

***The UNHCR and the Cold War:  
a Documented Reflection on the UN Refugee  
Agency's Activities in the Bipolar Context***

A working-paper of “The UNHCR and the Global Cold War, 1971-1984”

A joint UNHCR/GIIS/GCSP project with funding from the GIAN

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## Introduction:

This working-paper aims at reflecting on the role played by the United Nations High Commissioner for Refugees (UNHCR) during the Cold War period and exploring potential avenues for further historical research in this field. It is obviously based on the existing literature<sup>2</sup>, but more importantly, it relies on an ongoing joint research and archival project linking the UNHCR and the Graduate Institute of International Studies, in Geneva. Entitled the “UNHCR and the Global Cold War, 1971-1984”, this joint venture is funded by the Geneva International Academic Network.<sup>3</sup> Since September 2006, members of this project have been reviewing and processing UNHCR field and headquarters operations archives for the crucial 1971-1984 period (UNHCR Fonds 11 Series 2).<sup>4</sup> The objective is to preserve the 222 linear meters of paper documents and to allow public access to this important archival resource while also investigating the UNHCR’s role and place during the late Cold War period.<sup>5</sup>

Part of the academic justification for this project derives from a relative paucity of historical literature on the UNHCR and more generally on the role played by International organizations during the Cold War. Following the gradual appearance of a new focus on non-state actors in international and Cold War history, a historiographical trend has now emerged, aimed at covering this gap. This project intends to bring a major contribution to this effort. The goal is not solely academic since such a project is also built on the idea of helping to develop the UNHCR’s

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<sup>2</sup> See for example: Loescher, Gil, *UNHCR and World Politics: A Perilous Path*, New York and Oxford, Oxford University Press, 2001. See also: Holborn, Louise W.: *Refugees: a Problem of our Time: the Work of the United Nations High Commissioner for Refugees, 1951-1972*, Metuchen, N.J., The Scarecrow Press, 1975, Vol.1-2; *The State of the World's Refugees 2000: Fifty Years of Humanitarian Action*, United Nations High Commissioner for Refugees, Oxford, Oxford University Press, 2000.

<sup>3</sup> The project team is most grateful for this financial support. For more information on the GIAN, see: [www.ruig-gian.org](http://www.ruig-gian.org). Other partners include: Dr. Vincent Chetail (GIIS), Prof. Vera Vera Gowlland (GIIS) and the Geneva Centre for Security Policy (GCSP) through his Director, Dr. Fred Tanner. For more information on the GCSP, see: [www.gcsp.ch](http://www.gcsp.ch)

<sup>4</sup> As for any UN Agency, the UNHCR archives follow a 20-year rule for access to non-sensitive documents. For more information on the UNHCR archives, see: [www.unhcr.org/research/43e32a7a2.html](http://www.unhcr.org/research/43e32a7a2.html)

<sup>5</sup> To know more about this joint IUHEI/UNHCR research and archival project, see the project’s web page: <http://hei.unige.ch/sections/hp/UNHCRProject.htm>

institutional and policy memory. It is indeed thought that the analysis of past problems, policies and international or regional contexts can at least enlighten current policies, if not serve as a guide. Analyzing the UNHCR's work during the crucial years of the late Cold War period will certainly bear fruit in this respect.

Intuitively, it is easy to acknowledge the important connection between International organizations and the evolution of the international system that existed during the Cold War. International organizations have indeed both reflected and influenced post-war history. However, few historians have so far thoroughly analyzed the link between these institutions and the bipolar struggle, especially from an institutional perspective. How can we characterize this connection? Particularly, how did a humanitarian UN Agency such as the UNHCR fit into the Cold War geopolitical context?

As with any post-war International Organization, the creation and development of the UNHCR was inherently linked to and shaped by the evolution of the bipolar conflict. But was the Cold War simply a framework within which the UNHCR managed to develop a rather autonomous action based on International Refugee Law? Was there a specific role to be played by the UNHCR within this context? Or had the Cold War a more direct impact on the nature and work of the UNHCR? Were all issues dealt with by the UNHCR directly linked to the Cold War context, i.e. to the bipolar struggle or interventions by the superpowers? Particularly, how did the UNHCR fit into the propaganda struggle? Is it correct to argue that the UNHCR was used by the great powers, especially the US?

Some answers to this list of questions may seem to be quite straightforward and implied in this last question. It is often remarked that refugee issues in general and the work of the UNHCR in particular were used by the West in the ideological struggle against the Soviet Union. For example, Gil Loescher has argued that during the Cold War, "the grant of asylum was generally used to reaffirm the failures of communism and the benevolence of the West." In this context, the "UNHCR proved valuable to the West as an agency able to handle flows out of Eastern Europe for resettlement in the 'Free World' and "Cold War politics made life easy for the

UNHCR and for Western governments.”<sup>6</sup> Thus without going as far as to label the UNHCR as a Western stooge, the above quotes seem to imply that the West had a major influence on the UN Refugee Agency, pushing it to act according to the Cold War prism.

On the other hand, the same author and many others<sup>7</sup> have rightly insisted on the gradual *emancipation* process from great powers’ control experienced by the UNHCR. Indeed, as we shall see below, the UNHCR was born with little autonomy, as an agency designed to do what states told it to do. However, under the impulsion of successive High Commissioners, it managed to overcome the original limitations and to act with a large degree of autonomy.

This observation is important because it seems to contradict the views according to which the UNHCR acted as a propaganda tool for the West, or at least because it suggests that such an analysis needs to be refined. This project’s unprecedented access to the UNHCR archives allows for such a detailed study and this working-paper intends to briefly highlight some promising research themes.

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<sup>6</sup> Loescher, *UNHCR and World Politics...*, *op. cit.*, p.7. Note that the geopolitical context was certainly clearer for governments during the Cold War although it does not necessarily mean that it made “life easy” for them. Moreover, looking at the UNHCR documents one may be surprised by this assertion concerning this organization’s work. Such a judgment – certainly influenced by the post-Cold War context – should not hide the fact that the UNHCR mission was, from the beginning, a difficult one to fulfill. See also: Stedman, Stephen John and Tanner, Fred: “Refugees as Resources in War”, in: Tanner, Fred and Stedman, Stephen John, eds, *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering*, Washington, D.C., Brookings Institution Press, 2003, p.5. Keely, Charles B., “The International Refugee Regime(s): The End of the Cold War Matters”, *International Migration Review, Special Issue: UNHCR at 50: Past, Present and Future of Refugee Assistance*, Vol.35, No1, Spring 2001, pp.303-314.

<sup>7</sup> Loescher, *UNHCR and World Politics...*, *op. cit.*, pp.8-9; Loescher, Gil, “The UNHCR and World Politics: State Interests Vs. Institutional Autonomy”, *International Migration Review*, Vol.35, No1, 2001, pp.33–56; Barnett, Michael and Finnemore, Martha, *Rules for the World: International Organizations in Global Politics*, Ithaca and London, Cornell University Press, 2004, pp.73-74.

## The UNHCR: a Western organization (?):

From a broad perspective, historians may instinctively observe a parallel between the UNHCR's growth and the Cold War dynamics: the UN refugee agency was also born in the immediate post-war period with a focus on Europe and soon acquired a globalized character.

The UNHCR was created to deal with the issue of European refugees in the wake of World War II and the 1951 Refugee Convention reflected this bias.<sup>8</sup> It contained two fundamental limitations for the organization: The refugee definition was limited to persons who became refugees "as a result of events occurring before 1 January 1951" (Art.1). Moreover, when becoming party to the Convention, states had the possibility of making a declaration limiting their obligation to refugees resulting from events occurring in Europe.<sup>9</sup> Thus the UNHCR had a clear Western and European focus at its creation and its first major operations were unsurprisingly related to the refugee crises in West Berlin in early 1953 and from Hungary in 1956.<sup>10</sup>

Similarly to the dynamics followed by the bipolar conflict, from the late 1950s the UNHCR geographically expanded its activities, starting with Asia. In the mid 1950s, the UNHCR assisted refugees from China in Hong Kong. A few years later, in 1957, the UNHCR responded positively to Tunisia's request for assistance concerning refugees from Algeria.<sup>11</sup>

However, it is easy to show the limits and artificiality of the instinctive parallel suggested above. Already in the context of the 1956 Hungarian crisis, the UN

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<sup>8</sup> For an interesting article on the issues and cases discussed below, see: Bem, Kazimierz, "The Coming of a 'Blank Cheque' – Europe, the 1951 Convention, and the 1967 Protocol", *International Journal of Refugee Law*, Vol.16, No4, December 2004, pp.609-627.

<sup>9</sup> The "Convention and Protocol Relating to the Status of Refugees" is available online at: [www.unhcr.org/publ.html](http://www.unhcr.org/publ.html)

<sup>10</sup> See the dossier published in *Refugees Magazine* on the 50<sup>th</sup> anniversary of the Hungarian crisis of 1956: "Where Are They Now? The Hungarian Refugees, Fifty Years On", *Refugees Magazine*, Vol.144, No3, 2006, pp.1-24 (available online at: [www.unhcr.se/Pdf/144\\_REFUGEES\\_3.pdf](http://www.unhcr.se/Pdf/144_REFUGEES_3.pdf)). See also the chapter on "The Hungarian crisis of 1956", *The State of the World's Refugees 2000...*, *op. cit.*, pp.26-35.

<sup>11</sup> For some document samples on this issue, see the UNHCR Archives web page: [www.unhcr.org/research/43e32a7a2.html](http://www.unhcr.org/research/43e32a7a2.html) See also: Tuthstrom-Ruin, Cecilia, *Beyond Europe: The Globalization of Refugee Aid*, Lund University Press, 1993.

Refugee Agency did not necessarily act according to the Cold War divide. The United States initially opposed the UNHCR's involvement in the Hungarian crisis and the repatriation program set up later on was at first criticized by "Western governments who considered repatriation to socialist countries unthinkable".<sup>12</sup> On the contrary, this crisis did not represent a severance of relations with the communist bloc but rather helped bridge the East-West divide as it "opened doors for the organization in the communist world, both in Yugoslavia and in Hungary itself".<sup>13</sup> Thus, for Gil Loescher:

"The Hungarian operation demonstrated the important diplomatic role that the High Commissioner could play in events at the center of world politics. ... [The] UNHCR played an essential mediating role between East and West involving the repatriation of nearly 10 per cent of the Hungarian refugees."<sup>14</sup>

This early episode is an indication that the Agency's history is indeed more complex than the proposed parallel would suggest. The "essential mediating role" adds an important qualification. There are clear indications that, even though the UNHCR was undoubtedly dominated by Western powers, it had some capacity for autonomy and hardly acted as an instrument of the West in the Cold War struggle.

Furthermore, from the beginning the Americans "distrusted" this UN Agency because it "was not totally under their control" and thus preferred to "limit [its] functional scope and independence" by keeping it small and confined it to providing legal protection for displaced persons.<sup>15</sup> They also created two competing and more malleable organizations dealing with the issues of displaced persons: the International Committee for European Migration (ICEM) and the US Escapee Program.<sup>16</sup>

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<sup>12</sup> Loescher, *UNHCR and World Politics...*, *op. cit.*, p.8.

<sup>13</sup> *State of the World Refugees*, p.35. In January 1958, the High Commissioner, August Lindt, even accepted the Hungarian government's invitation and made a visit to Budapest.

<sup>14</sup> Loescher, *UNHCR and World Politics...*, *op. cit.*, p.8.

<sup>15</sup> Loescher, *UNHCR and World Politics...*, *op. cit.*, pp.7-8.

