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UNHCR: HISTORY OF GAINING ASCENDANCY

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Abstract

The United Nations High Commissioner for Refugees (UNHCR) is deemed to be the global humanitarian agency responsible for the international protection of refugees worldwide. Accordingly, its humanitarian trait has been accentuated by most research in the field. The following article then attempts to approach the Office from another perspective which focuses mainly on its history of gaining ascendancy on a global scale.

The research aims to evaluate UNHCR's chronicles of ascendancy by investigating its history of institutional establishment and examining the High Commissioners' terms. The international circumstances, which spawned the creation of the Agency, and the following events are meticulously scrutinised. More importantly, the High Commissioners' role is highly considered and examined to demonstrate their contribution to UNHCR's gaining of authority.

It is noted that during the first four High Commissioners' terms, UNHCR had progressively gained ascendancy due to states' dependence on the Agency. However, in the Post-Cold War era, along

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with the overwhelming displacement issue worldwide, UNHCR has predominantly retained its humanitarian trait and merely gained ascendancy owing to the primacy of states' interests.

Keywords:

UNHCR, High Commissioner, ascendancy, refugee, protection.

Introduction

The United Nations High Commissioner for Refugees (UNHCR) has been indeed considered the sole international organisation concerned with the refugee issue worldwide. It is mandated to head and organise international action to protect refugees and solve their problems on a global scale. Its main purpose is to ensure that every individual has the right to seek asylum and find safe refuge in another state. It also strives to safeguard the rights and well-being of refugees. Since its creation, it has encountered several crises on different continents and provided essential assistance to refugees, asylum-seekers, internally displaced persons (IDPs), and stateless people. Heretofore, it has effectively helped an estimated 50 million people save and restart their lives and build better futures.

Most conducted research focuses on either the historical establishment of UNHCR or the importance of the Agency for the refugee issue on a global scale. Distinctly, this research spotlights UNHCR's history of gaining ascendancy, i.e., it examines the Office's narratives of authority and autonomy in an effort to evaluate UNHCR's veritable international sway. With the purpose of assessing such ascendancy, it is inevitable to firstly state a history of the Agency: the

circumstances which entailed its nascence and establishment, Statute, mandate, structure and staff, operation, scope, approaches, and objectives. Secondly, the main objective of this research could not be achieved without the scrutinization of the High Commissioners' terms separately as they have been considered substantial pivots in the development of UNHCR's global ascendancy.

The article consists of two main parts. The first section is concerned with the historical background for the creation of UNHCR. It primarily states the background of the international concern for refugees and then it addresses the history of the institutional establishment of UNHCR. The second section of the research focuses on all High Commissioners' terms to examine the extent of their roles in contributing to UNHCR ascendancy.

1. UNHCR: Historical Background

1.1. Background of International Concern for Refugees

The term 'refugee' considerably connotes a sense of 'interstatism'. It conspicuously implies an issue beyond the borders of state territories. Accordingly, it is a concern involving themes like centralised states and territorial unity. This significance substantially denotes the state's centrality to the background of the term 'refugee'. Its origin is partially traced back to and has a strong relation with the emergence of the concept of the 'nation-state' in the seventeenth century. The Peace of Westphalia in 1648, having primarily the intention to terminate the bloodiest religious wars in Europe, brought

about the affirmation of the right to emigration owing to the difference of religion (particularly from that of the monarch). Yet, this markedly occurred on an ad hoc basis. Not all refugees were warmly welcomed during that era. For that reason, there had been emigration waves to the new-born haven in the Americas, New England. These initial waves originally occurred owing to religious persecution. Correspondingly, the new milieu represented a refuge for those fleeing repression due to chiefly religious reasons. Similarly, these peace treaties also paved the way for the prospective European state consolidation in the eighteenth and nineteenth centuries. This progressive transformation entailed by the European revolutions, such as the French Revolution of 1789 and the 1848 Revolutions, engendered new types of persecution and refugees. Therefore, the United States of America began to offer asylum for those fleeing persecution developing then an open immigration policy.

The break-up of Europe's multinational empires and the Balkan Wars between 1912 and 1913 led to forced displacement, particularly in the aftermath of First World War, producing stateless people and causing insoluble predicaments to refugees. The rise of nationalism and the assertion of national sovereignty respectively generated a sharp increase in the number of refugees worldwide. Bilateral negotiations between states then increased; however, these were ad hoc in character. There was no authentic international mechanism for assistance for refugees. More importantly, the introduction of immigration laws and national passports represented other hurdles in front of refugees. States gradually managed to establish institutional frameworks and began to be thoroughly attentive and regulatory to entries into their territories.

Furthermore, European governments sought to erect protective barriers and close borders so as to prevent the entry of huge flows of displaced persons. Consequently, forcibly displaced individuals, having no legal documentation, were incapable of obtaining citizenship or legal residence in another country. These growing challenges enjoined the creation of a refugee regime to protect refugees.[1]

Western governments believed that it was obviously essential to placate inter-state tension and to determine an approach to protect refugees. They decided to set the first multilateral system to coordinate the refugee issue in 1921. The League of Nations established the Office of High Commissioner for Refugees on the urgent recommendations of non-governmental organisations, particularly the Red Cross. The Office was mainly entitled to undertake the responsibility to protect certain groups of refugees. These groups were initially those people fleeing civil war in Russia. Large numbers of refugees reaching about 2 million fled Russian - later Soviet - territories for countries of Asia Minor, Central and East Asia or Europe between 1918 and 1922 and also thereafter. Later, other groups were added, namely Greek, Turkish, Bulgarian, and Armenian refugees due to the Greco-Turkish War between 1919 and 1922.[2] In the 1930s, most of the European governments assented to have international agreements to protect

[1] Loescher, G., Alexander Betts, and James Milner, 2008, UNHCR: The Politics and Practice of Refugee Protection into the Twenty-First Century, pp.6-7, London and New York: Routledge, Taylor and Francis Group.

