

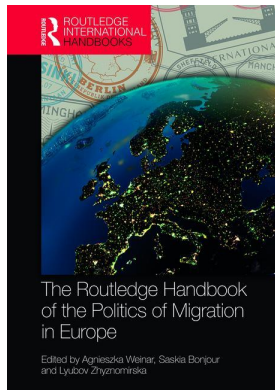
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## **The Routledge Handbook of the Politics of Migration in Europe**

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### **The historical development of refugee protection in Europe**

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# THE HISTORICAL DEVELOPMENT OF REFUGEE PROTECTION IN EUROPE

*Phil Orchard*

### **Introduction<sup>1</sup>**

Asylum begins with Europe. Whether we are talking about the practices of the Ancient Greeks, the flight of the French Huguenots in the seventeenth century, or the recognition of the French émigrés as political refugees in the eighteenth century, asylum for much of history has been a European concept. It is not surprising, then, that Europe as a whole has also played a key role in the development of both international organizations designed to protect refugees – beginning with the League of Nations – and in the development of international law. But, of course, these efforts have not all been unified, and nor have they always sought to establish or improve refugee protection. As we look at the history of how Europe has approached refugees from the nineteenth century through to the 1951 Refugee Convention and the establishment of the United Nations High Commissioner for Refugees (UNHCR), we can find a range of different approaches taken, some successful, some not.

This chapter focuses on three such periods. It begins with the nineteenth century, a time in which the emerging democracies of Western Europe played critical roles in establishing protections for refugees at the domestic and then bilateral levels. It then focuses on the interwar period, when European states once again played a critical role in establishing new forms of refugee protection by establishing the first international organization devoted to this task – the League of Nations High Commissioner for Refugees. While this office under Fridtjof Nansen played critical roles in establishing early international law for refugees through the Arrangement System and by helping to resettle them, by the 1930s and the rise of Nazi Germany, Western European states abandoned these efforts.

In the postwar period, European states found that their common interests in continuing to protect refugees at the international level varied significantly from the positions of the two superpowers, with first the Soviet Union and then the United States frequently in opposition. And yet, their negotiations with the United States, in particular, while frequently unsuccessful, did lay the foundation for the modern refugee regime both in terms of the form of UNHCR and in how refugee status was defined in both its own Statute and in the 1951 Refugee Convention.

## Europe and asylum in the nineteenth century

The French Protestant Huguenots, fleeing Louis XIV's Revocation of the Edict of Nantes, which ended religious toleration in France, were the first group to be called 'refugees'. This is not to suggest they were unique. The Wars of the Reformation and Counter-Reformation had seen hundreds of thousands of people displaced across Europe (Sassen, 1999: 11). What was new about the Huguenots is that they were the first group to be offered protection in law, first by Brandenburg, then other German states, the Netherlands, and the United Kingdom.

The French Revolution led to similar protections being offered to political refugees. The United Kingdom first introduced legislation in order to control refugee entry during the French Revolution, but successive Alien Acts introduced and then expanded the rights of refugees under British law. With the 1826 *Registration of Aliens Act* the British government removed its ability to deport refugees, recognizing that a refugee once granted asylum could not be returned (Porter, 1979; Stevens, 2004: 20–28). This persisted until a new *Aliens Act* was passed in 1905.

Other states also offered protections. In France, the rights of refugees, defined as those without protection of their own government, were codified by the French government in 1832 (Grahl-Madsen, 1966: 280; Haddad, 2003: 307). The following year Belgium was the first country to enshrine in law the non-extradition of any political refugee (Grahl-Madsen, 1966: 280). This set a precedent which was rapidly adopted by other European states and which also dramatically increased the adoption of bilateral extradition treaties (Orchard, 2014).

Why did this shift happen? It was rooted in the idea of liberal democracy. Governments felt 'honour bound not to surrender such exiled patriots to the persecution of their Governments, but to grant them an asylum' (Oppenheim and Roxburgh, 1920: 515). Surrender of refugees, as Lord Palmerston, Britain's Foreign Secretary, argued in 1851, was forbidden by 'the laws of hospitality, the dictates of humanity, the general feelings of humankind ... and any independent government which of its own free will were to make such a surrender would be universally and deservedly stigmatised as degraded and dishonoured'.<sup>2</sup>

Yet, their approach differed significantly from today's. These obligations were accepted only at the domestic level, and states only felt an obligation to refugees that had entered their territory. Further, these policies were possible because open migration allowed many religious refugees – particularly Jews – from Eastern Europe and Russia to move across the continent and onwards to the United States and the British Dominions (Dowty, 1987: 50; Hirschman, 1981: 226–227).

