


Whither the Refugees? International Organisations and “Solutions” to Displacement, 1921–1960

Megan Bradley *, Laura Madokoro **, Merve Erdilmen *** and Christopher Chanco****

ABSTRACT

Achieving “durable solutions” is a central goal of the contemporary refugee regime. Durable solutions are often equated with three routes to resolving displacement—voluntary repatriation, local integration or resettlement—and the concept is closely tied to ideas about permanency, protection, and the rectification of refugees’ legal limbo. Despite its contemporary prominence, the genealogy of the concept of durable solutions has not been fully considered. Accordingly, this article traces the origins of the concept of durable solutions for refugees from 1921 to 1960, examining how such solutions have been framed in international law and through the work of a key set of international organisations: the League of Nations, the UN Relief and Rehabilitation Administration, the International Refugee Organization, the UN Conciliation Commission for Palestine, the UN Relief and Works Agency for Palestine Refugees in the Near East, and the Office of the UN High Commissioner for Refugees. By historicising durable solutions discourse as it evolved in the inter-war, immediate post-Second World War and early Cold War eras, and analysing how different international organisations have understood the “refugee problem” and solutions to it, this article promotes critical (re)engagement with the very notion of durable solutions, and

* Associate Professor and William Dawson Scholar, Department of Political Science, McGill University, 855 Sherbrooke Street West, Montreal, Quebec, H3A 2T7, Canada. Email: megan.bradley@mcgill.ca

** Associate Professor, Department of History, Carleton University, 400 Paterson Hall, 1125 Colonel By Drive, Ottawa, Ontario, K1S 5B6, Canada. Email: lauramadokoro@cunet.carleton.ca

*** PhD candidate, Department of Political Science, McGill University, 855 Sherbrooke Street West, Montreal, Quebec, H3A 2T7, Canada. Email: merve.erdilmen@mail.mcgill.ca

**** PhD candidate, MA International Studies, Université de Montréal, 2900 Edouard Montpetit Boulevard, Montreal, Quebec, H3T 1J4, Canada. Email: christopher.john.jacobi.chanco@umontreal.ca

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demonstrates how the contemporary trinity of voluntary repatriation, local integration, and resettlement emerged from earlier approaches shaped by geo-political and legal considerations tied to particular groups of refugees.

KEYWORDS: Durable solutions for refugees, International organisations, UNHCR, League of Nations, International Refugee Organization, UNRWA, UNRRA

1. INTRODUCTION

Recent years have seen a surge in “solutions talk” around refugee issues, and a cottage industry has emerged proposing solutions for the ailing refugee regime.¹ Many options are depicted as solutions, from efforts to strengthen asylum systems to technical and policy fixes for problems in sectors such as shelter and livelihoods. Contemporary discussions of the “refugee problem” and solutions to it have largely moved away from a focus on the root causes of forced migration, and arguably reflect a certain recognition that the movement of refugees is endemic to the state system.² This is a considerable shift from the inter-war and early post-Second World War period, in which powerful states and international organisations viewed refugees as a temporary concern that could be managed through solutions targeted in an ad hoc manner to particular displaced groups. Historian Louise Holborn suggests that the trinity of repatriation, resettlement, and local integration have formed the “classical methods” for resolving displacement, stretching back to the League of Nations.³ These methods are regularly referred to as “durable solutions”.

The term “durable solutions” itself is often used in scholarship concerned with refugee movements in inter-war Europe and following the Second World War.⁴ For example, Claudena Skran describes the “search for durable solutions” in her influential work on the history of the refugees in inter-war Europe, emphasising that a “durable solution contrasts with emergency relief, which only aims to meet the physical needs of refugees for a short time”; instead durable solutions aim “to re-establish refugees within the state system. This can be achieved by repatriating refugees to their home country or by integrating them into other countries.”⁵ However, the term does not appear in key standards such as the 1951 Convention Relating to the Status of Refugees, and in fact only emerged as standard discourse in the 1970s.⁶ While the UN High Commissioners for Refugees have often addressed “permanent solutions”

1 See for example the Global Compact on Refugees, the World Refugee Council, the Model International Mobility Convention, and the Michigan Guidelines on Refugee Freedom of Movement. See also P. Collier & A. Betts, *Refuge: Rethinking Refugee Policy in a Changing World*, Oxford, Oxford University Press, 2017; J. Hathaway, “A Global Solution to a Global Refugee Crisis”, *OpenGlobalRights*, 29 February 2016, available at <https://www.openglobalrights.org/global-solution-to-global-refugee-crisis/> (last visited 4 Nov. 2021).

2 E. Haddad, *The Refugee in International Society: Between Sovereigns*, Cambridge, Cambridge University Press, 2008.

3 L. Holborn, *Refugees: A Problem of Our Time – The Work of the United Nations High Commissioner for Refugees, 1951-1972*, Vol. I, Metuchen, NJ: Scarecrow Press, 1975, 325.