[2] Jaeger, G., 2001, "On the History of the International Protection of Refugees," International Review of the Red Cross IRRC, Vol. (83) No 843, 727-737, p. 727, https://www.icrc.org/ara/assets/files/other/727_738_jaeger.pdf/ 10 October 2021.

refugees fleeing the collapsing Russian and Ottoman Empires. These agreements later involved people fleeing Germany and Austria.

Despite the fact that the Office functioned under the auspices of the League of Nations, the international attempts to deal with the refugee issue prior to the Second World War were not effective and did not set up a desirable framework for an international refugee protection regime. There was practically no consensus on a definition to the 'refugee' term. Each government had its own designation of the qualifications of a refugee. Certainly, this principally represented an unquestionable adherence to state interests. States feared strains from a super-governmental authority to acknowledge political dissidents of any state as refugees. For that reason, the Western governments denounced the adoption of a universal definition of the term 'refugee'. They, instead, tended to create their own definitions stipulating certain national groups to be refugees and providing them solely with minimal legal rights. Equally important, these governments endeavoured to restrict the efforts of the High Commissioner narrowing both their mandate and budget.[3] Therefore, the absence of any coherently reliable international commitment, along with the anti-immigration bias intensified by the global repercussions of the Great Depression in the 1920s and 1930s and the gradual decline of the League of Nations, represented undefeatable impediments to international cooperation concerning the refugee issue.

It is evident that those initial international responses had partially failed to address the refugee issue; however, it is evenly

[3] Loescher et.al, op. cit., p. 8.

important to highlight their role in stating the basis for the forthcoming global protection refugee regime. The Second World War was the subsequent historical disastrous occurrence that produced large flows of refugees on a global scale. Initially, the approached international pattern to handle the refugee crises was essentially that one followed in the inter-war period providing only temporary solutions in response to emergency situations.

The Supreme Headquarters Allied Expeditionary Force (SHAEF)[4] considered refugees as a serious threat to the social and political order in Europe. It, then, concentrated on the coordination of the return of displaced people to Eastern Europe and the Soviet Union. However, SHAEF did not take into account the appeal of many people not to return to their Communist countries for fear of persecution. The lack of this consideration raised controversy which led the Allied Powers in 1943 to replace the Office with an intergovernmental organisation, the United Nations Relief and Rehabilitation Agency (UNRRA), whose primary task was to administer and supervise the repatriation of the millions of displaced people solely under Allied control. The agency was not assigned to arrange for the resettlement of refugees and displaced persons to third countries. Therefore, its mission was only confined to repatriation and relief. UNRRA, also referred to

[4] The Supreme Headquarters, Allied Expeditionary Force (SHAEF) was a joint U.S. - British military
organization created in England in February 1944 to carry out the invasion of Western Europe.

as the 'Administration', had repatriated about 7 million people at the end of September 1945 and about 1 million between 1945 and 1947.[5]

However, the mass repatriations were discontinued because the Western powers became unwilling to return the displaced persons to territories under Communist rule. The fierce rejection of the return to homelands by the displaced people began to develop into a new issue of debate, particularly with the establishment of the United Nations and the prominent and growing emphasis on human rights. The arising debate revolved around the right of any individual to choose where to live and to flee persecution. This emanated from the escalating East-West ideological conflict. The repatriation of the displaced people to areas under the Communist authorities was no more perceived by Western governments as an appropriate solution to refugee problems, especially when the Communist countries deemed their citizens who opposed repatriation as war criminals or conspirators.[6]

In 1947, the agency was abolished for its repatriation policies. It was replaced with the International Refugee Organisation (IRO) so as to handle primarily the resettlement of the remaining refugees and displaced persons of the Second World War. It was entitled to assume the responsibility to protect these people and to provide a programme of care and maintenance. This programme comprised the whole field of assistance mainly housing, feeding, clothing, health services, education, employment, child welfare services, etc. The IRO also helped in the establishment of ordinances for the indemnification against the loss of

[5] Zieck, M., 1997, UNHCR and Voluntary Repatriation of Refugees: A Legal Analysis, p. 42, The Hague: Martinus Nijhoff Publishers.

[6] Loescher et.al, op. cit., p. 10.

life, health, liberty, and property. Moreover, it assisted in the creation of a legal foundation for the integration of refugees.

The establishment of this organisation, then, reflected an international commitment to the refugee issue as it was the first refugee organisation established by and directly related to the General Assembly of the United Nations as a "specialized agency". It was extremely significant because it represented the first authentic frame for stating a global organisation devoted to refugees and their problems. The international community sought to stipulate a universal definition of refugee to be fundamentally based on the essential variable of "persecution or fear of persecution" on the basis of race, religion, nationality, or political opinion. Furthermore, the consideration of refugee eligibility was made on an individual basis, i.e., the group characteristic was no more a compelling element so as to be regarded a refugee. Moreover, the newly settled organisation managed to work with the UN Secretariat to prepare a Convention on the Status of Refugees. Therefore, it brought about an overhaul in the international responsibilities towards the refugees. In some respects, the IRO had a disguised trait of supranationalism.