## The interwar period

The First World War ended many of these practices. The war caused refugee numbers to grow substantially, with the Russian Revolution alone displacing over one million people (Simpson, 1939; Torpey, 2000: 124). Further, refugees continued to be produced as by-products of the massive changes in the European state structure that had occurred with the War (Loescher, 1993: 34). In 1926, there were at least 9.5 million refugees in Europe alone, including large numbers who had been forcibly exchanged (Marrus, 2002: 51). Consequently, throughout the 1920s and 1930s, refugees were a part of the communal landscape of Europe.

In 1921, Gustav Ador, the President of the International Committee of the Red Cross, lobbied the member states of the new League of Nations to create a High Commissioner of Refugees. As he argued, these refugees represented an international problem including the need to establish a legal status for Russian refugees and to provide relief.<sup>3</sup>

The member states of the League – primarily European – strongly supported this shift. The French, for example, noted that: ‘In this way the support of all civilized peoples would be gained for this humanitarian work...’<sup>4</sup> The British government welcomed the proposal, in part because of their own fears that the French would otherwise abandon direct assistance to refugees, and that the question needed to be addressed ‘by international methods’.<sup>5</sup> Even the Soviet Union, in a communication to the British government, noted they had no concerns ‘in so far as they are purely humanitarian...’<sup>6</sup> Only the Swedish government argued that it would be better ‘to combine the efforts of the voluntary international organizations which are already in existence’ rather than create a new office.<sup>7</sup>

These states saw the core task of this new High Commissioner to

define the legal status of the refugees, to organize their repatriation or their allocation to the various countries which might be able to receive them, to find them means of work and finally, with the aid of philanthropic associations, to undertake relief work among them.<sup>8</sup>

This effort was focused on Europe; as Skran (1995: 92–93) notes, ‘the governments of the Latin American republics and the United States did not take a keen interest in the Russian refugees, but they did not oppose international assistance either’.

However, while the League’s Council endorsed the need for an organization, it was quick to warn that the League ‘could accept no responsibility for the relief, maintenance, or settlement of the refugees’ (Walters, 1960: 187). Equally, the League did not accept a universal mandate for refugee protection, rather that they had responsibility only for ‘political and legal protection of certain classes of refugees’ (Simpson, 1939: 192). These restrictions ensured that these same states remained relatively unconstrained and that their domestic immigration policies remained unchallenged.

Fridtjof Nansen, the first High Commissioner, did succeed in introducing a number of critical innovations that were accepted by states. The first crisis he dealt with (i.e. some 25,000 Russian refugees trapped in Constantinople), exemplified his approach. These refugees were in danger of starvation following the French government’s decision to stop providing assistance. Nansen stepped in and was able to rally support from voluntary organizations who offered 30,000 pounds (Johnson 1938: 18), funds sufficient to ensure the evacuation of over 20,000 refugees by July 1923.<sup>9</sup>

Nansen also understood that the refugees needed to have some form of legal status at the international level. He therefore focused on providing them with certificates issued through the League, an arrangement (as they came to be known) supported by a wide number of states. These ‘Nansen Passports’ not only granted to the refugees a legal identity but also marked the beginnings of international refugee law (League of Nations, 1930: 269). New arrangements needed to be negotiated for additional refugee groups, however, a process that meant only four additional groups were recognized in the 1920s: Armenians in 1924 and Assyrians, Assyro-Chaldeans, and Turks in 1928.

This process had three limitations. First, it was a group-based approach. That someone was outside their country of origin and without the protection of their own government was enough to receive refugee status once that group had been recognized by a League arrangement (Goodwin-Gill and McAdam, 2007: 16; Weis, 1954: 194; see also Sadruddin, 1976: 4). This meant that any groups not included within the Arrangement System continued to lack formal international recognition as refugees (Orchard, 2016: 215). Second, states continued to have the prerogative of granting or denying admission to refugees, and the passports offered their bearers

'no guarantee of (re) admission to the country that had issued the document' (Torpey, 2000: 128). Finally, the Arrangement System gradually lost support. While 52 states signed on to the 1922 Russian refugee arrangement, only 13 signed onto the 1928 Arrangement (Skran, 1995). Efforts to create Conventions in the 1930s, including the 1933 Refugee Convention and the 1938 Convention on Refugees Coming from Germany, were similarly limited. Only 16 states became a party to the 1933 Convention (Beck, 1999), while only seven signed the 1938 Convention which did not enter into force before the outbreak of the Second World War (Skran, 1995: 137).

