the International Refugee Organization began to function.²

1) Ibid. p. 22.

2) David Persinger, "Report on the Preparatory Commission for the International Refugee Organization", Department of State Bulletin, July 13, 1947, pp. 61-63. See chapter XII below on Preparatory Commission of the International Refugee Organization.

THE UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION

The next phase of international treatment of the refugee problem was formulated during World War II and put into effect upon the liberation of the conquered countries and the defeat of the Axis Powers. However, this treatment began only as a phase of an overall program of relief and rehabilitation of war-torn countries and not primarily as a refugee organization. This program was an outgrowth of wartime Anglo-American activity and proposals that culminated in the formation of the United Nations Relief and Rehabilitation Administration (UNRRA).

In 1940, Winston Churchill made public a promise that the Europeans would not starve as a result of the ravages of war on their soil. On September 24, 1941, the Allies met to decide on the post war requirements for rehabilitating Europe. The following year, there were two separate organizations formed that were to take part in the formation of UNRRA: first came the Middle East Relief and Refugee Administration under the British Minister of State, with headquarters in Cairo and camps in Syria, Persia and Egypt, with the purpose

of caring for the Polish and Greek refugees from Europe;¹
next, on November 18, 1942, President Roosevelt set up the
Office for Foreign Relief and Rehabilitation Operations under
the State Department of the United States giving it the resp-
onsibility of developing the United States' policies towards
the peoples of the areas that the United Nations occupied.²

In June 1943, representatives of the United States and
Great Britain met and drafted an agreement that set the basis
for the formation of UNRRA. On September 23, this agreement
was released to the other countries of the United Nations and
by November 9, forty-four governments had signed it.³

In its preamble, it was stated that the organization was
formed to meet the situation that would exist upon liberation
of the dominated countries. Its functions were to be:

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- 1) UNRRA: Organization, Aims, Progress, Washington, 1944. pp. 4-5.
 - 2) George Woodbridge, UNRRA, New York; Columbia University Press, 1950. Vol. I, p. 21. In September 1943, this Office was merged with the Office of Lend-Lease Administration and the Office of Economic Warfare to form the Foreign Economic Administration (p. 22).
 - 3) UNRRA: Organization, etc., op. cit., p. 5.

To plan, coordinate, administer or arrange for the administration of measures for the relief of victims of war in any area under the control of any of the United Nations through the provisions of food, fuel, clothing, shelter and other basic necessities, medical and other essential services; and to facilitate in such areas, so far as necessary to the adequate provision of relief, the production and transportation of these articles and the furnishing of these services. ...

To formulate and recommend measures for individual or joint action by any or all of the member governments for the coordination of purchasing, the use of ships and other procurement activities in the period following the cessation of hostilities, with a view to integrating the plans and activities of the Administration with the total movement of supplies, and for the purpose of achieving an equitable distribution of available supplies. ...

To study, formulate, and recommend for individual or joint action by any or all of the member governments measures with respect to such related matters arising out of its experience in planning and performing the work of relief and rehabilitation, as may be proposed by any of the member governments. ... 1

In order that this new organization not be an encumbrance upon military operations, it was definitely stated in its charter that the military commander of any particular area would determine the extent and scope of UNRRA's activity. 2

There were various aspects of the structure of this body, other than its main purposes of bringing aid and relief to stricken countries and peoples, that are of interest for purposes of this study:

1) U.S. Congress, Senate, Hearings Before the Committee on Foreign Relations on UNRRA, February 9 & 10, 1944. 78th Congress, 2nd Session, Washington: Government Printing Office, 1944, p. 2

2) Ibid. p. 5.

(1) the concentration of authority to determine policy in the Council which was to decide matters by a simple majority vote; (2) the small size of the Central Committee, its theoretically restricted authority, and the limitation of the requirement of unanimity to the choice of the Director General and a few other minor matters; (3) the relative insignificance of the regional committees; (4) the strong administrative control granted the Director General; (5) the vagueness of the financial aspects and the definition of the scope of the work to be done; and (6) the high protection assured to national sovereignty.

The interest of these aspects lies in the fact that a precedent for the Post-war organizations that followed in UNRRA's wake was set and a marked change from the structure of the League of Nations organizations was made. Although the idea of financial support still remained upon the good intentions of the interested governments and not upon the international body, this body enjoyed the distinction of having a large number of pledged supporters handling a problem that was formally recognized by the majority of the major governments of the world.

UNRRA's approach to the refugee problem was rather indirect. At the outset, it was recognized that there were great numbers of displaced persons throughout Europe and the Middle East and, understandably enough, the first impulse

when enemy control was released from the homelands of these people would be to return as soon as possible. It was also recognized that such an unorganized, largescale, mass movement would interfere with the war effort, spread disease and increase the social and economic confusion by shifting the burden from the countries of location, where at least some sort of accommodation was already in existence, to the home where facilities were bound to be inadequate in the beginning. To keep such a condition from occurring, a "stand still" order was issued to all displaced persons asking them to be patient and remain where they were at the time of liberation until a non-political program, that was being set up at that time, be completed in order that the return be more orderly and less burdensome to all concerned.¹

In this program there arose special problems in arranging for food, shelter and medical care; transportation and advance arrangements for their reception had to be handled. This raised two particular questions for UNRRA: 1) just what was

1) Woodbridge, UNRRA, op. cit., II, p. 469.

its role to be in the matter of repatriation; and 2) which displaced persons were eligible for UNRRA aid ?¹

For the first part, it was decided that UNRRA was to handle the area between the Army and the country of reception with the latter two able to dictate the extent of UNRRA's activity in their respective spheres. Accordingly, UNRRA found that its program had to be extremely flexible in order to meet the conditions set by the military and national authorities. Assembly centers, and not camps, were to be set up to make the job orderly, and once repatriation was achieved, UNRRA's role would be finished. There was to be no action taken on the treatment given by the home governments of the returnees once the person returned. And, it was estimated that only seven months were needed for this job.²

Those eligible for treatment were determined by the Council of UNRRA to be the following, excluding prisoners of war who fell under the competency of the military:

1) Ibid., p. 470.

2) A Program on United Nations Relief and Rehabilitation, Washington: UNRRA, (October 20) 1944.

- a) those who had to leave because of the war and were not in liberated or conquered territory;
- b) those displaced within their own (liberated) countries;
- c) those in other countries who are exiles as a result of the war, and whose return to their home in liberated territories is regarded as a matter of urgency;
- d) those, including stateless persons, who have been driven as a result of the war from their places of settled residence in countries of which they are not nationals, to return to those places;
- e) other categories of persons which can be shown to fall within the proper scope of UNRRA's activities.¹

It was UNRRA's intention to remain aloof from the task of dealing with people in the sense of helping them get established in life again. Their task was merely to put these people back in their original place of residence and then let them handle their own affairs. This was expressed

1) Woodbridge, UNRRA, op. cit., p. 471. See Appendix III for the numbers involved under UNRRA's care.

in a policy statement made at the first session of the UNRRA

Council:

The task of rehabilitation must not be considered as the beginning of reconstruction - it is coterminous with relief. No new construction or reconstruction work is contemplated, but only rehabilitation as defined in the preamble of the Agreement. Problems, such as unemployment, are important, but not determining factors. They are consequences and, at the same time, motives of action. The Administration cannot be called upon to help restore continuous employment in the world.¹

In spite of all these declarations and elaborate "non-meddling" safeguards, it soon proved that adherence to this policy was not fully possible. Although primarily not concerned with the non-repatriable displaced persons at first, UNRRA soon found that it was primarily concerned with them. First of all, the Army had done more than was expected in respect to repatriation in administering its areas; and secondly, the receiving countries that had foreign exchange on hand preferred to handle their own returning people to the exclusion of UNRRA and its primary purpose.²

It was one thing for resolutions and reports to talk of cooperation and the need for one controlling organization; it was quite another thing for sovereign

1) U.S. Congress, Senate, Hearings etc., op. cit., p. 5.

2) Woodbridge, UNRRA, op. cit., II, p. 474.

governments, seeking for prestige while re-establishing themselves, to place the care and control of their citizens in the hands of some foreign organization that could return no material advantages.¹

The much discussed cooperation in support of the Inter-governmental Committee on Refugees did not come about on a scale sufficient enough to meet the urgent problem so UNRRA soon found itself a refugee organization.

Once involved, a difficulty that has remained even to the present was encountered. This was the split of sentiment between the Slav nations and the other nations on the idea of repatriation. The former felt that there were only two types of displaced persons: the good, who wanted to be repatriated; and the bad, who didn't. The other element classified the displaced persons into three categories: the good, who wanted to return; the good, who had legitimate reasons for not wanting to return; and, the bad who were the collaborators, criminals and undesirable. Attempts were made to reconcile these divergent attitudes, but it was

1) Ibid. pp. 477-478.

against the conscience of the non-Slav group to support a program of forced repatriation.¹

Another serious matter that arose was the decision on handling the post-hostility refugee. These were persons coming from the Eastern European countries to Germany and Austria and there they would claim displaced person status. To help the Jews, UNRRA stated that under the internal displacement statement in the eligibility rules, these people were automatically to be considered eligible unless positive proof to the contrary were presented. However, to meet the problem of the political refugees, the Administration said that these persons must present "concrete evidence" of displacement caused by enemy persecution. This group of refugees was thereby made a non-sanctioned one and the zonal military authorities followed through by placing deadlines on date of arrival for qualifying as a displaced person.²

1) Ibid. pp. 486-487.

2) Ibid. p. 510. The British set June 30, 1946 as the arrival deadline ignoring UNRRA's protests. The United States set April 21, 1947 as their deadline, but received no protest. (p. 512).

Certain strains of frustration are evident in the policies expressed by UNRRA during this period. Since UNRRA was primarily established to aid repatriation, it did all in its power to favor repatriation rather than allow the situation of having the displaced persons remain in camps in Europe and the Middle East. When willingness to repatriate dwindled among these people, an added incentive was given by the offering to some of the national groups, especially the Poles, enough food to last for sixty days upon arrival in their home country. This was designed to meet the problem of giving assurance to those persons who felt that a return would mean giving up a free dole position that they enjoyed in the camps.¹

Other measures taken were the removing of UNRRA employees who were opposed to repatriation in principle and hindered the procedures in the camps; and also, to separate those inmates in the camps who were actively conducting programs against repatriation.²

1) Ibid. p. 515.

2) Ibid. pp. 515-518. The UNRRA camps were sometimes scenes of struggle between various national groups that were opposed to the governments that had subsequently come into power in their home land. This problem was watched, but handling it proved to be quite a touchy matter as will be seen below in the UN General Assembly debate for post-UNRRA aid. See Appendix IV for the numbers of displaced persons repatriated by UNRRA.

The Constitutional Development of the
International Refugee Organization

The need for a specialized organization to handle and treat the problem of those who wouldn't repatriate was soon made apparent and brought before the United Nations General Assembly at its first session in early 1946. It was then referred to the Economic and Social Council which set up a Special Committee on Refugees and Displaced Persons (SCRDP) to study the situation and to make recommendations to the Council.¹

In the resolution adopted by the General Assembly on February 12, 1946, the following was stated: 1) the problem is being sent to the Economic and Social Council for examination; 2) the Council should consider the principles that the problem is international in scope, that there should be no forced repatriation, and that the main task is early repatriation; 3) this program is not to interfere with traitors, enemies, et al and their punishment; and 4) the

1) Woodbridge, UNRRA, op. cit., I, pp. 311-315.

Germans who came to Germany or fled Allied troops are not to be considered as coming under this program, rather it is one for the occupation authorities.¹

The majority recommendation from this Committee was returned with the conclusion that a specialized international refugee organization should be set up to take over, by January 1, 1947, the responsibilities then being handled by UNRRA. The name of this new body was to be the International Refugee Organization (IRO).²

A draft constitution was later submitted to the General Assembly and approved in its final form on December 15, 1946.

Its preamble stated that:

[refugees]... should be protected in their rights and legitimate interests, should receive care and assistance and, as far as possible, should be put to useful employment in order to avoid the evil and anti-social consequences of continued idleness. ...³

Included in the powers and functions of IRO were the following: repatriation; identification, registration and

1) Constitution of the International Refugee Organization and Agreement on Interim Measures, Geneva: IRO, 1949. pp. 37-39.

2) Woodbridge, UNRRA, op. cit., I, pp. 311-315.

3) Constitution etc., op. cit., p. 3.

classification; care and assistance; legal and political protection; transport; resettlement and reestablishment.¹

Once more financial support was left to governmental contributions. The administrative and operation expenses would be covered by the funds designated for IRO by the UN Budget, but the expenses for large-scale resettlement would have to depend on voluntary contributions from interested countries.²

It was the article concerning the entry into force of this constitution that was to detain the effective date of IRO's existence for nearly two years. It was stipulated that only after fifteen states, making seventy-five per cent of the operational budget, had signed and ratified the constitution could the organization begin to operate.³

This delay was anticipated and steps were taken in order that a smooth transition from UNRRA activity to this new stage would not be hindered. An Agreement on Interim Measures to be

1) Ibid., article 2, p. 4.

2) Ibid., article 10, p. 15.

3) Ibid., article 18, p. 22.

Taken in Respect of Refugees and Displaced Persons was approved at the same time as the constitution. This agreement provided that when there were eight government signatories, a Preparatory Commission of IRO (PCIRO), to be made up of one representative from each signatory plus representatives of the Intergovernmental Committee, of UNRRA and of the International Labor Organization, would be able to function. This commission would do all the ground work for the coming refugee organization in order that the latter would be able to begin work as soon as its constitution was fully ratified. The Commission was further empowered to take over the existing organizations while doing this ground-work. In effect, this Agreement would, and did, put the International Refugee Organization into business before it had, technically, legal sanction.¹

In the Annex appended to the constitution are found the definitions that qualify the activity of IRO. The main object is for the rapid solution of the problem; the main task is

1) Ibid., pp. 42-44.

repatriation; and no international assistance is to be given to traitors, quislings, and war criminals and nothing will be done to prevent their surrender and punishment.¹

A refugee was defined as that person:

... who has left, or who is outside of, his country of nationality or of former habitual residence, and who, whether or not he had retained his nationality, belongs to the following categories:

(a) victims of the nazi or facist regimes or of regimes which took part on their side in the second world war, or of the quisling or similar regimes which assisted them against the United Nations, whether enjoying international status as refugees or not;

(b) Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not;

(c) persons who were considered " refugees " before the outbreak of the second world war, for reasons of race, religion, nationality or political opinion.²

To this definition are added: those who are outside their countries of habitual residence, yet meeting the same requirements as mentioned above, and cannot return because of the subsequent events in their countries; those Jews of Germany and Austria that are there but not settled; and, those orphans sixteen years of age or younger.³

A displaced person is that person who was deported from, or had to leave, his home as part of forced labor or for racial

1) Ibid., p. 24.

2) Ibid., p. 26.

3) Ibid., p. 27.

and religious reasons. This group was to be repatriated if at all feasible. However, valid objections to repatriation were recognized as follows:¹

Persecution, or fear, based on reasonable grounds of persecution because of race, religion, nationality or political opinions, provided these opinions are not in conflict with the principles of the United Nations as laid down in the Preamble of the Charter of the United Nations;

objections of a political nature judged by the Organization to be "valid" ...

compelling family reasons arising out of previous persecutions, or, compelling reasons of infirmity or illness. ²

Those persons falling under IRO care lose their status when: 1) they are repatriated; 2) they receive a new nationality; 3) they are firmly established; 4) they unreasonably refuse IRO proposals; and 5) they make no efforts at support when possible or when they try to exploit IRO assistance.³

All this constitutional development was an attempt to profit from the past activity under the League of Nations and other intergovernmental agencies and at the same time to meet specifically the problems of the post-war era. The changed

1) Ibid., p. 28.

2) Ibid., p. 29.

3) Ibid., pp. 30-31.

aspect of the refugee problem is summed up in the statement:

Long before the second World War, it became clear that the haphazard and unco-ordinated methods which resulted in the great migration movements of the 19th and the early 20th Centuries not only were obsolete but could never be revived. The reasons were both humanitarian and practical. On the one hand, the growth of a pervasive social conscience had made it virtually impossible for a government in the democratic world to countenance a revival of the open exploitation and the inhumane conditions which characterized such a large part of these earlier movements; on the other hand, the uncontrolled and irresponsible nature of immigrant selection during the long period before the first World War had resulted in adoption of highly restrictive legislation by all immigration countries. 1

1) Migration From Europe, Geneva: IRO, 1951. p. vi.

The General Assembly Debate on the
International Refugee Organization

By mid - 1946, it was quite clear to those countries concerned just what would be involved by their participation in the treatment of the refugee problem. This was easily discerned from past experience and from projected individual national needs and policies. The main question for them was to decide on the extent of participation from both the practical and humanitarian point of view. Naturally, these decisions were to be guided by economic and political considerations.

Debate in the General Assembly and in the Economic and Social Council brought out more forcibly the cleavage that UNRRA encountered in regard to the stand of the Slav countries on repatriation and on the categories of persons involved. The debate took place at the various meetings held to discuss the refugee problem and the attendant proposals for setting up IRO.¹

1) United Nations Bulletin, November 18, 1946, pp. 31-37.

Extremes in positions were represented by the Soviet Union and the United States. The former took a stand that as a "country of origin" she could make certain demands concerning the disposition of those persons scattered throughout Europe and now under consideration for aid by the United Nations. In this proposal, the Soviet Union had the support of Yugoslavia, Poland, Byelorussian S.S.R. and the Ukrainian S.S.R. Together, as countries of origin, they wanted:

- a) to regain as much manpower as possible for reconstruction of their countries;
- b) to have the right to determine the extent to which its citizens could resettle;
- c) to establish the principle that those who do not want to return to their countries of origin are of no international concern. 1

This stand applied to the post World War II problem in general. More particularly on the projected constitution of the International Refugee Organization, they took the following stand:

- a) repatriation, not resettlement, was IRO's task;
- b) IRO should not concern itself with those who would not return to, or ask aid of, their country of nationality;

1) Ibid., December 31, 1946, p. 9.