4 See e.g. G. Goodwin-Gill & J. McAdam, *The Refugee in International Law*, 3rd Edition, Oxford, Oxford University Press, 2007, 489–490; C.M. Skran, *Refugees in Inter-War Europe: The Emergence of a Regime*, Oxford, Oxford University Press, 1995, 146–184; P. Gatrell, *The Making of the Modern Refugee*, Oxford, Oxford University Press, 2013, 89–117.

5 Skran, *Refugees in Inter-War Europe*, 151.

6 A. Kraler et al, *Learning from the Past: Protracted Displacement in the Post-1945 Period*, Bonn, BICC, TRAFIG Working Paper No. 2, 2020.

for refugees, reflecting the terminology of the 1950 Statute of the Office of the UN High Commissioner for Refugees (UNHCR), Sadruddin Aga Khan appears to have been the first High Commissioner to publicly reference the notion of *durable* solutions, in his opening statement to the 1967 session of the UNHCR Executive Committee.⁷

This article traces the antecedents of the idea of durable solutions for refugees across almost four decades (1921–1960) through a genealogy of six international organisations' efforts to frame and resolve the predicament of refugeehood itself in critical inter-war, post-Second World War and early Cold War periods.⁸ We analyse the evolving views and roles of the League of Nations, the UN Relief and Rehabilitation Administration (UNRRA), the International Refugee Organization (IRO), the UN Conciliation Commission for Palestine (UNCCP), the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and the first decade of UNHCR's work in the early Cold War.⁹ Efforts to resolve displacement are shaped not only by states and humanitarian agencies but also by refugees themselves, and unfold at the level of individuals, families and communities across lifetimes and generations.¹⁰ However, we focus on international organisations given their important influence on notions of solutions for refugees over the course of the twentieth century. This approach provides only one window onto a complex process, but excavating this early history is critical for contextualising contemporary durable solutions debates.

The article contributes to the refugee studies literature by historicising the notion of durable solutions to displacement, considering not only the role of UNHCR but also other agencies whose influence on the idea and pursuit of solutions for refugees has been overlooked or underestimated. There has to date been relatively little historical scholarship on how specific notions of solutions have evolved over time.¹¹ Our historical account demonstrates how conceptions of the “problem of refugees”

7 This observation is based on a content analysis of 246 speeches delivered by the High Commissioners from 1951 to 1990, including all speeches from this period posted to UNHCR's online archive of High Commissioners' speeches. This archive may not include every speech made by the High Commissioners, but is the most exhaustive record available and includes statements to key venues such as the UNHCR Executive Committee and the General Assembly.

8 Refugeehood may also end through the application of the cessation clauses of the 1951 Refugee Convention. However, as the formal application of cessation clauses has been relatively rare, particularly in the time period under study, and is not typically framed as a “durable solution”, we do not focus on this approach. For an alternative perspective, see J. Hathaway, *The Rights of Refugees under International Law*, Cambridge, Cambridge University Press, 2021, 1128–1132.

9 We focus on international organisations created and governed by member states. In future, it would also be pertinent to consider the approaches of NGOs, including refugee-led organisations, and other international organisations such as the Intergovernmental Committee on Refugees, the Intergovernmental Committee for European Migration (now the International Organization for Migration) and the International Labour Organisation, as well as regional organisations such as the African Union (formerly the Organisation of African Unity, OAU).

10 M. Bradley, J. Milner, & B. Peruniak (eds.), *Refugees' Roles in Resolving Displacement and Building Peace: Beyond Beneficiaries*, Washington, DC, Georgetown University Press, 2019.

11 Exceptionally, see e.g. B. S. Chimni, “From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems”, *Refugee Survey Quarterly* 23(3), 2004, 55–73; Kraler et al., *Learning from the Past*; and K. Long, “When Refugees Stopped Being Migrants: Movement, Labour and Humanitarian Protection”, *Migration Studies*, 1(1), 2013, 4–26. Some scholars have examined the history of particular “solutions” such as repatriation. See e.g. K. Long, *Point of No Return: Refugees, Rights and Repatriation*, Oxford, Oxford University Press, 2013.

(to borrow language employed by John Hope Simpson, British delegate to the League of Nations in 1939) and attendant solutions shifted over the course of the twentieth century, even as certain preoccupations and constraints have endured. As states and international organisations have driven discussions about refugees as a problem, different routes for resolving refugee situations have come to the fore, but in these debates there has consistently been very little room for refugees themselves to give voice to their own cares, concerns and perspectives on potential solutions to their predicament. By historicising how international organisations have understood the “refugee problem” and solutions to it, this article promotes critical (re)engagement with the very notion of durable solutions, and demonstrates how the contemporary trinity of individualised durable solutions and notions of “preferred” solutions emerged from earlier institutional approaches shaped by geo-political and legal considerations tied to particular *groups* of refugees, a “groupness” that made refugees legible to states and international organisations. We chart the emergence of more individualised, protection-oriented approaches to resolving displacement, and how this foreclosed some strategies previously seen as effective solutions, such as labour migration and large-scale population transfers. The breadth of our analysis is concertedly ambitious: looking beyond UNHCR’s role to consider the influence of a broader range of international organisations from the inter-war period through the early years of the Cold War unearths important connections and shifts that illuminate contemporary assumptions and practices. Our hope is that this broad-brush, institutional genealogy prompts further, fine-grained examination of the dynamics sketched here, and provides a sounding board for future research centring the lived experiences of refugees who interact with, shape, and are shaped by international organisations.¹²