<sup>16</sup> Note that to reflect its increasing global role, in 1980 the ICEM's Council changed the Organization's name to the Intergovernmental Committee for Migration (ICM) and in 1989 ICM became the International Organization for Migration (IOM). For interesting works on the IOM history, see: Karatani, Riekol, "How History Separated Refugee and Migrant Regimes: In Search of Their Institutional Origins", *International Journal of Refugee Law*, Vol.17, No3, 2005, pp.517-541; Ducasse-Rogier, Marianne, *The International Organization for Migration - 1951-2001*, IOM, Geneva, 2001; Perruchoud, Richard, "From the Intergovernmental Committee for European Migration to the International Organization for Migration", *International Journal of Refugee Law*, Vol.1 No4, 1989, pp. 501-517.

The Algerian episode, too, indicated the UNHCR's emancipation from great power politics rather than allegiance to one or the other side. It ran counter to the major powers' projects (especially and unsurprisingly, France) and implied overcoming the limits of the UNHCR statutes and the 1951 Convention. This expansion reflected modifications in the international system (particularly with the growing significance of Decolonization), as well as the ambitions of the High Commissioners. Thus, this episode heralded the expansion of the agency's geographical scope even though, in the 1950s, this development was far from being preordained.

The device that first allowed the UNHCR to develop its activities outside of Europe without modifications in its Statutes was the "good offices"<sup>17</sup> formula. This term referred to the UN General Assembly's ability to exceptionally ask the UNHCR to develop assistance programs outside its usual mandate. Despite French opposition and silence from other great powers, the first significant use of this formula happened in connection to the Algerian crisis.<sup>18</sup> It was the first occasion on which UNHCR emergency assistance was requested in relation with the Third World. The High Commissioner agreed to fulfill this mission despite the difficulty in overcoming French opposition.<sup>19</sup>

This episode marked a turning point in the expansion of the UNHCR activities but did not formally overcome the organization's legal limitations. To do this, the UN Refugee Agency's Statutes and the 1951 Convention on Refugees had to be amended. Already in 1960, High Commissioner August Lindt had tried to initiate a reform. His successor, Felix Schnyder, took up the matter and launched work on the drafting of a refugee "protocol". The 1967 Protocol Relating to the Status of Refugees indeed removed the geographical and temporal limits of the 1951 UN Refugee Convention.<sup>20</sup>

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<sup>17</sup> See: Holborn, Louise W.: *Refugees: a Problem of our Time: the Work of the United Nations High Commissioner for Refugees, 1951-1972*, Metuchen, N.J., The Scarecrow Pr., 1975, Vol.1, pp.434-450.

<sup>18</sup> For online documents on this crisis, see: [www.unhcr.org/cgi-bin/texis/vtx/research?id=4417e0302](http://www.unhcr.org/cgi-bin/texis/vtx/research?id=4417e0302)

<sup>19</sup> Loescher, *UNHCR and World Politics...*, *op. cit.*, pp.9-10.

<sup>20</sup> See Loescher, *UNHCR and World Politics...*, *op. cit.*, pp.123-126.

It would certainly be necessary to investigate more precisely how and why governments agreed to this new Protocol. For the purpose of this paper it is important to note that it represented the legal basis as well as the symbol of the agency's universalization, emancipation and ability to act autonomously.

What does this mean for the general framework of this working-paper? What kind of practical and analytical implications can one derive from the globalization and the emancipation of the UNHCR activities? What is the light shed on the role played by the UN agency in connection with the Cold War system?

Two categories of answers are in order here. First, the universalization of its activities meant that the UNHCR would now be involved in geographical areas and situations which were not necessarily or only loosely connected to the bipolar conflict. Indeed, when writing the history of the UNHCR one should not forget to study the importance of Decolonization and the emergence of the Third World. Second, this capacity to act autonomously would seem to mean that even when it acted in Cold War related contexts, the UNHCR was not necessarily instrumentalized by states and thus should not automatically be categorized as a propaganda asset for the West. These themes will be considered in the following parts.

## **The UNHCR, Decolonization and the Emergence of the Third World:**

The UNHCR's activity on the African continent actually developed before the adoption of the 1967 Protocol. Already in the mid-1960s, the Refugee Agency provided its legal expertise to the recently created Organization of African Unity to help it draft the OAU Refugee Convention adopted in Addis-Ababa in September 1969 along lines analogous to the UN Refugee Convention and Protocol.<sup>21</sup> According to Gil Loescher, the UN Refugee Agency did not act purely in a spirit of cooperation

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<sup>21</sup> See: "Convention Governing the Specific Aspects of Refugee Problems in Africa", usually referred to as the 1969 OAU Refugee Convention: [www.unhcr.org/basics/BASICS/45dc1a682.pdf](http://www.unhcr.org/basics/BASICS/45dc1a682.pdf)



in this case but also wanted to ensure the OAU would not compete with the UNHCR's – then developing – universal mandate and duplicate its programmes.<sup>22</sup>

From the late 1960s, when the UNHCR truly became a universal refugee agency, it was exposed to new challenges. In particular, the organization was put in charge of dealing with the management of sudden mass refugee influxes fleeing conflicts associated with Decolonization, national liberation struggles and their aftermaths. Thus, the UNHCR became involved in the twin major post-war developments: Decolonization and the emergence of the Third World. There, the UN Refugee Agency even became involved in activities that went beyond its mandate, including long-term development efforts in poor and often recently decolonized countries.<sup>23</sup>

These important pillars of post-war history are not the specific focus of this paper. However, as explained above, it is fundamental that this topic is not overlooked because the UNHCR history and the richness of its archives on these themes are essential reminders that post-war history was not just about the Cold War.

Moreover, even though Decolonization is not the primary concern of this project, studying how the UNHCR worked in non- or loosely Cold War related contexts might serve as a reference point and help in the analysis of how the UNHCR worked in a Cold War environment. Indeed, it would certainly allow the researchers to shed light on the specificity (or lack thereof) of the kinds of obstacles and problems encountered as well as solutions found and strategies developed by the UN Refugee Agency in Cold War situations. In short, it would help answer the question as to whether the Cold War represented specific constraints, challenges and opportunities for the UNHCR or whether these were only variants of aspects that are inherent to the activities of an international organization within a system of states.

Finally, spending some time on Decolonization and the emergence of the Third World is warranted for this project because it is well-known that these phenomena did not happen in isolation but were often interconnected with the bipolar conflict.

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<sup>22</sup> See: Loescher, *UNHCR and World Politics...*, *op. cit.*, pp.124-126.

<sup>23</sup> For a historical critique of these efforts, see: Crisp, Jeffrey, "Mind the Gap! UNHCR, Humanitarian Assistance and the Development Process", *International Migration Review, Special Issue: UNHCR at 50: Past, Present and Future of Refugee Assistance*, Vol.35, No1, Spring 2001, pp.168-191.

This was most evident in cases of decolonization conflicts in which the superpowers and their clients became involved.<sup>24</sup>

Decolonization and the emergence of the Third World primarily concerned the African continent. There, the UNHCR was soon confronted with complicated situations involving proxy wars and independence movements. Of course the UN Refugee Agency was usually not directly involved in the decolonization process or the conflicts. It had no direct impact on the evolving political and military situations. Nevertheless, it was sometimes indirectly involved in the evolution of the political situation and obviously dealt with the aftermaths and the humanitarian consequences of Decolonization.

Two main aspects are noteworthy here. First, the decolonization process brought new “legal” challenges for the UNHCR because of the emergence of new states, the transition periods and the fluctuating local and regional situations. For the Agency, this period was characterized by many uncertainties about the implementation of the relevant legal instruments and about the “situation on the ground.” Thus, this process also generated “operational” challenges since, despite dangerous and complicated situations on the ground, the UNHCR had to ensure it could have access to refugee populations in order to perform its humanitarian duties. For both aspects, it was fundamental to make sense of the evolving contexts.

From a legal perspective, one of the main challenges concerned the issue of refugee status determination of people fleeing decolonizing or recently independent countries, a topic that is well documented in the archives. In such situations, it was often difficult to determine the citizenship of those displaced persons, which fuelled internal debates and reflections about whether they fell under the UNHCR mandate. Deliberations of this kind were recurrent when the Agency was confronted with the demise of the British Empire. The case of Asian “refugees” in Eastern Africa (especially in Uganda) and “refugees” from Rhodesia are examples worth mentioning.

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<sup>24</sup> On this theme, see in particular: Westad, Odd Arne, *The Global Cold War: Third World Interventions and the Making of our Times*, Cambridge, Cambridge University Press, 2005 and relevant documents in the *Cold War International History Bulletin* issues and working-papers.

In the early 1970s, an intense debate occurred among UNHCR legal experts concerning the status of African Asians in former British colonies such as Uganda who wished to find refuge in the United Kingdom. A 1970 document gives a good example of the blurred situation the lawyers had to face. According to this note, a “good legal case” could “be made out for the East African Asians being refugees” but that an “equally good case [could] be made for the contrary by virtue of their being United Kingdom citizens” since the “decisive factor” was the “quality one attaches to the nationality conferred on them by the United Kingdom”:

“If we take the strictly legal view, that these are United Kingdom citizens prevented from entering their home country, [they can be considered as refugees]. If, however, we take the whole picture of a disintegrating empire into account and assume that the nationality conferred on them was a kind of “*nationalité de complaisance*”, a rash act of kindness on the part of the United Kingdom under circumstances which have since radically changed, we could not possibly consider them as refugees vis-à-vis the United Kingdom. There is, however, no doubt that most of these people, even temporarily, find themselves in a de facto condition of statelessness and are subject to what amounts to persecution in East Africa.”<sup>25</sup>

This document called on the High Commissioner to “formulate a definite policy on the subject” and incited contrary opinions.<sup>26</sup> As late as February 1973 – after Idi Amin had decided to expel all Uganda’s Asians – the matter was still not settled. In a letter, the Deputy Director of the Protection Division wrote to the UNHCR Representative in Kampala:

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<sup>25</sup> Note for the file dated April 8, 1970; Folio 12, UNHCR Fonds 11 Series 2, 100-UGA.ASI “Refugees from Asia in Uganda” [Vol.1] (1969-1972), p.1. One of the first background papers on this issue can be found in a Note for the file on «British Citizens of Asian Origin in East and Central Africa» dated January 24, 1969; Folio 2, UNHCR Fonds 11 Series 2, 100-UGA.ASI “Refugees from Asia in Uganda” [Vol.1] (1969-1972). This note states: “When the dependent territories of Kenya, Malawi, Tanzania, Uganda and Zambia became independent, persons resident in those territories who were British subjects, but were of non-African origin, were given two years in which to decide whether to take up new local citizenship or to retain their UK citizenship. The majority are of Indian origin, with the remainder being of Pakistani origin.” (p.2) See also the 28-page Note for the File on “The East African Asians” dated March 9, 1970; Folio 15, UNHCR Fonds 11 Series 2, 100-UGA.ASI “Refugees from Asia in Uganda” [Vol.1] (1969-1972).

<sup>26</sup> Note that there was an important internal debate on this issue within the UNHCR. Thus, in a Note for the File on “*Asiatiques en Afrique*”, dated April 9, 1970, another UNHCR Representative replied: “Je pense, en ce qui me concerne, que les Asiatiques qui ont la nationalité britannique sont l’affaire du Royaume-Uni et non celle des pays indépendants d’Afrique. C’est là une simple question de logique. Aussi je me dois de dire que je ne saurais vous suivre sans réserves dans votre théorie de l’“Empire désintégré” et de “nationalité de complaisance” visant en définitive à ne pas considérer le Royaume-Uni comme responsable. ... Il est vrai que nous sommes ici dans un domaine mouvant et politique. Mais qu’est-ce que la politique pour nous si ce n’est la défense des intérêts des intéressés?” Folio 13, UNHCR Fonds 11 Series 2, 100-UGA.ASI “Refugees from Asia in Uganda” [Vol.1] (1969-1972), p.1.