- c) all aiders of Germany and Hitler were not to be aided;
- d) any camps set up by IRO were to be under the control of the UN plus those governments of the countries most represented by the nationalities of the refugees. 1

The position of the United States on this matter was that:

- a) the problem was recognized as international in scope;
- b) there should be no forced repatriation;
- c) there should be no interference with international agreements for handling certain categories of people. 2

Between these two stands there were numerous conciliatory stands taken by the other governments. Many backed the United States strongly because of the latter's statement that there should be no forced repatriation. At the same time, these backers tried to eliminate the possibility of a rupture between these major views. Lebanon's statement during the debate is indicative of this attempt; the delegate proposed:

- a) that the IRO not become a political tool or any cause for dissension;
- b) that the constitution have safeguards for all adherents;
- c) that the General Assembly be in charge of preparing countries of reception for the refugees. 3

The longer the debate the less there was agreement on

1) Ibid., November 18, 1946, p. 31.
 2) Ibid., p. 32.
 3) Ibid., p. 37.

the issues at hand. There was general agreement on the need for such an agency but as the arguments became more and more particular, it could be discerned that the general fear of committing their governments in the future was foremost in the delegates' minds. It is felt that this type of fear was responsible for the consistent assertion during the debate that IRO would out of necessity be temporary agency.¹

Mrs. Eleanor Roosevelt, U.S. representative to the Plenary Session of the General Assembly in December 1946, appealed to the other representatives to vote for the adoption of IRO's constitution. She said that the vote was not committing their governments to join the Organization; "We are passing judgements on a draft proposal to be submitted to governments".² At the same time, the countries of origin insisted that the constitution was inadequate for the actual problem presented by the refugees and displaced persons. Their argument remained that the IRO was really a resettlement agency; to have it take care of a repatriation

1) Ibid., November 25, 1946, pp. 26-29.

2) Ibid., December 24, 1946, p. 18.

problem was a waste of money and an invitation to these people not to return to their countries where they face obligations of reconstruction.¹

While the individual interests of the U.N. members were being thus discussed, the necessity for concerted action was constantly brought forth by those representatives who wanted to rush aid to the increasingly unhealthy problem facing Europe and other parts of the world: As these persons brought out:

The United Nations can only do what the sum of its members is willing to have done; 51 nations must set up the organization which will function within the proposed Constitution, which will spend the money received from its members on caring for the refugees in the manner planned; by further repatriation, by further care and maintenance, and by resettlement. 2

1) Ibid., pp. 18-19.

2) Ibid., October 14, 1946, p. 3. Also see Ibid., November 18, 1946, pp. 31-37 for compromise stands.

The Preparatory Commission of the
International Refugee Organization

During the debate over the approval of the IRO Constitution, the amount proposed for the budget varied from \$ 260 million, but finally settled, at the time of ratification at \$ 201,414,000 - over six times the budget of the United Nations itself.¹ Seventy-five percent of this amount had to be pledged in the form of the designated allotments accompanying each country's ratification before IRO could function. However, no such financial stipulations were made for PCIRO; only the eight signatures were required.

The Preparatory Commission convened at Geneva on February 11, 1947 with the backing of eleven nations and, the representatives of ILO, IGC and UNRRA.² During its period of operation it was to prepare administratively and structurally for IRO's coming, as well as meet changes that would occur in the refugee situation

1) U.N. Bulletin, December 17, 1946, p. 38. And, Ibid., June 3, 1947, p. 598.

2) Ibid., February 25, 1947, pp. 167-168. The countries were Canada, the Dominican Republic, France, Guatemala, Honduras, Liberia, the Netherlands, Norway, the Philippine Republic, the United Kingdom and the United States. Of these, only the United Kingdom had ratified its signature.

If... in its discretion and after agreement with existing organizations dealing with refugees and displaced persons,... take over any of the functions, activities, aspects and personnel of such organization providing that the Commission is satisfied that it is essential in order to accomplish the orderly transfer to the International Refugee Organization of such functions or activities. 1

Accordingly, the agenda drawn up for the session was aimed at bringing the parent organization into existence faster. Its aims were: 1) to take measures to get signatures and ratifications for the constitution; 2) to set up bases for continuation or modification of agreements in areas that IRO would be handling; 3) to determine the relations of IRO with the UN; and 4) to set bases for continuation of agreements with voluntary organizations. 2

Funds for this activity were to come from advance contributions, from the governments of IRO and from existing organizations' assets that PCIRO would be taking over. 3

In the directives of the session, PCIRO agreed: 1) to take over UNRRA's tracing service; 2) to prepare draft agreements

1) Ibid., p. 168.

2) Ibid., pp. 168-169.

3) After the first session, the Commission appealed to the UN for funds and the Secretary-General, Trygve Lie, made such funds available from the UN Working Capital Fund. It was claimed that the Commission's operations couldn't wait for the advance governmental contributions. (Ibid., March 4, 1947, p. 205).

with military authorities and governments, including ex-enemy ones, where refugees are, where they come from, or where they can go; 3) to get information from military authorities on the exact number of persons that would come under IRO's sphere; and 4) to arrange to continue cooperation with the voluntary agencies in the matter of refugee work. Arthur J. Altmeyer, of the United States, was chosen the Executive-Secretary.¹

With this arrangement, UNRRA was then able to terminate its existence and hand its refugee problem to PCIRO. This it did, after having extended its life to meet the emergency presented by the delay in ratifying the constitution of IRO and in getting the necessary eight signatures to begin the Preparatory work. The termination date of UNRRA was June 30, 1947.

At the same time, as mentioned above, the Intergovernmental Committee for Refugees made the transfer of its activity and personnel to PCIRO as effortless as possible. With both UNRRA and IGC willing their know-how and already functioning programs to it, the Commission was not as much a pioneer in

1) Ibid., March 4, 1947, p. 205.

the refugee business as the prolonged debate of the General Assembly might indicate.

Once PCIRO invoked the article of the Interim Agreement which allowed for the assumption of the functions of the existing organizations, IRO itself was for all intents and purposes set up. Further, the fact that the emigration programs under these organizations were gaining momentum illustrated that the Commission's job would be more concerned with resettlement than with repatriation. The post-war tide of repatriation was dwindling to a trickle. There were an estimated 712,700 displaced persons in Germany, Austria, Italy, the Middle East, Africa and China who became refugees by their refusal to be repatriated.¹

Although absorbing the migration programs of UNRRA and IGC, PCIRO had to do much adapting to the problem of handling these refugees and their problems, necessitated by the fact that they had not yet handled a care and maintenance program on such a scale. Attention had to be paid to the personal

1) Migration From Europe, Geneva: IRO, 1951, p. 19.

physical and mental needs of the refugees before they would be ready to migrate under any scheme. The supporting program then became one that, besides housing and feeding, included the whole gamut of social activities as modified by the existing conditions under which they were conducted: education of the children, vocational training for the adults, health and rehabilitation services, and special child welfare services for the unaccompanied children and orphans. It necessarily followed that migration in the ordinary sense of the word, i.e., just moving numbers of people from the crowded conditions of first asylum, could not be continued. Attention had to be paid to the fact that family groups, professional and academic persons and the old and ill had to be moved as well.¹

From the very beginning, then, a vigil had to be kept on the pattern of migration. It would have been easy to allow governments to select all the single, young and healthy worker elements of the refugees, thereby producing wonderful statistical proof of operational success. But, the brutal reality would

1) Ibid., p. 20.

later be apparent when PCIRO, and IRO, would find itself stuck with large family groups, those of advanced age, the physically or mentally handicapped, and the professional refugee who couldn't fit in any labor scheme. William H. Tuck, who succeeded Mr. Altmeyer as Executive Secretary of PCIRO, criticised the actions of the governments in respect to their various policies towards the refugees. He stated that the governments: 1) treat the displaced person labor as a commodity; 2) take able-bodied workers and leave families in the camps; 3) do not call for families or make provision for their resettlement; 4) do not try to find adequate work for those who aren't strong enough to settle in labor projects; 5) are not taking a fair share of all displaced persons and refugees; and 6) are picking ex-prisoners of war that were former enemies in preference to the refugees. He further stated that the countries who took the moral stand of no forced repatriation during the General Assembly debate were not backing up their stand with any action, namely accepting those refugees who wouldn't repatriate as emigrants.¹

1) U.N. Bulletin, May 15, 1948, p. 426.

After a year of organizing this vast program of repatriation, resettlement and care and maintenance with its attendant difficulties - finding countries of reception, getting financial support from governments and establishing an adequate transportation system - the attitude changed from one of lip service to repatriation as the basis of the organization to a positive one announcing that resettlement would be the primary object of the IRO program. Repatriation was no longer feasible as the basis for such an organization. The Economic and Social Council urged this attitude and asked for consultations with the Preparatory Commission in laying the groundwork for the future program. This switch in sentiment was expressed more concretely as the Constitution of IRO received enough ratifications to pledge 76.19 % of the operational budget thereby giving the Organization a constitutional right to exist.¹

1) Ibid., October 15, 1948, p. 836.

IRO Completes its Task

The International Refugee Organization was born on August 20, 1948, fourteen months after the Preparatory Commission had begun to function in order to prevent the creation of a vacuum in United Nations' work on the refugee problem. As mentioned, IRO's ratification did not mean that a new agency was coming into being. Its Preparatory Commission had already carried out the intent of the Organization; only the intensity was to be increased. Fortunately, PCIRO had managed to make money available for its operations, opportunities for resettlement were becoming abundant as governments began to express more willingness to cooperate, and a fleet of ships to be put at the disposal of IRO for transporting the refugees was partially set up.¹

IRO was scheduled to be liquidated by June 30, 1950, meaning that only twenty months remained from the date of its ratification to reestablish approximately 800,000 persons. In this figure there

1) U.N. Bulletin, November 1, 1948, p. 854.

was an estimated 184,000 persons designated as a hard core element, i.e., those persons not readily acceptable by foreign governments for reasons of age, health, size of family, or possessing specialist or intellectual vocations.¹ This meant that a public relations program would have to operate simultaneously to convince the governments that they should accept part of this hard core in order that Western Europe not be saturated by such a large group. Relief given to the European scene would secure benefits for all by relieving the international tension created by this condition.

As its operations continued, IRO allowed as many new refugees as possible to come under her program of resettlement and care and maintenance. Soviet Russia denounced this new policy as merely a program whereby "cheap labor" could be supplied to the countries of the West. She further charged that the administrators of the IRO camps, many of them refugees themselves, were traitors and criminals and thereby were inciting hatred for the Soviet among the other refugees.²

1) Ibid.,

2) Ibid., April 1, 1949, p. 310.

The United Kingdom countered this argument vigorously by producing statistics of a count that was taken in 1946 showing that ninety-five percent of the displaced persons were not willing to return to their country of origin. It was thus felt that if the early sentiment was such, there was little reason to think that the newer refugees, coming into Western Europe on their own volition, were in the frame of mind to be repatriated.¹

Poland, in a proposal in the Assembly, asked that repatriation be ended by the end of 1949 and that resettlement be handled in agreement with countries of origin under existing agreements. Further, she advocated the return of all unaccompanied children to their country of origin. This measure was defeated by a vote of 31 to 6, with 14 abstentions.²

Instead of any curtailment of activity, the termination date of IRO operations was, in fact, extended.³

1) Ibid., p. 311.

2) Ibid., June 1, 1949, pp. 543-544. IRO was extended three times until January 31, 1952; liquidation took place during the first quarter of 1952.

3) Ibid., May 1, 1951, p. 445. The remaining funds at IRO's disposal were then allotted for use on Refugees that had arrived from countries of origin even after October 1, 1950. As of this date, approximately 55,000 "new" refugees were being considered for receiving such aid.

These decisions were made at the end of May 1951 when 930,000 persons had been resettled already. There still remained on IRO rolls 224,850 receiving assistance, but only 65,000 of them were getting full care and maintenance. The camps had been cut down from 704 to 70 in number, and a \$ 22 million fund had been established to handle the 10,000 institutional cases that remained, in order that there be no fear of these unfortunates becoming public charges in their country of residence.¹

Final statistics were presented at the ninth and final session of the General Council of IRO. More than 73,000 persons had been repatriated, approximately 1,045,750 persons had been resettled and approximately 1,600,000 persons received some IRO assistance. By December 31, 1951 only three hundred sixty two families under IRO's jurisdiction were still without any means of relief and these were in Shanghai and the Philippine Islands. In Europe, 12,205 refugees who already had visas were turned over to the new migration agency to be mentioned below in Chapter XVI, and 25,000

1) Ibid., May 1, 1951, p. 445.

families (47,000 persons) were to be assimilated in the populations of Europe after IRO had made arrangements for the financial support of such programs of integration.

A trust fund was set up and put under the migration agency in order that those persons under IRO classification who got a chance to migrate in the future might be aided.¹

In the fifty-five months of operation from July 1, 1947 until January 31, 1952 the total contributions were \$ 398,596,802 with the greatest share \$ 237,116,355 coming from the United States. The estimated total expenditures for IRO were \$ 429,775,450; the deficit was made up from various reimbursements for services and by the sale of surplus equipment.² At the height of its operation, IRO had a thirty-six ship fleet, employed approximately 2,000 international personnel and had an annual budget of \$ 155

1) George Warren, " Residual Problems of Refugees on Termination of IRO ", Department of State Bulletin, March 24, 1952, pp. 458-459. See Appendix VI below for resettlement figures.

2) Ibid., p. 460.

million - a sum greater than that of the UN and all the other UN specialized agencies combined : ¹

Dramatically enough, this final session of the General Council began on February 11, 1952, the fifth anniversary of PCIRO's first session in Geneva in 1947. George Warren of the United States was chairman of the Council. ²

1) U. N. Bulletin , January 15, 1952, p. 77.

2) Warren, " Residual Problems, etc. " Department of State Bulletin, March 24, 1952, p. 460.

The U.N. High Commissioner's Office and the
Convention for Legal Status of the Refugee

At the same time that plans were being made for the termination of IRO, other plans were being considered within the United Nations for the future of the refugee work. It became apparent that another agency would have to exist in order to handle any residual cases as well as the problem created by the new refugees. The suggested solutions were four: 1) a service for stateless persons within the United Nations; 2) to keep IRO but in a modified form to meet the newer needs; 3) to set up a new specialized agency; and 4) to set up an autonomous High Commissioner's Office under UN control.¹ The ninth session of the Economic and Social Council asked that the Secretary-General of the UN plan for post-IRO activity; whereupon a committee was set up to study the problem, with instructions to include in the investigation a decision on the feasibility of a revised world-wide convention on refugee status.²

1) U.N. Bulletin, September 1, 1949, pp. 62-63.

2) Ibid., September 15, 1949, p. 321.

This committee recommended to the Secretary-General that an autonomous High Commissioner's Office be established. This recommendation was favourably acted upon and the Office was set up as of January 1, 1951. The new U.N. High Commissioner for Refugees, chosen by the Secretary-General, was G. J. Van Heuven Goedhart of the Netherlands.¹

As under the League of Nations, it would be the Commissioner's job to seek international protection for the refugees that fell within his competency, and to seek permanent solutions for the problems confronting them. Specifically, his functions would be: to promote international conventions and special agreements to improve the situation of the refugees, to seek to obtain their admission to new countries, to obtain permission for the transfer of their personal assets, and to help coordinate in a general manner the efforts of organizations already concerned with the welfare of refugees.²

1) Ibid., January 1, 1951, p. 61. Also, General Assembly Resolution # 428 (V), December 14, 1950, Statute of the Office of the High Commissioner for Refugees.

2) U.N. Bulletin, January 1, 1951, p. 61. Throughout the "countries of origin" bloc continued their opposition as stated above in earlier debates. The United States delegate, Mrs. Roosevelt, reminded the group that there was a need for legal protection of the refugee in the country of reception in order that he not become a minority element and a ward of the international committee.

The competence of the High Commissioner was to extend to:

- 1) Any person who has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;
- 2) Any person who, as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and unable or, owing to such fear or for reasons other than personal convenience, 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 or for reasons other than personal convenience, is unwilling to return to it. Decisions as to eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfill the conditions of the present paragraph. 1

For the following reasons, a person was considered ineligible

for aid by the High Commissioner's Office if:

- 1) He has voluntarily re-availed himself of the protection of the country of his nationality; or
- 2) Having lost his nationality, he has voluntarily reacquired it; or
- 3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or
- 4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
- 5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist and he is able to return to the country of his former habitual residence, claim grounds other than those of personal convenience for continuing to refuse to return to that country. 2

1) Resolution # 428 (V), Annex, chapter II, par. 6. cited. in Vernant, op. cit., pp. 13-14.

2) Ibid., p. 14.

Besides these persons just mentioned, and their exceptions, the High Commissioner's Office could handle " any other person " that fulfilled the criteria of the second paragraph above defining eligible persons.

The same resolution that set up the High Commissioner's Office called for a conference of plenipotentiaries for the primary purpose of completing the drafting and signing of a convention relating to the status of refugees and the protocol relating to the status of stateless persons. As provided by the instructions of the General Assembly the governments of all states, both members and non-members of the UN, were invited by the Secretary-General to send representatives. Twenty-six governments, plus representatives of various international bodies including the Council of Europe, the International Labor Organization, the International Refugee Organization and the International Federation of Free Trade Unions, convened at Geneva on July 2, 1951.¹

1) Warren, "UN. Action on Status of Refugees and Stateless Persons", Department of State Bulletin, September 24, 1951, p. 502.

