

## UNHCR turns 70

### Reflections on founding, developments and today's role

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# Flüchtlingspolitik, Flüchtlingsschutz, globale Situation, UNHCR

*On this day, 70 years ago, the United Nations General Assembly founded the Office of the United Nations High Commissioner for Refugees (UNHCR) by adopting its statute. This statute still forms the basis of UNHCR's functioning but much has happened – and changed – over the decades. In this piece, I reflect on UNHCR's founding, some of the developments over time as well as UNHCR's value and challenges today.*

#### UNHCR's founding

The process of UNHCR's founding was marked by the international community's wide recognition of the need for refugee protection, but also controversial debates among states.

As a result of the Second World War, millions of people were displaced and insufficiently assisted in Europe – although **treaties did exist developed by the League of Nations**. Impelled by the experiences of deficient state support, international cooperation in Europe and international regulations for the rights and protection of people fleeing war and persecution, the United Nations (UN), founded in 1945, was under pressure to initiate action. And it did; the UN General Assembly addressed refugees already in its **eighth resolution**, indicating the relevance member states assigned to refugees then.

**Different agencies** were tasked to protect refugees during and immediately after the war, but limited state support, restrictive mandates and insufficient funding imposed obstacles. After the UN came to life, it first established the **International Refugee Organization (IRO)** in 1946 primarily to support repatriation of refugees in and from Europe to countries of origin and resettlement to third countries. Although Western powers had hoped that the IRO would solve the problems of refugees in Europe, operational limitations were increasingly criticized – also in light of new refugee movements beyond Europe, for example in **China** – and the need for a new agency was highlighted. States also promoted the **founding of the 1951 Convention on refugees' rights**, which I do not discuss here.

This criticism paved the way for UN member states' debates and eventual founding of UNHCR. States' **positions were by far not coherent**, but reveal **controversies** about UNHCR's functions and focus. Representatives of the former Soviet Union and its allies, for example, fundamentally rejected UNHCR's founding and instead demanded the unconditional repatriation of Soviet citizens already since the end of the war. Most of the other UN member states supported UNHCR's establishment but with varying functions and regional focus areas. The US, which had been a major donor for refugee protection in Europe in previous years and was a key antagonist of the Soviet Union, favored UNHCR's founding, yet as a temporary organization with narrow authority, specific functions and time limits – focusing on support for refugees from Eastern Europe especially. The UK and France – both of which maintained colonized and other externally governed territories then – also commented on refugees from Eastern Europe and backed regulations for UNHCR in different degrees. The recently decolonized states of Pakistan and India, however, supported UNHCR's establishment as a permanent organization with global responsibilities and capacities, in particular with financial resources. The intensity of the debates are revealed by a statement of India's delegate. She **voiced her frustration** about many delegations' focus on refugees in and from Europe by noting:

“The United Nations should try to help not only special sections of the world’s population, but all afflicted people everywhere. Suffering knew no racial or political boundaries; it was the same for all. As international tension increased, vast masses of humanity might be uprooted and displaced. For the United Nations to attempt a partial remedy involving discrimination, whether accidental or deliberate, would be contrary to the great principles of the Charter. The problem of refugees and displaced persons could be solved only if the countries which had the space and resources to absorb them did so without imposing artificial restrictions.”

Despite such criticism, states reached consensus. On 14 December 1950, the General Assembly adopted the Statute of the Office of the United Nations High Commissioner for Refugees in its [resolution A/RES/428 \(V\)](#) – interestingly the [voting](#) was not even close to unanimous but included 36 yes, 5 no, 11 abstentions and 8 non-voting. The statute established UNHCR and defined its functions as well as its organizational, budgetary and administrative structures. The UN financed only administrative expenses, while other budgetary costs were to be borne by voluntary contributions from UN member states. The mandates of international refugee protection and finding durable solutions, which included voluntary repatriation to countries of origin and “assimilation” in new countries, were to be achieved through a non-political approach. Initially, UNHCR’s work focus was defined to be non-operational and revolve around political and legal protection only.

Although the adoption of UNHCR’s statute certainly demonstrates a milestone – then and today –, the framing of UNHCR’s statute shows how powerful states – above all the US and its allies – successfully defended their geopolitical interests. After all UNHCR was created as a [temporary organization with strong limitations](#), which these Western powers favored.

Although the statute still forms the basis of UNHCR’s work, we will see below that things changed over time.

## The following years of UNHCR’s work in a nutshell

Already few years after UNHCR’s founding, the power constellation worldwide changed as more and more formerly colonized states reached independence and then became members of the UN. Moreover, High Commissioners managed to maneuver political tensions and broaden the initial non-operational working approach and regional focus; the office delivered material aid in countries in [Europe as well as in Asia and Africa](#).