We begin by briefly situating this discussion in relation to refugee studies research on the resolution of displacement. Building on Cole’s observation that if refugees are “associated with a particular set of connotations, certain responses and solutions may appear as the only suitable avenues” to pursue, we then consider how perspectives on the “refugee problem” and solutions to it have been framed in international law, and by key international organisations. We show that historically, solutions have been deeply bound up with specific places and groups of people but that as the contemporary refugee regime solidified, this approach was largely replaced with a more generalised or standardised approach that discursively centred individual refugees and their rights, but remained firmly statist, reflecting in particular the interests of states in the global North.¹³ We conclude by reflecting on the implications of this genealogy, contending that internationally-sanctioned solutions frameworks should not

12 Gatrell, Ghoshal, Nowak, and Dowdall urge the relocation of “refugees to the centre of historical enquiry by recovering and analysing their voices, in the form of letters and petitions sent to authorities within the refugee regime”. While they do not address refugees’ efforts to intercede with international agencies in relation to durable solutions, this would be a fruitful line of enquiry. See Peter Gatrell, Anindita Ghoshal, Katarzyna Nowak & Alex Dowdall, “Reckoning with Refugeedom: Refugee Voices in Modern History”, *Social History*, 46(1), 2021, 70–95. See also Tristan Harley, “Refugee Participation Revisited: The Contributions of Refugees to Early International Refugee Law and Policy”, *Refugee Survey Quarterly* 40(1), 2021, 58–81.

13 G. Cole, “Beyond Labelling: Rethinking the Role and Value of the Refugee ‘Label’ through Semiotics”, *Journal of Refugee Studies*, 31(1), 2018, 12.

be taken for granted as a boon for refugees, but should instead be critically analysed as a tool of both care and control in the governance of refugees.

2. RESEARCHING SOLUTIONS: CONTEXT

Despite the recent surge in policy interest in “solutions” for refugees, research on the issue remains comparatively limited.¹⁴ While several scholars involved in the early development of refugee studies were preoccupied with the question of solutions, the field has predominantly focused on the experiences of asylum-seekers and refugees in exile, rather than struggles to resolve displacement itself, or the root causes of forced migration.¹⁵ Within the literature on solutions, scholars typically focus on particular processes (such as voluntary repatriation, resettlement or local integration) in isolation, rather than analysing the connections *between* different solutions, and the broader construction and significance of frameworks and discourses on the resolution of displacement.¹⁶ With the exception of research on repatriation, the solutions literature is markedly preoccupied with the pursuit of durable solutions (e.g. resettlement and the local integration of recognised refugees) in the global North, and conversations on durable solutions are often framed in terms of the assumed interests of international organisations and global North states.¹⁷ Research on internationally-supported durable solutions often equates durability with formal recognition of refugees as full and equal citizens, and an end to mobility.¹⁸ Yet for many on the move within the global South, the practical value of citizenship has long been a more open question, and putting down permanent roots is not necessarily refugees’ primary aspiration.¹⁹

Durable solutions scholarship often adopts a chronological approach to recounting how and why particular solutions have been pursued in relation to different

14 This is evident in an analysis we conducted of all articles published in the *Journal of Refugee Studies* from January 2005 to April 2020 (a total of 466 articles), which found that only 20.6 per cent of articles referred to the notion of “durable solutions”; 7.3 per cent referred to repatriation or returns; 4.7 per cent referred to local integration (a larger proportion referred to the broader concept of “integration”); and 9.2 per cent referred to resettlement. Of this scholarship, a much smaller proportion actually focuses on the resolution of forced migration, whether through repatriation, local integration, resettlement, or other approaches.

15 C. Skran & C. Daughtry, “The Study of Refugees Before ‘Refugee Studies’”, *Refugee Survey Quarterly* 26(3), 2007, 15–35.

16 For exceptions, see e.g. Kramer et al., *Learning from the Past*; Cole, “Beyond Labelling”; Chimni, “From Resettlement to Involuntary Repatriation”; Bradley, Milner & Peruniak (eds.), *Refugees’ Roles in Resolving Displacement*; R. Zetter, “Unlocking the Protracted Displacement of Refugees and Internally Displaced Persons: An Overview”, *Refugee Survey Quarterly* 30(4), 2011, 1–13.

17 B.S. Chimni, “The Meaning of Words and the Role of UNHCR in Voluntary Repatriation”, *International Journal of Refugee Law*, 5(3), 1993, 442–460; Chimni, “From Resettlement to Involuntary Repatriation”.