It was the adoption of a definition of the term "refugee" that produced the most serious difference of views. Basically it was the same as the definition mentioned above for the High Commissioner's Office. The difference came about as some governments desired a broad definition without restriction as to places of origin of the refugees or as to the time when persons entered the refugee status. Other governments favored a definition of refugees restricted to those whose status arose out of events in Europe occurring prior to January 1, 1951. The United Kingdom led the support for the broad definition, while France led the support for the other view. The United States, supporting the French position, pointed out that governments would need to know precisely for which refugees they were committing themselves, for, if the definition were too broad, the situation would become confused and operate eventually to reduce the number of governments that might adhere to the convention.¹

1) Ibid., p. 503. Support for the broad definition was given by the United Kingdom, Belgium, the Netherlands, Chile, Yugoslavia, Australia, Turkey, China and Canada. For the narrow definition, support was given by the United States, France, Venezuela, the Union of South Africa and Israel. (U.N. Bulletin, January 1, 1951, p. 63).

Since both sides were so vigorously defending their points of view in almost equal proportion, the decision of the Conference was that, at the time of adherence to the convention, the governments could make their individual choice on which definition they would abide by.¹

The compromise which appeared in the Final Act and Convention was that the words " events occurring before 1 January 1951 " could be understood to mean either: 1) events occurring in Europe before 1 January 1951, or 2) events occurring in Europe or elsewhere before 1 January 1951. Each contracting State could make its declaration at the time of signature, ratification or accession as to which alternative it chose to be guided by.²

Thus, the main difference between the High Commissioner's definition of refugee and that of the United Nations Convention was that the latter had the date limit and an alternative

1) Warren, " U.N. Action, etc.", Department of State Bulletin, September 24, 1951, p. 503

2) Final Act and Convention Relating to the Status of Refugees, Chapter I, Article I, reproduced in Vernant, *op.cit.*, pp.14-16.

place limit. As far as the difference between two documents themselves go, the former defines the terms under which the High Commissioner's Office can operate; it tells to whom he may and should grant protection. The Convention, on the other hand, defines the terms and obligations the signatory States have undertaken, but in no way restricts the High Commissioner's activity. This is really another illustration of the difficulty of binding sovereign States to definitive treaties or conventions, and of the hope that getting States to enter into some agreement will at least put moral obligations upon them.¹

Another difference of views that was related to the above discussion was brought about when the non-European countries, designated as countries of final destination overseas, refused to be contractually bound by this convention to relieve countries of first and secondary asylum of refugees, those in Europe, who received the largest number of these persons. Much of this difference could be attributed to the

1) Vernant, op. cit., p. 12, footnote 1.

domestic laws of the two groups: the former found that the preciseness that the Europeans needed in their convention was not at all applicable to them; it was inconsistent to the overseas countries to have the definition universal and then later in the convention provide articles that prescribed treatment that could only apply in the European countries where rights and privileges of resident aliens depended mostly upon a system of reciprocity.¹ Typical of this situation was the stand taken by the U.S. representative, Mr. Warren:

The United States representative advised the conference early in the proceedings that the United States would possibly not sign the convention because it was drafted primarily to establish the status of refugees in European countries where rights and privileges are based on a system of reciprocity. He pointed out that in consequence the convention was not well adapted to United States laws and practices, under which refugees already receive rights shared by all other legally admitted aliens and except in special instances, are in effect assimilated in status to that of citizens. Little, therefore, would be gained for refugees by United States adherence to the convention. ... ²

Unanimity did exist, however, in the expressed conviction

1) Warren, "U.N. Action, etc.", Department of State Bulletin, September 24, 1951, pp. 502-504.

2) Ibid., p. 503. Since Mr. Warren wrote this article and was stating his own stand, this paragraph is used as a direct quote of the United States' stand at the conference.

that the contracting states should reserve freedom of action and discretion in withholding benefits of the convention from certain refugees presenting problems involving national security.¹

The first session of the U.N. High Commissioner's Office was held at Geneva from the 3rd through 7th of December, 1951. There, a resolution was passed declaring that assimilation of the refugees resident in the countries of temporary asylum is the best long-term solution. It was felt that although UNRRA and IRO had tried repatriation and resettlement, respectively, and had succeeded in alleviating the immediate problems, there were still many resident refugees left throughout these areas that needed continuing international assistance, and the best way to lessen the amount of aid was to make arrangements for their eventual assimilation.²

Thereupon, it was declared that the High Commissioner should ask the General Assembly

... to open the necessary negotiations and to appeal for voluntary contributions with a view to creating a special fund for the assistance of refugees in urgent need.³

1) Ibid., p. 504.

2) U.N. Bulletin, January 15, 1952, p. 63.

3) Ibid.

This stand on assimilation was in no way to hinder the steps taken by other agencies which advocated resettlement. Migration would still be continued as an aid to the problem and the refugees under the High Commissioner should receive a fair share of migration opportunities.¹

When IRO ended operations, it turned over to this office the responsibility for those refugees residing in non-European countries. And, although the Provisional Intergovernmental Committee for the Movement of Migrants from Europe, to be discussed in the next chapter, would be aiding in the High Commissioner's problem to an extent, the Provisional Committee would not be meeting the urgent relief problems with which the refugees would be faced. Migration could not be considered the only solution because of the discriminatory methods of selection; the residue element of the refugees was the very one that needed the immediate and continuing attention.²

1) Ibid.

2) Ibid., February 1, 1952, p. 134.

At the January 10, 1952 meeting of the Social, Humanitarian, and Cultural Committee of the U.N., an appeal for an assistance fund of three million dollars was made. In the appeal it was noted that there remained approximately 300,000 Austrian Volksdeutsche, besides a yearly influx of fifteen to twenty thousand new refugees from the eastern part of Europe. The old problems of legal discriminations, immobility in travel as a result of the lack of legal papers and permits, and the problem of unemployment and overpopulation all added to the urgency of the situation. This money would provide for more field offices that would allow for closer contacts in their operations within the countries and the governments and agencies concerned.¹

In elaborating on the reasons for this appeal, it was pointed out that although the Office has permission to establish long-term reconstruction programs, it could not operate them. It could only promote them and try to get the proper organs, governmental or private, to carry on the administration

1) Ibid., p. 133.

of such programs. The Commissioner would then act in the role of advisor and coordinator.

Once more the debate followed the lines that have become familiar since UNRRA. The countries of origin again charged that such a program was of no concern to the Western countries and that only repatriation **should** be considered. The answer by the High Commissioner was that the problem was a dynamic one and that repatriation was impossible to consider in light of the fact that the refugees were assuming the status voluntarily.¹

In spite of this appeal, the other countries remained somewhat reluctant to agree to provide this amount and they attempted to cut the amount of the fund. The attempt to shift some of this expense onto the budgets of the various voluntary agencies aiding the problem was met by a statement from the Standing Conference on Voluntary Agencies Working for Refugees which said that their funds, including the forty million dollars given them by IRO, had been exhausted by their extended activity on behalf of the refugees and that they were in no position to assume financial responsibility for the continuing problem.²

1) Ibid., pp.134-138.

2) Ibid., p. 139. See below, page , for an elaboration of the problem of refugees remaining outside Europe.

Promotion of Continuance of a Large-Scale Migration Service

During the closing of IRO, efforts other than those concerned with the High Commissioner's Office were being made by interested persons to convince governments that they should participate directly in the matter of moving people from non-desireable conditions and areas to more favorable ones for the mutual benefit of all participants. Perhaps the biggest support for this plan came from those who had served with IRO and, with a feeling of accomplishment, felt it their duty to urge the continuation of a system styled after the organizational development that had taken place during the last two years of IRO.¹

These persons recognized that their mission was provided for by the different governments because theirs was essentially a humanitarian task. Money was made available to save victims of persecution and intolerance. The problem that remained, mostly in Europe, was equally urgent but was mainly a political and

1) See especially Migration from Europe, op. cit.

economic one. This meant that such large contributions as IRO had received were not to be expected any longer; sources, other than those which were available to IRO would have to be sought to supply the necessary funds. It would be a matter for those who most directly derive benefit from the solution of Europe's over-population problem to finance the activity. These would be: 1) the countries of emigration which benefit by losing the population pressure that causes political unrest and economic distress and results in a lessened burden on their national budget; 2) the countries of immigration, which benefit by being able to select the population elements necessary for their development: expansion of agriculture and industry in developed countries, and in underdeveloped or underpopulated countries the speedup of the process of development and the faster accrual of wealth and national standing; and 3) the migrants themselves, for the most obvious reasons. From the benefit of these directly interested parties, the rest of the countries would benefit since international tensions would be lessened somewhat.¹

1) Migration from Europe, op. cit., pp. 92-93.

Financing such an operation should not be made complicated since the result could be seen and the scheme would attract much like an investment plan. For the emigration countries, there would be an immediate gain by the fact that the expenditures made to move the emigrants would be the last, and expenditures on relief and support programs in their country would be cut immediately. For the immigration, the benefits would not accrue as fast. As first, their costs would be high because of the social obligations of caring, and providing facilities, for the immigrants: e.g., schools, housing, hospitals. However, in a short space of years, direct income would increase as a result of increased production and the concomitant economic activity. It is not unreasonable to expect aid from other countries which, while not directly involved, would donate to the over-all scheme thereby allowing a reduction of costs to countries less able to pay. Further, the scheme of having the migrant committed to refund some of the expenditure made in his behalf from future earnings would brighten the picture

considerably.¹

Structurally, this new program would require a system of bilateral agreements between the governments, with a sort of a clearing-house agency facilitating the exchange and acting in the capacity of consultant and transportation director. The techniques and machinery developed by IRO for the organized selection and transportation of migrants on terms acceptable to both the countries and individuals could be adapted easily and there would be no bottleneck in treating the refugee problem during the period after IRO's demise.² It is to be noted that, during its lifetime, IRO fulfilled a dual function:

It has acted in the capacity of an authority comparable to the government of an emigration country, charged with the total welfare of a population of homeless and stateless people, and concurrently in that of an international organization with operational responsibilities for the resettlement and repatriation of its proteges.³

Within its operations, it has dealt with almost every situation: moving family units, working in all the seas and with all the immigration countries, using the system of having its ships

1) Ibid., pp. 94-96. Canada has been using this scheme and getting refunds in as short a period as 18 months. However, the suggestion is usually that 3 to 5 years be allowed for such refunds. (p.94).

2) Ibid., pp. 89-90.

3) Ibid., p. 98.

handle cargo or other loads on the return trip as an economy measure, and handling the system of reimbursement by the emigrants themselves. ¹

1) Ibid., pp. 89-90. One of the strong points in this argument is based upon the transportation system built up by IRO. Since IRO had both time and money, a fairly efficient fleet could be built up, comprising at its peak 36 vessels and handling voyages as long as 55 days in duration. (pp. 61-70).

The Provisional Intergovernmental Committee for the
Movement of Migrants from Europe

At the suggestion of the United States and with the agreement of Belgium, a Conference on Migration convened in Brussels from November 26 through December 5, 1951. Here was established the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME). The first session of this new Committee was held at the same location immediately following the Conference for purposes of organization from December 6 through December 8, 1951.¹

This action on the part of the United States was based on congressional action. Under the Displaced Persons Act by which participation with the IRO program was authorized, the U.S. government was authorized to participate in an international conference to develop a way of alleviating the problems of excess population which some European countries were encountering. Further, there were remaining in Europe,

1) George Warren, "Europe's Problem of Excess Population" Department of State Bulletin, February 4, 1952, p. 168.

after the demise of IRO, some 25,000 ethnic Germans that were eligible to enter the U.S. under the same act, but were without means of transportation.¹

Similar action was taken under the European Cooperation Administration Act as the Administrator was directed to encourage the emigration of surplus manpower from participating countries to areas that could profitably use them.² The appropriations for the Mutual Security Agency, which took over the function of ECA, earmarked ten million dollars to be used specifically for migration purposes.³

Following is an account of the Conference on Migration as reported by U.S. representative, George L. Warren. Since he presented the plan, it is best to use his words to describe the intent of the program.

1) Displaced Persons Act of 1948 as Amended (Public Law 555, 81st Congress), sections 16 & 12 respectively.

2) European Cooperation Act of 1948 as Amended (Public Law 535, 81st Congress), section 115 (e).

3) Mutual Security Act of 1951 (Public Law 165, 82nd Congress), section 10 (a) (2), and Appropriations for Mutual Security Agency (Public Law 249, 82nd Congress, 2nd Session).

At the opening session on November 26, 1951, the U.S. representative presented a plan for the establishment of a provisional intergovernmental committee on migration to facilitate the movement of migrants from Europe. This plan proposed that 12 ships to be relinquished by the IRO on December 31, 1951, be taken over to move during one year of operations approximately 115,000 persons who could not otherwise be moved from Germany, Austria, Italy, the Netherlands, and Greece to countries of immigration overseas at an overall estimated cost of approximately \$ 34,000,000. The United States would contribute \$ 10,000,000 of this sum provided a total budget of approximately that proposed was adopted. 1

On the subject of using the IRO fleet, Mr. Warren stated:

... since international funds had been spent in building the fleet and since there was a definite foreseeable need for the ships, the committee should seriously consider their use. This move was not to be considered competition with commercial shipping since all commercial shipping offered that met the essential requirements could be used first. These requirements included: adequate accommodations in accordance with the regulations of ports of embarkation and disembarkation, availability when needed at specific ports of embarkation for travel to specific destinations, and prices comparable to those established in the Committee's experience in operation. Further, the advantages of having a fleet of ships for migration purposes under international auspices would be in the flexibility in movement, savings in costs, and shipping schedules arranged to suit the particular requirements of emigration and immigration countries, 2

After discussion and revision of various proposals brought on the floor of the meeting in response to the U.S. proposals, the proposed intergovernmental committee was brought into formal existence by the passage of a resolution

1) Warren, " Europe's Problem, etc. ", Department of State Bulletin, February 4, 1952, p. 170.

2) Ibid., pp. 170-171.

by the Conference on December 5, 1951. There was little difference between the final resolution and the original United States proposal on any of the main points.¹

Since this is the latest step taken by the international community to alleviate the refugee problem that has been plaguing Europe, and since the resolution contains a description of the conditions that necessitated the organization of such a migration committee, the resolution is included in its entirety:

The Governments adopting this resolution recognize

that there exists a problem of surplus population and refugees in certain countries of Europe, while certain overseas countries offer opportunities for the orderly absorption of additional population;

that the problem is of such magnitude as to present a serious obstacle to economic viability and co-operation in Europe;

that, whereas a general improvement in economic conditions and increased production would provide increased possibilities for employment and settlement in Europe and, by facilitating intra-European

1) For the purpose of allocating percentages of contributions, excluding the United States which had a special allotment, the countries were divided into different categories: 1) emigration countries of Austria, the German Republic, Greece, Italy, and the Netherlands; 2) immigration countries of Australia, Bolivia, Brazil, Canada, and Chile; and 3) interested countries of Belgium, France, Luxemburg, Switzerland, Turkey, the United Kingdom and the United States. (Ibid., p. 172 and PICMME Document # 18, December 8, 1951).

migration, would offer a very important contribution to the solution of the problem, an increase in European emigration to countries overseas nevertheless remains another necessary element;

that a close relationship exists between economic development and immigration;

that international financing of European emigration should contribute not only to solving the problem of population in Europe, but also stimulate the creation of new economic opportunities in countries lacking manpower;

that, while technical assistance may make an important contribution to the solution of the economic problems of the underdeveloped countries, the development of all existing or potential possibilities of immigration into these countries also constitutes an important factor for the solution of these problems;

that the present volume of migration is insufficient to meet the needs of emigration countries or to allow full use of the possibilities offered by immigration countries;

that there is need for the pursuit by the appropriate international agencies of all migration activities falling within their respective fields;

that the provision of facilities for the transport of migrants who could not otherwise be moved without such facilities can make an important contribution to increased migration;

that, although the movement of migrants should as far as possible be effected by the normal commercial shipping and air transport services, co-ordination in this field is necessary in order to enable the movement of the largest possible number of migrants by those services, and furthermore to ensure that the I.R.O.'s present shipping facilities are applied to the extent necessary to secure additional movement of migrants;

that steps should be taken to provide transport facilities for such refugees as may desire and have the opportunity to emigrate from overpopulated countries; and

that, consequently, provisional intergovernmental arrangements between the democratic governments which adopt or may hereafter adopt this resolution are

necessary in order to move persons who are attached to the principles to which these governments subscribe and who desire to emigrate to overseas countries where their services can be utilized in conformity with generally accepted international standards of employment and living conditions, with full respect for human rights; and

AGREE

(1) to constitute a " Provisional Inter-Governmental Committee for the Movement of Migrants from Europe ";

(2) that the purpose of the Committee will be to make arrangements for the transport of migrants, for whom existing facilities are inadequate and who could not otherwise be moved, from certain European countries having surplus population to countries overseas which offer opportunities for orderly immigration, consistent with the policies of the countries concerned;

(3) that the terms of reference of the Committee will be:

(a) to provide and arrange for land, sea and air transportation, as required;

(b) to assume responsibility for the charter of such ships operated under the auspices of I.R.O. as may be required;

(c) to co-ordinate a shipping programme utilizing commercial shipping facilities to the maximum extent possible and the chartered ships transferred from the I.R.O. to secure those movements for which commercial facilities are inadequate;

(d) to take such actions as may be directly related to these ends, taking account of such national and international services as are available;

(e) to take such other actions as will be necessary and appropriate to discharge the foregoing functions;

(4) that among the migrants with whom the Committee will be concerned are included refugees and the new refugees for whose migration arrangements may be made between the Committee and the governments of the countries affording asylum;

(5) that membership in the Committee will be open to governments with a demonstrated interest in the principle of the free movement of persons and which undertake, subject to approval by the proper governmental

authorities, to make a financial contribution to the Committee, the amount of which will be agreed to by the Committee and by the government concerned;

(6) that the Committee will elect its own officers, establish its Rules of Procedure, establish such sub-committees as it may decide (including an inter-governmental sub-committee on the co-ordination of transport), and exercise the powers required to carry out its purpose;

(7) that the Committee will agree to a plan of operations, a budget, a plan of expenditure and the terms and conditions under which available funds shall be spent in accordance with the following principles:

(a) each country of reception will retain control of standards of admission and the number of immigrants to be admitted;

(b) only those services will be undertaken by the Committee which are essential to the movement of migrants who could not otherwise be moved;

(c) the Committee will ensure that its administration is conducted in an efficient and economical manner;

(d) any member government making a contribution to the operating fund will be able to stipulate the terms and conditions under which that contribution can be used;

(8) that the Committee will appoint a Director responsible to the Committee;

(9) that the Committee shall vest the Director with the powers necessary to carry out the responsibilities entrusted to him by the Committee;

(10) that the Committee will give early consideration to the question of the relations to be established with international, non-governmental and voluntary organizations conducting activities in the field of migration and refugees; and

(11) that the Committee will examine the need for its continuing existence beyond a twelve-month period. ¹

1) PICMME Document PIC/1, December 5, 1951, "Resolution To Establish A Provisional Intergovernmental Committee for the Movement of Migrants from Europe".