“As you will be aware, the legal status of the Uganda Asians is more than somewhat complicated. We are endeavoring to clarify the situation and the High Commissioner has asked Dr. Paul Weis to do a study on the whole problem.”<sup>27</sup>

Similarly, the case of displaced persons from Rhodesia is interesting because the United Kingdom had, in 1970, signed a Protocol of Understanding with the UNHCR stating that assistance and protection for people fleeing Rhodesia was the responsibility of the British. However, the archives show that the UNHCR’s staff were often confused by this Protocol and soon became eager to amend or renegotiate it. Indeed, Rhodesians holding British concessionary passports were under UK protection but did not received support commensurate to the usual material assistance enjoyed by Mandate refugees. Thus, “Some staff members of UNHCR” felt that the “protection given to Rhodesians outside Rhodesia” was “illusory and non-existent.”<sup>28</sup> As a matter of fact the British government was not satisfied with this arrangement either and, in mid-1976, started to indicate a change of mind on the Protocol of Understanding with the UNHCR.<sup>29</sup>

In operational terms, the decolonization process or situations after independence were sources of refugees as well as a factor that complicated the UNHCR’s work. Those states were often at the same time generating and hosting refugees and therefore the UNHCR had to be very careful and diplomatic in its handling of sensitive situations. A cardinal rule of the UNHCR was – and certainly remains to this day – to find ways to strongly defend refugee rights and perform its humanitarian mandate, without alienating the national authorities they were dealing with. Obviously this was often a difficult exercise, especially when it had to deal with dictators such as Idi Amin in Uganda. Moreover, in dealing with authoritarian states, the UN Refugee Agency had to ensure not to displease countries contributing

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<sup>27</sup> Letter Dated February 16, 1973; Folio 162, UNHCR Fonds 11 Series 2, 100-UGA.ASI “Refugees from Asia in Uganda” [Vol.4] (1972-1973), p.1.

<sup>28</sup> “Brief for the High Commissioner’s Visit to London: Status of Rhodesians”, dated June 11, 1976; Folio 288, UNHCR Fonds 11 Series 2, 100-GEN.RHO “Refugees from Rhodesia – General” [Vol.1] (1974-1977), p.2.

<sup>29</sup> Extract from the Hansard (August 6, 1976) transmitted by the UNHCR Representative in the United Kingdom on August 30, 1976; Folio 294, UNHCR Fonds 11 Series 2, 100-GEN.RHO “Refugees from Rhodesia – General” [Vol.1] (1974-1977) and Memorandum from the UNHCR Acting Regional Protection Officer, Eastern and Southern Africa Section to the Director of Protection, on “Weekly notes for the period 2-8 September 1976”, dated September 8, 1976; Folio 298, UNHCR Fonds 11 Series 2, 100-GEN.RHO “Refugees from Rhodesia – General” [Vol.1] (1974-1977).

to its budget. In these respects, the internal political situation could also make things difficult. Thus, in Rwanda during the 1980s, the UNHCR staff members had to make sure it was not dragged into internal feuds between various governmental and military factions.<sup>30</sup>

The work of the UNHCR was furthermore complicated by a number of trends such as the militarization of refugee camps, which sometimes became bases for recruitment or to launch attacks in neighboring countries. Here again, the UNHCR task was to do all it could to protect and assist refugees and this could go as far as to try to diffuse tensions. For example, following attacks against Rwanda by Rwandese *émigrés* and refugees settled in Burundi, the High Commissioner wrote in November 1966 to the Prime Minister of Burundi to ask for his cooperation on this issue, which could have “bad implications for UNHCR future work in Burundi”.<sup>31</sup> The High Commissioner also wrote to President Nyerere of Tanzania, expressing his “hopes” that Tanzania would not get involved and expressing “serious preoccupation as such incidents” were “likely to undermine efforts for international assistance to refugees in Africa.”<sup>32</sup>

On the other hand, refugee camps also became targets, as was the case in Botswana during the 1960s with camps of refugees who had fled Rhodesia.<sup>33</sup> This created difficulties in the UNHCR relations with receiving countries because it was fundamental for the UNHCR not to appear to be helping those military factions living and recruiting within the refugee populations and camps.

However, interestingly the UNHCR did not reject the notion of providing assistance to refugees who were affiliated with liberation movements. This was a contentious issue that was debated for some time and in December 1973, the Deputy High Commissioner, Charles H. Mace, issued new guidelines favorable to the Agency’s

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<sup>30</sup> See documents in the file 010-RWA “Relations with Governments Rwanda” (1984).

<sup>31</sup> Cable from New York, dated November 18, 1966; Folio 819, UNHCR Fonds 11 Series 2, 100-GEN.RWA “Refugees from Rwanda – General” [Vol.2] (1966-1967).

<sup>32</sup> Cable dated November 18, 1966; Folio 817, UNHCR Fonds 11 Series 2, 100-GEN.RWA “Refugees from Rwanda – General” [Vol.2] (1966-1967).

<sup>33</sup> Doc 310: Letter dated January 12, 1977 from the Permanent Representative of Botswana to the UN Security Council on the aggression against Botswana by the Ian Smith Regime, South Rhodesia. Enclosed: Provisional Verbatim of 1983<sup>rd</sup> and 1984<sup>th</sup> meetings of the Security Council; Folio 310, UNHCR Fonds 11 Series 2, 100-GEN.RHO “Refugees from Rhodesia – General” [Vol.2] (1977).

interaction with liberation movements, within certain limits.<sup>34</sup> Building on “pertinent United Nations General Assembly resolutions”, which granted a “representative character” to liberation movements recognized by the Organization for African Unity (OAU), this inter-office memorandum explained that individual members of these groups could be eligible for UNHCR assistance. Particularly, paragraph 5 explained:

“In so far as international protection is concerned, the exclusion clause contained in paragraph 7(d) of the Statutes of the Office of the [UNHCR] does not apply to members of liberation movements as such. In order to fall within the terms of the Statute [*i.e., to be recognized as refugees*], members of such movements must individually, on the merits of their case, satisfy the inclusion clause, and not be covered by any exclusion clause.”

More clearly, it was decided that refugee status determination for members of liberation movements would be done on a case-by-case basis.

Moreover, assistance programs covering basic and humanitarian needs such as food supplies, educational training or resettlement could be set up directly with liberation movements.<sup>35</sup> Of course, there were some important safeguards to uphold as it was fundamental for the UNHCR not to appear to be providing assistance to an armed struggle or to help one side against the other. It was also important to ensure the agreement of the host country for this kind of activity. Thus paragraph 6 and 9 explained:

“With regard to material assistance, UNHCR representatives need to be satisfied that their action falls within the non-political and humanitarian context under which the Office operates”.

“It goes without saying, however, that in regard to material assistance, the Office’s objective is not to substitute itself for the authorities of host countries, but to supplement, so far as possible, the efforts of host countries of asylum. Accordingly, no assistance may be granted to refugees in a host country without the approval, in appropriate form, of the authorities of the country concerned.”

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<sup>34</sup> Inter-Office Memorandum, UNHCR/IOM/41/73, on “Relations with Liberations Movements” dated December 20, 1973 from the Deputy High Commissioner annexed to: “Relations entre le HCR et les mouvements Africains de liberation (le point de la situation)”, No date (approx. April 1977); Folio 105, UNHCR Fonds 11 Series 2, 101-GEN “General Policy on Liberation Movements” [Vol.2] (1975-1977).

<sup>35</sup> It seems that the UNHCR was not the only UN agency to sign this kind of agreements. See: Memorandum on “Assistance du PNUD a l’Angola par le truchement de mouvements de liberations”, dated November 12, 1974, from the UNHCR Regional Delegate for Central Africa, Kinshasa ; Folio 49, UNHCR Fonds 11 Series 2, 101-GEN “” [Vol.1] (1974). More generally, see “Chapter 7: Engaging Liberation Movements and Revolutionary States”, in: Murphy, Craig N., *The United Nations Development Programme: A Better Way?*, Cambridge, Cambridge University Press, 2006, pp.170-198.

It seems that in war torn countries, direct relations and agreements signed with liberation movements were also intended to allow the UNHCR to operate in the country and to have access to the refugee populations in order to fulfill its humanitarian mandate.

It is noteworthy that the first agreements of this kind were negotiated with Angolan liberation movements in the early- and mid-1970s: UNITA, FNLA and MPLA. Interestingly, the UN Refugee Agency established agreements with all factions, thus avoiding appearing to take side. The archives show that, on some occasions, the liberation movements tried to co-opt the UNHCR to further their cause and legitimacy. Thus in 1970, the MPLA tried to invite the UNHCR to an International Conference in Support of the Peoples of Portuguese Colonies to be held in Rome, arguing that humanitarian and social problems would also be discussed.<sup>36</sup> The UNHCR was obviously apprehensive of such initiatives, even more so because Angola represented a special case. Indeed, Angola was a one of the situations where the decolonization process and the Cold War became intertwined: liberation movements acted as proxies or were supported by both the superpowers and their clients, especially Cuba.

Once again, the UNHCR concern was solely to make sense of the complicated local, regional and geopolitical situation to assess the assistance it was mandated to provide and to ensure it was capable of doing so.

Angola is thus a valuable potential case-study linking Decolonization and the Cold War context. There were also more interesting Cold War cases where the UNHCR had a rather more active role and where the bipolar conflict element was even more relevant to its action. For the purpose of this paper it is therefore important to shed light on some of those cases in order to map out a few future research avenues.

The next part will show that despite complicated and intense geopolitical contexts, the UNHCR managed to act relatively independently. However, it also seems that the constraints and obstacles faced by the UNHCR on Cold War related settings were not necessarily so unique.

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<sup>36</sup> Note for the File on “*Mouvement Populaire de Libération de l’Angola (MPLA)*”, dated May 19, 1970; Folio 573, UNHCR Fonds 11 Series 2, 100-GEN.ANG “Refugees from Angola – General” [Vol.1] (1966-1972).

## **The UNHCR's Activities in Cold War Related Contexts:**

As explained in the introduction to this working-paper, the process of relative emancipation from great power politics does not square well with the image of a totally Western oriented agency that would have acted according to the Cold War prism.

Naturally, the archives do show that the UNHCR could not ignore the bipolar context. A certain bias was also structurally evident since virtually all of the organization's funding came from Western governments. Indeed, the Soviet Union remained highly skeptical of the UNHCR during the whole period and it is indeed noteworthy that in the UNHCR archives (at least for the period 1971-1984), documents on relations with the Soviet Union are virtually absent.<sup>37</sup>

The essential lack of Soviet implication in the UNHCR activities compared to the predominant role of the United States and its allies could not but have an impact. It certainly influenced general budgeting matters as well as the allocation of funds, and the selection and implementation of specific projects.

However, the documentation consulted so far also indicates that the West did not always act as a monolith on refugee and UNHCR matters. Nor did the UNHCR approach them as a bloc when requesting funding or cooperation. Thus, one state's disapproval, even from the United States, did not necessarily mean others would not cooperate with the agency.