1.2. UNHCR: History of Institutional Establishment

It is evident that the IRO succeeded in the resettlement of the refugee caseload it had received from UNRRA in the aftermath of the Second World War. Yet, in spite of all these achievements, there were thousands of displaced people in camps who were not admitted for

resettlement due to the selective and restrictive policies. More importantly, with the onset of the Cold War, the catastrophic events in India, Korea, China, and Palestine in the late 1940s and early 1950s, and the growing decolonization process, there emerged new groups of refugees by the millions. This unprecedented rise in global refugee numbers made it obvious that resettlement countries had limited capacity to accept more flows of refugees and that the IRO budget would not suffice to deal with the whole community of refugees and their problems. There was an awareness that a new UN refugee organisation should be established to meet the changing international milieu. Thus, discussions within the United Nations to terminate the IRO and to create a new international refugee agency –UNHCR– were held between 1948 and 1950.

The United Nations High Commissioner for Refugees (UNHCR) was a continuance of the IRO in another shape. The UN General Assembly decided on 3 December 1949 "to establish, as of 1 January 1951, a High Commissioner's Office for Refugees"[7], and it adopted the Statute of the Office of the United Nations High Commissioner for Refugees on 14 December 1950.[8] A growing number of States had ratified and implemented the 1951 Convention relating to the Status of Refugees. Added to the aforementioned dynamics that led to the creation of a new office for refugees, there was another latent

[7] UN General Assembly, Resolution 319 (IV), Refugees and stateless persons, of December 1949.

[8] UNGA, 14 December 1950, Resolution 428 (V): Statute of the Office of the United Nations High Commissioner for Refugees, https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/060/26/IMG/NR006026.pdf?OpenElement/ 4 October 2021.

reason which was the need to establish a permanent international mechanism assuming protection responsibilities not only on a temporary basis and not merely according to urgent circumstances. Yet, another time, the permanence element was precluded, and the new agency had a restricted temporal mandate which permitted UNHCR to protect only those who were refugees "as a result of events occurring before 1 January 1951".[9]

The Statute of the Office of UNHCR represents the backbone of the agency and its work. It first states the office's responsibility to provide international protection, under the aegis of the United Nations, to refugees who fall within the scope of the Statute and to seek permanent solutions, mainly voluntary repatriation, and assimilation within new national communities. Furthermore, it specifies a definition for the term 'refugee'. It also identifies the functions of the High Commissioner whose work is humanitarian, social and of an entirely non-political character. He is entitled to follow policy directives given to him by the General Assembly or the Economic and Social Council. He shall be also elected for a term of three years. Moreover, concerning the staff of the Office of the High Commissioner, they "shall be appointed by the High Commissioner and shall be responsible to him in the exercise of their functions" The Office shall be financed under the budget of the United Nations and "all other expenditures relating to the

[9] Ibid.

activities of the High Commissioner shall be financed by voluntary contributions". [10]

The Statute also affirms the establishment of an advisory committee on refugees consisting of representatives of States Members and States non-members of the United Nations. This committee was later created in 1958 by the General Assembly to be labelled the Executive Committee of the Program of the United Nations High Commissioner for Refugees (ExCom). The United Nations Economic and Social Council selected the member states of the ExCom on the basis of states' interest in the refugee issue and their devotion to resolving the refugee problems. The General Assembly mandated the ExCom to execute actions and perform advisory functions. This executive committee mainly approves UNHCR's budget and programme for the following year, makes conclusions on international refugee protection policy issues, and provides guidance on UNHCR's management, objectives, and priorities.[11]

The Statute of the Office states UNHCR's anticipated mandate. It has considerably two core elements: The first one stands for the provision of international protection to refugees and the second one advocates the provision of durable solutions, i.e., repatriation, local integration, or resettlement to a third country. However, this mandate was distinctly restrained. As aforesaid, it had a narrow temporal interval. Thereby, it limited the organisation's engagement in future refugee emergencies. Equally important, it specified a certain term for

[10] Ibid.

[11] Loescher et.al, op. cit., pp. 76-77.

the office which would be terminated in late 1953. It also restrained the agency's autonomy with obligations to follow policy directives. It is worth mentioning that the office had limited financial autonomy. In other words, UNHCR was made financially dependent on donor governments. All these restrictions were deliberately oriented to debilitate the office's authority and keep it under the control of the more powerful states in the international system at that time, mainly the United States and the United Kingdom. Hence, UNHCR was established with very specific parameters with nearly neither institutional nor material autonomy so as to avoid its prospective threat to the national sovereignty of the states and to dispose of any financial obligations which could be imposed on them.

As a matter of fact, the interests of the framers of UNHCR were not identically parallel. For that reason, governments initially disagreed on the scope of UNHCR and its functions. The United States of America was with the restriction of UNHCR's mandate to only the provision of international protection and was simultaneously against conferring a relief role on the organisation. It advocated the establishment of a temporary refugee agency with limited authority. Concerning the Western European governments, they were still worried and uncertain about the nature of the specialised organisation and its responsibilities. Some of them, such as France, were with the idea of an office having a restricted mandate and others were with the establishment of an office having much more authority with a geographically and temporally extended mandate. Other countries like Pakistan and India encouraged an initiative to set a permanent agency

with a relief role and global responsibilities. Added to that, Western governments, the United States and France, argued for limiting the responsibilities of states who were signatories to the Convention, too. Thus, the nature of the proposed organisation widely reflected the interests of the United States, particularly as no Soviet country participated except Yugoslavia.[12]

The inception of UNHCR was marked with reluctance and suspicion regarding its relationship with states. The office was meticulously careful while performing its mandate in respect of the principles of state sovereignty and non-intervention in the domestic affairs of states. Accordingly, UNHCR was hesitant about being involved in human rights monitoring. This atmosphere of uncertainty led the office to concentrate only on the assistance of refugees in camps and the negotiations with host and donor governments for support. In the first place, it managed to deal with host countries for responsibilities towards refugees, rather than states causing persecution.[13] Along these lines, UNHCR concentrated on predominantly local integration and resettlement, rather than repatriation regarding protection activities.