In addition to refugees requiring support in European states in the 1950s, forced migration increasingly occurred outside of Europe. This was not new; already in prior years, millions of people were displaced in other regions, for example, in [India, Korea, and China](#). This intensified as refugee situations arose [worldwide](#), in Hungary, Algeria, Morocco, Tunisia and China in the 1950s and in Cambodia, Ethiopia, Angola, Laos, South Africa, Sudan and Vietnam in the 1960s, among others. Many of these refugee movements were connected to [struggles of formerly colonized states for independence](#).

Although refugees were in need of protection and assistance, the focus on Europe in the refugee definition in the [1951 Refugee Convention](#) and the framework of UNHCR’s statute created limitations. Based on displacement in China in the 1950s, [Peterson](#) illustrates effects of these limitations as European refugees in China were evacuated and resettled, Chinese refugees in Hong Kong lacked aid and Chinese refugees from Indonesia were neglected. Peterson concludes that UNHCR’s early work was not only influenced in Cold War politics but also by ‘colonial order’.

For protection in non-European countries, UNHCR had to receive formal approvals through resolutions of the UN General Assembly. This legitimization step was time-consuming and slowed much-needed support but it was realized and UNHCR’s global work became known as the [“good office”](#). Moreover, this legitimization step was not least made possible by the expanding influence of the recently decolonized states becoming new members of the UN.

The ineffective legitimization process of UNHCR’s work in non-European states only changed when the [Protocol Relating to the Status of Refugees](#) was adopted in 1967. Despite being a separate legal document that states can sign, the [protocol](#) omitted the temporal and geographical limitation of the refugee

definition in the 1951 Convention. This also enabled UNHCR to provide support worldwide, of course after respective states agreed to it.

After this was achieved, UNHCR not only intensified its operational work (thus beyond the initial non-operational legal protection) in countries worldwide but also broadened the scope of support. While the original – and still main – focus is placed on refugees according to the statute, UNHCR was over the past decades also tasked to provide aid for returnees and thus people repatriating to countries of origin, stateless people, internally displaced people, and asylum seekers.

The relevance of and need for UNHCR's work was also recognized by the international community. The statute created UNHCR as a temporary organization – initially for three years; upon decision for extension by the UN General Assembly for five year periods. Yet, in 2004 the General Assembly decided in [resolution 58/153](#) that UNHCR should continue “until the refugee problem is solved”, thus granting a permanent mandate.

## Importance of work – yet also issues

In spite of the need for supporting refugees, challenges remain. Scholars have developed a broad body of research critically reflecting on humanitarian policies and practices. Of course, not all issues are due to UNHCR's work and its complex bureaucratic body alone but rather result from the humanitarian refugee aid system more generally. Among the core studies are Harrell-Bond's seminal early book *Imposing Aid* (1986) and Agier's *Managing the Undesirables* (2011), to just give two examples. Both of these studies illustrate shortcomings, even dilemmas, in refugee protection and assistance such as insufficient aid, diverse restrictions and encampment.

Scholars furthermore point to issues that UNHCR is confronted with; some of which stem from the statute. I would like to address two issues, which fundamentally shape, and complicate, UNHCR's own work: funding and state cooperation. First, UNHCR's statute outlines that the UN Secretariat would only cover administrative costs on an ongoing basis; everything else should be funded by voluntary contributions ([chapter III, article 20](#)). While this was initially included due to states' fear of high financial burdens, it has contributed to [UNHCR's constant struggle to gather funds as well as chronic underfunding](#) of its work since founding. The voluntary contributions are furthermore critical as donor (states) can provide funding earmarked and thus potentially following their (geopolitical) interests.

This already hints at a second issue I would like to reflect on: cooperation with states. While the statute notes that UNHCR has to work with states, UNHCR finds itself in a tricky position. This is because modes of cooperation are not detailed thus far; UNHCR is supposed to supervise states' ratifications of international conventions, thus also the 1951 Convention ([chapter II, article 8](#)), but also depends on states voluntary (financial) contributions. 'Naming and shaming' in cases of states' wrongdoing or insufficient support of refugees is thus hard – or even impossible – as UNHCR relies on the cooperation with and support of states. Processes like the current [Global Compact on Refugees](#) give hope for improvement but only time will show if and how this may work out.

Over the past decades, it was due to innovative High Commissioners and committed staff that UNHCR along with its partners was able to provide aid for displaced people worldwide.

## Conclusions

Since its founding, UNHCR has expanded its scope of responsibility. It has started to provide protection worldwide and include additional groups. While UNHCR was initially tasked to seek solutions and provide non-operational protection for several hundred thousands of refugees in Europe (and few non-European crises) in the 1950s, it has operated in [135 states worldwide](#) and supported almost [74 million people affected by displacement](#) in 2019. Due to its commitment as an important humanitarian actor, UNHCR was awarded the Nobel Peace Prize in 1954 for its work on refugees in Europe and in 1981 for the protection of refugees worldwide.

Yet, issues remain – some of which I briefly addressed above. While the pandemic currently influences UNHCR's work, its traditional scope of actions is as much needed as before – if not more. In the future, among many questions, those of climate and environmental change with impact on forced migration will affect UNHCR's work even more and require the office to position itself and provide protection.