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<sup>37</sup> The archives do contain some files concerning the USSR but they usually contain only a few documents and are often only indirectly related to the Soviet Union. For example, the file on "Refugees from Korea in the Soviet Union, 1970-1977" (100-USSR.KOR) actually concerns Koreans who had been moved to the Southern Sakhalin Islands by Japan during the Second World War and deals only with their eligibility and contacts with Japanese lawyers. Other examples are: 010-USSR "Relations with Governments Union of Soviet Socialist Republics" (1983-1984); 100-GEN.USSR "Refugees from Union of Soviet Socialist Republics – General" (1974-1978); 100-AFG.SUN "Refugees from the Soviet Union in Afghanistan" (1979-1980); 100-AUS.SUN "Refugees from the Union of Socialist Soviet Republics in Austria" (1979); 100-GRE.SUN "Refugees from the Soviet Union in Greece" (1981-1984).



In addition, the Soviet skepticism certainly shows that they viewed the UNHCR as a Western tool but it did not prevent the agency to work closely and even often cooperate with “communist” countries and their allies. The agency evidently assisted refugees fleeing communist regimes but this did not prevent it to work closely with such regimes. In many cases the UNHCR actually had to juggle with its task of assisting refugees *fleeing* a communist country and cooperating with this same country to assist refugees *residing* on its territory. It is important to note here that this “double-hat” policy related to countries which were at the same time receiving and generating refugees was a rather common aspect. It was not specific to relations with communist countries or the Cold War context. As mentioned previously, the UNHCR found itself in this position many times in Africa.

Some communist countries were even included in resettlement schemes. Cuba seems to be a good example in the case of assistance to refugees from Latin and South America. Thus a July 1978 UNHCR memorandum on the “Situation of Refugees in Cuba” contained a very positive assessment of Cuban refugee policies made by the Regional Representative for Northern Latin America:

“[The] condition of the refugees in Cuba is the best that refugees can have, at least in the Northern area of Latin America ... [It] could only be matched by their situation in Scandinavia and other Western European countries”.<sup>38</sup>

China was also one of the Communist regimes with which the UNHCR co-operated (although on a rather occasional basis). For example, in the late 1970s and early 1980s, the People’s Republic of China and the UNHCR ran a resettlement program for Vietnamese refugees of Chinese origin.

It seems therefore evident that the connection between Cold War politics and the activities of the UN Refugee Agency is not as simple as some may have suggested or as the popular opinion might have it. There is certainly room for further research here. The rest of this paper will thus focus on three specific cases in order to present a few potential areas and themes for further studies and indicate some more developed – although still tentative – conclusions about the impact of the bipolar conflict on the UNHCR’s activities as well as the role played by the UN Refugee

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<sup>38</sup> Memorandum dated July 13, 1978; Folio 10, UNHCR Fonds 11 Series 2, 100-CUB.GEN, “Refugees in Cuba – General” (1975-1983), p.2.

Agency in Cold War related contexts. It will also give the reader some indications about the richness of the archives.

### ***The UNHCR and the Orderly Departure from Vietnam:***

It is well-known that the long, multifaceted and protracted Vietnam War, followed by the reunification of the country under communist rule, had the effect of generating a large flux of refugees (particularly the “boat-people”) which the UNHCR had to assist. Interestingly, from 1979 the UN Refugee Agency developed – in co-operation with the Vietnamese government and major Western resettlement countries such as France and the United States – a major preventive scheme known as the “Orderly Departure Program” (ODP).<sup>39</sup> With this program, the Vietnamese authorities agreed to permit the orderly departure and resettlement of individuals to avoid the clandestine and dangerous departures at sea and facilitate family reunion. This project is a particularly interesting case because it dealt with the consequences of a major colonial and Cold War crisis and it was the first occasion on which the UNHCR became involved in efforts to pre-empt a refugee problem rather than simply deal with its aftermath.

In this specific case, the UNHCR thus negotiated and co-operated with both sides of the Iron Curtain to ensure a successful implementation by helping to reach common working procedures or settle differences. This implied in particular organizing the selection of candidates for departure and setting-up the special flights from Vietnam to Western resettlement countries. Overall, it represented a rather difficult task since Western regulations and constraints for emigration did not always square well with Vietnamese requirements.

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<sup>39</sup> For published references on the “Orderly Departure Programme”, see for example: Stein, Barry, “The Geneva Conferences and the Indochinese Refugee Crisis”, *International Migration Review*, Vol.13, No4, Winter, 1979, pp.716-723; Kumin, Judith, *Orderly Departure from Vietnam: A Humanitarian Alternative?* Unpublished PhD Dissertation, Fletcher School of Law and Diplomacy, Tufts University, 1987; “Refugee Program: the Orderly Departure Program from Vietnam”: Report to the Chairman, Subcommittee on Immigration, Refugees, and International Law, Committee on the Judiciary, House of Representatives, US General Accounting Office, Washington, D.C., 1990; “The ODP, the 1979 and 1989 Meeting and the CPA” in: Drüke, Luise, *Preventive Action for Refugee Producing Situations*, Peter Lang, European University Studies, Berlin, New York, Paris, 1993, pp.78-107.

For example, some countries (such as the United States and Australia) insisted on interviewing the candidates and performing medical checks in Vietnam, i.e. prior to their potential departure. Thus, over the years, the UNHCR representatives in the Socialist Republic of Vietnam (SRV) had to use all diplomatic means to convince the officials that they should accept the presence of foreign officials on their territory and devise schemes to do so on a mutually acceptable basis. They also worked to convince the Western authorities to make efforts to reach a common denominator. Important negotiations were conducted during the early years explaining the slow start of the program.<sup>40</sup> However, by 1984 more than 29,000 persons departed annually under this program.<sup>41</sup>

Bringing together the positions of the Vietnamese and Western countries and reaching compromises or working positions allowing for the program to be implemented was often difficult particularly because these countries often did not enjoy diplomatic relations. The UNHCR then played a role in regularly organizing multilateral meetings at the headquarters in Geneva and invited a Vietnamese delegation to participate and discuss issues involved in the Orderly Departure Program with receiving countries.<sup>42</sup> During such visits – and on other occasions – the UNHCR acted as a direct mediator between the United States and the Socialist Republic of Vietnam, sometimes going as far as to be a vector for bilateral negotiations and ‘back-channel’ diplomacy between the two ‘enemies’. As shall be seen below, the UNHCR’s role as a vector of communication between them was acknowledged and appreciated by both sides.

This program thus represents a good model of the kind of informal diplomatic role the UNHCR was able to play during the Cold War on behalf of refugee populations. Academics often analyze mediators’ roles in the context of conflict resolution but this case is particular because it shows how an international organization could act

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<sup>40</sup> For a window on the efforts the UNHCR staff in Vietnam had to develop to ensure the adoption of working procedures satisfying both sides, see a Memorandum dated September 7, 1979 on “Execution of 12 January Statement – Departures for the USA”; Folio 8, UNHCR Fonds 11 Series 2, 100-ORD.SRV.USA “Orderly Departure from Vietnam to United States of America” [Vol.1] (1979).

<sup>41</sup> *The State of the World's Refugees 2000...*, *op. cit.*, p.86.

<sup>42</sup> See for example a Memorandum dated November 4, 1983 on “Visit of Vietnamese Delegation to Headquarters, 4-7 October 1983”; Folio 1681, UNHCR Fonds 11 Series 2, 100-ORD.SRV.GEN “Orderly Departure from Vietnam – General” [Vol. 31] (1983).

as a go-between to help deal with the aftermath of a conflict despite the absence of relations between the former belligerents. The purpose was very pragmatic because it was not designed to solve the remaining US-Vietnamese differences but to allow for the development and implementation of a humanitarian program *despite* the differences.

One way to further demonstrate the importance of this case is to briefly focus on the thorny issues involving the repatriation of children of American soldiers and Vietnamese mothers (Amerasian children). There was a basic disagreement between the two countries on how to deal with this question and they both used the UN Refugee Agency channel to make their point and try to reach a compromise if not an agreement.

Mainly for domestic legislative reasons, the Americans insisted that Amerasian children could only go to the United States through the Orderly Departure Program, i.e. as refugees. The archives show that the Americans were happy to pass this information on to the Vietnamese through the UNHCR. For example, in a document dated May 21, 1984, related to a letter from Washington detailing the US position on the Amerasian issue, a UNHCR Representative noted that the personnel at the US mission in Geneva had clearly stated that “the United States had no objection to the contents” of the letter being “shared with the SRV.” The Representative then added that the “UNHCR stood ready to receive any comments on this text from the Vietnamese side and to convey them to the US Government”.<sup>43</sup>

For their part, the Vietnamese authorities refused to consider these children as refugees since they were regarded as a consequence of the American aggression on Vietnam. The Vietnamese could be quite outspoken on this issue. For example, in April 1984, the Vietnamese government went as far as to deny any UNHCR involvement in this domain:

“For the SRV the question of Amerasian children and the ODP are two different issues. The Amerasian children is a question of the aftermath of

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<sup>43</sup> Note for the File dated May 21, 1984; Folio 356, UNHCR Fonds 11 Series 2, 010-SRV “Relations with Governments Socialist Republic of Vietnam” (1984).

the war for which USA has a special responsibility. It is not the UNHCR responsibility.”<sup>44</sup>

Nevertheless, such a position did not prevent the Vietnamese government from asking the UNHCR, in June 1984, to “inform ‘unofficially’ the United States authorities” that they were ready to send to Bangkok a group of officials working on ODP, in order to discuss “on a completely informal basis” a number of “subjects of interest to Vietnam as well as to the United States”, including the issue of “Amerasian children.”<sup>45</sup>

The archives show that the UNHCR’s mediating role can be documented and analyzed on a number of other topics in the context of the Orderly Departure Program. It is thus a promising case-study showing how an international organization could act as an *interface* between state actors and play a fundamental role in “oiling” the international humanitarian machinery, even in a tense Cold War context.

This ability to play a mediating role during the Cold War does not mean there was no difficulty related to the East-West context for the UNHCR. Undoubtedly, the bipolar conflict represented a constraint or at least a general context within which the representatives had to do their best to fulfill their mandate. The UNHCR was indeed often sitting on the fault-lines of the Cold War, doing its best to assist refugees, whatever their origin, geographical situation, and whatever the political context. Even though it could act rather independently of states’ pressure, it also needed to enlist the approval of states to assist specific groups of refugees. However, a few examples from the archives suggest that when this support was lacking because of political or strategic reasons, the UNHCR was often able to devise strategies and tactics designed to work around these constraints and assist the refugees despite the reluctance from states.

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<sup>44</sup> Note for the File on a meeting with Mr. Le Mai, Assistant Minister for Foreign Affairs, April 23, 1984, annexed to a Memorandum dated May 7, 1984; Folio 354, UNHCR Fonds 11 Series 2, 010-SRV “Relations with Governments Socialist Republic of Vietnam” (1984).

<sup>45</sup> Note for the File dated June 27, 1984; Folio 361, UNHCR Fonds 11 Series 2, 010-SRV “Relations with Governments Socialist Republic of Vietnam” (1984).

## ***The UNHCR and the Afghan Refugee Problem:***

A very interesting example of how the UNHCR worked in the Cold War context relates to the assistance provided to Afghan refugees after 1979. Within months of the war in Afghanistan, Afghans began fleeing to neighboring Pakistan and Iran. Some also went across Pakistan to reach India where they hoped to find better assistance. It is a well known fact that in this respect the UNHCR was very much constrained by its funding system. Because of the political context, the level of international funding provided and the organizational framework the UN Refugee Agency had to deal with in each country differed markedly. However, it does not mean the UNHCR's actions were totally directed by Cold War or geopolitical considerations.