[12] Ibid., p. 14.

[13] Ibid., p. 18.

2. UNHCR: Evolution Under the High Commissioners' Terms

2.1. Gerrit van Heuven Goedhart (1951-1956)

Despite the Statute's restrictions, the High Commissioner apparently could take advantage of his authority to extend the Agency's functions and operations in ways congruent with refugee needs and states' provisions. The first High Commissioner, Gerrit van Heuven Goedhart, enlarged the scope of his office by gaining the capacity to autonomously raise funds. For example, with a grant from the Ford Foundation, UNHCR was engaged for the first time in providing assistance so as to enhance the integration of refugees in Western European asylum countries and to respond to the refugee crisis in West Berlin in 1953. Along these lines, the Office succeeded in demonstrating its usefulness to the great powers and uplifting its status. UNHCR then began to gain influential moral authority, particularly being considered as a protector and propagator of IRL. Goedhart (and Consecutive High Commissioners) described UNHCR as an apolitical and unbiased humanitarian agency. They were intelligently perceptive in the management of the future of the Office's leverage. Accordingly, states began to deem it a unique organisation for having special expertise and experience on refugee law and refugee situations. They became then increasingly dependent on UNHCR for counsel and information. Consequently, UNHCR obtained substantial independence as it had attempted to identify the refugee concern for governments, persuade them that refugee problems were resolvable, to

recommend solutions and to supervise their implementation.[14] This marked a crucial transition from a weakened international agency to a global organisation with considerable autonomy and authority to shape the behaviour of states and to provide protection to refugees worldwide.

2.2. Auguste Lindt (1956-1960)

The Hungarian crisis of November 1956 was a major illustration for the increasing dependence on UNHCR by some states. When Austria was overwhelmed by the influx of refugees, it formally requested UNHCR to meddle by appealing to governments on its behalf to assist the Austrian government in responding to the emergency. UNHCR instantly established a coordinating group to administer the emergency aid. For that reason, UNHCR was labelled by the General Assembly the "lead agency" to manage the international emergency operation for Hungarian refugees. More importantly, UNHCR had to overcome some legal restrictions to be able to extend its aid to fleeing Hungarians. In order to be able to master the temporal hurdle embedded in the refugee definition, the new High Commissioner, Auguste Lindt (1956-1960) proclaimed that the reasons behind the flight of the Hungarians were related to events before January 1951; thus, the situation fell under UNHCR's mandate.[15] He also argued that the determination of a refugee status on a case-by-case basis was unfeasible in such an emergency situation. UNHCR then considered these refugees as prima facie refugees and deferred the individual determination

[14] Loescher, G., 2001(b), "The UNHCR and World Politics: State Interests vs. Institutional Autonomy". International Migration Review Vol. (35), 33–56, pp. 33-36, DOI: 10.1111/j.1747-7379.2001.tb00003.x

[15] Loescher, G., 2001(a), The UNHCR and World Politics: A Perilous Path, pp. 81-87, Oxford: Oxford University Press.

process.[16] As a result, UNHCR's success in the Hungarian operation validated the importance of having an international organisation to manage the humanitarian situations engendered by international and regional conflicts.

Along with the decolonization process in the developing world, the General Assembly started to increasingly confer new authority on the High Commissioner to take action. This included the "good offices" approach when the General Assembly granted authority to UNHCR to raise funds or to introduce assistance programmes for operations outside its mandate. Therefore, states began to turn to UNHCR whenever its services could be applied to address the needs of refugees. The Algerian Refugee crisis in May 1957 was a relevant illustration when Tunisia requested material assistance from UNHCR to address the problems of 85.000 Algerian refugees who had fled across the border during the previous two and a half years. This was the first time a Third World country requested emergency assistance from UNHCR. Moreover, the previous case of the Hungarian refugees, who were considered on a prima facie basis, established a precedent for action in the Algerian case. The High Commissioner feared that UNHCR would be designated as a discriminatory agency if the Algerian case was neglected, and he avoided being distinguished as the High Commissioner for only European refugees. UNHCR's approach to the return of Algerians turned to be a blueprint for the Agency's future

[16] Loescher, G. 2001(b), op. cit., p. 37.

actions and policies, especially the repatriations of the 1960s and 1970s.[17]

2.3. Felix Schnyder (1960-1965)

The significant achievement of the Office under Felix Schnyder from 1960 to 1965 was that this High Commissioner was able to obtain states approval to remove many of the restrictions imposed on UNHCR's future work by its mandate. For that reason, the General Assembly, by dint of some resolutions, bestowed an expanded authority on the office to address new situations worldwide and to provide assistance to displaced people who did not strictly qualify as refugees under UNHCR's mandate. Schnyder and UNHCR's Executive Committee managed to remove the geographic and temporal limitations from the 1951 Convention. This contributed to the effective removal of the legal and institutional barriers to subsequent UNHCR action for non-mandate refugees.[18]

2.4. Sadruddin Aga Khan (1966-1977)

UNHCR under Sadruddin Aga Khan (1966-1977) rapidly evolved into the most significant global humanitarian organisation. The mass exoduses in East Pakistan, Uganda and Indochina, the refugee crisis in Chile and Argentina, and the repatriation and reintegration of refugees in South Sudan brought about the growing adoption of the "good offices" doctrine. This sustained UNHCR's position as the coordinator of international assistance not only to refugees, but also to other categories such as the internally displaced persons. The General

[17] Loescher et.al, op. cit., pp. 23-25.
[18] Loescher, G. 2001(a), op. cit., pp. 105-124.