After IRO ended operations on January 31, 1952, PICMME took over the direction and operation of ten ships that were in operating condition. It also took over the work of moving 12,205 refugees, who had been properly visaed, to countries of immigration. Funds for this operation came from the remaining money in IRO's account, plus those funds which would be forthcoming from liquidation of assets.¹

The second session of this Committee was held at Geneva from February 18, through February 23, 1952. Seventeen full members participated in the proceedings. As yet no director had been elected, but the arrangement made at the first session, whereby Franz Leemans and George Warren were granted the power and authority of the Director on a temporary basis, was changed to the selection of an executive committee to handle matters of policy; the members were the representatives from Belgium, Brazil, Canada, France, Germany, Italy and the United States. Mr. Pierre Jacobsen, who was elected the Deputy Director

1) Warren, " Progress toward Solution of Europe's Refugee Problem ", Department of State Bulletin, April 21, 1952, pp.638.

at the first session, was given the temporary powers and authority of the Director.¹

It was at the third session held at Washington, D.C. from 10 through 13 June, 1952 that Hugh Gibson, a former U.S. Ambassador and a U.S. representative at numerous international conferences, was elected the Director of PICMME. It was felt that since the United States had been instrumental in bringing the operation into being, and since the U.S. would be the largest contributor, it was only fair that the Director be American.²

In the progress reports, it was noted that from February 1st until May 31st of 1952, a total of 38,942 migrants and refugees had been moved to resettlement countries; these persons came mostly from Germany, with the remainder coming from Austria, the Netherlands, Italy and Trieste. It was anticipated that a total of 121,000 persons would be moved during 1952. This figure would by no means relieve Europe of

1) Ibid, p. 639 and " Europe's Problem, etc. ", Ibid, February 4, 1952, p. 173.

2) **PICMME** Documents PIC/Res/20 and PIC/47.

its refugee and overpopulation problem, but it would prove that economical mass movements under international auspices were practicable.¹

During both of these sessions, the financial aspects were discussed thoroughly. Two funds were set up to facilitate operations: the Working Fund and the Revolving Fund. The former serves the purpose of supplying working capital for the Committee's operations and thereafter covers the cost of movement of those migrants and refugees who are not included in the schemes of movement providing for reimbursable costs, and for whose movement no other funds are available.² The Revolving Fund was designed to assist the various private agencies or groups already concerned with the migration operation to provide passage loans to individual refugees. First, the Committee tries to find as many contributions as possible to help these agencies in their work and

1) PICMME Documents PIC/47, p. 1, and US/PIC/47/1.

2) Warren, "Progress toward, etc.", Department of State Bulletin, April 21, 1952, p. 639.

then it contributes as it sees fit to fill in the gaps. This fund is also aimed at helping those who missed receiving IRO aid. Repayment is expected from the refugees and migrants after a reasonable period of resettlement.¹

During this last conference, extended discussion centered on the problem of defining the treatment to be extended to those refugees of European origin residing outside Europe. These persons were under the jurisdiction of the High Commissioner's Office, but that Office could act only in so far as funds were made available to it by voluntary agencies and governmental contributions. In Shanghai, there were an estimate 4,700 refugees receiving care and maintenance by the High Commissioner's Office only because IRO had given funds enough for this treatment. However, these funds were due to run out soon and after that there was no apparent source. Emigration of these persons was greatly handicapped by the fact that they had almost no access to consular offices in order to handle the legal formalities needed for such movement.²

1) PICMME Document PIC/47, p. 11.

2) PICMME Documents US/PIC/23 and PIC/47.

Another indication that there was a need to make some arrangements to treat the problem of refugees outside Europe was involved in the case of the 1,250 refugees, mostly White Russians, still residing in Iran. When threatened with eviction, the High Commissioner could only plead for their non-eviction; and a stay was granted by the Iranian government on a very temporary basis.¹

This entire discussion raised two serious questions:

1) the need for a definition of "refugees residing outside Europe", and 2) the amount of policy change that PICMME would face if it were decided that the Committee had jurisdiction over this group of refugees. It was argued that since most of the refugees concerned in the discussion were of European origin they were to be considered eligible for the benefits of the migration agency. However, it was also noted by some representatives that if such a stand were taken, their governments would have to reconsider adherence to the Committee.²

1) PICMME Document US/PIC/23. Other estimated figures of refugees of European origin residing outside Europe were: Turkey 700, Lebanon 70, Syria 104, Egypt 2000. (US/PIC/23). Turkey has also appeared for international assistance on the grounds that there was an influx of 250,000 refugees from Bulgaria (U.N. Bulletin, January 15, 1952, p. 63.).

2) PICMME Document US/PIC/23.

This problem was finally sent to committee to be studied for presentation at the next session of the Provisional Intergovernmental Committee for the Movement of Migrants from Europe.¹ It was on this note that the session ended on June 13, 1952.²

1) PICMME Document PIC/Res 26.

2) At the close of the session, 19 countries had adhered to the Committee. They were Australia, Belgium, Bolivia (formal confirmation not then received), Brazil, Canada, Chile, Denmark, France, Germany, Greece, Israel, Italy, Luxemburg, the Netherlands, Paraguay, Switzerland, the United States and Venezuela. (PIC/50).

The Palestine Refugee Problem

International assistance was applied to another refugee situation after World War II, but under conditions so different from those of Europe that almost little or no use could be made of either the experience or the international agreements that had accumulated since the beginning of the Nansen Office in 1921. The forceful erection of the State of Israel in May 1948 and the subsequent non-recognition and open hostility by the surrounding Arab States produced a situation whereby approximately three quarters of a million Palestinian Arabs fled Israeli domination and were given asylum by the surrounding Arab countries. However, this asylum was given with the idea that they would be aided in their return to their former homeland and not with the intention of granting resettlement privileges. Consequently, all international assistance thus far offered has had to be mainly care and maintenance; all other forms of aid, such as resettlement or reintegration, have been

considered politically unacceptable by the host governments.

The end of World War I left the Arabs with an unwanted and unexpected system of Mandates under the League of Nations, administered by Great Britain and France. The Arabs were also left with a document called the Balfour Declaration which was incorporated in the British-held Mandate for Palestine and which committed the mandatory government to the promotion of a national home for the Jewish people in Palestine. It is from these two situations - the mandate and the Balfour Declaration - that the present-day Palestinian Refugee situation can be directly traced.

The Preamble of the Mandate for Palestine states:

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the [Balfour] declaration originally made on November 2, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a National Home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country... 1

1) Mandate for Palestine, preamble. Found in Great Britain and Palestine, 1914-1945, London, Royal Institute of International Affairs, 1946. Appendix II, p. 151.

Article 4 further defines British Policy towards the

Jews:

An appropriate Jewish Agency shall be recognized as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish National Home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organization, so long as its organization and constitution are in the opinion of the Mandatory appropriate, shall be recognized as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish National Home. 1

After the initial period of disturbances between the Arab and Jews in 1920 and 1921, it became evident that the Arabs were not objecting to the manner in which the Mandate was being operated, but rather to the idea of the Mandate itself; they were not prepared to be reconciled to any regime which recognized and advocated the Jewish National Home in their territory. Particularly were the Arabs alarmed and aroused by the Zionist Organization's vigorous policy for the colonization of Palestine by Jewish

1) Ibid., pp. 151-152.

immigrants.

During the period between 1922 and 1944, the population of Palestine increased almost one and one-third times - from 752,048 to 1,739,624. Although the non-Jewish increase was greater in the absolute sense, percentage wise the non-Jewish increase was 85% while the Jewish increase was 528% ! $\frac{1}{3}$

One of the main factors tending to intensify this Jewish immigration as well as getting international support for the program was the situation prevailing in Europe. Both the countries that had unpopular Jewish elements of population and those which were interested in solving the refugee pro-

1) Great Britain and Palestine, op. cit., p. 62. Of the 752,048 persons in 1922, 83,790 of them were Jewish. In 1944, there were 528,702 Jews in a total population of 1,739,624 (p. 61).

The German Government was carrying out a program that facilitated Jewish emigration to Palestine from Germany. This was done through a clearing agency called the "Haavara" which would receive the money of prospective emigrants, purchase German goods with the amount and have them exported to Palestine where they were sold and the money received turned over to the emigrant on his arrival. From April 1, 1933 to 1937 the amount thus transferred was 7.3 million pounds Sterling, which also made Germany the largest exporter to Palestine. As internal political conditions became worse in Germany the program was slowed up considerably and the Jewish Agencies that were aiding in this venture found themselves caught up in the overall deteriorating international scene and freedom of operation seriously curtailed. (Simpson, The

blem without accepting the refugees within their own borders all gave support to the movement of these Jews to Palestine. Between the years 1933 and 1940 there was a recorded entrance of approximately 200,000 Jews into Palestine. ¹

The idea of partitioning Palestine as the only way of solving the Arab-Jewish struggle was officially presented by the Royal (Peel) Commission of 1937 which was investigating the causes and effects of the six-month strike carried out by the Arabs from April to October of the preceding year. In support of this idea, the League of Nations Council passed a resolution on September 16, 1937 authorising Great Britain

? Refugee Problem, op, cit., p. 432). See appendix VII, a and b, below for Jewish immigration figures.

1) Great Britain and Palestine, op. cit., p. 63. It must be noted all these figures on population and immigration are official estimates or official recordings. They do not include the figures for clandestine immigration of Jews which the British White Paper of 1937 estimated to be between 30,000 and 40,000 persons. The Jewish Agency itself added 37,000 to the official estimates of the Jewish population. (George Kirk, The Middle East in the War, Survey of International Affairs Series, 1939-1946), London, Oxford University Press, 1952, p. 229, footnote 1).

to explore such an idea, while still maintaining the original Mandate. Subsequent studies showed that while partition would be the most logical way to resolve the Palestine difficulties, the Arabs would never accept it, and the economics of the area could not support it unless there were economic co-operation between the two parties. ¹

World War II lessened the actual fighting between the opposing elements in Palestine, but the Zionists intensified their political struggle with the Allies. Heavy support, and hope for support, was especially sought in the United States, because of the large, wealthy and politically important number of Jewish Agencies and individuals, as well as because of the "generous, but uninformed and uncritical, humanitarianism of the average American [who had] been moved by the suffering of the Jews in Europe." ²

1) Great Britain and Palestine, op. cit., pp. 100, 107-108.
 2) Kirk, op., cit., pp. 392-330. An example of U.S. support, is President Truman's request, on August 31, 1945, that 100,000 Jewish immigrants be admitted into Palestine immediately in order to relieve the plight of the Jews in Europe. This proposal was subject to extended negotiations between Britain and the U.S. up to the outbreak of Arab-Jewish hostilities. (Palestine: Termination of the Mandate, 15 May, 1948; London, H.M. Stationery Office, 1948. pp. 8-9).

As stated, the political aspects of these refugee situations do not fall within the scope of this study. Voluminous treatment, from all possible angles, has already been given to the Palestine problem. Suffice it to say, that after the Second World War, the situation in Palestine deteriorated to the point where Britain considered her position untenable and announced that it was relinquishing her Mandate by August 1, 1948, and that a special session of the U.N. General Assembly should be called to consider the Palestine situation. This session met between April 28 and May 15 and set up a Special Committee to study the matter and report to the Assembly in the regular Fall Session. The Committee's majority recommendation was partition and after considerable debate and political maneuvering among the U.N. member states for alignments on the vote, a partition resolution was passed on November 29, 1947. ¹

1) General Assembly Resolution 181 (II), 29 November 1947. Also see Palestine: Termination of the Mandate, 15th May, 1948, op. cit., this statement lays the blame for the failure of the British mandate to provide a stable Palestine Government on the intransigence of the Arabs and Jews; not once is it mentioned or admitted on the establishment of a Jewish National Home might have been an erroneous policy.

Naturally, the Arabs opposed this resolution and threatened armed resistance to the setting-up of any such Jewish state. Britain then announced that she would withdraw from Palestine as of midnight, May 14, 1948. On May 15, the Zionists declared Israel a sovereign state and hostilities between the Arabs and Jews broke out immediately.

This war was short-lived. By the end of July 1949, all serious fighting had ceased and individual armistice agreements between Israel and her surrounding neighbors - Lebanon, Syria, Jordan and Egypt - were concluded. These armistices, which basically settled for status-quo post-bellum, gave Israel almost three-fourths of Palestine's territory; much more than than the area granted by the U.N. partition resolution.

It is easy to see where Arab resentment against the United Nations, especially the United States and Great Britain, derives. First, the mandate policy of Britain with the National Home for Jews aspect was held as an uncalled for imposition upon the Arabs; second, the post-World War II policy of the

United States that advocated Jewish immigration into Palestine, support of Zionist aspirations as part of domestic (U.S.) politics, and the fostering of the Palestine partition resolution with great energy, meant that the Arabs lost their only disinterested, great-power support; and third, the Arabs feel that the U.N. armistice commission pushed them into unfavorable terms that have subsequently lost all chance of revisions except through force. ¹

The history of international assistance to the refugee situation caused by the above-mentioned conditions began with an appeal from the Arab League to the Secretary-General of the United Nations. It was sent through the U.N. mediator for Palestine, Count Folke Bernadotte, in late July 1948; it was an appeal for aid from the international community:

It is felt that the situation of misery and distress of a large number of refugees merits the attention of the United Nations Organization concerned with the assistance

1) George Lenczowski, The Middle East in World Affairs; Ithaca, Cornell University Press, 1952. Pp. 279-285. The whole of Chapter X in this book is worthwhile for a summary of the events leading to the setting up of Israel.

and welfare of refugees, and this request is therefore being made to your excellency with a view to initiating such an action as is required to relieve the acuteness and gravity of the situation.¹

This appeal was referred to the Preparatory Commission of IRO but the Commission stated that its limited resources forced it to decline this responsibility. If additional funds were made available to the Commission, those funds would have to be used in Europe on persons who were deserving of aid as defined under its constitution, but at the time were not being provided for.²

1) Progress Report of the United Nations Mediator on Palestine, General Assembly official records, 3rd Session, Supplement 11 (A/648), 16 September 1948. (To be cited as Mediator's Report hereafter). P. 47.

2) Ibid., p. 47. It is not to be thought that no aid was being given the refugees in the interim. Numerous international agencies, as well as many local groups, turned out in selfless style to help meet the humanitarian problem. Most prominent among these were the International Red Cross Societies and the American Friends Service Committee. These three groups set up the system of care and maintenance that kept any large-scale nutritional, shelter and medical disasters from occurring. (See United Nations Relief for Palestine Refugees: Report by the Secretary General for the Period 30 September 1949 to 30 April 1950, General Assembly, 5th Session, A/1452, 24 October 1950; to be cited as Secretary-General's Report hereafter).

After this reply, the U.N. Department of Social Affairs sent an investigator to make a survey of the problem of these Palestine Refugees. His report stated that this was a United Nations problem since the Arabs were not citizens of any other country and since they had become residents on a land under U.N. responsibility when the United Kingdom's mandate ended on May 15, 1948. He further stated that the immediate needs for the period remaining until September 1948 were: 1) food and protected water supplies adequate in quantity and regularly distributed; 2) preventative medical provision against epidemic disease by innoculation, and hospital provision on an emergency basis; 3) work or activity to occupy the attention of the refugees; 4) tentage accommodations for 60,000 refugees; and 5) clothing and bedding. After this immediate treatment, the period from September to December 1948 should be spent to meet the continuing problems of the needs of the refugees while attempts at repatriation were being made. After that, until August or September 1949,

a long-range program of survival would have to be undertaken until that years' harvest was completed. ¹

Under the short term program, the immediate plan was to coordinate: 1) the existing agencies already giving aid in this area with as much specialized aid as could be made available from the United Nations; 2) its specialized agencies which could at least donate experience and advice; 3) the various private organizations, including the Red Cross; and 4) direct aid by the separate governments to whom appeals would be made. The main aim was to get resources so organized that an efficient and continuous program could be established to meet the emergency. ²

On November 19, 1948, the General Assembly adopted a resolution setting up the United Nations Relief for Palestine Refugees (UNRPR) as an agency to coordinate the relief activities. ³ This was to be done in conjunction with the Inter-

1) Mediator's Report, op. cit. Pp. 47-49.

2) Ibid., pp. 50-52.

3) General Assembly Resolution 212 (III), 19 November 1948.

national Committee of the Red Cross, the League of the Red Cross Societies, and the American Friends Service Committee. These three were to carry out the distribution of relief supplies procured by the U.N. for the refugees while the United Nations International Children's Emergency Fund continued supplying food and medicine to children and pregnant mothers with UNRPR doing the distribution. ¹

This combined effort was scheduled to last until August 31, 1949, at which time it was expected that most of the obstacles to the reintegration of the refugees - either by repatriation to Israel or resettlement in their countries of refuge - would be removed. However, the political aspect of the situation stayed as strained as ever and no progress was made. Consequently, the UNRPR continued until April 30, 1950 at which time another U.N. agency took over. ²

1) Interim Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, General Assembly official records, 5th Session, Supplement 19 (A/1451/Rev 1), 6 October 1950. (To be cited as Interim Report hereafter); p. 1.