Iran and Pakistan were similarly affected by the influx but the international community provided far less financial assistance to Iran than to Pakistan.<sup>46</sup> This disparity can be explained by two factors: on the one hand, the conjunction of the US's close relations with Pakistan and the Western willingness to use the Afghan refugee issue as a propaganda tool against the USSR; on the other hand, the detrimental effect of the 1979 Islamic revolution on the Western perception of Iran. It is often said – with some reason – that this lack of funding for Iran was largely due to the Western antagonism for the Islamic Revolution, especially after the US hostage crisis.

More than antagonism towards the new Iranian regime, the UNHCR officials, for their part, showed circumspection and anxiety as it was felt early on that “difficulties may be foreseen in solving the Afghan problem in Iran” because of the “incertitude surrounding the new Iranian policy vis-à-vis the UNHCR”.<sup>47</sup> Some Headquarters officials went as far as to comment in January 1980 that:

“It would appear desirable to remain passive at this stage and not take any steps to encourage [an Iranian] request [for assistance]. Should such a

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<sup>46</sup> On the West and the Afghan refugee issue in Pakistan, see: *The State of the World's Refugees 2000...*, *op. cit.*, pp.115-121; “The Afghan Refugee Camps in Pakistan”, in: Terry, Fiona, *Condemned to Repeat?: the Paradox of Humanitarian Action*, Ithaca and London, Cornell University Press, 2002, pp.55-83; Grare, Frederic, “The Geopolitics of Afghan Refugees in Pakistan, in: Tanner, Fred and Stedman, Stephen John, eds, *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering*, Washington, D.C., Brookings Institution Press, 2003, pp.57-94.

<sup>47</sup> Note for the File on “*Les Réfugiés afghans en Iran*”, dated August 28, 1980; Folio 32, UNHCR Fonds 11 Series 2, 100-IRN.AFG “Refugees from Afghanistan in Iran” [Vol.1] (1978-1982).

request be received, before a proposal is made to the High Commissioner, it would be necessary to obtain details of the back-ground and make-up of the group.”<sup>48</sup>

However, the UNHCR archives indicate that despite this lack of funding and initial misgivings, the UN Refugee Agency did develop plans to assist the Afghan refugees. Those plans were surely of a lesser scale than the refugee influx would have warranted but it is important to note that Iranians shared responsibilities here. The UN Refugee Agency was prevented from fully implementing the programs it wanted to develop in the country mainly because of the new Islamic Government’s disorder and mistrust.

Indeed, the Iranian attitude towards the UNHCR was also a fundamental factor. While Pakistan formally requested UNHCR’s assistance in April 1979 (leading to the opening of an office in Islamabad in October 1979), Iran was very skeptical about what it perceived as possible “Western” interference. At the beginning of the crisis, the Revolutionary government preferred to deal with this problem “within an Islamic context and in talks with Pakistan”<sup>49</sup> and to assist the Afghan refugees “according to its tradition of hospitality and the principles of Islam, without asking for international assistance.”<sup>50</sup>

Under heavy pressure (especially since the war with Iraq brought more refugees) the Iranian government finally asked for assistance in December 1980. In a letter addressed to the High Commissioner, the Iranian Minister for Foreign Affairs explained:

“The material losses resulting from this war are so heavy that without generous and prompt assistance from the international community it will not be possible to alleviate the widespread sufferings of Afghani and Iraqi refugees in Iran. In view of the above, we would like for the first time to ask for international help. ... We, therefore, would like to ask you to set up a comprehensive humanitarian assistance program for these innocent

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<sup>48</sup> Memorandum on “Afghanis in Iran dated January 28, 1980; Folio 18, UNHCR Fonds 11 Series 2, 100-IRN.AFG “Refugees from Afghanistan in Iran” [Vol.1] (1978-1982).

<sup>49</sup> Note for the File on “*Les Réfugiés afghans en Iran*”, dated August 28, 1980; Folio 32, UNHCR Fonds 11 Series 2, 100-IRN.AFG “Refugees from Afghanistan in Iran” [Vol.1] (1978-1982).

<sup>50</sup> Cable dated December 9, 1980, reproducing a letter from the Iranian Minister for Foreign Affairs to the UN High Commissioner for Refugees; Folio 37, UNHCR Fonds 11 Series 2, 100-IRN.AFG “Refugees from Afghanistan in Iran” [Vol.1] (1978-1982).

people who have found refuge in Iran ... At the same time I would like to assure you of our full cooperation in all your efforts in this respect.”<sup>51</sup>

The last sentence notwithstanding, Iran consistently refused to allow the UNHCR to open an office, preferring it to continue to work under the umbrella of the United Nations Development Program (UNDP).<sup>52</sup> This scheme was seen as allowing for more direct Iranian control. However, it placed the UNHCR in a difficult position because it resulted in somewhat strained relations with the UNDP office. The Development Agency was not in a position to replace the UNHCR for such a crisis but overall they both cooperated to provide minimum assistance, often on a “case-by-case basis.”<sup>53</sup> The UNHCR also managed to maintain a presence and help the UNDP through missions from UNHCR officials but still had troubles providing adequate assistance to refugees under such conditions.

Interestingly, the Iranians actually complained about this fact. In April 1984, the Minister for Foreign Affairs stressed that there had been “numerous UNHCR missions to Iran since 1981” which had “raised high expectation but yielded few results.” He went on:

“This, in the Government's mind shows that the UNHCR is not paying serious attention to the refugee problem in Iran. Inevitably the Government can thus not avoid comparing these results with the sizeable aid provided for the same purpose and the same group of refugees in neighboring Pakistan. It is therefore seriously concerned and puzzled by this obvious imbalance.”

Finally, the Foreign Minister exposed the Iranian level of mistrust towards the United Nations system by insisting that he believed the UNHCR “should show more flexibility if it really wanted to cooperate”:

“The Minister considers that UNDP is representing the whole UN family in Iran, thus the UNHCR’s insistence on opening a separate office seems

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<sup>51</sup> Cable dated December 9, 1980, reproducing a letter from the Iranian Minister for Foreign Affairs to the UN High Commissioner for Refugees; Folio 37, UNHCR Fonds 11 Series 2, 100-IRN.AFG “Refugees from Afghanistan in Iran” [Vol.1] (1978-1982). Interestingly, according to this document, the Minister also expressed “disappointment at the lack of publicity given by HCR to Iran's single-handed efforts to support the second largest refugee population in the world.”

<sup>52</sup> Note that UNDP was the only UN agency to keep an office open in Teheran during the 1979 events.

<sup>53</sup> Memorandum from the Chief of the Middle East and North Africa Section to the High Commissioner dated June 26, 1981; Folio 60, UNHCR Fonds 11 Series 2, 100-IRN.AFG “Refugees from Afghanistan in Iran” [Vol.1] (1978-1982).



more a sign of competition between UN agencies than a genuine operational requirement.”<sup>54</sup>

However, despite these obstacles and within the constraints imposed by the tense relations between the West and Iran, one can say that the UNHCR did not forego its duties in terms of assisting Afghan refugees in Iran. It was able to devise a strategy that allowed for at least a minimal assistance within a difficult context.

In India, the UNHCR had to face similar problems – although for quite different reasons – and developed a comparable strategy involving Headquarters’ missions and cooperation with the UN Development Program.

Here, the reasons were more directly linked to the Cold War divide: Because of its alliances, the government of India (GOI) refused not only to allow the UNHCR to work directly on its territory but also to recognize Afghans as refugees. Thus, following a mission to New Delhi, a UNHCR Representative commented in November 1980:

“Because of friendly relations between India and the USSR and Afghanistan and in the context of international politics surrounding the Afghan crisis, India is reluctant to consider Afghans as refugees for fear that it may reflect on the situation obtaining in Afghanistan.”

Nevertheless, the GOI allowed the UNHCR to support Afghan ‘refugees’ on its territory provided this assistance remained discreet and “unofficial.” The same report explained:

“However, India assures they are ready to renew visas for Afghans, on basis of immigration rules and that no deportation had or would take place. The Indian government is not opposed to UNHCR financial and resettlement assistance for Afghan nationals providing it remains unofficial.”<sup>55</sup>

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<sup>54</sup> Cable from Teheran dated April 19, 1984 reporting a meeting with the Iranian Minister for Foreign Affairs; Folio 158, UNHCR Fonds 11 Series 2, 100-IRN.AFG “Refugees from Afghanistan in Iran” [Vol.2] (1982-1984).

<sup>55</sup> Mission Report (New Delhi, India – 27 October – 1 November 1980) dated November 26, 1980; Folio 60A, UNHCR Fonds 11 Series 2, 100-IND.AFG “Refugees from Afghanistan in India” [Vol.2] (1980-1981).

Following intense negotiations, the UN Refugee Agency thus managed go round the political constraints to remain active in India and again, this was done through the UNDP umbrella and regular missions.<sup>56</sup>

Until 1975, the UNHCR had had an office in India. It was then closed and an agreement was reached by which refugee matters would be handled by UNDP.<sup>57</sup> However, this scheme was designed to deal with a low level of refugees in a clear and relatively simple political context. With the new and difficult problems posed by the Afghan refugee flows, the UNHCR asked to reopen its office to deal with the crisis. The UNDP also insisted on such a development. As soon as November 1980, the Development agency directly asked the Indian Ministry of External Affairs to “accept a UNHCR officer being stationed in Delhi, at least temporarily, to deal with the Afghan caseload which is becoming too large for the UNDP office to deal with.”<sup>58</sup> India refused this solution even though in early 1981 it allowed the UNHCR to open a “sub-office” under the UNDP umbrella to deal with the large number of refugees. The UN Refugee Agency hoped “that the Indian Government” would later “accept accreditation for a fully-fledged UNHCR Branch Office”, but this expectation was recurrently frustrated.<sup>59</sup>

Similarly to what happened in Iran, it seems clear that this scheme was not a perfect solution in terms of the level of assistance provided. Moreover, here again this – rather forced – reliance on UNDP created tensions between the two UN agencies and with the refugees. The numbers of Afghan refugees coming to India was much lower but still too important for the UNDP office in New Delhi especially because their passage through Pakistan resulted in complicated refugee status issues.<sup>60</sup> Refugees unsatisfied with the level of assistance resorted to demonstrations in front (and sometimes within) the UN Development Agency office obstructing “normal

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<sup>56</sup> Briefing on the UNCR Programme in India dated August 18, 1981; Folio 169, UNHCR Fonds 11 Series 2, 100-IND.AFG “Refugees from Afghanistan in India” [Vol.3] (1981).

<sup>57</sup> Mission Report (New Delhi, India – 5 January – 27 February 1981) dated March 12, 1981; Folio 131A, UNHCR Fonds 11 Series 2, 100-IND.AFG “Refugees from Afghanistan in India” [Vol.2] (1980-1981).

<sup>58</sup> Letter from the UNDP Resident Representative in New Delhi to the Indian Ministry of External Affairs dated November 3, 1980; Folio 48, UNHCR Fonds 11 Series 2, 100-IND.AFG “Refugees from Afghanistan in India” [Vol.1] (1980).

<sup>59</sup> Report on mission to New Delhi 22 February – 6 May 1981; Folio 150, UNHCR Fonds 11 Series 2, 100-IND.AFG “Refugees from Afghanistan in India” [Vol.3] (1981).