Assembly mentioned refugees and internally displaced persons side by side in a resolution for the first time after the 1972 Addis Ababa Agreement (UN Economic and Social Council, 1972). Furthermore, during the term of Sadruddin Aga Khan's office, there was a renewed interest in resettlement as a durable solution. This was due to increasing military coups d'état and political oppression in many countries which raised much more awareness of human rights violations and stimulated greater advocacy network for human rights. Therefore, resettlement again began to be deemed the optimal alternative to protect victims of human rights from persecution. UNHCR's functions expanded and started to be considered standard practice. Accordingly, UNHCR's budget for special operations increased thirty-fold between 1966 and 1975. Hence, by mid 1970s, UNHCR's transformation into the largest global humanitarian relief organisation was achieved.[19]

2.5. Poul Hartling (1978-1985)

The Cold War generated a new type of conflict which developed from an internal to a globalised dispute owing to the rivalry between two great powers, the United States, and the Soviet Union. This deepened the refugee crises in the developing world and brought about a dramatic rise in the global refugee population from 3 million in 1977 to over 10 million in 1982. The refugee scene had a dominant character of being in camps and being supplied with long-term care. The international community was unsuccessful in stipulating long-term political solutions or offering any other alternative to protracted camp

[19] Loescher et.al, op. cit., pp. 30-31.

life. This was the case in three different continents simultaneously: Africa, Asia, and Central America. Western governments certainly had a geopolitical interest in backing UNHCR camps in these areas containing anti-communist "refugee warriors". Subsequently, they turned to enormously funding UNHCR whose annual budget increased from US$76 million in 1975 to approximately US$500 million in 1980.[20]

The 1980s was the decade of challenges to asylum. This period was characterised by economic recession and the rise of conservative governments in many Western states. This resulted in a shift away from the prominent focus on human rights leading to restrictive policies which weakened UNHCR's authority. Moreover, the escalation of the Cold War in Third World countries led tens of thousands of refugees to flee regions of conflict and travel to the West to claim asylum. The Iran-Iraq War, the civil wars in Sri Lanka and the war in Lebanon generated influxes of refugees in Europe. In addition to that, some economic migrants attempted to use the asylum system to enter Europe. There was a new type of asylum seekers who were not in camps under severe conditions. These were either independently managed to pursue safety in the West by air transport or resorted to immigrant-trafficking organisations to secure false documents to be able to enter the industrialized countries. Certainly, Western governments criticised these illegal procedures and the European welcome policies had considerably changed. These governments responded by intense controls of borders; however, these measures were not effective. The

[20] Ibid., pp 35-36.

uncontrollable arrival of large numbers of people to the West having different claims to asylum strained the system of refugee status determination. Yet, applicants who were not granted refugee status decided to remain in Europe.

UNHCR consequently responded to the severely restrictive measures taken by Western governments and intensified its monitoring of their asylum policies releasing critical reports. Blatantly, Western governments deemed this as an interference in their domestic affairs. Hence, they managed to preclude the Office's participation in their discussions on asylum policies. UNHCR's authority and expertise did not hold its usual sway in this new environment. The High Commissioner of the period, Poul Hartling (1978-1985), fairly had limited influence and success. It was palpable that the convergence between UNHCR and Western governments on the refugee issue had waned in the 1980s.[21] In direct critique of government policies, the High Commissioner Hartling stated that:

> *"States which have been the champions of human rights are now finding it difficult to grant some of these basic rights to asylum seekers; peoples who have in the past opened their doors and their hearts to refugees are now showing signs of greater reserve and even intolerance vis-à-vis asylum-seekers and refugees."*[22]

[21] Loescher, G. 2001(a), op. cit., pp. 235-239.

[22] (Consultations on the Arrivals of Asylum-Seekers and Refugees in Europe. Opening Statement by the United Nations High Commissioner for Refugees UNHCR/CAE/85/1 (Geneva, 28–31 May 1985): 2)

2.6. Jean-Pierre Hocké (1986-1989)

The refugee crises in the developing world turned to be protracted and nearly insoluble in the 1980s. Indeed, the politicisation of the refugee problems precluded the resolution of many refugee situations. Host governments viewed camps as the most appropriate way to isolate refugees and to prevent their influence on local populations. The High Commissioner Jean-Pierre Hocké then attempted to shape UNHCR focus agenda from international protection to material assistance. Furthermore, he stressed the importance of dealing with not only the country of asylum, but also the country of origin. He also emphasised the necessity to scrutinise the "root causes" of refugee influxes. Equally important, the High Commissioner highlighted the significance of repatriation as a policy priority arguing that it represents a better solution than remaining in camps and relying on charity. Moreover, as resettlement by Western governments and local integration in the Third World were nearly unfeasible, the High Commissioner Hocké gave precedence to repatriation as the most convenient solution.[23]