With Nansen's death in 1930, a new temporary Nansen International Office for Refugees was created, but it was established as a temporary organization set to expire in 1938. The League Council reserved for itself all final policy-making authority and denied the Office all financial support except for administrative expenses (Grahl-Madsen, 1983: 362–363; Simpson, 1939: 210; Stoessinger, 1956: 30).

Refugee flight from Nazi Germany that began in 1933 exposed these weaknesses. Governments were reluctant to take action for fear of offending the Nazis (Skran, 1988: 289). Within the United Kingdom, the Home Office feared League measures to assist refugees would be regarded by Germany 'as an act of unwarranted interference, if not of hostility ...'.<sup>10</sup> However, the Dutch government was persuaded by the voluntary organizations dealing with refugee matters to make a proposal to revive the High Commissioner's office. The German government, still a League member, did not block the proposal but instead successfully proposed a range of significant limitations including that it would be a separate office with no funds from the League (Stewart, 1982: 91–99). Thus, the new High Commissioner for Refugees Coming from Germany was almost entirely separate from the League.

Moreover, European governments were reluctant to even support this level of activity. The British government, in a 1935 memo, noted that it refused 'to accept any further financial responsibility for refugees, outside the budget of the League of Nations, to oppose all schemes aimed at the perpetuation of the problem, and to press for the liquidation of the Refugee service'.<sup>11</sup> Henry Berenger, the French representative on the High Commission's Governing Body, argued that 'hard times were universal, so was this problem, and that whereas France was caring for nearly half the refugees, the United States and other American countries had taken scarcely any' (Berenger, quoted in Stewart, 1982: 120). The French government's overall response from December 1933 onwards was to tighten immigration legislation and remove all provisions for a separate refugee status (Burgess, 2002; Caron, 2010: 57–60). Other Western European states similarly reacted to the Anschluss by introducing restrictive visa policies and refusing them 'to Germans and Austrians who they suspected of wanting to remain in the country', providing asylum to only a small minority of wealthy refugees (Caestecker and Moore, 2010: 249–250).

Not surprisingly, the League did very little to respond to the German refugees. After the first High Commissioner, James McDonald, resigned, his replacement, Sir Neill Malcolm did report to the League's Council. But it was not until 1938 that the League finally combined the High Commissioner's office with the Nansen Office to once again have a High Commissioner of the League of Nations for Refugees led by Sir Herbert Emerson.

Following the Austrian Anschluss, the American government sought to address the refugee problem by calling a conference in Evian, France, in July 1938. However, neither the French nor the British governments were prepared to alter their own policies. The British government had already limited immigration to Palestine (Halami, 2010: 124) and argued that any financial assistance to refugees 'was almost out of the question' because of the precedent it would create (Sherman, 1973: 103). The French government made it clear that they 'could accept no

further Austrian immigration, “no matter how minimal it might be” and that refugees without visas for other countries ‘were to be “refouler without mercy” (Caron, 2010: 67). Thus, the conference’s only action was to create an Inter-Governmental Committee on Refugees (IGCR) to negotiate refugee departures with the German government (Marrus, 2002). The result was that as the Second World War began, no international organizations existed which could play an effective role in protecting refugees in Europe.