2) Ibid., p. 2. This new Agency will be discussed below.

During the summer of 1949, as it became obvious that the approach to the Palestine problem was not solving any of the problems, another method was attempted. The United Nations Economic Mission for the Middle East (The Clapp Mission) was established by the Conciliation Commission for Palestine on August 23, 1949:

... to examine the economic situation in the countries affected by the recent hostilities, and to make recommendations to the Commission for an integrated programme:

(a) To enable the Governments concerned to further such measures and development programmes as are required to overcome economic dislocations created by the hostilities;

(b) To facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation ... in order to reintegrate the refugees into the economic life of the area on a self-sustaining basis within a minimum period of time;

(c) To promote economic conditions conducive to the maintenance of peace and stability in the area. 1

This Committee's work was to be carried on in collaboration with the governments concerned, taking into consider-

1) Final Report of the United Nations Economic Survey Mission for the Middle East, Part I, (AAC.25/6), 28 December 1949 (to be cited as The Clapp Report hereafter). Pp. 15-16, 30.

ation the measures that could be carried out by the governments: 1) with or without outside financial aid, and

2) on the basis of already existing plans and surveys.

The number of refugees that could or could not be aided in the various projects was to be estimated; the problem of compensation for refugees' claims, for property, homes and damages, was to be studied in relationship with the proposed settlement projects, and the matter of refugees' rehabilitation in all its phases was to be studied. Finally, the Commission was asked to propose an organizational structure that could work within the framework of the United Nations and achieve the objectives outlined above:

To co-ordinate, supervise and facilitate measures for relief, resettlement, economic development and related requirements such as community service facilities, bearing in mind the interests of all the Governments concerned. 1

Actual work on the survey began in Beirut, Lebanon on September 12, 1949. Because the Commission felt that the

1) Ibid., p. 30.

situation called for urgent action, an interim report was submitted on November 6, 1949 with the following findings:

- 1) Since the refugees comprise, on the average, 7 percent of the population of their country of refuge, and in Jordan and Gaza almost twice the number of those in the host country, the resolution of this demoralizing, unproductive and costly problem is the most immediate requirement conducive to the maintenance of peace and stability in the area;
- 2) the political stalemate between Israel and the Arab countries precludes an early solution to the refugee problem by means of repatriation or large-scale resettlement;
- 3) while direct aid must continue, the amount of rations being doled out was in excess of the justifiable number and therefore should be stringently decreased; 4) work must be found for the idle refugees in order that they do not remain a burden upon those aiding them; 5) there are many potential opportunities for useful and productive work to improve and reclaim the land, increase the supply and use of water,

strengthen and extend road systems and improve sanitation and shelter; 6) money for the purpose of the work projects would have to come from outside sources; and 7) the Near East, in general, needs development of its unused resources and the Governments there must do it in their own way with the help of competent counsel and substantial financial credits. ¹

The theory behind the Clapp Mission's report was that the economic distress of the Arabs was related directly to the economic weakness of the countries. In line with this theory came the following recommendations: 1) the minimum ration being given by the UNRPR arrangement under emergency relief should be continued until April 1, 1950, but by January 1, 1950 the number of rations should have been cut to include only those persons found eligible for relief and, thereafter, reductions should take place as the refugees find gainful employment; 2) a public works program should be started after

1) Ibid., p. 16.

April 1, 1950 with the aim of improving the productivity of the area and with both the U.N. and the appropriate Near East governments participating. After December 31, 1950, the U.N. should **stop** supplying rations unless the Near East Governments present appropriate proposals for their continuation; while the works program should be continued until June 30, 1951, at which time **preparation** be made for the interested governments to take over; 3) an agency should be organized after April 1, 1950 to direct the dual program of relief and public works, providing that: the agency have autonomy in its sphere of activity, that it be located in the Near East, that the personnel and assets of UNRPR be taken over by this new agency, and that the agency be able to counsel with the interested governments in order to prepare for the time when no U.N. funds are available. ¹

These findings of the Economic Survey Commission were incorporated by the General Assembly into Resolution 302 (IV),

1) Ibid., pp. 16-17.

adopted on December 8, 1949. To carry out the task outlined by the Commission, there was established

... the "United Nations Relief and Works Agency for Palestine Refugees in the Near East":

(a) To carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Commission;

(b) To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available;¹

At the same time, an Advisory Commission to be made up of representatives of France, Turkey, the United Kingdom, and the United States was established

... with power to add not more than three additional members from contributing Governments, to advise and assist the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in the execution of the programme; the Director and the Advisory Commission shall consult with each Near Eastern Government concerned in the selection, planning and execution of projects. ²

1) General Assembly Resolution 302 (IV), 8 December 1949.

2) Ibid., Syria, Egypt and Jordan were added to the Advisory Commission.

Operations of the new agency began on May 1, 1949, a month later than originally planned, with Howard Kennedy, American, chosen as director. ¹

One of the first problems to be faced by UNRWA - the popular designation of the agency - was that of decreasing the number of rations being doled out. The Clapp Mission had decided that there were roundly 751,000 bona fide refugees and of these, only 625,000 were eligible for receiving rations. ² However, when UNRWA began operations it was found that there were 957,000 persons on relief rolls and that it was impossible to reduce the list to less than 875,000. ³

Surveys and censuses have defied accuracy for numerous reasons.

1) Report of the Director of the United Nations Relief and Works Agency, General Assembly official records, 6th Session, Supplement 16 (A/1905), 28 September 1951. (To be cited as 1951 Director's Report hereafter). P. 15.

2) The Clapp Report, op. cit., I. P. 22.

3) 1951 Director's Report, op. cit., p. 3. It is to be noted that in this discussion of the operation of UNRWA there is no treatment of the efficiency or honesty of the organization itself. While there has been much controversy on this aspect, it is felt by the writer that the topic of this study does not include this specific problem and that the results of UNRWA operations would not have been any different if the lack of efficiency and the presence of wide-spread corruption were proved or disproved. The political overtones of the problem are great enough to push these normally important factors to a secondary role.

One report stated:

In western Jordan the whole population is Palestinian and the refugee is therefore not distinguished from his neighbor by speech, appearance or necessarily by poverty; rendering still harder the task of the investigator (himself a Palestinian), which is already complicated by all the wiles that hungry men can muster, and all the pressure that can be brought to bear. 1

In this effort to cut the ration rolls, UNRWA used as a working definition for refugee: "that person normally resident in Palestine who has lost his home and his livelihood as a result of the hostilities, and who is in need". 2

Naturally, there was much opposition encountered in this move; one report states:

... It [UNRWA] has no illusion about the unpopularity of its endeavours in that direction. It feels little hope that it will meet with any co-operation in its efforts toward the goal set. Conferring refugee status on non-refugees in the first instance has created a situation that cannot be ignored,

1) 1951 Director's Report, op. cit., p. 3. Other ways that refugees received more rations were by registering themselves in more than one region or under several names, by increasing the number of family members, or by registering false births and hiding deaths. The special agencies aiding in this program, prior to UNRWA's taking over of the program, had also taken it upon themselves to feed certain destitute individuals when it was found that the refugees would fare better than the residents of an area once the former were under international care. (Secretary-General's Report, op. cit., p. 6).

2) 1951 Director's Report, op. cit., p. 3.

but removing it exposes the Agency to unwarranted and unfair criticism from the misinformed public as well as fanatical opposition on the part of the undeserving recipient and his friends and supporters. 1

As of June 30, 1952, over four years since the creation of this refugee problem, there were still more than 880,000 on the ration rolls. 2

The registered refugee population, i.e., those refugees eligible for Agency relief and reintegration service, is numbered at 882,462 as of May 1952. Of these, approximately one-third lives in Agency-organized camps; the other two-thirds are living in lodgings for which they are responsible. From May 1951 to May 1952, the camp population increased by almost 16,000; because those refugees have spent all their available funds, because of the lack of opportunity

1) Ibid., p. 6.

2) Annual Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, (covering the period 1 July 1951 to 30 June 1952), General Assembly official records, 7th Session, Supplement 13 (A/2171). (To be cited as 1952 Director's Report hereafter). p. 2. While the basic ration of 1,595 calories in the winter and 1,521 calories in the summer has prevented any serious outbreaks of disease, it is generally felt that there is a gradual deterioration of the health of the refugee subsisting solely on this minimum dole. The U.N. Internation-

for employment, or because they find living has become difficult as a refugee with no apparent hope for changing their status. UNRWA reports that they are turning away many more such requests because their relief funds are not sufficient enough for an enlarged camp program. Another factor in this pressure for rations and camp support is that of the increase of population. It is estimated that the natural rate of increase of refugee population per year is now 22,000. ¹

However, this was not the main interest of the United Nations in aiding the Palestine refugees. Primarily, the U.N. wanted to have the refugees assimilated into the Middle East economy once more, either by returning to their original homes in Palestine or by becoming residents in their new lands. Return to their homes in present-day Israel is not

al Children's Emergency Fund (UNICEE) has aided by supplying milk to the infants, children, and pregnant and nursing mothers among the refugees. Further, a supplementary feeding program for certain categories of refugees is being undertaken by the Welfare Division of UNRWA. (Pp. 4, 31, 32).

1) Ibid., pp. 2-3. See appendix VII c and d, below.

possible. Israel was willing to accept 100,000 former residents, but on the conditions that: since the security and economy of Israel must be considered first, the accepted refugees would be resettled in areas where they would not come in contact with possible enemies of Israel, and that Israel would reserve the right to resettle the repatriated refugees in specific locations in order to ensure that such reinstallation would fit into the general plan of Israel's economic development. Neither the Arabs nor the United Nations would agree to such terms. ¹

The feeling among the refugees is summed up in the following statement:

The desire to go back to their homes is general among all classes; it is proclaimed orally at all meetings and organized demonstrations, and, in writing, in all letters addressed to the Agency and all complaints handed in to the area officers. Many refugees are ceasing to believe in a possible return, yet this does not prevent them from insisting on it, since they feel that to agree to consider any other so-

1) General Progress Report and Supplementary Report of the United Nations Conciliation Commission for Palestine (for the period 11 December 1949 to 23 October 1950), General Assembly official records, 5th Session, Supplement 18 (A/1367/Rev 1), 2 September 1950. (To be cited as Conciliation Commission Report hereafter). P. 14.

lution would be to **show** their weakness and to relinquish their fundamental right, acknowledged even by the General Assembly. They are, moreover, sceptical of the promised payment of compensation. 1

Thus, the United Nations finds itself handling a refugee problem where the refugees are resisting attempts at any solution to their plight except the return to their homeland. Understandably, the refugees consider their stand one that is morally sound; especially in light of the United Nations resolution recommending the refugees' return and compensation for any losses incurred. ² Paragraph eleven of the resolution stated:

... The refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and compensation should be paid for the property of those choosing not to return and for the loss or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible. 3

1) Ibid., p. 5. See appendix VII e below for an example of the attitude of some of the refugees in this connection.

2) The Clapp Report, op. cit. I, p. 19.

3) General Assembly Resolution 194 (III), 11 December 1948. Also see Resolution 394 (V), 14 December 1950 for U.N. confirmation of this stand.

To the refugees, any relief given them is considered a right, and as such is considered as inadequate, even though they are physically better off than the poorest levels of populations in the host countries and, in some cases, better off in the way of social services than they were in Palestine.¹

A direct result of the impasse with repatriation was the change of emphasis that was brought about by UNRWA in respect to their program of public works. Since the numbers of refugees were not being decreased by resettlement as had been anticipated, it appeared fruitless to support a program that did not lead to any solution or conclusion of the problem; furthermore, this public works assistance program proved more costly than giving straight relief.

Accordingly, the emphasis was placed upon works leading to integration rather than temporary employment through public works. It was planned to have the refugees put in a position to support themselves and their families when UNRWA aid was withdrawn and not to allow the continuance of their existing

1) 1951 Director's Report, op. cit., p. 5.

on a small turn-over and a narrow margin of profit with rent-free premises and basic rations doled out to them. To achieve this end of self-support and at the same time not jeopardize the opportunity for repatriation and compensation, which the refugee jealously guards, it was decided that the large-scale assistance granted by the United Nations must parallel the movement towards economic development by the Near Eastern Governments themselves. ¹

Shortly after Mr. Blandford assumed his post as Director of UNRWA on 1 July, 1951, a review of the Agency's program was started at Headquarters and in the field. The object was to find a formula acceptable to area governments which would improve refugee living conditions and provide opportunity for self-support. Experience with the works relief program and the search for small projects had made it evident that any major large scale effort to attain the Agency's objectives would require large-scale development schemes, adequately financed, projected over a period of years. With these basic considerations in mind an outline for a proposed program of approximately three years duration, costing a total of \$250 million was developed in consultation with the

1) Ibid., pp. 9-10.

Advisory Commission. ¹

Following the setting up of this cheme, Blandford visited the various Arab Governments in an effort to secure their co-operation and opinions. After this, he was invited to attend the August 1951 Arab League meetings in Alexandria, Egypt where approval for the basic proposal was voiced. On

1) Chronological Summary of Progress with Governments in Developing the UNRWA Program, Beirut, UNRWA, 5 March 1953. (To be cited as Progress with Governments Report hereafter). p. 1. Mr. Blandford replaced Mr. Kennedy as Director on July 1, 1951. In an appeal for financial support of this new scheme, Mr. Blandford complained to the U.N. Economic and Social Council, in February 1952, of the past financial contributions. He stated that in December 1949, only ten countries, excluding those states directly concerned with the problem, contributed to UNRWA's operations although forty-seven members had voted for the program; in December 1950, only thirteen states were giving cash or kind while forty-eight members had voted for the program. (United Nations Bulletin, (XII), February 15, 1952. P. 166). Such a situation meant a precarious existence for UNRWA since the projects are based on the total budget and large amounts of money are committed in advance. There was no continuous assurance that funds would be available when due. Mr. Kennedy had already described this condition in a report on October 6, 1950, when he stated: "... At no time in its brief career has the Agency been able to see its financial position assured for more than a few weeks ahead. For three of the five months of its existence it has not had sufficient unencumbered cash with which to purchase the subsequent month's food needs until the twentieth day of the month in question. Under such conditions, planning of works projects on any considerable scale for the future was tinged with an air of unreality." (Interim Report, op. cit., pp. 10-11). After the approval of the three-year scheme, these financial difficulties have lessened considerably; they are no longer a restricting feature of the Assistance Program.

October 8, 1951, the Political Committee of the Arab League issued formal statement of endorsement that said they accepted to cooperate "in view to improving the situations of the refugees" subject to the conditions that no rights of repatriation or compensation were jeopardized, that the Arab countries not be responsible for the financing of the program, that the refugees be the main concern of the program, and that the Arab Governments retain full authority over the project within their own borders and that they decide on their own particular reservations. 1

After these negotiations and findings, a joint report from the Director and the Advisory Commission was submitted to the Sixth Session of the General Assembly. The main proposal was that:

The General Assembly is requested to endorse and urge contributions for a 250 million dollar programme of assistance to Near East governments for the relief and reintegration of Palestine refugees to be carried out over a period of approximately three years starting 1 July 1951, composed of \$50 million for relief and \$200 million for reintegration, with local governments assuming the maximum responsibility at

1) Progress with Governments Report, op. cit., p. 1. See Appendix VII - f, below for Arab League Statement.

the earliest possible date. Every effort should be made by the Agency and the governments to arrange for the transfer of relief administration to the governments not later than 1 July 1952. Further, it is intended that relief expenditures be reduced in suitable proportion to reintegration expenditures with 1 both ceasing at the end of the period.

In an annex attached to the report, an outline of the three-year program of economic cooperation for improving refugee living conditions was presented. Its general objective was: to help refugees obtain adequate housing and employment which would mean that they would be moved from camps and temporary shelter to suburban housing projects and rural villages, and would be moved from ration lines to self-supporting employment. The general intention was to make the refugees economic assets of the countries of refuge. ²

Specifically, the Governments and the Agency were to cooperate in the following activities:

1) Special Report of the Director and Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, General Assembly official records, 6th Session, Supplement 16A (A/1905/Add 1), 29 November 1951. (To be cited as Special Report hereafter). P. 2.

2) Ibid., p. 4.

- 1) Helping the refugees find employment where their services are needed and which does not conflict with employment of nationals;
- 2) Training refugees for service in fields where there is a shortage of trained personnel;
- 3) Making loans to refugees to establish them in gainful enterprises;
- 4) Building houses in and near cities, villages or industries where jobs may be available;
- 5) Creating rural villages in areas where land is available for cultivation;
- 6) Developing agricultural lands through well-drilling, irrigation works, access roads and similar small works. 1

The general procedure for the Governments was that they would: 1) propose or authorize projects; 2) contribute principally in the form of public lands and services

- 3) have planning or development boards to approve projects;
- 4) through ministries or construction authorities, be encouraged to assume maximum responsibility for construction;
- 5) through local authorities, or the refugees through local cooperatives, be expected to operate projects and programs of assistance to refugees; and 6) be expected to take necessary measures for refugees to work and to move from one

1) Ibid., p. 4.

country to another. The Agency was to have experts and services to assist the governments and the refugees in the performance of these activities. ¹

After the Agency approved the projects it would finance them through expenditures or grants to the governments or authorities. As the expenditures were made on this program, and as the refugees were sheltered and employed, the appropriate reduction would be made in the relief expenditures. Occupation of the houses, lands and other facilities would be offered on a temporary basis for a small rental; and if a refugee chose to acquire ownership, special arrangements could be made. These payments could then be accumulated in a special fund for loans to refugees or for investment in new project facilities. ²

It was assumed that this three-year program would be paralleled by a large-scale development programs in the host

1) Progress with Governments Report, op. cit., p. 4.