2.7. Sadako Ogata (1990-2000)

In the post-Cold War era, there were new crises which engendered large flows of refugees, particularly the collapse of Somalia, the break-up of the former Yugoslavia and the Genocide in Rwanda. The 1990s decade was administered under the High Commissioner Sadako Ogata (1990-2000). It was labelled "the decade of repatriation" as about 9 million refugees were repatriated during this period. It should be noted that there was a shift in the rationale of

[23] Loescher, G. 2001(a), op. cit., pp. 247-249.

repatriation. It was no longer attached to the "voluntary" character and decision by the refugee to turn back home. Rather, it would be UNHCR who could decide to whether return or not according to the assessment of the conditions and their threat to the refugee's safety.[24] Along these lines, UNHCR realised that the involvement in countries of origin was indispensable to have a more effective repatriation policy. It then began to engage in appendage of reintegration and rehabilitation activities to its customary work. Moreover, it deemed it highly important to monitor the welfare of the returnees. For that reason, it introduced a new strategy of "returnee aid and development" to match short-term humanitarian relief with long-term developments.[25]

On the whole, the international refugee protection regime had undergone severe restrictions in the 1980s and the 1990s. The substantial changes which engendered exponential growth in the global refugee population surely put fundamental concepts into question and similarly affected the political will of the host communities and their inclination to receive more refugees. Factors of displacement had changed from the usual dynamic of colonialism to the increasing rise in internal interethnic conflicts in the newly independent states. Human rights violations are no longer by-products of war. They are rather a "conscious objective of military strategy", i.e., even low levels of conflict resulted in high degrees of misery and displacement. In the dawn of the 21st century, states turned to a limited application of the 1951 Convention and its 1967 Protocol. They adopted policies and laws

[24] Loescher et.al, op. cit., pp. 35-36.

[25] Loescher, G. 2001(a), op. cit., pp. 337-338.

with weak affinity with the current protection framework and created simultaneously obstacles to impede legal and physical access to territories. Accordingly, alternative protection regimes have been established with limited duration and lesser rights to refugees than the 1951 Convention.[26]

2.8. Ruud Lubbers (2001-2005)

The early 21st century has marked a new vision towards a "refugee". The horrific terrorist attacks of September 11 have shaped global attitudes to be suspicious and hostile towards refugees and asylum seekers. The line between the term "refugee" and the term "terrorist" has turned blurred.[27] The War on Terror in both Afghanistan (2001) and Iraq (2003) brought about new flows of refugees and led to a further inconsideration of refugee protection by states. UNHCR, by the beginning of the term of the new High Commissioner, Ruud Lubbers (2001-2005), was in a modest status concerning its role in the international security and international politics due to the criticism it faced for "its lack of preparedness and slow response to the 1999 refugee crisis in Kosovo". His term began with a recognised crisis in the international refugee regime because countries continued to place much more restrictions on asylum after their introduction of stringent new anti-terrorist laws, particularly North American and European countries. Furthermore, Western states put pressure on states in the developing world to restrict their asylum policies as an effort to contain

[26] Feller, E., 2001, "The Evolution of the International Refugee Protection Regime," pp. 134-135, https://law.wustl.edu/harris/documents/p129_Feller.pdf/ 17 October 2021.

[27] Lubbers, R., 2002, "Asylum for All: Protection in the 21st Century," Harvard International Review, http://hir.harvard.edu/article/?a=972

refugees in their regions of origin. States in the South responded with tightening their asylum systems. They justified these restrictions by highlighting the fact that the developing world host more than 80 percent of the world's refugees, that their prolonged presence represented a threat to their security concerns and that there was a lack in financial resources to continue assuming the responsibility of hosting these refugees, particularly as the donor community had become unwilling to provide financial support. By 2004, about two-thirds of the world's refugee population dramatically was in protracted situations. [28]

UNHCR, in late 2000, responded with the adoption of the Global Consultations on International Protection,[29] which was a process to bring together the Office, Northern and Southern states and Non-Governmental Organisations (NGOs) so as to enhance the international framework of protection in a way respecting the concerns and constraints of states and the other actors. These consultations produced a declaration which reaffirmed the significance of the 1951 Convention and "the fundamental importance of UNHCR as the multilateral institution with the mandate to provide international protection to refugees and to promote durable solutions".[30] This process also engendered the Agenda for Protection, endorsed by the General

[28] Loescher et.al, op. cit., pp. 59-60.

[29] UNHCR, 2001(b), "UNHCR Global Consultations on International Protection," http://www.unhcr.org/3b938d704.html / 16 October 2021.

[30] Declaration of States Parties to the 1951 Convention and or its 1967 Protocol relating to the Status of Refugees'', Geneva, 13 December 2001, HCR/MMSP/2001/09.

Assembly in 2002.[31] It outlined a series of activities and priorities which had the goal of meeting the concerns of states and strengthening the international refugee protection regime. However, this agenda has been limited in its effect since it was non-binding.

The High Commissioner Ruud Lubbers presented a new set of initiatives referred to as "Convention Plus" in 2001. They were intended to regain the interests of European donor states, develop new agreements to supplement the 1951 Convention, enhance solutions for refugees and increase burden-sharing. More importantly, UNHCR focused on forging new agreements on resettlement arguing that it can play an important role alongside other durable solutions for refugees. In an effort to accelerate these discussions, UNHCR initiated the High Commissioner's Forum which consisted of a series of multilateral meetings in Geneva between the Office and states instead of the usual meetings of the ExCom. The Convention Plus process, however, failed to meet its goals by the end of its time in November 2005. Yet, despite these limitations, Lubbers' term had a number of strengths, particularly as UNHCR focused on the need to develop a sustainable framework for burden sharing and for building up approaches to overwhelming protracted refugee situations in this period.[32]

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[31] UNHCR, 2001(a), "Agenda for Protection", http://www.unhcr.org/3d3e61b84.html.