### **The postwar response to refugees**

The Second World War displaced between 40 and 65 million people in Europe (Orchard, 2014: 147). The Allies assumed that refugees would comprise only a small percentage of the total displaced population, and that they could be protected by the IGCR. The much larger number of so-called ‘displaced persons’, or DPs, were presumed to want to return to their own homes. To deal with these mass movements, they created the United Nations Relief and Rehabilitation Administration (UNRRA) in 1943 giving it a mandate to undertake ‘relief of victims of war in any area under the control of any of the United Nations’.<sup>12</sup>

After the liberation of Western Europe, the Supreme Headquarters Allied Expeditionary Force (SHAEF) worked to repatriate some three million DPs by early 1945.<sup>13</sup> But, following the end of the war in Europe, UNRRA was tasked to work with ‘appropriate government and military authorities’ to secure the repatriation of DPs to their former countries (Woodbridge, 1950: 471–474). Repatriation, particularly of Soviet citizens, had been agreed to at the Yalta Conference by the allied powers. However, following the war, this meant that some five million Soviet citizens were forcibly returned to the Soviet Union. Pressure within the US and, subsequently, the UK, eventually ended these returns (Bethell, 1974; Elliott, 1982). This meant UNRRA no longer had a clear mandate, especially as the Soviet Union opposed halting all repatriation activities (Kochavi, 2001: 14–19, Loescher and Scanlan, 1986: 15). Also, the US was opposed to UNRRA’s expenses. President Harry S. Truman would later argue that UNRRA’s role had been ‘negligibly small in Western Europe’ and that ‘its purpose was not clearly defined ...’ (Truman, 1955: 466).

This left open the question of how the remaining refugees and DPs in Europe should be assisted. The first attempt was to create a new International Refugee Organization (IRO) within the auspices of the now established United Nations. The IRO represented an effort by the United States to still compromise with the Soviet Union, with the result that its formal focus remained on repatriation rather than resettlement.<sup>14</sup> How this repatriation should occur represented a significant point of difference from the two sides. The Soviet Union and its allies favoured repatriation of all refugees, regardless of whether they wished to be repatriated or not (Penrose, 1951: 147). The Eastern bloc did not see this as a question of humanitarianism; rather, they saw it as simply returning their own citizens. Those who did not wish to return were likely ‘hostile elements’ that ‘must be silenced’ and war criminals and traitors who must be extradited.<sup>15</sup> The IRO’s focus on repatriation was an effort by the United States and the Western European governments to compromise by at least acknowledging this view while at the same time guaranteeing the rights of refugees to not be returned to their country of origin (Holborn, 1956: 32, Ristellhueber, 1951: 180–181). But as a compromise, it failed, with the Soviet Union refusing to join the organization.<sup>16</sup>

The IRO was expensive, spending over \$400 million during its existence (Saloman, 1991: 52–53; Vernant, 1953: 33–38). But it was also temporary, designed to shut down in 1950 (later extended to 1952). And while in practice it focused almost exclusively on resettlement activities, the United States was dissatisfied with it. As George Warren argued in 1951, ‘the IRO has cost

my Government a tremendous sum of money. The organization was not established to function indefinitely and the time has now come to attempt solutions to the problem through bilateral negotiations'.<sup>17</sup> But this also reflected wider US efforts to function outside the UN; as Holborn notes, 'whenever possible, the US sought to find forums outside the UN for such activities and to restrict the role of the UN in handling such problems' (Holborn, 1975: 59; see also Cronin, 2003: 169; Saloman, 1991).

By 1949, with the end of the IRO looming and a 'hard core' of some 200,000 refugees remaining, it was clear that a successor organization was needed. However, in the negotiations to create UNHCR and to create the 1951 Refugee Convention, the United States and many of the Western European governments remained at odds.

To begin with, the United States sought to limit the scope of UNHCR for two reasons. The first was that they felt the remaining refugees which had not been resettled by the IRO were the responsibility of the Western European governments, 'now reluctant upon the termination of IRO to resume unilateral care for these persons and hold the view that they should continue to be provided for out of international assistance funds'.<sup>18</sup> At the same time, the government was leery of making open-ended commitments to refugees because recent flows across the Iron Curtain and in India, Korea, and other countries had convinced 'American officials that the world refugee problem was virtually unlimited. They were not willing to pledge unlimited support to those displaced by oppressive regimes' (Loescher and Scanlan, 1986: 41). Eleanor Roosevelt, the US delegate, made this point clear, emphasizing the limits of American generosity and warning against an 'increasing tendency to drive the United Nations into the field of international relief and to use its organs as the source and center of expanding appeals for relief funds'.<sup>19</sup> Because of this, the US opposed UNHCR having an assistance mandate like the IRO before it. They also sought to create a narrow definition of refugee status both in UNHCR's Statute and in the Refugee Convention, in part to ensure refugee status was not extended to 'internal refugees' or, as we know them today, internally displaced persons (Orchard, 2016).