18 See e.g. M. Bradley, *Refugee Repatriation: Justice, Responsibility and Redress*, Cambridge, Cambridge University Press, 2013; L. Hovil, “Local Integration”, in E. Fiddian-Qismeyeh, G. Loescher, K. Long, & N. Sigona (eds.), *The Oxford Handbook of Refugee and Forced Migration Studies*, Oxford, Oxford University Press, 2014, 488–498.

19 L. Landau, “Shunning Solidarity: Durable Solutions in a Fluid Era”, in M. Bradley, J. Milner, & B. Peruniak (eds.), *Refugees’ Roles in Resolving Displacement and Building Peace: Beyond Beneficiaries*, Washington, DC, Georgetown University Press, 2019, 153–167.

populations,²⁰ and more deeply historicised research on efforts to end displacement and the evolution of ideas about solutions remains limited. Many analyses take the post-Second World War period, 1967 or the end of the Cold War as the unquestioned point of departure, obfuscating the antecedents of post-war refugee definitions and institutional understandings of “solutions”, and ignoring the formative debates in the early years after UNHCR’s creation, as well as the influence of the international organisations that preceded UNHCR. In contrast, our study begins in 1921 and concludes in 1960, key junctures in the imagining of solutions, allowing us to capture a critical period in the development of policies, laws and regulations around refugee issues, including in the context of decolonisation movements, which inspired a fundamental shift in the nature of refugee movements and perceived international responsibilities.²¹

3. WHAT IS THE PROBLEM? WHAT ARE THE SOLUTIONS? EVOLVING LEGAL AND INSTITUTIONAL PERSPECTIVES

3.1. Problems and solutions for refugees: perspectives from international law

As Goodwin-Gill and McAdam note, “neither general international law nor [any] treaty obliges any State to accord durable solutions [...] [A]part from the duty of the State to readmit its nationals, solutions fall generally outside the area of legal obligation”.²² Nonetheless, key international laws and frameworks from the League of Nations era onwards provide insights into how states and international organisations have conceived of the “refugee problem” and potential solutions to it. This section briefly reviews some of these standards, to situate the following institutional genealogy in relation to evolving legal norms.

International refugee law does not offer a precise definition of “durable solutions”; indeed, the term does not appear in the major conventions on refugees, although as we discuss below some agreements address particular, potential avenues for resolving refugee situations, such as voluntary repatriation. Existing international refugee law generally focuses on the problem of protecting refugees from refoulement through the “solution”—however temporary and limited—of asylum, with some prominent experts resisting efforts to shift attention from this approach to the pursuit of longer-term solutions for refugees.²³ Yet according to UNHCR, securing durable solutions is the “ultimate goal” of international efforts on behalf of refugees.²⁴

20 Chimni, “From Resettlement to Involuntary Repatriation”, 55–73; J. Crisp, *The Local Integration and Local Settlement of Refugees: A Conceptual and Historical Analysis*, Geneva, UNHCR, New Issues in Refugee Research, Research Paper No. 102, Apr. 2004.

21 The late 1960s was a critical moment of expansion for the refugee regime, with the adoption of the 1967 protocol and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Our focus on the 1921–1960 period helps place these developments in the broader context of early international efforts to govern refugees, including in relation to “solutions”. Auguste Lindt’s term as UN High Commissioner for Refugees ended in 1960; this timeframe thus allows us to consider the approaches of the first two UN High Commissioners for Refugees to the resolution of displacement.

22 G. Goodwin-Gill & J. McAdam, *The Refugee in International Law*, 489–490.

23 J. Hathaway, “Refugee Solutions, or Solutions to Refugeehood”, *Refuge*, 24(2), 2007, 3–10.

24 UNHCR, *Global Appeal 2018–2019: Building Better Futures*, Geneva, UNHCR, 2018, available at <https://www.unhcr.org/publications/fundraising/5a0c02ab7/unhcr-global-appeal-2018-2019-building-better-futures.html> (last visited 4 Nov. 2021).

Although, as we discuss below, the League of Nations engaged with various aspects of forced migration, including from a legal perspective, beginning in the early 1920s, the 1933 Convention Relating to the International Status of Refugees was the “first binding multilateral instrument to afford refugees legal protection” and “articulate the principle that refugees should not be returned involuntarily to their country”.²⁵ A “milestone in the protection of refugees”,²⁶ the treaty was informed by a 1932 questionnaire, administered by the Office of the High Commissioner for Refugees, on the “whole refugee problem” and “whether a refugee convention would constitute ‘the best means of securing the stability of the situation of the refugees on the liquidation of the Office’”.²⁷ Far from tackling “the whole refugee problem”, the treaty pertained only to certain groups of refugees already covered by the League of Nations, including Armenian, Assyrian, Assyro-Chaldean, Russian and Turkish refugees, and was ratified by a scant nine states, although 16 eventually became parties or adherents.²⁸ Focused on matters such as (highly restricted) labour rights and temporary documentation enabling refugee mobility, the treaty did not generally address long-term solutions for refugees, with the exception of Article 14 on “Exemption from Reciprocity”, which stated that “The enjoyment of certain rights and the benefit of certain favours accorded to foreigners subject to reciprocity shall not be refused to refugees in the absence of reciprocity”.²⁹ This article reflected some states’ practice of allowing individuals to move from one country to another and integrate on an informal (and perhaps eventually formal) basis, provided reciprocal arrangements were in place for this. Article 14 tacitly recognised that refugees were often excluded from such arrangements, or that reciprocal measures broke down when efforts were made to apply them to refugees, and attempted to shield refugees from such failures. In some countries, Article 14 “revived the presumption that aliens should be assimilated to nationals, thereby effectively guaranteeing national treatment”—and a potential solution for refugees.³⁰