[32] Loescher et.al, op. cit., p. 63.

Colville, R., 2003, "Lubbers launches forum on Convention Plus initiative," http://www.unhcr.org/news/latest/2003/6/3efc7e7b2/lubbers-launches-forum-convention-plus-initiative.html.

2.9. Antonio Guterres (2005-2015)

The beginning of the next High Commissioner's term Antonio Guterres (2005-2015) coincided with the occurrence of extraordinary natural disasters, such as the Indian Ocean tsunami of December 2004 and the Pakistan earthquake of October 2005 which generated flows of displaced people. These developments resulted in the increasing involvement of UNHCR, "not only in IDP operations but also in international responses to those displaced by natural disasters"[33] which meant a new expansion in UNHCR's interpretation of its mandate. Guterres launched some initiatives in response to the changing international climate. Furthermore, it should be noted that UNHCR during the term of his office became increasingly involved in IDP issues. It created stand-by arrangements with NGOs, trained special staff in protection and international legal standards and built stores of supplies for new humanitarian emergencies. In 2007, UNHCR performed a variety of protection and assistance activities for IDPs in 24 countries with 18 million IDPs. In mid-2007, there were about 2.2 million Iraqi refugees in neighbouring countries and about 2 million Iraqi IDPs. UNHCR arranged an international conference in Geneva in April 2007 so as to draw attention to the ignored humanitarian results of the conflict and to assure donor support for its operations in the region. In July 2007, UNHCR raised its budget for displaced Iraqis to US$123 million and it was unsatisfied with the reluctance of donor states to abide by their financial pledges.[34]

[33] Loescher et.al, op. cit., p. 67.

[34] Ibid., pp. 68-69.

Equally important, UNHCR under Guterres' term experienced a period of reassessment. He desirably managed to make UNHCR more effective given the changing nature of displacement. More importantly, Guterres reconsidered UNHCR's management structures and spending priorities. He undertook a management reform process intended to review several structural, staffing, and procedural concerns. This was perceived through a reduction in the size and budget of UNHCR's Geneva headquarters by some 20 percent and the redistribution of these resources to UNHCR's field operations. He pushed for a major reduction in staff and operating expenses. In 2006, the Office had 1,047 staff members in Geneva, but by 2009 the number had been reduced to 700. This marked a turning point in UNHCR's management of its budget and staff.[35]

These refugee crises have unprecedentedly been aggravated after the Arab Spring in T unisia, Egypt and Libya and the escalation of the revolution in Syria into an atrocious war starting from 2011. All these occurrences, particularly the war in Syria, have created refugees by millions, especially in Turkey, Lebanon, and Jordan. High Commissioner Guterres stated that the staggering escalation of forced displacement in the last few years spawned respectively phenomenal rates of displaced people, i.e., both refugees and internally displaced people. He maintained that "in 2010 there were 11,000 new people displaced by conflict per day; in 2011, 14,000; in 2012, 23,000; in 2013,

[35] UN Association of the United States of America, n.d., "Partners in Reform: The US and the New Secretary-General," https://betterworldcampaign.org/wp-content/uploads/2016/12/The-U.S.-and-the-New-Secretary-General-Partners-in-Reform.pdf/ 17 October 2021.

32,000; and in 2014, 42,500 people displaced by conflict per day".[36] The status quo engendered by these circumstances has historically been unique in character and has critically urged international cooperation with UNHCR on the displacement issue more than any other historical period.

2.10. Filippo Grandi (2015-)

UNHCR, as a humanitarian agency, has been facing serious challenges, particularly under the current term of High Commissioner Filippo Grandi, to deal with the critical consequences of these circumstances. Problems of displacement are intensely increasing mainly because of conflict, as well as population growth, climate change, food insecurity and water scarcity. It is obvious that humanitarian interventions in Syria in the recent years have been apparently based on human rights excuses; however, it should be argued that this rationale certainly hides agendas of political nature. The agendas of national sovereignty and war on terrorism have overwhelmed the human rights agenda. For that reason, violations of International Human Rights Law, International Humanitarian Law and International Refugee Law have quietly been 'legitimized'.

The recent worldwide sense of crisis owing to mass movements of refugees engendered an exceptionally remarkable series of international conferences and meetings administered by UNHCR to

[36] Guterres, A., 2015, "Global Conflicts and Human Displacement: 21st Century Challenges," http://www.unhcr.org/admin/hcspeeches/55ba370f9/global-conflicts-human-displacement-21st-century-challenges-delivered-antonio.html/ 12 November 2021.

specifically address issues surrounding forced displacement and refugees' problems. New approaches to protection are greatly needed since the three classic "durable solutions" for protection – repatriation, permanent integration in the country of first asylum, and resettlement – are no longer able to meet the needs of displaced populations. The international summits and conferences held in 2016 have attained consensus for practical and concrete outcomes, such as new funds for humanitarian relief as well as assurance for new resettlement places and development projects.[37]

Additionally, under the term of Grandi, the New York Declaration for Refugees and Migrants was unanimously adopted by the United Nations General Assembly in September 2016. It sheds light on the significance of the international refugee regime and involves a wide range of commitments by Member States to consolidate and enhance mechanisms to protect refugees and migrants. It has set the stage for the adoption of two new global compacts in 2018: "a global compact on refugees and a global compact for safe, orderly and regular migration". However, turning these commitments into reality again represents a major challenge for international cooperation.