At the same time, the Soviet Union and its allies argued against the need for a new international organization, but their voices were marginalized within the debate. The Soviet delegate argued that

it is impossible to agree that persons unwilling to avail themselves of the protection of the country of their nationality should be regarded as "refugees" ... since they refuse to accept assistance from the government of the country of which they are nationals....<sup>20</sup>

The European position, while varied, generally favoured an organization with a broad scope and an operational role. The French and Benelux delegations initially argued that UNHCR should be a strong, permanent and multipurpose organization and that assistance to refugees was as important as legal protection. This view had historical weight – both UNRRA and the IRO provided assistance. It had wide support, including from the German and Austrian governments (neither of which yet had a voice at the UN), as well as non-European states such as India, Pakistan and Brazil, that foresaw the need for UNHCR to provide assistance. Britain occupied the middle ground, arguing that the primary responsibility for refugees should lie with the host states. The French delegation, however, shifted their position during the negotiation to support the US view (Holborn, 1975: 63–64; Loescher, 2001: 44). With this French support, the United States succeeded in many of its goals around UNHCR, providing the agency with only a three-year lifespan, a small administrative budget, and no assistance mandate (Loescher, 2001: 44; Orchard, 2014).

With the negotiations around the definition of refugee status, the European states similarly favoured a broad approach to the definition of refugees. The British delegation felt that the only criteria should be whether 'the potential refugee had no government to which he could turn for protection'. They argued the UN had accepted 'the protection of all refugees, regardless of their place of origin or the date upon which they became refugees. Hence the High Commissioner's competence should extend throughout the world and to all refugees...'.<sup>21</sup> The French delegation argued international protection was a collective responsibility and that a broad refugee definition was 'the very embodiment of the liberalism of the European countries'.<sup>22</sup> Thus, they suggested a refugee should be anyone who had fled 'justifiable fear of persecution' by their states of origin.<sup>23</sup> As Bem notes, the European governments were initially insisting 'on a broad definition of the term "refugee", without any temporal or geographical limitations ...' (Bem, 2004: 617).

The American delegation favoured a narrower, group-oriented definition.<sup>24</sup> Their main concern was how the UN would respond to future flows. As the State Department argued in opposition to a global definition:

Such a definition would commit the United Nations to the protection of unknown groups of refugees and divest the Assembly of its freedom of action to deal with new refugees situations which might arise in the future.<sup>25</sup>

Such a view reflected a much more narrow approach to how refugees should be defined. However, the United States' view gained support. Critically, Robert Rochefort, the head of the French delegation, shifted to support this latter view, arguing that 'never before had a definition so wide and generous, but also so dangerous for the receiving countries, been put forward for signature by governments' (cited in Bem, 2004; Glynn, 2012: 138–139). Instead, he recommended the inclusion both of a dateline clause – which would limit the refugee status to people displace prior to 1 January 1951 – and a geographic clause establishing that the Convention would only apply to events in Europe (Bem, 2004: 614).

A compromise was reached between those states who favoured the universalist view and those who favoured a narrow definition by the Vatican, which suggested inserting the line 'in Europe, or in Europe and other continents' and allowing each signatory to specify how they would apply the Convention (Glynn, 2012: 141–142). But, because states could choose to limit their obligations, it has been argued that the Convention in effect created an 'instrument for the legal protection of European refugees ...' (Loescher, 2001: 45).

Another important compromise saw the definition vary between the Convention and the Statute (Goodwin-Gill and McAdam, 2007). The Statute did not limit UNHCR's responsibilities for protecting refugees to only European refugees. Instead, it allowed new refugees who otherwise met the criteria to be automatically included in the competence of UNHCR, and also that the agency's competence would be broader than that stipulated in the Convention (Holborn, 1975: 77–79; Loescher, 2001: 45).

This difference proved critical for UNHCR's early operations. Not only was it able to convince the United States that it could play an important role in refugee assistance as well as legal protection, but UNHCR used its Statute to move into the developing world. By the 1960s, from its European origins UNHCR was operating globally. This was reaffirmed in law by the 1967 Refugee Protocol, which both removed the dateline and geographic clauses, and brought the Refugee Convention closer to the universal aspirations initially voiced by the European states.