2) Ibid., p. 4.

countries for the benefit of the local populations and UNRWA was prepared to facilitate this coordination of programs through its facilities for technical assistance and economic research. ¹

Debate on this proposal took place in January 1952 by the General Assembly. After considerable discussion, and after consultations with the representatives of the countries concerned, the resolution was passed by a vote of forty-four to none, with seven abstentions. The program and budget of the Agency were approved, while careful attention was taken to assure the refugees that their rights to repatriation and compensation were not prejudiced by their participation in this program. ²

Results of this approval have not been as rapid as might be hoped. The first success came about with Israel whereby, through a formal agreement between the Agency and the Israeli

1) Ibid., p. 4.

2) United Nations Bulletin, (XII), February 15, 1952. pp. 166-174, 208.

government, Israel agreed to accept full responsibility for the approximately 20,000 refugees receiving UNRWA relief in that country. UNRWA ended her responsibility as of July 1, 1952, although there was a two-month period of transferring supplies and equipment.

The second major agreement was with Jordan on August 5, 1952. This was a \$11 million program agreement that combined all the projects previously undertaken in that country as a result of individual project development. This sum is broken down into five categories: 1) research, planning and surveys - \$.5 million; 2) agriculture - \$7.75 million; 3) industrial and commercial - \$1.25 million; 4) urban housing - \$.5 million; and 5) vocational training - \$1 million. ¹ Within the framework of this program, the following project agreements have been concluded.

1) An agreement for the establishment of a \$500,000 Vocational Training Center near Jerusalem which will provide training facilities for over 600 students;

1) Progress with Governments Report, op. cit., appendix V.

- 2) Four agreements for the development of agricultural communities on land provided by the state;
- 3) The development of a tarpaulin and tent factory on a commercial basis to provide employment for approximately 200 refugees in the Jordan Valley;
- 4) The provision of a 50-unit housing scheme for workmen in the Amman area;
- 5) The Jordan Development Bank, established in 1951 at the suggestion of, and with the major financial support of, the Agency. This bank was created to furnish loans for general economic development in Jordan and has, during the past year, issued loans totalling approximately \$250,000 for the establishment or the expansion of a number of commercial enterprises. Benefits to refugees result from the terms of these loans which require that refugee employment in the enterprise shall be in proportion to the total investment of the Agency in the Development Bank. 1

There has also been the setting up of a Placement Service project in Jordan to provide facilities of an employment office for the refugees. More than 14,000 refugees who have applied for employment have been included in a survey of skills available among the refugee population. This has enabled the establishment of an occupational regis-

1) Ibid., p. 4. See appendices VII through X of this UNRWA report for an elaboration of Jordanian cooperation in these schemes.

try of great value in planning vocational training programs and project schemes. ¹

Pending the completion of technical surveys, UNRWA has set aside \$40 million of its funds until the end of December 1953 when it is expected that a definite commitment will be ready to be made on the Yarmuk River scheme that will irrigate 95,000 acres in the Jordan Valley. This is actually the first major undertaking in the Arab countries and is being done in conjunction with the United States Point IV program and with British loan authorities. ²

On November 23, 1952, an operating and program agreement was signed with Libya which contemplates the establishment of agricultural communities involving as many as 1200 refugee families. The present agreement is not specific as

1) Ibid., p. 4. "Initially, the survey met with considerable resistance on the part of the refugees who felt that it was a form of census designed to remove refugees from the ration rolls. This initial resistance was overcome when it was shown that Placement Service was able to find jobs for refugees, and applicants in great numbers have continued to approach our offices in Jordan." (P. 4).

2) Ibid., p. 4.

to numbers and at present it is not expected that more than a trickle of refugees will be moved until later and more definitive terms are made. ¹

One of the original projects that was hoped to provide for an estimated 50,000 refugees was the agricultural development scheme in the Sinai area of Egypt. This could only be undertaken if the experts provided by UNRWA were able to find sufficient water deposits. The efforts proved unsuccessful and this project abandoned in the spring of 1952. After months of search and an expenditure of approximately \$100,000. ²

Other smaller projects are being undertaken in Iraq and in Gaza, conversations are still being held with the Syrian Government and no new projects are contemplated in Lebanon because the Government is having its own economic and employment difficulties.

1) Ibid., appendix XI. See appendix VII - g, below, for copy of this agreement.

2) Ibid., p. 1.

In concluding its progress report, UNRWA states:

The essential fact to remember is that there has been a long and inevitable period of difficult political negotiations. Governments are extremely sensitive to local public opinion and need time to develop public understanding of the new program and new terminology. Time has also been required for the search for projects, for field surveys, and for processing documents through ministries and cabinets. Only now is the Agency emerging from this period and beginning to move into the stage of major project development and execution. 1

Since, as the preceding paragraph points out, the beginning and possible ending of this refugee problem lies in the hands of the Middle East Governments, a final word on the political statement might help put the International Assistance Program in the Middle East in better perspective.

At the same time that the debate for the \$250 million aid program was being debated by the General Assembly in February 1952, the proposal for the continuation of the U.N. Palestine Conciliation Commission was also being considered. Throughout, there was no evidence of compromise by Israel

1) Ibid., p. 6.

or the Arab Governments on the vital issues which, if reconciled, would lead to an immediate alleviation of the refugee problem.

While the fighting was still going on between the Israeli and Arab forces, Count Folke Bernadotte, U.N. Mediator for Palestine, made the original proposals for settlement that:

- 1) the fighting cease;
- 2) the recognition of Israel be established;
- 3) the boundaries must be definitely set;
- 4) the boundaries existing at the end of hostilities must be modified in the interests of homogeneity and integration of the people and of the area;
- 5) the Arab refugees (then 350,000) should have the right to repatriation and compensation for loss and damage of property;
- 6) Jerusalem should be treated separately, and
- 7) there should be international guarantees of both the boundaries and the rights of the Arabs.

He also mentioned the danger of allowing continued Jewish immigration in Israel since this would necessitate future expansion and

lead to further conflict. ¹

Since that time, the Arabs have consistently demanded that: 1) the present boundaries of Israel be revised; 2) the Arabs be able to determine the amount of compensation and the manner of distribution to the refugees for their loss of property and for property damage; and 3) the legal right of the refugees to return to their former homes be secured.

This position was met by the Israeli stand that: 1) there be no revision of boundaries; 2) compensation for damage or loss of property be done on a "global" or lump sum basis and not on an individual basis, and 3) there be no appreciable return of refugees. ² Israel further contends that while 500,000 refugees left her area, 300,000 Jewish refugees from Arab countries have entered; it is up to the Arab countries to accept the Arab refugees in the same spirit that

1) Georgiana Stevens, "Arab Refugees: 1948-1952", Middle East Journal, (VI), summer 1952. Pp. 284-285. It was not long after these proposals were made public that Count Bernadotte was assassinated by a fanatic member of a Zionist organization, on September 17, 1948.

2) Ibid., p. 294.

Israel accepted hers. 1

Director Blandford in his report to the General Assembly suggested that the contending governments adhered to the following proposals that: 1) war damage claims be cancelled mutually; 2) Israel agree to the acceptance of a specified number of repatriated refugees; 3) Israel pay global compensation to a United Nations trustee who would then distribute the funds equitably to refugees presenting valid claims; 4) blocked bank accounts be released mutually, and 5) both sides revise the armistice agreement making for more efficient individual living. 2

It is at this point that the Palestine refugee problem

1) United Nations Bulletin, (XII), February 15, 1952. P. 170.

2) Ibid., p. 167. In this debate, it is interesting to note the stand taken by the Soviet Union in the light of its stand taken in the previous debates concerning the European refugees situations. The Soviet Union stated that the Conciliation Commission had failed because it was imposing the will of the "Atlantic Bloc Countries", namely the United States, the United Kingdom and France. Further, it contended that continuation of the Commission was useless and dangerous, and that the problem of Israel and the Middle East could be solved only when these countries are left to settle their own differences without selfish outside interference. (P. 168).

stands, and has stood since its inception. Any immediate hope for its solution rests directly on the compromises that the Governments concerned are willing to make. 1

1) Although not properly fitting in with refugee assistance program, appendix VII - h, below, summarizes the status of the refugees in their host countries. These rights and obligations which have been built up since May 1948 have a close bearing upon the activities and program of UNRWA, and casts some light upon the unhappy lot of any non-assimilated group of people cast out of their homeland and made subject to political passions.

APPENDICES

APPENDIX I: CHRONOLOGICAL TABLE OF IMPORTANT EVENTS

- 1921 (Sept 1), Fridtjof Nansen appointed League High Commissioner for Russian Refugees.
- 1924 (May 31), Arrangement extending benefits of Nansen certificates to Armenian refugees.
- 1925 (Jan 1), International Labor Office took over the League's technical matters for the employment, resettlement and migration; the High Commission for refugees continued handling the legal aspects.
- 1926 (May 12), Arrangement on Refugee activity allowing for the return of the refugee to the country where he received his certificate of identity.
- 1928 (June 30), An Intergovernmental Committee met and set up an Arrangement on the Legal Status of Russian and Armenian refugees.
(Oct 28), Convention on the legal status of refugees.
- 1929 (Dec 31), ILO withdrew from refugee work
- 1930 (Jan 1), Secretary-General of the League assumed temporary responsibility for the refugee organization of the League.
(May 13), Death of Nansen.
- 1931 (April 1), Work begun by the Autonomous Nansen International Refugee Office, with Dr. Max Huber as the first president.
- 1933 (Jan 1), Dr. Georges Werner appointed president of the Nansen International Refugee Office.
(Oct 6), The High Commission for German Refugees created with James G. McDonald as High Commissioner.
(Oct 26), Convention on Legal Status of refugees.

- 1935 (May 24), Provisions of Nansen Passport extended to Saar refugees.
(Dec 27), Resignation of James G. McDonald as High Commissioner.
- 1936 (Jan 23), M. Michael Hansson appointed president of the Nansen International Refugee Office.
(Jan 24), Sir Neill Malcolm appointed High Commissioner for refugees coming from Germany.
(July 4), Arrangement extending legal aid handled by the League of Nations to the refugees coming from Germany.
- 1937 (Sept 16), League Resolution authorizing Britain to explore possibilities of partition in Palestine.
(Oct 5), League Resolution on International Assistance to refugees.
- 1938 (Feb 10), Convention on Legal Status for Refugees.
(July 6-15), Intergovernmental Meeting at Evian.
(July 14), Evian resolution setting up the Intergovernmental Committee for Refugees.
(Aug 3), Second meeting of IGC at London.
(Dec 31), Termination of Nansen Office.
- 1939 (Jan 1), New League High Commission for refugees set up with Sir Herbert Emerson as High Commissioner.
(Sept 14), Protocol on refugees drawn up.
- 1941 (Sept 24), Meeting of Allied representatives to discuss, and decide on, post-war policy for the rehabilitation of Europe.
- 1942 (Nov 18), U.S. set up the Office for Foreign Relief and Rehabilitation Operations under the Department of State.

- 1942 (Dec 17), Statement condemning German action towards Jews sent by: U.S., Belgium, Czechoslovakia, Luxemburg, Netherlands, Norway, Poland, U.S.S.R., the United Kingdom, and Yugoslavia.
- 1943 (June), Representatives of Great Britain and the U.S. met to draft the basis for the United Nations Relief and Rehabilitation Administration.
- (Sept 23), The U.S. - British agreement released to the United Nations countries.
- (Nov 9), Agreement for UNRRA signed by 44 countries.
- (Nov 11), Herbert H. Lehman, American, appointed Director General of UNRRA.
- 1946 (Apr 1), Fiorello H. La Guardia, American, became Director General of UNRRA.
- (Dec 15), Final draft of the International Refugee Organization approved by the General Assembly.
- 1947 (Jan 1), Lowell W. Rooks, American, became Director General of UNRRA.
- (Feb 11), Plenary Session of the Preparatory Commission of IRO at Geneva opened. William H. Tuck, American, appointed Executive Secretary.
- (June 30), Termination of UNRRA and IGC.
- (Nov 29), General Assembly Resolution on Partition of Palestine.
- 1948 (May 15), British Mandate in Palestine terminated; Israel declared a State.
- (July), Appeal from Arab League for United Nations aid to Palestine refugees.
- (Aug 20), The International Refugee Organization began operations upon sufficient ratifications of its constitution; the Preparatory Commission ceased to function at the same time.

1948 (Sept 21), Meeting of IRO General Council; William H. Tuck appointed Director General of IRO.

(Nov 19), U.N. Relief for Palestine Refugees Agency set up.

(Dec 11), General Assembly resolution supporting the Arab Palestine Refugees' claim to repatriation and compensation for property loss.

1949 (July 31), J. Donald Kingsley, American, appointed Director General of IRO.

(Aug 23), U.N. Economic Survey Mission for the Middle East (Clapp Mission) established.

1950 (Apr 30), Termination of UNRPR

(May 1), U.N. Relief and Works Agency for Palestine Refugees in the Near East began operations with Howard Kennedy, American, as Director.

(Dec 14), General Assembly Resolution setting up Office of High Commissioner for Refugees.

(Dec 14), General Assembly Resolution repeating support to Arab Refugees' claims to compensation and/or repatriation.

1951 (Jan 1), New U.N. High Commissioners Office for Refugees established with G.J. Van Heuven Goedhart, Dutch, as High Commissioner.

(July 1), John B. Blandford, Jr., becomes Director of UNRWA.

(July 2-25), U.N. Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons held at Geneva; passed Convention on the Status of Refugees.

(Nov 26 - Dec 5), Conference on Migration in Brussels.

(Dec 6-8), Plenary Session of the Provisional Intergovernmental Committee for the Movement of Migrants from Europe in Brussels.

(Dec 3-7), First Session of the U.N. High Commissioners Office for Refugees in Geneva.

1952 (Jan 26), General Assembly Resolution approving \$250 aid Program for Palestine Refugees.

(Jan 31), Termination of IRO.

(Feb 11), Final Session of IRO.

(Feb 18-23), Second Session of PICMME in Geneva.

(June 10-13), Third Session of PICMME in Washington, D.C.

APPENDIX II: SUMMARY OF ANTI-JEWISH LEGISLATION FROM 1933
TO 1943.

For the purposes of this paper, the effects of internal governmental activity upon the international scene in creating a population movement that becomes a refugee problem are to be seen from the legislation passed during the life of the National Socialist Party of Germany from its first platform in 1920 to the height of its power in 1943. This documentary history shows how a refugee situation can develop because of a country's selfish national policy. There was no way then, nor is there any way now, to stop such action without direct intervention in that country's activity. This is the reason for present attempts, after the International Refugee Organization, to get the surplus population of Europe lessened and to lift any strain that can easily bring an encore to the rise of the Nazi regime. Until a way is devised to stop such a national policy or to eliminate the cause for such a policy, the refugee problem can never be cured; it can only be treated.

It is to be noted that these laws applied equally to the Jews in Austria as well as all other countries that fell under German domination.

1) Statement by Hitler to Rauschnigg:

We must pursue a policy of systematic depopulation. If you ask me what I mean by the term "depopulation", I

would tell you that I understand it as the complete removal of whole racial groups. And that is what I am going to do; such, roughly speaking is my purpose. Nature is cruel, and so we have to be cruel too. If I can send the cream of the German nation into the hell of war ... without regret for the shedding of precious German blood, I have surely the right to remove millions of an inferior race, who multiply like flies! 1

- 2) Party Program of the National Socialist Party established on February 20, 1924 by Hitler and maintained until the defeat of Germany:

par.4. Only a member of the race can be a citizen. A member of the race can only be one who is of German blood, without consideration of creed. Consequently, no Jew can be a member of the race.

par.5. Whoever has no citizenship is to be able to live in Germany only as a guest, and must be under the authority of legislation for foreigners.

par. 6. The right to determine matters concerning administration and law belongs only to the citizen. Therefore we demand that every public office, of any sort whatsoever, whether in the Reich, the country or municipality, be filled only by citizens. ...

par 7. We demand that the State be charged with providing the opportunity for a livelihood and way of life for the citizens. If it is impossible to sustain the total population of the State, then the members of foreign nations (non-citizens) are to be expelled from the Reich.

par. 8. Any further immigration of non-citizens is to be prevented. We demand that all non-Germans, who have immigrated to Germany since 2 August 1914, be forced immediately to leave the Reich.2

- 1) From a statement by General R.H. Rudenko, Chief Prosecutor for the U.S.S.R., February 8, 1946, Nuremberg. Cited in Seymour Krieger (ed.), Nazi Germany's War Against the Jews, New York: The Parish Press, 1947. Section II, p. 40. All the following data is taken from this source.
- 2) From the National Socialist Yearbook 1941, p. 153. Cited in Krieger, Section III, p. 267.

3) Anti-Jewish Legislation from 1933 to 1943:

1 April 1933; Boycott of Jewish Enterprises

- a) Boycott to be carried out without violence.
- b) SA & SS men were forbidden to enter Jewish establishments.
- c) Defensive guards were to inform the public which establishments were operated by Jews.