<sup>60</sup> For most cases, India could not be considered as their first country of asylum.

working conditions” and even prompting complaints from the “World Bank representatives working next door.”<sup>61</sup> More seriously and dramatically, a few episodes of violence and threats directed at the UNDP personnel strained relations with the Refugee Agency<sup>62</sup> even though the UNHCR Representative working in the sub-office was also submitted to intimidations.<sup>63</sup>

However, these difficulties and manifestations of discontent from refugees should not prompt too much criticism. First, the archives indicate that quite a significant number of Afghans received UNDP/UNHCR assistance in India and it was certainly important for those individuals. In addition, these episodes indicate that despite important difficulties, the UN Agencies did their best to assist Afghan refugees in India.

A more developed study is certainly needed to analyze the exact type of agreement that existed between the UNHCR and the UNDP (in India, Iran and elsewhere) and the actual working relationship. On the basis of the documentation consulted so far, it would seem unfair to qualify this cooperation as a “sub-contraction” of its mandate by the UNHCR. Rather, the documents consulted indicate that despite the difficulties implied in the obligation to work under the United Nations Development Program’s umbrella, the UNHCR was able to discreetly (albeit in a minimal way) fulfill its humanitarian duties in a complicated geopolitical situation.

Those particular cases show how the UNHCR managed to respond to a large refugee crisis in a clear Cold War context – indeed, the Second Cold War – by devising specific strategies. The strategies did cause problems and were not ideal solutions in terms of assistance to the refugee populations but it seems fair to state that the geopolitical context did not dictate the UNHCR policies and that the UN Refugee Agency never abdicated its duties.

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<sup>61</sup> Cable from UNDP New Delhi dated January 28, 1981; Folio 96, UNHCR Fonds 11 Series 2, 100-IND.AFG “Refugees from Afghanistan in India” [Vol.2] (1980-1981).

<sup>62</sup> See: Cable from UNDP New Delhi dated January 28, 1981; Folio 96, UNHCR Fonds 11 Series 2, 100-IND.AFG “Refugees from Afghanistan in India” [Vol.2] (1980-1981) and Mission Report (New Delhi, India – 5 January – 27 February 1981) dated March 12, 1981; Folio 131A, UNHCR Fonds 11 Series 2, 100-IND.AFG “Refugees from Afghanistan in India” [Vol.2] (1980-1981).

<sup>63</sup> Cable from New Delhi dated May 26, 1983; Folio 282, UNHCR Fonds 11 Series 2, 100-IND.AFG “Refugees from Afghanistan in India” [Vol.6] (1983).

The UNHCR's behavior in the Afghan refugee crisis obviously implied at least some indirect criticisms of the Soviet policy. When trying to determine the impact of bipolar politics on the UNHCR activities, one should also try to establish whether this UN agency could, when warranted, exert criticism against the West and especially against the United States of America. To provide an answer it is interesting to shed light on how the UNHCR responded to the US policies towards refugees fleeing conflicts in Central America in the early 1980s, especially refugees from El Salvador.

### ***The UNHCR and Salvadoran Refugees in the US:***

From the late 1970s to the end of the 1980s, Central America was destabilized by three separate civil wars in Nicaragua, El Salvador and Guatemala. These conflicts generated important refugee fluxes in neighboring countries and in the United States. The US had a role in these conflicts because of its policy of shoring up the right-wing governments in order to prevent the perceived potential penetration of Soviet influence in their traditional "backyard", the Southern American sub-continent.<sup>64</sup>

Such was the case in the Salvadoran Civil War which, from 1980 to 1992, opposed the government of El Salvador and a coalition of leftist and communist forces known as the *Farabundo Martí para la Liberación Nacional* (Farabundo Martí National Liberation Front – FMLN). The Americans provided financial and indirect military support to governmental forces. Indeed, as Raymond Garthoff put it, for the Reagan administration, El Salvador had a value in the Cold War struggle since it represented an "arena for early engagement in opposing Soviet expansion". The Salvadoran government behavior was thus depicted as a fight against a "Soviet-sponsored, Cuban-managed, Nicaraguan-supplied, communist-led, terrorist-guerilla insurgency."<sup>65</sup>

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<sup>64</sup> Generally, on this issue, see: Schoultz, Lars, *Beneath the United States: A History of U.S. Policy toward Latin America*, Cambridge Massachusetts, Harvard University Press, 2003.

<sup>65</sup> Garthoff, Raymond, *The Great Transition: American-Soviet Relations and the End of the Cold War*, Washington DC, Brookings Institution, 1994, p.26.

Some authors have already written about the difficulties encountered by the UN Refugee Agency in neighboring countries, especially Honduras, mainly because of Cold War constraints.<sup>66</sup> In particular, the Honduran government, influenced by the United States, was suspicious of Salvadoran refugees. As a consequence, those refugees had to face drastic living conditions in closed camps and numerous incursions by the Salvadoran army.<sup>67</sup>

Another interesting aspect which emerged from the archives relates to the American Administration's behavior towards Salvadoran refugees who reached the US territory and the UNHCR's position in this respect.

At least from early 1981 the UNHCR was concerned by reports from NGOs<sup>68</sup> and the press of Salvadorans being deported back to El Salvador by the US authorities "without informing them of their right to deportation hearing or to seek political asylum" and also referring to cases of "intimidation by INS" officials.<sup>69</sup> The Reagan Administration admitted the deportations – although not the cases of intimidation – arguing mainly that Salvadorans did not fear persecution upon their return.<sup>70</sup>

The UNHCR position on this issue was quite different as evidenced in a 1981 memorandum:

"While it would be erroneous to state that all such *deportés / refoulés* face certain death upon their return, it would be equally misleading to believe that these persons are all simply reintegrated into Salvadoran society. ... There are sufficient reports to indicate that several forcibly returned persons were killed the day of their arrival. Others were disposed of later. Most are probably left alone but that doesn't mean they have nothing to fear. In the situation of chaos and general violence that prevails in El Salvador, clearly extreme caution is called for."

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<sup>66</sup> See for example: "The Nicaraguan and Salvadoran Refugee Camps in Honduras", in: Terry, Fiona, *Condemned to Repeat?: the Paradox of Humanitarian Action*, Ithaca and London, Cornell University Press, 2002, pp.83-114.

<sup>67</sup> For more details see also: *The State of the World's Refugees 2000...*, *op. cit.*, pp.128-130.

<sup>68</sup> A June 1981 document thus noted that "The problem of Salvadorians was also raised by representatives of several voluntary agencies during the recent NGO/UNHCR Consultation in Geneva" and suggested to follow this issue with them so as to make "appropriate representations to the competent US authorities." Note on "Asylum seekers for Salvadorian Refugees" dated June 4, 1981; Folio 12, UNHCR Fonds 11 Series 2, 100-USA.SAL "Refugees from El Salvador in United States of America" [Vol.1] (1980-1982).

<sup>69</sup> Cable reporting on a New York Times "detailed report" dated March 3, 1981; Folio 4, UNHCR Fonds 11 Series 2, 100-USA.SAL "Refugees from El Salvador in United States of America" [Vol.1] (1980-1982).

<sup>70</sup> For general information on this, see: Loescher, *UNHCR and World Politics...*, *op. cit.*, pp.229-230 and Loescher, Gil, "Humanitarianism and Politics in Central America", *Political Science Quarterly*, Vol.103, No2, 1988, pp.295-320.

As a consequence, the US attitude was a major source of concern for the UN Refugee Agency, even more so because it was feared this could have a spill-over effect in Central America:

“[If] the US, perceived by many in this area as a powerful bastion of democracy, does not comply with what appear to be the absolutely basic rights of refugees, then it becomes even more difficult for this [Regional Office] to convince the much smaller and considerably more vulnerable countries of Northern Latin America not to do likewise.”<sup>71</sup>

Therefore, on a number of occasions the “UNHCR intervened with the US authorities” and “requested that, in view of the continuing disquieting situation in El Salvador, this group be allowed to remain in the United States at least on a voluntary departure basis until their legal status is clarified or the situation” in El Salvador has improved.<sup>72</sup> In June 1981, those views were also directly conveyed to the US Administration through an “Aide-Mémoire on the US policy on Salvadorian asylum seekers.”<sup>73</sup>

The Americans did not appreciate this initiative as they considered that “blanket stay authorization” was “unjustified” since according to the State Department, “most Salvadorans in the USA” were “economic migrants.” Although “a climate of violence” was “recognized”, according to the US authorities, “no systematic violation human rights” were “taking place in El Salvador.”<sup>74</sup> The US official assessment of the situation in El Salvador was indeed very different from the UNHCR’s, as the Americans did “not consider the situation ... as ‘outright civil war’.”<sup>75</sup>

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<sup>71</sup> Memorandum from the Regional Representative for Northern Latin America to Headquarters on “Forcible Return of Salvadoreans from US” dated April 15, 1981; Folio 8, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.1] (1980-1982).

<sup>72</sup> Note for the File on “High Commissioner’s Brief on Legal Protection Questions in the USA” dated May 5, 1981; Folio 10, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.1] (1980-1982).

<sup>73</sup> “UNHCR Aide-Mémoire on the US policy on Salvadorian asylum seekers” dated June 22, 1981 in: Annex to a Cable from Headquarters to UNHCR New York reporting on a conversation at the US Permanent Mission, dated June 23, 1981; Folio 12A, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.1] (1980-1982).

<sup>74</sup> Cable from Headquarters to UNHCR New York reporting on a conversation at the US Permanent Mission, dated June 23, 1981; Folio 12A, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.1] (1980-1982).

<sup>75</sup> Cable from Headquarters to UNHCR New York following a meeting with US officials, dated August 26, 1981; Folio 16, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.1] (1980-1982).

In September 1981, these views were reiterated and developed in a long and strong official reply to the UNHCR June 1981 Aide-Mémoire. This answer stated that according to “information provided by the US Embassy in San Salvador and missions by State Department Human Rights officers”, while there was “fighting, considerable violence, and some disruption of public service”, the “conditions within El Salvador” were “in no way comparable” to a civil war. Therefore, “most Salvadorans” rejected by the US “were not subject to persecution upon their return” and “had emigrated for economic reasons”.

This document also “categorically” rejected all allegations that the Immigration and Naturalization Services had threatened, coerced or deprived Salvadorans from applying for asylum. In the end, the US expressed hopes that the UNHCR would “reconsider” its conclusions because:

“The UNHCR Aide-Mémoire makes a number of references to allegations and press reports concerning Salvadorans returned to their country by the United States. US policy is not made on the basis of vague allegations and unsubstantiated reports. Our Embassy in San Salvador has been unable to ascertain that any Salvadorans deported from the United States (12,000 – 18,000 every year) have been persecuted after being repatriated. We stand by our position that Salvadorans who have been returned are not likely to be subject to persecution in their native country. We find claims to the contrary to be unsubstantiated and are often motivated by political rather than humanitarian concerns.”<sup>76</sup>

Nevertheless, the UN Refugee Agency was also determined to stand by its position on this issue. Rather than “reconsidering” its conclusions, the UNHCR tactfully reiterated its position a few weeks later:

“The office is indeed gratified to note that reports of persecution of Salvadorans who have been repatriated to El Salvador from the United States have not been confirmed by the US Embassy in El Salvador. The Office nevertheless considers that in view of the situation prevailing in El Salvador it is only natural that it should bring such reports – even though they may not be directly substantiated – to the attention of the United States authorities. The Office also believes that such action would be appropriate when serious humanitarian issues may be involved and for which the US Government has always shown the greatest understanding.”<sup>77</sup>

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<sup>76</sup> US answer to the UNHCR Aide-Mémoire of 22.06.1981 sent to Headquarters from the US Mission to International Organizations, Geneva, dated September 1, 1981; Folio 19, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.1] (1980-1982).