## Conclusions

What does this history tell us? There has always been support within Europe for refugee protection, but the level of support – and the mechanisms by which it is achieved – have varied considerably. While this is a history that ends in 1951, it does have clear lessons for the present, particularly as the EU and its individual member states continue to respond to large numbers of refugees and forced migrants arriving from war-torn Syria and other states. We have, in the past year, unfortunately seen the breakdown of two EU-based efforts to relocate refugees within Europe. Positive stories – such as Germany’s and Sweden’s efforts to offer asylum to hundreds of thousands of refugees – need be balanced against the efforts of Hungary and other states to stop them entirely.

Yet this situation is not unique. It mimics the 1930s, when the failure of cooperation through the League of Nations and the restrictionist immigration policies of individual European states blocked the movement of the German Jewish refugees fleeing the Nazis. While hundreds of thousands did receive asylum, by one estimate between 160,000 and 180,000 German Jews (out of a population of 522,000 in 1933) were unable to leave Germany before the outbreak of war and went on to die in the Holocaust.<sup>26</sup> As Torpey (2000: 135–136) has argued, the unwillingness of states to accept these refugees may ‘ultimately have helped to push the Nazis toward extermination as the “final solution” of the “Jewish problem”’. At the same time, such a comparison breaks down because international cooperation, including through UNHCR, has not stopped and European states broadly remain committed to the Refugee Convention. Thus, the European role in first helping to create asylum, then playing key roles at creating international organizations and international law to protect refugees continues to have critical resonance today.

## Notes

- 1 This chapter draws on my 2014 book, *A Right to Flee: Refugees, States, and the Construction of International Cooperation* (Cambridge: Cambridge University Press).
- 2 Correspondence respecting refugees from Hungary within the Turkish dominions presented to Parliament, 28 February 1851 (cited in Schuster, 2003: 95 fn. 66).
- 3 Letter from Gustave Ador to the President of the Council of the League of Nations, 15 June 1921, League of Nations Archives, Geneva (hereafter LNA) R.1713/13314 (Dossier 12319).
- 4 Jean Gout to Drummond 11 April 1921. Reprinted in C. 126.M.72.1921 VII, 3.
- 5 17 May 1921. United Kingdom Public Records Office (hereafter PRO), FO371 6867/N5827/38/38.
- 6 Telegram from M. Chicherin to Earl Curzon 17 June 1921. PRO FO 371 6867 N7042/38/38.
- 7 Wrangel to Drummond, 17 June 1921, Council Document C. 126.M.72.1921 VII, 29.
- 8 The Question of the Russian Refugees, Report presented by M. Hanotaux, French Representative and adopted by the Council on June 27, 1921. C. 133(b) M.131.1921.VII. 3.
- 9 League of Nations ‘Russian Refugees: Report by Dr. Nansen’ C.472.1923. 2.
- 10 Foreign Office to Home Office, 20 May 1933. PRO FO 371 16274 C4549/319/18.
- 11 Foreign Office Memorandum on the attitude of HMG to the performance of refugee work by the League of Nations 1926–33. 21 June 1935. PRO FO 371 19677/W5796/356/98.
- 12 Agreement for UNRRA, 9 Nov 1943 [www.ibiblio.org/pha/policy/1943/431109a.html](http://www.ibiblio.org/pha/policy/1943/431109a.html) accessed 19 April 2016.
- 13 Warren to Clayton, ‘UNRRA Authority to assist dissident Poles, Yugoslavs, and Baltic Nationals in Germany who do not wish to return to their homes’, 10 July 1945, United States National Archives and Records Administration (USNARA) 840.50 UNRRA/7–1045.
- 14 *Report of the Special Committee on Refugees and Displaced Persons*. E/REF/75. 31; *Constitution for the International Refugee Organization*, Annex 1, Part I, Section A–C. Reprinted in *International Organization*, Vol. 1, No. 3 (Sep 1947). See also Proudfoot (1957: 399).