Building on the 1933 Convention, which came into effect in the same year that Adolf Hitler became Chancellor of Germany and withdrew Germany from the League of Nations, the 1936 Provisional Arrangement concerning the Status of Refugees Coming from Germany and the 1938 Convention concerning the Status of Refugees Coming from Germany extended protection (albeit very weakly) to refugees of the Third Reich, with subsequent agreements reached to include refugees

25 R. Beck, “Britain and the 1933 Refugee Convention: National or State Sovereignty”, *International Journal of Refugee Law*, 11(4), 1999, 603.

26 G. Jaeger, “On the History of the International Protection of Refugees”, *International Review of the Red Cross* 83(843), 2001, 730.

27 Beck, “Britain and the 1933 Refugee Convention”, 606.

28 Beck, “Britain and the 1933 Refugee Convention”, 603; Jaeger, “International Protection of Refugees”, 730. This focus on groups is unsurprising in that, at the time, there was still little attention to notions of individual human rights, particularly at the international level.

29 C. Skran, “Background, Historical Development of International Refugee Law”, in A. Zimmermann, F. Machts, & J. Dörschner (eds.) *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol: A Commentary*, Oxford, Oxford University Press, 2011; A. Edwards, “Gainful Employment, Article 17”, in A. Zimmermann, F. Machts, & J. Dörschner (eds.) *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol: A Commentary*, Oxford, Oxford University Press, 2011.

30 J. Hathaway, *The Rights of Refugees Under International Law*, Cambridge, Cambridge University Press, 2005, 195.

from Austria and Czechoslovakia. Through these agreements, refugees who had been excluded from the League’s Nansen passport could access an alternative travel document, with the 1938 Convention providing that “without prejudice to the power of the High Contracting Party to regulate the right of sojourn and residence, a refugee shall be entitled to move about freely, to sojourn or reside in the territory to which the present Convention applies, in accordance with the laws and internal regulations applying therein”.³¹ However, the Convention did not directly contemplate or enable access to longer term solutions for refugees; on the contrary, the Convention identified conditions in which refugees could be returned to the Reich.³² While attempts to protect refugees of the Third Reich collapsed before the ink was dry on these agreements, they shaped the IRO’s subsequent efforts to support solutions for refugees post-1945.³³

After the Second World War, international agreements on refugees address “solutions” to the refugee “problem” in somewhat more detail however, as noted, they did not establish formal state *obligations* to support durable solutions, and did not present voluntary repatriation, local integration and resettlement as a consolidated triad. The cornerstone of post-war international refugee law, the 1951 Refugee Convention, stresses “the social and humanitarian nature of the problem of refugees” and that the “satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot [...] be achieved without international cooperation”. The *Travaux préparatoires* to the 1951 Convention expressed the view that the “problem of protection arose because naturalization and repatriation could not provide a complete and immediate solution to the refugee problem”.³⁴ That is, the failure of ad hoc efforts to enable solutions for the displaced highlighted the need for more formal asylum rights.

Because the Convention did not, and still does not, envision refugee status to be permanent, longer-term solutions to displacement remained an ongoing concern. While the Convention does not explicitly define what constitutes a durable solution, it does provide a normative framework for efforts to resolve refugee situations by establishing principles on issues such as the opportunity for refugees to practice professions, transfer assets, and naturalise.³⁵ Perhaps most importantly, the Convention sets out an individualised definition of a refugee, in contrast to the national or group-based approaches that predominated in earlier international law.³⁶ As we discuss below, this underpinned UNHCR’s framing of durable solutions as a matter of individual rights, moving away from earlier approaches that conceived of solutions as intimately tied to the national identity and political dynamics of particular refugee

31 Convention concerning the Status of Refugees Coming from Germany, 1938, Article 2.

32 Jaeger, “International Protection of Refugees”, 731.

33 L. Madokoro, “Enduring Influence: Legal Categories of Displacement in the Early Twentieth Century”, in M. J. Borges & M. Y. Hsu (eds.), *The Cambridge History of Global Migrations, Volume 2*, M. J. Borges & M. Y. Hsu, Cambridge, Cambridge University Press, forthcoming.

34 P. Weis (ed.), *The Refugee Convention, 1951: The Travaux Préparatoires Analysed with a Commentary*, Cambridge, Cambridge University Press, 1995, 26.