<sup>77</sup> UNHCR letter to Gerald B Helman, Ambassador, US Permanent Representative to the United Nations Office in Geneva, dated September 23, 1981; Folio 30, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.1] (1980-1982).

As a matter of fact, pressure mounted on the Administration as the US official position was clearly contradicted during the following months. Thus, in early 1982, following a Salvadoran Class Action Suit, the Federal District Court in Los Angeles ruled that:

“Salvadoran refugees had been illegally placed in solitary confinement as part of a national campaign to guarantee their mass deportation, regardless of the merits of their individual applications.”<sup>78</sup>

This ruling was publicized nationally in the press, especially in a *New York Times* article entitled “Judge Orders Immigration Agents not to Abuse Salvadoran Refugees”.<sup>79</sup>

More importantly, official statements and reports emanating from US foreign policy circles started to publicly contradict the official line. This evolution was of course duly noted by the UNHCR. In November 1982, a cable from the Acting Regional Representative in Washington transmitted to the Headquarters the text of a recent speech by US Ambassador to El Salvador, Deane R. Hinton, acknowledging the real level of violence in the country.<sup>80</sup> This appreciation from Ambassador Hinton was important and certainly did not come as a surprise to the UNHCR staffs. Indeed, exactly a year before, a cable from the Regional Representative in San Jose reporting on a meeting with Hinton had explained that the Ambassador was “well aware of the UNHCR activities” and that:

“He surprisingly acquiesced that we had a point in maintaining it was basically unsafe to deport Salvadorans to El Salvador at present. He added quote but your boss and mine don’t see eye to eye on the matter unquote.”<sup>81</sup>

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<sup>78</sup> Memorandum from the UNHCR Liaison Office in Washington to Headquarters, dated May 3, 1982; Folio 46, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.2] (1982-1983).

<sup>79</sup> “Judge Orders Immigration Agents not to Abuse Salvadoran Refugees”, *The New York Times*, May 1, 1982, p.14. A *Washington Post* article entitled “INS Agents Told to Stop ‘Threatening’ Refugees” and dated May 1, 1982 is also referred to in the above mentioned Memorandum, although the author was unable to find this article (even using Lexis-Nexis). See: Folio 46, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.2] (1982-1983).

<sup>80</sup> Cable from the Acting Regional Representative in Washington to Headquarters, dated November 2, 1982; Folio 67, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.2] (1982-1983).

<sup>81</sup> Cable from the Regional Office, San Jose to Headquarters dated November 1981; Folio 64, UNHCR Fonds 11 Series 2, 100-GEN.SAL “Refugees from El Salvador – General” [Vol.3] (1981-1983).



The UNHCR thus decided to use this public official information to renew and strengthen its appeal to the US authorities on behalf of Salvadorans. The strategy was now to found the intervention “mainly on the US Administration’s own findings” rather than on reports from the press, NGOs or UNHCR representatives on the ground. It was considered that such an approach would potentially have more weight and was unlikely to be challenged as being politically motivated. Thus, this time, rather than “submitting yet another Aide-Mémoire” to the US Administration, the strategy was to “discuss this issue orally with the State Department and the INS”. In those discussions, the UNHCR Liaison Officer in Washington, DC was instructed to refer to:

“the State Department’s report of July 1982, the statements made by the Assistant Secretary of State, Thomas O. Enders, before the House of Foreign Affairs Committee and, of course, on Ambassador Deane R. Hinton’s recent speech in San Salvador. These official reports and statements contain sufficient information to justify our concern about continued deportations to El Salvador since the Administration itself conceded that “violence is still unacceptably high in El Salvador”, that “serious violations of human rights continue” and that the various branches of the Salvadoran military and security forces are “not yet completely under control”. ”<sup>82</sup>

The result of this new demarche from the UN Refugee Agency was rather limited. The number of Salvadorans being sent back decreased somewhat but deportations did not stop, to the UNHCR’s dismay.<sup>83</sup> Moreover the US administration continued to deny that the situation in El Salvador warranted refugee status for Salvadorans in the United States. For example, in March 1983, in conversations with US officials, a member of the UNHCR Liaison Office in Washington was told that the “State Department does not think that the Salvadoran government is itself engaged in the

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<sup>82</sup> Note from Headquarters to the Head of the UNHCR Liaison Office in Washington, DC on “Protection of Salvadorans in the US”, dated November 17, 1982; Folio 70, UNHCR Fonds 11 Series 2, 100-USA.SAL Refugees from El Salvador in United States of America [Vol.2] 1982-1983.

<sup>83</sup> See Memorandum from UNHCR Washington to Headquarters on “US Deportations of Salvadoran Continue”, dated October 5, 1982; Folio 62, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.2] (1982-1983); “Note on Protection Issues in the United States for the High Commissioner’s Visit to Washington in February 1983”, dated January 26, 1983; Folio 83, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.3] (1983-1984).

persecution of its own nationals and hence only a few scores have been recommended for asylum.”<sup>84</sup>

As far as the UNHCR archives indicate, the main reason for this unvarying position does not seem to have been directly linked to refugee issues *per se* but rather to the more general US policy in Central America. One can find a number of references to the – rather plausible – idea that the US Administration “may have minimized the seriousness of the situation in El Salvador in order to obtain from Congress the necessary authorization for the continuation of its economic and military assistance to El Salvador.”<sup>85</sup> Indeed, it was certainly important for the Reagan administration not to appear to be supporting a violent regime and to maintain the momentum of their ‘fight against communism’ in Central America.

Reagan himself in a number of speeches in the first part of 1984 actually tried to instrumentalize the Central American refugees issue to ensure public and Congressional support for his administration’s policies in the region. He warned that without this support, Communist regimes could win in Central America and thus not only threaten the US but generate a wave of refugees crossing the American border. One of the most vivid speeches – which was noted by the UNHCR legal adviser in Washington, DC – was given on June 20, 1983, at a Mississippi Republican Party Fundraising Dinner in Jackson. On this occasion President Reagan said:

“I appreciate the sincere motives of many who point to the faults of our friends and ask for reforms. I agree with those who insist on economic as well as military assistance. Nevertheless, there is no excuse for not providing those under attack the weapons they need to defend themselves. We must not listen to those who would disarm our friends and allow Central America to be turned into a string of anti-American Marxist dictatorships. *The result could be a tidal wave of refugees. And this time, they'll be "feet people" and not "boat people" swarming into our country,*

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<sup>84</sup> Memorandum from the UNHCR Liaison Office in Washington, DC to Headquarters on a meeting with INS, dated March 21, 1983; Folio 91, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.3] (1983-1984).

<sup>85</sup> Note from Headquarters to the Head of the UNHCR Liaison Office in Washington, DC on “Protection of Salvadorans in the US”, dated November 17, 1982; Folio 70, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.2] (1982-1983).

*seeking a safe haven from Communist repression to our south. We cannot permit the Soviet-Cuban-Nicaraguan axis to take over Central America.”*<sup>86</sup>

At the same time there was ongoing legislative action within the US Senate and the House of Representatives in favor of Salvadorans in the United States as well as additional press articles and NGOs’ statements and reports criticizing the Administration’s approach.<sup>87</sup> It seems that such actions had an impact on the Reagan government and that the UNHCR was considered as being an actor in this “campaign.” Thus in a meeting with the UNHCR Representative in Washington, H. Eugene Douglas (US Coordinator for Refugee Affairs in the Department of State) said that the American government was “under increasing pressure from various quarters to grant Extended Voluntary Departure status to Salvadorans”:

“He particularly referred to church groups, voluntary agencies and advocacy groups, and by inference associated UNHCR with these groups.”

According to Ambassador Douglas:

“Although the US was convinced that the vast majority of Salvadorans were economic migrants, his government was considering seizing the UNHCR with this problem and requesting its assistance, either to set up some kind of program for Salvadorans in this country or eventually in resettling some elsewhere.”

Moreover, realizing that this would certainly “not be a popular proposition, either with the High Commissioner or with other Executive Committee members”, he explained that his government thought that:

“If the UNHCR shared the widely held view that these migrants feared persecution if they were deported, then the UNHCR should share the burden of dealing with the problem.”

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<sup>86</sup> “President Reagan’s Remarks at a Mississippi Republican Party Fundraising Dinner in Jackson”, June 20, 1983, *Papers of the President of the United States: Ronald Reagan, 1983, Book 1*, Washington D.C., US Government Printing Office, 1984, pp.889-893. (emphasis added). This speech was mentioned in a Memorandum from the UNHCR Legal Adviser in Washington, DC on “Protection of Salvadorans in the US”, dated June 30, 1984; Folio 94, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.3] (1983-1984). According to this memorandum, this “warning followed an earlier one by an unnamed army general who was reported as saying that in the event of communist take-over in Central America so many people would seek to flee to the US that the US will need to recall its troops from Europe to “seal” the southern border.”

<sup>87</sup> Some of which are documented in: Memorandum from the UNHCR Legal Adviser in Washington, DC on “Protection of Salvadorans in the US”, dated June 30, 1984; Folio 94, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.3] (1983-1984).

The UNHCR Representative expressed mixed feelings about this proposal. Of course, the UN Refugee Agency had “always wished to have a more active and formal role in the US asylum procedures”, however he conveyed his doubts about the type of assistance-resettlement program suggested by Ambassador Douglas to the Headquarters:

“Needless to say, we believe this matter should be approached with extreme caution. It would be very difficult for us, or the international community, I suppose, to accept the fact that the US would wish to pass on to the UNHCR a problem of potentially vast dimensions and which is politically volatile and unpopular on the eve of an election year. On the other hand, we might wish to make the most of any opening to formalize our protection function in the US.”<sup>88</sup>

There was clearly an attempt to use and co-opt the UNHCR on the part of the American government, but it is noteworthy that the UN Refugee Agency remained vigilant on this score. Moreover, this episode also seems to indicate that the UN Refugee Agency’s appeals to the US authorities, in coordination with pressures coming from various other sectors, influenced the Reagan Administration’s position. This seemed to be confirmed a couple of weeks later when it was reported that:

“The United States, upon the humanitarian request of the government of El Salvador will admit within the next few months under the fiscal year 1984 refugee ceilings up to 200 beneficiaries of the recent amnesty in El Salvador, including family members of those released.”

The State Department nevertheless thought it important to insist that “admission of these persons as refugees” did not mean that “the government of El Salvador was considered to persecute its citizens”, but rather that it was evident that the “personal safety of those who have benefited from the government’s amnesty program is in danger from elements which cannot presently be controlled by the leadership of the government of El Salvador.”<sup>89</sup>

Despite this nuance, it is certainly possible to argue that this statement represented an important change in the US position and that the UNHCR activities had certainly

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<sup>88</sup> Memorandum from the UNHCR Representative in Washington, DC to the High Commissioner on “Salvadorans in the USA”, dated September 12, 1984; Folio 97, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.3] (1983-1984).

<sup>89</sup> Cable from the UNHCR Representative in Washington to Headquarters, dated September 29, 1984; Folio 98, UNHCR Fonds 11 Series 2, 100-USA.SAL “Refugees from El Salvador in United States of America” [Vol.3] (1983-1984).

had an influence in this process. This last comment surely requires more research. However the important aspect for this paper is not dependent on this finding. Indeed, the preceding pages have at least proved that far from being a “pawn” of the United States, the UNHCR was not only capable of acting autonomously but was even capable of criticizing US policies on its territory in a clear Cold War context. It worked against the US attempt to instrumentalize the refugee issues in Central America to serve its own national interests and foreign policy objectives. Further research might prove that the UNHCR actually had a lesser impact on the US policy than is suggested above, but there are few chances that it would totally invalidate this last point.