- 15 Statement by Mr Bajan (Ukrainian SSR) Committee 3 Summary Record 1 February 1946. In United Nations Journal No. 12 Supplement No. 3 A/C.3/19.
- 16 Thirty-five states signed and 18 states ratified the Constitution of the International Refugee Organization. United Nations, 'Multilateral Treaties Deposited with the Secretary General, Status as at 31 December 2001', ST/LEG/SER.E/20, Vol. 1, 329.
- 17 IRO Doc. GC/257/Rev.1, 8 November 1951 (cited in Stoessinger, 1956: 154).
- 18 'Refugees and Stateless Persons'. *Foreign Relations of the United States, hereafter FRUS* 1950 Vol. II. 539–540.
- 19 Statement by Eleanor Roosevelt (United States) *General Assembly Official Records (GAOR)* 262nd Meeting 14 November 1949 (A/C.3/SR.262).
- 20 Mr Soldatov (USSR), *GAOR*, 325th Meeting, 14 December 1950, 671.
- 21 Lord MacDonald (United Kingdom), *GAOR* 324th Meeting 22 November 1950 (A/C.3/SR.324), 330–331.
- 22 Mr Rochefort (France) Ad hoc Committee on Refugees and Stateless Persons, 33rd meeting, 14 August 1950. E/AC.32/SR.33.
- 23 'Ad hoc Committee on Statelessness and Related Problems', France: Proposal for a Draft Convention 17 January 1950. E/AC.32/L.3.
- 24 Ad hoc Committee on Statelessness and Related Problems, United States of America: Memorandum on the Definition Article of the Preliminary Draft Convention. 18 January 1950. E/AC.32/L.4.
- 25 'Refugees and Stateless Persons' 9 September 1950. *FRUS* 1950 II. 542.
- 26 United States Holocaust Memorial Museum, 'German Jews During the Holocaust, 1939–1945', [www.ushmm.org/wlc/en/article.php?ModuleId=10005469](http://www.ushmm.org/wlc/en/article.php?ModuleId=10005469).

## References

- Beck, R. J. 1999. Britain and the 1933 Refugee Convention: National or State Sovereignty? *International Journal of Refugee Law*, 11, 597–624.
- Bem, K. 2004. The Coming of a 'Blank Cheque'—Europe, the 1951 Convention, and the 1967 Protocol. *International Journal of Refugee Law*, 16, 609–627.
- Bethell, N. 1974. *The Last Secret: The Delivery to Stalin of Over Two Million Russians by Britain and the United States*, New York, Basic Books.
- Burgess, G. 2002. France and the German Refugee Crisis of 1933. *French History*, 16, 203–229.
- Caestecker, F. and Moore, B. 2010. *Refugees from Nazi Germany and the Liberal European States*, New York, Berghahn Books.
- Caron, V. 2010. Unwilling Refuge: France and the Dilemma of Illegal Immigration, 1933–1939. In: Caestecker, F. and Moore, B. (eds) *Refugees from Nazi Germany and the Liberal European States*. New York: Berghahn Books.
- Cronin, B. 2003. *Institutions for the Common Good: International Protection Regimes in International Society*, Cambridge, Cambridge University Press.
- Dowty, A. 1987. *Closed Borders: The Contemporary Assault on Freedom of Movement*, New Haven, Yale University Press.
- Elliott, M. 1982. *Pawns of Yalta: Soviet Refugees and America's Role in Their Repatriation*, Urbana, University of Illinois Press.
- Glynn, I. 2012. The Genesis and Development of Article 1 of the 1951 Refugee Convention. *Journal of Refugee Studies*, 25(1).
- Goodwin-Gill, G. S. and McAdam, J. 2007. *The Refugee in International Law*, Oxford, Oxford University Press.
- Grahl-Madsen, A. 1966. The European Tradition of Asylum and the Development of Refugee Law. *Journal of Peace Research*, 3, 278–289.
- Grahl-Madsen, A. 1983. The League of Nations and the Refugees. *The League of Nations in Retrospect: Proceedings of the Symposium*, New York: United Nations Library, Walter de Gruyter.
- Haddad, E. 2003. The Refugee: The Individual Between Sovereigns. *Global Society*, 17, 297–322.
- Halamish, A. 2010. Palestine as a Destination for Jewish Immigrants and Refugees from Nazi Germany. In: Caestecker, F. and Moore, B. (eds) *Refugees from Nazi Germany and the Liberal European States*, New York: Berghahn Books.
- Hirschman, A. O. 1981. Exit, Voice, and Loyalty: Further Reflections and a survey of recent contributions. In: Hirschman, A. O. (ed.) *Essays in Trespassing: Economics to Politics to Beyond*, Cambridge: Cambridge University Press.