35 Convention relating to the Status of Refugees, 189 UNTS 150, 28 Jul. 1951 (entry into force: 22 Apr. 1954), Arts 19, 30 and 34.

36 On group-based legal definitions of refugees in the inter-war years and under the League of Nations, see Skran, “Historical Development of International Refugee Law”.

groups.³⁷ Article 1C “provides an exhaustive list of ways in which refugee status can end” from a legal perspective, although in practice a distinction is made between the technical application of the cessation clauses and the broader achievement of durable solutions.³⁸

3.2. Institutional perspectives

This section traces evolving perspectives and practices within and between key international organisations in relation to the “refugee problem” and potential solutions to it. Beyond highlighting a gradual but critical shift away from temporary, group-based approaches, this analysis blurs distinctions between the provision of asylum and emergency aid, on the one hand, and the pursuit of longer-term solutions for refugees on the other by showing how international organisations concerned with refugees from 1921–1960 often drew close connections between the provision of humanitarian relief and longer-term solutions such as resettlement.

3.2.1. *The League of Nations: Ad hoc solutions to a temporary problem*

The League of Nations’ engagement with refugees, roughly from 1921 to 1938, marks the first time that refugees were treated as an international problem, one that required collective international attention beyond the isolated efforts of particular countries of refuge or asylum.³⁹ For much of this period, the “problem of refugees” was largely understood as temporary and idiosyncratic, pertaining to the status of particular groups rather than a problem integral to the modern state system itself. Consequently, the assumption underpinning much of the League’s work was that the “refugee problem” could be resolved in a targeted manner with “solutions” specific to the groups concerned, focusing in particular on enabling refugees to enter the labour market.⁴⁰

37 Particularly in global South contexts, UNHCR often engages in group-based refugee status determination, and prepares durable solutions strategies in relation to different groups of refugees. However, in contrast to earlier eras when refugee definitions and solutions frameworks were ontologically tied to groups, these more contemporary group-based approaches are primarily bureaucratic management strategies that rest on underlying, individualized conceptions of refugees and their rights.

38 G. Cole, “Cessation”, in C. Costello, M. Foster & J. McAdam (eds.), *The Oxford Handbook of International Refugee Law*, Oxford, Oxford University Press, 2021, 1029, 1040. While the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration on Refugees are outside the timeframe of our analysis, it is notable that as the treaty’s name suggests, the notion of “the refugee problem” is front and centre in the OAU Convention, which opens by stressing the “need for an essentially humanitarian approach towards solving the problems of refugees” (OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, TS No. 14691, 10 Sept. 1969, entry into force: 20 Jun. 1974, Preamble). The agreement includes a full article on voluntary repatriation, but is essentially silent on other potential durable solutions. This focus on voluntary repatriation is echoed in the Cartagena Declaration, although the agreement also broaches other potential solutions through commitments to “eradicating the causes” of refugee flows, and increasing resettlement (Cartagena Declaration on Refugees, 19–22 Nov. 1984, Art. II (m); Art. II 1). Both agreements conceive of refugee problems as regional concerns for which regionally-specific solutions are required.

39 Gatrell, *Making of the Modern Refugee*. Created in 1920, the League was only technically dissolved in 1946, although it became inactive with the outbreak of war in 1939.

40 Kraler et al., *Learning from the Past*, 5; Long, “When Refugees Stopped Being Migrants”.

The League’s founding convention had no “specific provision for international aid and protection for refugees”.⁴¹ Rather, the institutionalisation of the League’s refugee work relied on key individuals and partner organisations, among them the International Labour Organization (ILO), which took up much of the work on refugee relief and resettlement on the League’s behalf.⁴² Refugees first came to the League’s attention as a result of the International Committee of the Red Cross (ICRC), which was overwhelmed by the needs of stateless Russian refugees. Between the years 1918–1922, three million refugees fled from the new regime in Russia, mostly to neighbouring Finland and China. In 1921, the ICRC approached the League of Nations about internationalised, and institutionalised, support for refugee relief. At the Refugee Conference in Geneva in August 1921, the ICRC pressured the League and the ILO to commit to meaningful cooperation on the problem of refugees, exploiting a loophole in Article 25 of the Covenant of the League of Nations that required member states to cooperate with the ICRC in the “mitigation of suffering throughout the world”. Skran suggests that the notion of durable solutions for refugees was first evoked at the League in 1921 by Gustave Ador, the head of the ICRC, in his appeal on behalf of the Russian refugees. Ador spoke of the need for clarification of the refugees’ legal status, assistance with employment and ultimately repatriation; while he never actually used the terms “final”, “permanent” or “durable”, these notions were implicit in the actions he proposed.⁴³

Deliberations among the League’s member states resulted in the creation of a High Commissioner for Russian Refugees (a position later expanded to encompass all refugee groups that most concerned the League).⁴⁴ Even in its earliest deliberations, the League understood that there was a “problem” of refugees, and it framed this problem, and the ensuing solutions, primarily in terms of mobility, employment and possibilities for addressing refugees’ legal status. Critically, information about the nature of these problems and approaches to resolving them did not generally come from refugees themselves. Although numerous refugees worked with the League as representatives and in humanitarian aid work, the High Commissioner was fearful of raising refugees’ expectations by engaging directly with them, and therefore often worked with organisations such as the ICRC and individual states to determine refugee needs.⁴⁵ This meant that the nature of the problems identified, and the associated solutions, tilted towards state interests. There was little room for refugees themselves to raise concerns about their situation and explain the nature of the problem from their own perspectives, although organisations such as the Union for Return to the Homeland, which prioritised repatriation as a solution to unsustainable

41 L. Holborn, “The League of Nations and the Refugee Problem”, *The ANNALS of the American Academy of Political and Social Science*, 203(1), 1939, 124–135.