In addition, the archives do show that the episodes detailed in relation to Salvadoran refugees were not isolated cases. One may refer to other instances – linked or not to the Cold War context – when the UNHCR expressed criticisms towards the American Administration’s handling of refugee populations trying to access its shores. Particularly interesting in this regard was the UNHCR position on the US policy of detaining refugees from Haiti.

In the early 1980s, the UNHCR “repeatedly expressed its concern” about the implications of the “interdiction and detention program for bona fide asylum-seekers” from Haiti and its “adverse repercussions in other parts of the world.”<sup>90</sup> With limited success, the UNHCR lobbied the US Department of Justice to push it to change its guidelines on these matters. In September 1983, in a letter to the Secretary of State, George P. Shultz, the High Commissioner also directly expressed his concerns about the deportation from the US to Haiti of an individual considered to be under the UNHCR mandate. Regretting that the UNHCR had not been given “sufficient time to seek a solution other than deportation”, Poul Hartling also asked for the establishment of a reliable “mechanism for full and prompt communication” between the US government and his office “so as to preclude such an unfortunate outcome in the future”.<sup>91</sup>

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<sup>90</sup> “Note on Protection Issues in the United States for the High Commissioner’s visit to Washington in February 1983” dated January 26, 1983; Folio 166, UNHCR Fonds 11 Series 2, 100-USA.HAI “Refugees from Haiti in United States of America” [Vol.5] (1982-1984), p.3.

<sup>91</sup> Letter from Poul Hartling to George P. Shultz, dated September 14, 1983; Folio 182, UNHCR Fonds 11 Series 2, 100-USA.HAI “Refugees from Haiti in United States of America” [Vol.5] (1982-1984), p.2.

## **Conclusion:**

At its origins, the United Nations High Commissioner for Refugees was structurally and legally limited and had a clear Western orientation. However this multilayered bias was rather quickly eliminated to make the UNHCR a truly global institution with a relatively large degree of autonomy. This working-paper did not include cases when the UN Refugee Agency was prevented from acting or did not manage to develop a strategy designed to get around states' reluctance or opposition. There may have been many such episodes, which should be integrated in a more profound study.

There is no denying that, as with any international organization, the UNHCR remained constrained by states' (un)willingness to fund and therefore implement and select projects. It has also been dependent on states for the enforcement of international legal norms about refugees. On the other hand, being a 'watchdog' on these matters and acting for the promotion of international refugee law has always been an integral part of the UNHCR mandate. However, this dependency is no reason for excessive criticism since one cannot seriously expect a UN Agency with no supranational power to act totally independently of the member states.

On the contrary, the notable element in the history of the UNHCR activities is that despite and within this structural dependency, the UN Refugee Agency was often able to act autonomously or develop strategies designed to allow it to perform its mandate despite states' opposition. As seen above, when it was warranted, the UNHCR was able to be openly – although diplomatically – critical of great powers, even of the United States. Therefore, this UN Agency can hardly be described as a US or Western instrument during the Cold War.

In addition, the extensive collection of documents consulted seems to point to an important possible debate concerning the specificity of the nature of Cold War constraints for the UNHCR: How different were the obstacles and difficulties in Cold War settings when compared to cases disconnected from the bipolar conflict?

The UNHCR history is testimony that the post-war years were not just about the Cold War. In particular, it is a reminder of and a good historical source on the importance of trends such as Decolonization, regional wars and underdevelopment. Moreover, even though more research is needed to substantiate this point, it seems that the UNHCR faced comparable basic challenges in different geopolitical contexts. The Cold War did not really represent constraints, challenges and opportunities of a specific nature for the UNHCR. The obstacles and opportunities were rather variants of aspects inherent in the activities of an international organization within a system of states. Indeed, the challenges were related to states' cooperation (or lack thereof) with the UN Agency and their (un)willingness to apply international norms for refugees. The strategies devised by the UNHCR were similar, implying diplomacy, lobbying of governments and close cooperation with NGOs or other UN Agencies such as the United Nations Development Program. Overall, the UNHCR staff behaved as true civil servants, carrying out the humanitarian mandate as well as possible according to specific political contexts.

Dealing with the UNHCR's activities in the Socialist Republic of Vietnam, a memorandum sent to the Director of the Protection Division once mentioned that the UN Refugee Agency had to do its "best, however discretely, to protect" Cambodian refugees "to the extent possible", adding:

"If "Protection is the art of possible" we should at least explore that possibility."<sup>92</sup>

In a sense the whole of UNHCR activities has always been the "art of possible". Whatever the political context, the UNHCR staff members tried to explore possibilities allowing them to perform their mandate. A comparative analysis between UNHCR activities during the Cold War and in the post-Cold War period may confirm this point. Such a comparison might also reveal the real specificity of the post-cold War context for the UNHCR, i.e. the level and frequency of obstacles encountered by the UNHCR, as opposed to the nature of the constraints. For example, a comparative study on the UNHCR funding during and after the Cold

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<sup>92</sup> Memorandum sent to the Director of Protection, dated January 25, 1980; Folio 506, UNHCR Fonds 11 Series 2, 100-SRV.CAM "Refugees from Cambodia in Socialist Republic of Vietnam" [Vol.15] (1979).

War would be a significant contribution to this debate. Looking at some charts available from the UNHCR web site, it appears that overall contributions to the UNHCR increased between 1990 and 1993. There was an important decline in contributions between 1993 and 2000 but the level of funding did rise again thereafter.<sup>93</sup> However, it is often said that the end of the Cold War led to underfunding and a financial crisis of the UNHCR. Such statements are rarely made with a comparative perspective. An in-depth study would have to determine whether the financial situation was really better for the UN Refugee Agency before the early 1990s.<sup>94</sup>

The overall conclusion deriving from the archives on the issue of the constraints imposed by the Cold War is that despite tense and polarized regional and international circumstances, the organization's work tended to assist all kinds of refugees, without obvious ideological references. The UNHCR certainly had to deal with diplomatic constraints and develop discreet approaches to issues but the guiding principles remained linked to international refugee law, its statutes and humanitarian concerns. On the basis of the documents reviewed so far, the tentative conclusion must be that at least when considering operational and legal matters, in most cases, *the Cold War was only a framework, not a determining factor*.

Should we then conclude that the Cold War was only marginal to the UNHCR activities between 1971 and 1984? The UNHCR's work was undoubtedly influenced and constrained by the Cold War context. The bipolar conflict was also in many cases – although not always – a source of refugees that the UNHCR had to deal with and states and other international actors tended to try to instrumentalize the UNHCR for their own design.

Therefore, as seen in the case of El Salvador, the UNHCR archives can represent a good source on states' policies regarding refugees and efforts to instrumentalize those issues and sometimes attempt to co-opt the UNHCR in this direction. In a sense the UNHCR played an important role as a witness to these developments and

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<sup>93</sup> See: "Contributions to UNHCR 1990-2006" ([www.unhcr.org/partners/PARTNERS/451be6b30.pdf](http://www.unhcr.org/partners/PARTNERS/451be6b30.pdf)) and also: "UNHCR Income & Expenditure Trend 1990-2006" ([www.unhcr.org/partners/PARTNERS/451be6b60.pdf](http://www.unhcr.org/partners/PARTNERS/451be6b60.pdf))

<sup>94</sup> For an interesting article on the UNHCR funding system and issues, see: Raimo Väyrynen, "Funding Dilemmas in Refugee Assistance: Political Interests and Institutional Reforms in UNHCR", *International Migration Review*, Vol.35, No1, March 2001, pp.143–167.



often had to remain vigilant to maintain its autonomy. As such the UNHCR archives present a very interesting historical value.

These archives can also be used to evaluate the distance between official declarations and actual policies. Concerning the propaganda value of refugees in the Cold War context, it is for example interesting to mention a UNHCR document on Cuban refugees which reported the State Department officials' view that following the new refugee legislation of April 1980, "the USA did not consider that fleeing from a communist country was in itself a sufficient reason for being admitted as a refugee."<sup>95</sup>

Such a position, expressed at the height of the Second Cold War is interesting in itself, even though it may be explained by reference to the specific context of US-Cuban relations.

Moreover, as mentioned on a number of occasions, one specific element linked to the Cold War was the virtual absence of relations with the Soviet Union and of UNHCR activity on the Soviet territory. There were contacts and cooperation with other communist countries, although involvement in and with Eastern Europe remained limited. There were also programs dealing with refugees from the Soviet bloc (concerning Jewish populations for example<sup>96</sup>) but the lack of Soviet implication was a major feature. It is possible to mention a few instances of direct contacts between UNHCR and Soviet officials.

Examples include a February 13, 1984 Cable from the High Commissioner, Poul Hartling, to the Soviet Ambassador to the UN in Geneva conveying official "condolences on the death of President Yuri V. Andropov." Slightly more interesting, the same file contains a telegram from the UNHCR Director of International Protection to the Counselor of the Soviet Permanent Mission to the UN in Geneva which read:

"Further to our recent discussions I enclose for your information some documentary material relating to UNHCR efforts in combating piracy in the South China Sea and measures to induce flagships to rescue refugees in

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<sup>95</sup> Note for the File dated September 8, 1981; Folio 257, UNHCR Fonds 11 Series 2, 100-USA.CUB "Refugees from Cuba in United States of America" (1980-1982), p.3.

<sup>96</sup> Good examples can be found in the following files: 100-GEN.JEWISH "Jewish refugees in various countries – General" [Vol.1-2-3] (1967-1973, 1973-1974, 1975-1983); 100-AUS.JEW "Jewish refugees in Austria" (1981); and 100-AUS.SUN "Refugees from the Union of Socialist Soviet Republics in Austria" (1979).

distress at sea. I will be pleased to take up the matter further once you have had an opportunity to study the information.”<sup>97</sup>

According to the archives consulted so far, these were very rare instances. There was therefore a large geographical area which remained out of reach for the UNHCR and this specificity became manifest after the fall of the Soviet Union, when the states emerging from the USSR signed and ratified the Refugee Convention and Protocol.

A related and potentially interesting element that has – for the moment – not come out of the archives is whether the UNHCR tried to establish direct and enduring contacts with Moscow or to open offices in the USSR; whether the UN Refugee Agency has actively tried to dispel Soviet mistrust about its activities. If such an effort was undertaken, it would certainly be interesting to analyze the US and more generally the Western position on this issue. If the UNHCR did not try to enlist Soviet participation, it would obviously also be valuable to enquire about the reasons behind such an attitude.<sup>98</sup>

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<sup>97</sup> Both documents are part of the three unnumbered folios of the file: 010-USSR “Relations with Governments Union of Soviet Socialist Republics” (1983-1984), UNHCR Fonds 11 Series 2.

<sup>98</sup> More generally it has to be noted that the Soviet involvement with International organizations in general and the UN system in particular remains a largely understudied field. A few exceptions include: Osakwe, Chris: *The Participation of the Soviet Union in Universal International Organizations: a Political and Legal Analysis of Soviet Strategies and Aspirations inside ILO, UNESCO and WHO*, Leiden, A.W. Sijthoff, 1972. Moreover, Dr. Ilya V. Gaiduk of the Woodrow Wilson Center is currently working on a project entitled: “The Soviet Union and the United States at the United Nations during the Cold War.”