(With these laws went public statements from all the top officials stressing the necessity for the Germans to observe this anti-Jewish program. 1)

7 April 1933; A law reestablishing professional civil service and providing for the dismissal of officials of non-Aryan descent. From 9 November 1918 to the present all non-Aryans hired had their rights to compensations and pensions revoked. 2

11 April 1933; On the regulation of the civil service

A non-Aryan was defined as: A person is to be regarded as non-Aryan, who is descended from non-Aryans, especially Jewish parents or grandparents. This holds true even if only one parent or grandparent is of non-Aryan descent. This premise especially obtains if one parent or grandparent was of Jewish faith. 3

22 April 1933; Non-Aryan patent agents were removed from the roster. 4

25 April 1933; A law against the overcrowding of German schools and higher institutions by reducing the number of non-Aryans. This meant keeping a "proper proportion", i.e., not to exceed a number proportionate to the Aryan students in each school, college or university compared to the percentage of non-Aryans within the entire German population. 5

6 May 1933; Jews were denied the right to practice the profession of tax adviser. 6

30 June 1933; Non-Aryans were barred from admission to the practice of law, and the admission to the bar of non-Aryan lawyers was cancelled. 7

1. Ibid., p. 342
 2. Ibid., p. 248
 3. Ibid., p. 331
 4. Ibid., p. 362

5. Ibid., p. 332
 6. Ibid., p. 422
 7. Ibid., p. 249

3) Anti-Jewish Legislation (Cont'd)

26 July 1933; The German naturalization of Eastern Jews was revoked. 1

4 October 1933; The admission to the profession of editor prohibited to non-Aryans. 2

21 May 1935; Aryan descent was made a prerequisite for active military service. 3

10 September 1935; Separate Jewish schools were established. 4

15 September 1935; Reich Citizenship Law (the Nurenberg Laws passed at the Nazi Party rally).

art. 2, #1. A citizen of the Reich is only that subject, who is of German or kindred blood and who, through his conduct, shows that he is both desirous and fit to serve faithfully the German people and Reich. 5

15 September 1935; Law for the Protection of the German Blood and Honor.

- a) Marriages between Germans and Jews were prohibited.
- b) Jews were denied the privilege of employing German women in their households.
- c) Jews were forbidden to hoist the Reich national flag. 6

14 October 1935; Only officials of German blood may be promoted in public work. 7

14 November 1935; Law defining the term "Jew" and denying them citizenship.

art. 2, #2. An individual of mixed Jewish blood, is one who descended from one or two grandparents who were racially full Jews. ... One grandparent shall be considered full-blooded if he or she belonged to the Jewish religious community.

art 5, #1. A Jew is anyone who descended from at least three grandparents who were racially fully Jews. ...

art 5, #2. A Jew is also one who is descended from two full Jewish parents, if: (a) he belonged to the Jewish

1. Ibid., p. 423
 2. Ibid., p. 333
 3. Ibid., p. 441
 4. Ibid., p. 433

5. Ibid., p. 255
 6. Ibid., p. 473
 7. Ibid., p. 362

3) Anti-Jewish Legislation (Cont'd)

religious community at the time this law was issued, or who joined the community later; (b) he was married to a Jewish person, at the time the law was issued, or married one subsequently; (c) he is of the offspring from marriage with a Jew, in the sense of section 1, which was contracted after the Law for the protection of German blood and German honor became effective; (d) he is the offspring of an extramarital relationship, with a Jew, according to Section 1, and will be born out of wedlock after July 31, 1936.

art 4, #1. A Jew cannot be a citizen of the Reich. He has no right to vote in political affairs, he cannot occupy a public office.

art 4, #2. Jewish officials will retire as of 31 December 1935. ... They shall receive compensation only if they were in the First World War for Germany or her allies. 1

8 January 1937; This was an order issued refusing financial assistance to civil service employees to pay for services performed by Jewish doctors, dentists, lawyers, etc. Exception may be made only in life or death cases on an individual basis. 2

26 April 1938; Registration of Jewish-owned property required. 3

25 July 1938; Jews prohibited from practicing medicine. 4

17 August 1938; A decree enacted executing the law requiring Jews to use only such names as prescribed in the Minister of Interior's directives. 5

5 October 1938; All German passports of Jews in the Reich were invalidated. 6

12 November 1938; A law eliminating Jews from German Economic Life. They were prohibited from operating retail shops, mail order houses, and handicraft enterprises; it was made unlawful for Jews to offer goods or services in any market or to advertise or accept orders; and, it was provided that no Jew ⁷ could manage a firm or be a member of a cooperative. -

1. Ibid., p. 256
2. Ibid., p. 475
3. Ibid., p. 250
4. Ibid., p. 424

5. Ibid., p. 264
6. Ibid., p. 337
7. Ibid., p. 261

3) Anti-Jewish Legislation (Cont'd)

15 November 1938; Jews barred from German universities. 1

28 November 1938; A police regulation imposing restrictions of the time and place that Jews may appear in public. 2

3 December 1938; A law on the utilization of Jewish property.

It was decreed that Jews could be ordered to sell or liquidate their industrial enterprises, real estate, and securities. They were prohibited from dealing in these types of property and from converting them into jewels, gems or objects of art that they could carry with them. 3

5 December 1938; Jewish drivers licenses and registration papers were revoked. 4

14 December 1938; A law to various political leaders ordering the elimination of Jews from German economic life and the taking over of Jewish funds and businesses. This was to be done under the already existing directives. 5

28 December 1938; A directive banning the use of sleeping and dining by Jews and further banning them from certain hotels, restaurants, swimming pools, mineral baths and similar public places. 6

30 April 1939; Law prohibiting a Jewish tenant from invoking the protection of the tenancy laws against an Aryan landlord, and permitting an Aryan to dissolve a lease with a Jew at any time by simply giving notice. 7

4 July 1939; A decree authorizing the Reichminister of the Interior to abolish or take over all Jewish organizations and foundations. 8

1 October 1940; Law concerning those German Jews in France.

A system was set up to make lists of those Jews who were abroad in order that they could be brought under the Reich's Jurisdiction. 9

1. Ibid., p. 404

2. Ibid., p. 254

3. Ibid., p. 251

4. Ibid., p. 402

5. Ibid., p. 244

6. Ibid., p. 111

7. Ibid., p. 258

8. Ibid., p. 427

9. Ibid., p. 16. (This legislation was applied to occupied areas as soon as they were taken)

3) Anti-Jewish Legislation (Cont'd)

1 September 1941; A decree permitting the Jews to appear in public only if they wore a yellow Jewish star on the left side of their outer garment. 1

18 September 1941; A law blocking the property of the Jews in occupied Dutch territory who emigrated from the Reich. 2

3 November 1941; An Aryan is not permitted to maintain friendly relations with Jews or show themselves conspicuously in public with the Jews on penalty of being sent to a concentration camp. 3

24 March 1942; Public transportation severely limited to Jews. Usually those drafted to work, school children, Jewish legal counsels and those with specified distances of travel were permitted to use the transportation. 4

18 September 1942; Restrictions on food purchases.

Jews were not allowed to buy meat, meat products or milk after 14 October 1942, and their right to purchase other rationed foods were sharply reduced. 5 Their hours during which they could shop were limited. 5

1 April 1943; All Jews and Poles released from penal institutions were to be sent to death camps for the rest of their lives. 6

1 July 1943; Jews were placed beyond the pale of the law and turned over to the Gestapo. All criminal actions committed by them would be subject to direct police action and their property excheats to the State after their death. 7

1. Ibid., p. 401
 2. Ibid., p. 513
 3. Ibid., p. 46
 4. Ibid., p. 51
 5. Ibid., p. 246

6. Ibid., p.163
 7. Ibid., p.259. With the passing of this law there was no longer a legal footing for Jews in Germany and German dominated countries.

APPENDIX III: APPROXIMATE NUMBER OF REFUGEES REMAINING AT THE
END OF 1937 ¹

Russians in European and Mediterranean Countries	355,000
Russians in the Far East	95,000
Armenians	225,000 ²
Assyrians, Assyro-Chaldeans, Turks, etc.	7,150
Assyrians of Iraq	9,000
Italians	30,000
Refugees coming from Germany	165,000
Spaniards	<u>3</u>
Portuguese	<u>4</u>

-
- 1) Date from Simpson, The Refugee Problem, op. cit., Table LVIII, p. 515.
 - 2) This includes practically the whole Armenian population in Syria and the Lebanon. Although the greater part of them are naturalized, they cannot be regarded as completely assimilated.
 - 3) No useful figure can be cited for Spanish refugees because of the fluctuating character of this immigration.
 - 4) No satisfactory figures are available.

APPENDIX IV: DISPLACED PERSONS UNDER UNRRA CARE OR SUPERVISION ¹

	December 1944	December 1945	September 1946	December 1947
<u>Germany:</u>				
Poles	.....	427,407	302,725	136,180
Polish Ukrainians ²	.....	.....	.....	99,078
Balts	.....	132,098	176,362	148,776
Yugoslavs	.....	18,029	14,439	9,324
Jews	.....	14,000	120,849	134,864
Others	.....	85,874	81,255	30,629
<u>Austria:</u>				
Poles	.....	11,236	9,239	2,899
Polish Ukrainians ³	.....	9,190	.....	7,471
Balts	.....	1,594	2,270	1,841
Yugoslavs	.....	14,877	8,479	6,959
Jews	.....	4,361	10,400	5,723
Others	.....	8,524	9,808	3,166
<u>Italy:</u>				
Jews in camps	.....	10,265	.....	9,356
Jews out of camps	.....	10,985	.....	7,423
<u>Middle East, East Africa and India:</u>				
Greeks ⁴	5,361	451	123	9
Poles	1	6	30,004	27,007
Yugoslavs	27,399	8,166	762	647
Others	6,391	201	73	42

-
- 1) Table from Woodbridge, UNRRA, op. cit., II, p. 498.
 - 2) Included under Poles and/or others in December 1945 and September 1946
 - 3) Reported mainly under Poles, partly under Yugoslavs and Others in September 1946.
 - 4) In September 1946 and June 1947 includes Polish displaced persons in East Africa, Palestine, India and Lebanon, for whom UNRRA assumed responsibility (on a reimbursable basis) as of 1 August 1946.

APPENDIX V: DISPLACED PERSONS REPATRIATED BY UNRRA ¹

<u>Area of Displacement</u>	<u>Poles</u>	<u>Others</u>	<u>Total</u>
Middle East	3,583	50,383	53,966
Austria	11,676	190,361	202,037
Germany:			
British Zone	318,883	40,665	359,548
French Zone	45,013	2,171	47,184
United States Zone	186,102	149,153	335,255
Italy	4,265	13,756	18,021
Other	205	31,066	31,271
	<hr/>	<hr/>	<hr/>
Total	569,727	477,555	1,047,282

1) Data from Woodbridge, UNRRA, op. cit., II, p. 518. This repatriation took place in the Middle East from April 1, 1945, and from November 1, 1945 in the other areas until June 30, 1947 in all areas.

APPENDIX VI: NUMBERS OF REFUGEES RESETTLED, BY COUNTRY AND TYPE OF MIGRATION SCHEME, BETWEEN JULY 1, 1947 and DECEMBER 21, 1950.¹

Countries of Destination	Individual Nomination	Government Selection Schemes	Total
<u>1) European</u>			
Belgium	714	21,656	22,370
France	3,928	34,179	38,107
Netherlands	398	3,862	4,260
Sweden	2,421	1,432	3,853
United Kingdom	4,044	81,319	85,363
Others	1,430	280	1,710
<u>2) Overseas</u>			
Argentina	19,226	11,745	30,971
Australia	7,778	162,755	170,543
Brazil	3,815	20,830	24,645
Canada	31,706	62,409	94,115
Chile	1,266	3,136	4,402
Israel	....	120,766	120,766
New Zealand	241	1,947	2,188
Paraguay	2,773	2,934	5,707
Peru	371	1,919	2,290

1) Data from Migration from Europe, op. cit., p. 39.

2) Overseas (Cont'd)

United States	24,584	213,422 ¹	238,006
Venezuela	4,800	11,195	15,995
Others in Latin America	5,498	391	5,889

3) Other Areas(including Morocco,
Tunisia, Turkey, etc.)

4,922

3,301

8,223

 Total

119,925

759,478

879,403

 1) By mid-1951, this figure had reached nearly one million.

APPENDIX VII: THE PALESTINE REFUGEE PROBLEM.A. Recorded Jewish Immigration into Palestine, 1933-1940 ¹

1933	30,327
1934	42,359
1935	61,854
1936	29,727
1937	10,536
1938	12,868
1939	16,405

204,076

B. Jewish Immigration into Palestine, 1919-1937, by Nationality ²

<u>Nationality</u>	<u>Number</u>	<u>Per Cent</u>
Poland	131,249	42
Germany	35,346 ³	11
U.S.S.R.	30,718	10
Rumania	15,528	5
Lithuania	9,642	3
Yemen	9,181	3
U. S. A.	7,909	3
Others	73,457	23
	<hr/> 313,030	<hr/> 100

1) Great Britain and Palestine, op. cit., p. 63.

2) Ibid., p. 66

3) Of this figure, 31,390 came between 1933 and 1937 (Simpson, The Refugee Problem, op. cit., p. 431).

C. Proportion of Palestine Refugees to host populations

(June 1951) ¹

Country	Host Population	Non-relieved Refugees	Relieved Refugees ²	Total
Syria	3,227,397	83,187	5,173	3,315,757
Lebanon	1,267,579	106,896	17,830	1,392,305
Jordan	784,259	465,741	....	1,250,000
Israel	1,184,620	24,380	....	1,209,000
Gaza	90,628	200,143	....	290,771

D. Distribution of Refugees as of February 1952 ³

Syria	83,694
Lebanon	104,641
Jordan	458,260
Israel	19,710
Gaza	201,175
Total	867,480

-
- 1) 1951 Director's Report, op. cit., p. 34
 2) Relieved refugees means those refugees who are self-supporting and who could survive without international assistance.
 3) Georgiana Stevens, Middle East Journal, op. cit., p. 298.

E. Telegrams sent to Dr. Izzat Tannous who represented refugee interests at United Nations in New York ¹

1) dated November 3, 1952.

"We refugees of Nursham Camp insist on return home
Forcing of U N Resolution of 1947
Non cooperation with Mr Blandford and his schemes
In case of no settlement in this session we have
resolved to desist from receiving U N ration until
our death"

2) dated October 30, 1952, from Ramallah, Jordan

"Arab Refugee Congress authorizes you to represent
them before UNO with specific directions to reject
any reintegration scheme and demand political
solutions of Palestine problem on basis of parti-
tion resolution

"Shehadeh Secretary General"

3) dated October 28, 1952

"Palestine Arab Refugees make you their spokesman
at United Nations stop Reintegration and rehabili-
tation schemes and the millions of dollars are no
effective measures stop We ask for fulfilment of
United Nations Charter on Human Rights and implement-
ation of United Nations Resolutions

"Palestine Arab Refugees in Jerusalem"

To the Secretary-General of the United Nations

1) dated October 28, 1952

"Relief dollars and reintegration schemes cannot lure

1) Copied from originals received personally from Dr. Tannous
in Beirut, Lebanon, May 8, 1953.

Palestine Arab Refugees who insist on their legal and natural rights to their homes and properties and the implementation of United Nations Resolutions

"Moslem Christian Association of
"Property Owners Jerusalem"

F. Translation of Statement from the Arab League Secretariat
General Political Committee ¹

Alexandria,

8th October, 1951.

The Political Committee of the Arab League took the following decision:

Decision of the Sub-Committee on the proposal submitted by UNRWA's Director dated 2nd October, 1951.

The Sub-Committee made the following recommendations on the projects concerning the situation of refugees:

We confirm our acceptance of co-operation in view to improving the situation of the refugees under the following conditions:

1. We confirm that the proposals do not jeopardize the rights of refugees to repatriation or compensation should they ask to get this last right; repatriation, in conformity with Article II of the 1948 United Nations Assembly Resolution; we make a formal reservation on the political future of Palestine.
2. The return of refugees or compensation for those who do not wish to be repatriated remains the responsibility of the United Nations and the Agency up to the completion of the programme and until all the refugees are self-supporting.
3. The financing of the projects is not the responsibility of the Arab States.

1) Progress with Governments Report, op. cit., Appendix II

4. It is understood that these projects will be productive in themselves and will not be a liability for the national economy of Arab countries.

5. The estimation of the costs of the projects will take into account the economic and social aspects in order to assure refugees a decent standard of living.

6. The need to re-unite dispersed families should be taken into consideration, and every effort must be made to provide them with a way of life comparable to the one they had formerly.

7. In the implementation of the programme priority will be given to experts, businessmen and professional people of Palestinian origin, and then to Arab citizens.

8. Every country retains full authority for the control, the preparation, and the execution of the work.

9. Every country will remain free to decide its own particular reservations on the subject.

10. The programme must be extended to all categories of refugees whether they be land owners or not, whether they have a professional background or a technical skill, without any distinction, taking only into account their own desires, their abilities, and the various circumstances in which they find themselves.

G. Agreement between the Government of the United Kingdom of Libya and the United Nations Relief and Works Agency for Palestine Refugees in the Near East ¹

WHEREAS the Government of the United Kingdom of Libya (hereinafter referred to as "the Government") agrees to admit to Libya a number of refugees and to allow them to be established in self-supporting pursuits; and

WHEREAS the United Nations has authorized the United Nations Relief and Works Agency for Palestine Refugees in

1) Progress with Governments Report, op. cit., Appendix XI

the Near East (hereinafter referred to as "the Agency") to co-operate with Governments with a view to assisting refugees in improving their living conditions and in becoming self-supporting;

The Government and the Agency have agreed to the following:

ARTICLE I

The Government and the Agency agree to join at the earliest possible opportunity in planning programmes for the establishment of a number of refugees in the United Kingdom of Libya.

The execution of such programmes through specific projects shall be subject to special project agreements. Projects agreed upon between the Government and the Agency shall be financed by the Agency.

ARTICLE II

The Agency shall possess juridical personality and shall enjoy in the territory of the United Kingdom of Libya the appropriate privileges and immunities provided for in the Convention on Privileges and Immunities of the United Nations.

ARTICLE III

The Government agrees to permit entry of those refugees selected for settlement in Libya who have no passports, or laissez-passers issued by any Arab Government in the Near East or by UNRWA itself.

The Government will, in due course, confer upon refugees who apply therefor, the rights and privileges enjoyed by the citizens of Libya.

ARTICLE IV

The present Agreement will come into force as from the date of its signature and will remain in force for the period necessary for the execution of the programme referred to above.

ARTICLE V

The present Agreement will be signed in English and in Arabic. In the event of discrepancy between the English and Arabic texts of this Agreement, the English version shall prevail.

Signed at Tripoli, this 23rd day of November 1952.

For and on behalf of the
United Kingdom of Libya

For and on behalf of the United
Nations Relief and Works Agency
for Palestine Refugees in the
Near East

(Sgd.) Mahmoud Bey Montasser
(Prime Minister, Libya)

(Sgd.) T.H. Yazdi
(UNRWA Liaison Officer, Libya)

H. Status of Refugees in the Host Countries¹

In principle the status of refugees is a matter outside the terms of reference of UNRWA; it nevertheless has a close bearing upon the activities and programme of the Agency. It was therefore considered advisable to make a separate study of this question.