42 The ILO was concerned with migration as states in the early 20th century generally viewed immigrants (including refugees) in terms of their labour power. In the inter-war years, economic discourses dominated the “problem” of immigration (and emigration), at a time of increasingly restrictive border controls, nascent international passport regulations, and the growth of regulated labour.

43 Skran, *Refugees in Inter-War Europe*, 146–150.

44 Reflecting this broadening scope of responsibilities, the name officially changed to the High Commissioner for Refugees in 1923.

45 League of Nations, “Russian and Armenian Refugee Questions”, *League of Nations Official Journal*, Special Supplement 49 (1926), 29.

camp conditions, and refugee intellectuals such as Russian legal scholar J.L. Rubinstein were able to gain some access to larger audiences.⁴⁶ In a speech at Chatham House in 1936, for example, Rubinstein summarised the solutions advanced by the League of Nations as colonisation, repatriation, and naturalisation. Rubinstein considered and then rejected the possibility of creating overseas agricultural colonies in Latin America for Russian refugees, on the basis that “a limited number, only, of refugees possess the natural aptitudes necessary for success”.⁴⁷ He also noted that it would be expensive and that “the settlement of a few hundred refugees does not solve the problem, nor does it in any way alter the position of refugees in general”.⁴⁸ He similarly rejected the idea of repatriation since “for the large majority of refugees return is out of the question so long as the regime which drove them to exile is still in force”.⁴⁹ Rubinstein was more open to the idea of naturalisation but noted that states were opposed and observed further that the process “presupposes a certain degree of assimilation and affinity”, which did not always exist.⁵⁰ He concluded that the solution was “to organise the right of asylum” followed by integration.⁵¹

Tasked with defining the legal status of refugees, the High Commissioner was also responsible for implementing three proposed solutions: repatriation to Russia, emigration to other countries, or securing employment for refugees in the countries where they were residing. Much like today, the conferral of citizenship remained the purview of individual nation-states. Although the League of Nations, and High Commissioner Nansen in particular, recognised that statelessness was a key problem, the only viable solution to it at the time was seen as the provision of a legal identity document known as a Nansen Passport, rather than conferring citizenship. Providing people some kind of status so that they could move and work was critical to the solutions envisioned in this era and the movement of refugees and labour migration were closely connected. This approach reflected the fact that states and the League understood refugee issues primarily in terms of nationality and ethnicity, and as a matter of labour productivity or economic need.⁵² This diagnosis of the refugee problem was evident not only in the League’s engagement with the Russian refugees but also with other groups including displaced Armenians.

The Armenian crisis and the disintegration of the Ottoman Empire started long before the First World War, yet by 1915 discrimination against Armenians in Ottoman territories reached genocidal proportions, resulting in the wholesale dislocation of the Armenian minority. Joining this exodus were waves of Bulgarian and Greek refugees fleeing the aftermath of the wars of independence from the

46 M. Housden, “White Russians Crossing the Black Sea: Fridtjof Nansen, Constantinople and the First Modern Repatriation of Refugees Displaced by Civil Conflict, 1922–23”, *The Slavonic and East European Review*, 88(3), 2010, 495–524.

47 J.L. Rubinstein, “The Refugee Problem”, *International Affairs*, 15(5), 1936, 718.

48 *Ibid.*

49 *Ibid.*, 719.

50 *Ibid.*

51 *Ibid.*, 720.

52 Long, “When Refugees Stopped Being Migrants”, 11.

Ottomans.⁵³ In response, the High Commissioner pursued many of the solutions that had been designed for Russian refugees, including the use of Nansen Passports. By 1938, an estimated 450,000 refugees had availed themselves of the passport and the opportunity to move elsewhere, addressing some of the prevailing concerns about statelessness, mobility and the potential social and economic burden on the countries where they had originally sought refuge. In countries such as Canada and the United States, where many Nansen Passport holders moved, the refugees were often able to readily gain employment and transition to citizenship alongside other immigrant groups, under nationalisation policies that assumed that immigration was a gateway to citizenship (at least for populations deemed desirable potential co-nationals).⁵⁴ This approach meshed with “an understanding of refugees as impoverished economic migrants” and a conviction that solutions had to enable refugees to be self-sufficient, reducing the need for costly humanitarian aid programmes—aims met by enabling refugees to join larger economic migration streams.⁵⁵ Yet as global economic fortunes declined and nationalist sentiments increased, the limitations of “solutions” predicated on refugees as productive labourers became more apparent. Long laments that for many displaced people “treating refugees as migrants in the 1920s and 1930s failed to ensure their protection from persecution because their admission” on the Nansen passport in countries where they might settle long-term “was entirely dependent upon economic criteria”.⁵⁶