Conclusion

This research attempted to observe the chronological development of the United Nations High Commissioner for Refugees from a different perspective. The analysis applied is distinct from the

[37] Newland, K., 2016, New Approaches to Refugee Crises in the 21st Century: The Role of the International Community, Washington, DC: Migration Policy Institute.

usual approaches to the evaluation of UNHCR' s history. Instead of focusing on the prevailing narrative of the humanitarian role of UNHCR, this article attempted to display its chronicles of gaining ascendancy. Such an approach was based on both the changing international circumstances and the High Commissioners' terms.

The first part, as a paving background, represented a succinct overview of the historical origins of the international concern for refugees, tracing back to the emergence of the nation-state and its related concepts, mainly nationalism and national sovereignty. It also scrutinised the three precedent established offices before UNHCR, which are the Office of High Commissioner for Refugees, the United Nations Relief and Rehabilitation Agency, and the International Refugee Organisation. The last section of the first part examined the history of UNHCR establishment, i.e., the global conditions spawning its creation and the institutional proceedings framing its organisation, chiefly its Statute, mandate, and convention.

The second part essentially addressed the evolution of UNHCR under the High Commissioners' terms in an attempt to consider their efforts in gaining ascendancy for the Agency. It should be concluded that the first four High Commissioners were broadly successful in securing moral authority and independence since states were dependent on the Office to deal with the overwhelming displacement episodes both in Europe and outside it. However, after the 1970s, the following High Commissioners have not been able to hold the usual sway in the new environment of the Post-Cold War era. It should be noted that their focus agenda has been shaped from international protection to

humanitarian and material assistance. Even though there were attempts by some High Commissioners to renew interest in resettlement as a major durable solution, these endeavours were limited. Put differently, states have managed to restrict UNHCR's ascendancy with the purpose of hindering the Office's intervention in their domestic affairs. As a result, UNHCR has been careful while performing its mandate in respect of the principles of state sovereignty and has mainly concentrated on the assistance of refugees in camps and the negotiations with host and donor governments for support.

By and large, from its very inception as a refugee organisation, the UNHCR mandate has been in frequent change owing to the continuous shift in the international system and milieu. In other words, it began as a regional organisation with a very restrictive mandate and authority. Yet, later it has expanded to a global humanitarian agency with much more effectiveness and autonomy despite the intermittent episodes of divergence with governments owing to, first and foremost, the change of their geopolitical agendas. Thus, state interests have been the leading factor behind the precarious status of UNHCR which, in spite of recurring challenges, has been able to enhance refugee situations and develop the international refugee protection regime.

BIBLIOGRAPHY

Feller, Erika (2001). "The Evolution of the International Refugee Protection Regime". https://law.wustl.edu/harris/documents/p129_Feller.pdf/ 17 October 2021.

Guterres, Antonio (2015). "Global Conflicts and Human Displacement: 21st Century Challenges". http://www.unhcr.org/admin/hcspeeches/55ba370f9/global-conflicts-human-displacement-21st-century-challenges-delivered-antonio.html/ 12 November 2021.

Jaeger, Gilbert. (2001). "On the History of the International Protection of Refugees". International Review of the Red Cross IRRC, Vol. (83) No 843, 727-737. https://www.icrc.org/ara/assets/files/other/727_738_jaeger.pdf/ 10 October 2021.

Loescher, G., Alexander Betts, and James Milner (2008). UNHCR: The Politics and Practice of Refugee Protection into the Twenty-First Century. London and New York: Routledge, Taylor, and Francis Group.

Loescher, Gil (2001(a)). The UNHCR and World Politics: A Perilous Path. Oxford: Oxford University Press.

Loescher, Gil (2001(b)). (March 2001) "The UNHCR and World Politics: State Interests vs. Institutional Autonomy". International Migration Review Vol. (35), 33–56. DOI: 10.1111/j.1747-7379.2001.tb00003.x

Lubbers, Ruud (2002). "Asylum for All: Protection in the 21st Century". Harvard International Review. http://hir.harvard.edu/article/?a=972

Newland, Kathleen (2016). New Approaches to Refugee Crises in the 21st Century: The Role of the International Community. Washington, DC: Migration Policy Institute.

UN Association of the United States of America (n.d.). "Partners in Reform: The US and the New Secretary-General". https://betterworldcampaign.org/wp-content/uploads/2016/12/The-U.S.-and-the-New-Secretary-General-Partners-in-Reform.pdf/ 17 October 2021.

UNGA (14 December 1950). Resolution 428 (V): Statute of the Office of the United Nations High Commissioner for Refugees. https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/060/26/IMG/NR006026.pdf?OpenElement/ 4 October 2021.

UNHCR (2001(a)). "Agenda for Protection". http://www.unhcr.org/3d3e61b84.html

UNHCR (2001(b)). "UNHCR Global Consultations on International Protection". http://www.unhcr.org/3b938d704.html / 16 October 2021.

UNHCR Refworld (2017). "UN High Commissioner for Refugees". http://www.refworld.org/publisher,UNHCR,COUNTRYPOS,HUN,,,0.html/ 15 October 2021.

Zieck, Marjoleine. (1997). UNHCR and Voluntary Repatriation of Refugees: A Legal Analysis. The Hague: Martinus Nijhoff Publishers.