As the status of refugees and, in particular, their rights and obligations, differ between one host country and another, each country will be dealt with separately.

A. Lebanon

1. Juridical status of refugees

Refugees are regarded as being in Lebanon on sufferance. They are not granted residence visas and are not entitled to take advantage of the laws of citizenship. They have no political rights and no military obligations. They are of course expected to conform to the laws and regulations of Lebanon, as well as to all measures taken for the maintenance of peace, public order and health to the same extent as foreigners do. However, due to the peculiar conditions under which they live, they are subject to certain other restrictions.

It is not clear to what extent the personal status of refugees is governed by the laws of Lebanon. There seems to be sufficient ground for saying that rights dependent on personal status previously acquired by refugees would be respected by Lebanese courts. All changes of personal status

1) 1952 Director's Report, op. cit. pp. 45-48.

must be reported, within the periods allowed by the law, to the Surete generale, Controle des Etrangers. Registration of marriages, annulment of marriages, divorce, births, deaths, changes of religion, etc., is obligatory on Lebanese citizens under the Law of 7 December 1951, regulating the registration of documents of personal status.

The succession of refugees, like that of foreigners, is governed by the law of the country of the de cujus under article 9 of the Law of Succession contained in Order LR/141 of 3 October 1933. Palestine law is therefore applicable to the devolution of the estates of refugees, as has been held by Lebanese courts in several cases.

Wills made by refugees according to Lebanese Law are executory without any order of court.

2. Rights in civil, criminal and fiscal legislation

(a) Access to courts of law

Lebanese law applies fully to all refugees to the same extent that it applies to foreigners within the jurisdiction. They have access to all courts of law. They can be sued or prosecuted in all courts and they are entitled to sue and prosecute any action, whether civil or criminal. Being considered foreigners, however, refugees are required to file security before they are allowed to constitute themselves in civil claimants in criminal complaints (article 61 of the Code of Criminal Procedure).

(b) Acquisition of property

Refugees can acquire immovable property in Lebanon and all rights pertaining thereto under the conditions applicable to foreigners, namely, by obtaining the prior consent of the President of the Republic (Legislative Order No. 196 of 24 July 1942). In practice, however, refugees find it difficult to obtain this consent, since Lebanon does not agree to the settlement of refugees on its territory.

There is no restriction on the acquisition of movable property, and leases of immovable property for periods less than nine years. The acquisition of leases for periods of nine years or more, and other rights in rem in immovable property are subject to the same consent.

(c) Taxation

Refugees are subject to various types of taxation. All taxes, customs and excise duties, licence fees, etc., with the exception of municipal rates on dwelling houses, are payable by refugees.

UNRWA employees who are refugees have not been required, however, to pay income tax as yet. All prohibitions and restrictions on imports and exports and financial regulations apply to refugees.

3. Freedom of association and meeting

(a) Freedom of association

In principle, the refugees enjoy freedom of association in the same way as other foreigners in Lebanon do. Any association formed by them would be a foreign association within the meaning of Order LR/369 of 21 December 1939, which regulates the formation of foreign associations. Under article 8 of the said Order, all foreigners, members of an association, must be in possession of the identity cards reserved to foreigners, and it is still to be seen whether the identity cards recently delivered to Palestinians would entitle them to form lawful associations as of right and not as hitherto on sufferance.

(b) Freedom of meeting

Freedom of meeting is enjoyed by refugees to the same extent and under the same law applicable to Lebanese citizens. Meetings of refugees in Lebanon have been held on mere notice to the Ministry of the Interior or the Surete Generale.

4. Gainful employment

Like all foreigners in the Lebanon, refugees must be in possession of a permis de travail to enable them to be lawfully employed for a salary. The said permit is made obligatory on all foreign employees by article 59 of the Law of September 1946 (Code du Travail)

Refugees engaged in commerce, industries, agriculture and other means of self-employment must also be in possession of a permis de travail granted under article 22 of the Budget Law of 4 February 1946.

Refugees engaged in a liberal profession must also obtain a permis de travail under the same article of the said budget law, besides qualifying for the profession as required by law.

Permits are granted by the Ministry of National Economy. Some refugees have been able to obtain permits on any of the following grounds, namely:

- (a) That they are experts of specialists;
- (b) That they are married to Lebanese spouses;
- (c) That they are of Lebanese origin;
- (d) That they are employed by foreign companies which are allowed certain quotas of foreign employees.

In point of fact, a good many refugees have succeeded in obtaining salaried employment while others have successfully established themselves in commerce and industry.

UNRWA employees are required to hold permits.

5. Administrative restrictions

Unlike foreigners in Lebanon, refugees are subjected to certain restrictions justifiable on grounds of public order, security and health as well as on grounds of policy.

(a) Identity cards

Refugees aged 15 and above must hold the identity cards delivered especially to Palestinians. Children below 15 are registered on father's or mother's identity card. All refugees not registered during the census of refugees, and hence without identity cards, are unlawfully in Lebanon and may be deported to the country of refuge from which they had come.

(b) Travel documents

Travel documents are issued to refugees permitted to leave Lebanon. These are issued by the Surete Generale, Controle des Etrangers, and are of three kinds.

- (i) White, valid for a single outward journey without return to Lebanon;
- (ii) Blue, valid usually for one year, for one outward journey and return to Lebanon within a fixed period; and
- (iii) Frontier passes for short visits to Syria and return.

(c) Restrictions on movement

Freedom of movement is restricted in the following manner:

- (i) Inside Lebanon: Refugees drawing rations cannot transfer themselves without the permission of the Central Committee, obtained through the local Quaimaqam or Muhafez. The sanction for illegal transfer is the suspension of rations at Government's request until the return of the refugee to his original place of residence.

The same rules apply in principle to refugees not drawing rations, but in practice they can move freely inside the country and live anywhere they like.

- (ii) Outside Lebanon: There is no restriction whatsoever on refugees desiring to leave Lebanon for good. A laissez-passer and exit permit are granted as a matter of course on mere application to the Central Committee which approves the application and refers it to the Surete Generale for the necessary action.

Restrictions exist, however, on travel abroad and return to Lebanon. Except in rare cases and on sufficient grounds, refugees are not granted return visas to Lebanon. Once they leave Lebanon, they must return, if they so desire, on valid passports granted by a foreign State. To this rule exception is made in favour of refugees who have found employment with the Arabian American Oil Company, the Contract and Trading Company, and similar concerns, and those going for a trial period to Libya under an UNRWA settlement scheme, or have obtained employment in the Libyan Government or the United States Point IV programme. All these are granted return visas to Lebanon.

In principle, Lebanon does not accept new refugees. Exception had to be made, however, in favour of very few refugees of Lebanese origin, or whose relatives were in Lebanon, those who were repulsed from Israel and those who came from Gaza illegally and remained. Refugees who were able to obtain the passports of an Arab or a foreign State come to Lebanon as foreigners and not as refugees.

B. Syria

1. Personal status of refugees

The Palestine Arab Refugee Institution was created on

25 January 1949 by virtue of Law No. 450. The Institution has been to a large extent entrusted with managing the affairs of the refugees, including, inter alia, the census of refugees, registration of births, deaths, marriages, divorces, transfers and registration of movable and immovable properties owned by Palestinians in Palestine. Certificates that are issued by the PARI are accepted by law courts and official departments as if they were issued by the Directorate of the Vital Statistics Department (Direction de L'Etat Civil) of the Government.

Syrian Law of Nationality No. 98 of 28 May 1951 regulates the procedure for obtaining Syrian citizenship. One of the conditions is that the "foreigner" should have had an actual fixed residence in Syria for five consecutive years. The relevant article does not exclude Palestinians from fulfilling the conditions enumerated thereunder. However, article 6 provides that the Ministry of the Interior may grant Syrian nationality to a person of Arab origin, if the Government considers it is in the national interest to grant him Syrian nationality, even if he does not fulfil the conditions of residence mentioned in article 4. Article 5 provides that Syrian nationality cannot be granted to a group of persons or to a community en bloc except by virtue of a law published by the Government. Refugees have no political rights and no military obligations.

2. Rights in civil legislation

Generally speaking and with some exceptions to be mentioned hereunder, Palestinian Arabs residing in Syria enjoy all civil rights which are normally enjoyed by Syrian citizens. They have access to all courts and can be sued and sue.

Palestinian Arabs are allowed to open shops, establish places of business, form companies or partnerships on their own account or jointly with Syrians. Professional men, such as lawyers, architects, doctors, dentists, etc., are granted licences to practise their respective professions, provided they submit their documents or qualifications. Syrian Commercial Law (promulgated in 1949) does not discriminate between Syrians and non-Syrians. There is however a restriction as regards the formation of companies with shares (Societes Anonymes). In these companies, at least one-third of the members of the Council of Administration should be of Syrian nationality (See article 179 of the Commercial Law).

Some of the Legislative Decrees which have been passed in the last two years aim at facilitating the means of work to Palestinians. The following examples may be quoted:

(a) Petition Writers Law (No. 119 of 9 July 1951);

(b) Legislative Decree No. 162 of 10 March 1952 regulating the profession of sworn translators;

(c) Legislative Decree No. 250 of 31 May 1952, allowing Palestine public cars to be registered as Syrian public cars within a period of three months, provided that the car owners produce documents showing that their cars entered Syria in 1948, that they paid the Customs fees, and that the Syrian number plates of these cars shall not be negotiable upon the complete deterioration or destruction of the cars;

(d) Co-operative Societies Law No. 65 of 28 February 1950, allowing Palestinians to be members of co-operative societies under article 24 of the Co-operative Societies Law which stipulates, *inter alia*, that a member of a co-operative society should be a Syrian or an Arab citizen of an Arab country. Palestine was and is still considered as an Arab country. But article 40 of the said law provides that the members of the Board of Administration and the Committee of Control should be Syrians. This provision obviously excludes Palestinian Arabs.

(e) Acquisition of Immovable Properties by Foreigners. (Legislative Decree No. 189 of 1 April 1952.) Palestinian refugees are regarded as non-Syrian in law. The Legislative Decree in question is entitled "Conditions of Acquisition of Immovable Properties by non-Syrians". Under this law non-Syrians cannot buy or acquire land anywhere in Syria save in two circumstances: first, where the right devolves upon them by virtue of succession, testament or liquidation of religious trust property, and second, if the property in question is situated within the municipal boundaries of the Merkez (Capital) of the Mohafazat (Districts). Even here prior authorization in the form of a presidential decree is required before the acquisition of such property can become effective.

3. Fiscal legislation

Palestine refugees are subject to taxation including municipal rates, property and land taxes, on the same footing as any Syrian trader or landowner. With the exception of UNRWA employees, all Palestinians employed by the Govern-

ment or by commercial enterprises pay income tax on their salaries.

4. Freedom of association and meeting

Syrian law does not preclude Palestinians from forming associations and societies or from holding meetings, provided prior authorization from the competent authorities has been obtained. The formation of political parties or associations, whether by Syrians or Palestinians or foreigners, is strictly prohibited by Legislative Decree No. 197 of 6 April 1952.

5. Right to work

(a) Under the Labour Law and other enactments

Article 82 of the Syrian Labour Code provides as follows: "Alien workers holding a residence permit for Syria shall be permitted to work there, if reciprocal arrangements are made. In the case of Arab workers of States belonging to the Arab League, they shall be treated as Syrians. Foreign technicians shall be permitted to work in Syria at the employer's request, without regard to the principle of reciprocity".

Article 206 idem provides, inter alia: "Employed persons who are citizens of any of the nations belonging to the Arab League shall receive equal treatment with Syrian workers in all matters resulting from the operation of the provisions of this Labour Code".

The question which arises here is whether Palestinians from the strict legal point of view, are or were citizens of a "State" belonging to the Arab League, because Palestine was not an independent State. It was, however, represented in the Council of the Arab League during its meetings.

In fact, however, Palestinians are allowed to work in local and foreign companies, e.g., in the Khumassieh Co., the Glass Making Co., I.P.C., Bechtel and other smaller concerns. But Decision No. 22/sh/Ein of 19 September 1950 was passed by the Ministry of National Economy, which made it incumbent upon non-Syrian labourers to obtain a permis de travail prior to being employed by public establishments or public concerns. Such permis de travail are generally granted to Palestinians without any difficulty by the Directorate of Labour and Social Welfare, and their holders are accorded the same treatment as Syrians.

(b) Under the Civil Servants Act and other decrees

Article 11, paragraph (i) provides that no person

shall be employed in the Civil Service, except if he has been of Syrian nationality for at least five years. On 17 September 1949, however, the Legislative Decree No. 37 was promulgated. This Decree stipulates that "The condition of Syrian nationality should not be applied to Palestinian Arab candidates applying for posts to the Government Departments or public local authorities, and that they shall be treated on the same footing as Syrians with the right of keeping their Palestinian citizenship". The only special condition is that the applicant should have been a Palestinian Arab for at least five years.

6. Administrative restrictions

In principle, refugees enjoy the same rights as Syrian citizens.

(a) They can travel freely within the country, on condition that they are provided with the prescribed documents of identity and in certain cases, e.g., in military zones, with special authorization, which is granted exceptionally.

(b) They can leave the country for Lebanon and return, provided they hold identity cards and a special authorization which Syrian citizens themselves are also required to obtain. In fact, this authorization is granted more easily to Palestinian refugees than to Syrian citizens.

In order to enable refugees to go to an Arab country other than Lebanon, they should be holders of a valid passport or of a Syrian laissez-passer and of an exit visa which is easily given. To obtain an entrance visa is very difficult. An application must be submitted giving reasons for re-entry. In order to leave for a non-Arab country, the refugees should be holders of a valid passport.

Identity cards for Palestinian refugees in Syria are issued by the Department of Public Security, Palestine Branch. The refugees who are given rations by UNRWA hold also a ration booklet issued by the Palestine Arab Refugee Institution. They cannot change their residence without prior approval of the latter. The refugees who have no rations are free to change their residence.

C. Jordan

There have been two fundamental developments in Jordan, the unification of the laws of East and West Jordan, and

the new Jordan Constitution.

The amalgamation of East and West Jordan resulted in the existence in one Kingdom of two separate and essentially divergent systems of law operating side by side. Subsequently, a Legislative Committee was constituted in order to unify the laws of the Kingdom. The Committee itself was a balanced mixture of jurists versed in two entirely different systems of law. The result of their deliberations was a compromise system but with markedly progressive leanings.

Refugees in the Hashemite Kingdom of Jordan are regarded as Jordanian citizens. They enjoy the same rights and suffer the same obligations and duties as Jordanian citizens. They vote, they pay taxes, they can acquire property, etc.

The main question, however, is to determine the conditions which should be fulfilled for the acquisition of Jordanian nationality. Until recently, citizenship was governed by the Citizenship Ordinance, 1928. Under article 1 of this Ordinance, all persons resident in Trans-Jordan in 1924 could acquire Jordanian nationality provided they voted for it under the terms of the Treaty of Lausanne.

After the termination of the Mandate and in the absence of adequate legislation, a number of Palestinians were given Jordanian citizenship under the provisions of this article, notwithstanding that they were not resident in Jordan in 1924.

In some cases, Jordanian citizenship was also given through naturalization under article 7 of the said Ordinance.

It was soon evident however that existing laws were not adequate to meet the situation created by the annexation of a part of Palestine and the existence therein of a large body of refugees. To that end the following laws were enacted:

(a) Passport Amendment Ordinance No. 11 of 1949 made it possible for Palestinians to obtain a Jordanian passport.

(b) Palestinians were excluded from the application of the provisions of the Foreigners' Law of 1927.

(c) Finally, this legislative trend towards complete recognition of citizenship found expression in Supplementary Ordinance No. 56 of 1949 which amended the original Citizenship Ordinance. This amendment reads as follows:

"All habitual residents on the date of promulgation of this Ordinance in Transjordan or in the Western bank which is administered by the Hashemite Kingdom of Jordan who hold Palestinian nationality are considered to have acquired Jordanian nationality and thus enjoy all the rights of Jordanians and bear all the duties required from them as such."

Under this Ordinance, Palēstinians in the Hashemite Kingdom acquired ipso facto Jordanian nationality and enjoyed the rights of Jordanian citizens.

It must be pointed out however that this Ordinance was passed by the Council of Ministers while Parliament was not in session and has not yet been presented to Parliament as required by article 94 of the Jordan Constitution which reads as follows:

"... These provisional laws which shall not contravene the terms of the Constitution shall have the force of law provided that they be submitted to the Assembly at the beginning of its next session. In the event of such interim laws not being approved, the Council of Ministers with the sanction of the King shall announce their immediate cancellation and from the date of notification such provisional laws shall cease to be in force. Such cancellation shall not affect any contracts or other rights that may have been made or acquired thereunder."

It should also be noted that, in principle, this Supplementary Ordinance precludes Palestinians who were not resident in Jordan in 1949 from obtaining Jordanian nationality.

D. Egypt and Gaza

In Egypt, the question is of academic interest. Only a few hundred Palestinians have taken refuge in Egypt proper. They have been allowed to work. They have access to all courts of law. They are subject to taxation and they are allowed to travel freely in the country. They have no political rights and no military obligations.

In Gaza, Palestine mandatory laws have remained in force but new regulations have from time to time been issued by the Administration. These have the force of law.

Throughout, the Gaza Strip has remained an entity separate from Western Jordan and has not been affected by any legal developments in the latter.

As regards status, refugees in the Gaza Strip enjoy the same rights and suffer the same duties and restrictions applicable to the inhabitants of the area. Freedom of association and movement within the area have been curtailed for security reasons. Travel outside the area is restricted. Applications must be approved by the Military Governor, and only in few instances has permission been granted other than to UNRWA employees.

Income and other taxes are paid by the inhabitants and by refugees alike.

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