- Holborn, L. W. 1956. *The International Refugee Organization: A Specialized Agency of the United Nations: Its History and Work, 1946–1952*, London, Oxford University Press.
- Holborn, L. W. 1975. *Refugees, a Problem of Our Time: The Work of the United Nations High Commissioner for Refugees, 1951–1972*, Metuchen, Scarecrow Press.
- Johnson, T. F. 1938. *International Tramps: From Chaos to Permanent World Peace*, London, Hutchison & Co.
- Kochavi, A. J. 2001. *Post-Holocaust Politics: Britain, the United States, and Jewish Refugees, 1945–1948*, Chapel Hill, University of North Carolina Press.
- League of Nations 1930. *Ten Years of World Cooperation*, Geneva, Secretariat of the League of Nations.
- Loescher G. 1993. *Beyond Charity: International Cooperation and the Global Refugee Crisis*, Oxford, Oxford University Press.
- Loescher, G. 2001. *The UNHCR and World Politics: A Perilous Path*, New York, Oxford University Press.
- Loescher, G. and Scanlan, J. A. 1986. *Calculated Kindness: Refugees and America's Half-open Door, 1945 to the present*, New York, Free Press.
- Marrus, M. R. 2002. *The Unwanted: European Refugees from the First World War Through the Cold War*, Philadelphia, Temple University Press.
- Oppenheim, L. and Roxburgh, R. 1920. *International Law, a Treatise*, London, Longmans.
- Orchard, P. 2014. *A Right to Flee: Refugees, States, and the Construction of International Society*, Cambridge, Cambridge University Press.
- Orchard, P. 2016. The Contested Origins of Internal Displacement. *International Journal of Refugee Law*, 28, 210–233.
- Penrose, E. F. 1951. Negotiating on Refugees and Displaced Persons, 1946. In: Dennett, R. and Johnson, J. E. (eds) *Negotiating with the Russians*, Boston: World Peace Foundation.
- Porter, B. 1979. *The Refugee Question in Mid-Victorian Politics*, Cambridge Cambridge University Press.
- Proudford, M. J. 1957. *European Refugees 1939–52: A Study in Forced Population Movement*, London, Faber and Faber.
- Ristelhueber, R. 1951. The International Refugee Organization. *International Conciliation*, 470, 167–228.
- Sadrudin, A. K. 1976. Lectures by Sadrudin Aga Khan on Legal Problems Relating to Refugees and Displaced Persons Given at the Hague Academy of International Law.
- Saloman, K. 1991. *Refugees in the Cold War: Toward a New International Refugee Regime in the Early Postwar Era*, Lund, Lund University Press.
- Sassen, S. 1999. *Guests and Aliens*, New York, The New Press.
- Schuster, L. 2003. *The Use and Abuse of Political Asylum in Britain and Germany*, London, Frank Cass.
- Sherman, A. J. 1973. *Island Refuge: Britain and Refugees from the Third Reich 1933–1939*, Berkeley, University of California Press.
- Simpson, S. J. H. 1939. *The Refugee Problem: Report of A Survey*, London, Oxford University Press.
- Skran, C. M. 1988. Profiles of the First Two Commissioners. *Journal of Refugee Studies*, 1, 277–295.
- Skran, C. M. 1995. *Refugees in Inter-war Europe: The Emergence of a Regime*, Oxford, Clarendon Press.
- Stevens, D. 2004. *UK Asylum Law and Policy: Historical and Contemporary Perspectives*, London, Sweet & Maxwell.
- Stewart, B. M. 1982. *United States Government Policy on Refugees from Nazism, 1933–1940*, New York, Garland.
- Stoessinger, J. G. 1956. *The Refugee and the World Community*, Minneapolis, University of Minnesota Press.
- Torpey, J. C. 2000. *The Invention of the Passport: Surveillance, Citizenship, and the State*, Cambridge, Cambridge University Press.
- Truman, H. S. 1955. *Memoirs*, New York, Doubleday.
- Vernant, J. 1953. *The Refugee in the Post-War World*, London, George Allen & Unwin.
- Walters, F. P. 1960. *A History of the League of Nations*, London, Oxford University Press.
- Weis, P. 1954. The International Protection of Refugees. *The American Journal of International Law*, 48, 193–221.
- Woodbridge, G. 1950. *UNRRA: The History of the United Nations Relief and Rehabilitation Administration*, New York, Columbia University Press.