Flowing from these early efforts, the key question for the League of Nations and the High Commissioner for Refugees was whether or not the original, group-based refugee definitions that underpinned these initial efforts could and should be expanded to include other displaced people.⁵⁷ There was considerable resistance among League of Nations delegates to any such suggestion, which originated largely with High Commissioner Nansen, particularly to the idea of any permanent machinery to assist refugees. There was a strong sense that if the League of Nations dedicated continued resources towards refugees then it would be perpetuating the problem, rather than resolving it (a criticism that, as discussed below, has also been levied against UNRWA). The insistence on refugee issues being a temporary concern, rather than one that would continue as a result of colonialism, imperial decline, war and the (re)drawing of state boundaries, fundamentally shaped the way that problems, and therefore solutions, were envisioned: in the early years of the League of Nations, member states saw any kind of permanent, institutionalised support for refugees as a problem, rather than an element of potential solutions for

53 On these movements, see P. Gatrell, “Refugees and Forced Migrants during the First World War”, *Immigrants & Minorities*, 26(1–2), 2008, 82–110; D. Giannuli, “Greeks or ‘Strangers at Home’: The Experiences of Ottoman Greek Refugees During their Exodus to Greece, 1922–1923”, *Journal of Modern Greek Studies* 13(2), 1995, 271–287.

54 See e.g. H. Motomura, *Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States*, Oxford, Oxford University Press, 2007.

55 Long, “When Refugees Stopped Being Migrants”, 11.

56 *Ibid.*, 4.

57 *Extension of Other Categories of Refugees of the Measures to Assist Russian and Armenian Refugees*, Geneva, Report of the High Commissioner for Refugees, 4 June 1928, C.252.1928.VIII, UNHCR Archives. The UNHCR Archives include materials predating the agency’s establishment in 1950. Nansen regularly received appeals for assistance from refugees from a wide range of backgrounds.

refugees.⁵⁸ Importantly, under the League, problems and solutions were imagined differently for refugees in comparison to other (related) groups such as minorities in the mandate system, even though both experienced forced migration as various minority populations were subjected to League-negotiated population transfers such as occurred under the 1923 Lausanne Convention, which resulted in the expulsion of some 500,000 Muslims from Greece to Turkey, and of 1.5 million Greek Orthodox adherents from Turkey to Greece.⁵⁹ Those displaced under this agreement were not defined as refugees; instead, they were forcefully stripped of their former citizenship and accorded citizenship in their new country of residence—a process that became a model for other large-scale population exchanges. These movements and the agreements governing them reflected the view that such population exchanges were essential to resolving and preventing future ethno-national conflicts, making displacement (followed by enforced resettlement) not merely a problem but a solution from the perspective of states and the international organisations assisting them. Indeed, observers of the population exchanges mandated by the Lausanne Convention generally saw them as a success, despite the widespread distress they caused.⁶⁰ Moreover, although the League of Nations and the Office of the High Commissioner understood refugees to be a temporary phenomenon, distinct from the permanent population transfers born of the mandate system,⁶¹ the mandate system would eventually be seen as a potential solution to the persecution of Jews in Nazi Germany (because Jewish refugees could be resettled to Palestine) – reflecting the practical entanglement of these populations and ideas about solutions in the League’s work. Although population transfers such as those enforced through the Lausanne Convention are incompatible with contemporary human rights standards and durable solutions frameworks, in some circles “the idea of exchanging populations continues to surface as a potential solution to conflicts”.⁶²

In the late 1920s and early 1930s, discourses of problems and solutions became much more explicit and pointed within the League, with Holborn observing that until his death in 1930 Nansen was seized with “the final disposition of refugees either by repatriation, employment in the country of refuge, or resettlement overseas”.⁶³ While there was still a sense that refugees were a discrete and temporary phenomenon, and that solutions could be developed to address specific group

58 League of Nations, *League of Nations Official Journal*, Special Supplement 49 (1926), 36.

59 Convention Concerning the Exchange of Greek and Turkish Populations, League of Nations Treaty Series, vol. 32, 76–87, 30 January 1923, Art. I. Greek Orthodox adherents in Constantinople and Muslims in Western Thrace were initially exempt.

60 Kraler et al., *Learning from the Past*, 6; Skran & Daughtry, “The Study of Refugees”, 25–26.

61 K.D. Watenpaugh, “The League of Nations’ Rescue of Armenian Genocide Survivors and the Making of Modern Humanitarianism, 1920–1927”, *The American Historical Review*, 115(5), 2010, 1315–1339.

62 C. Meindersma, “Population Exchanges: International Law and State Practice—Part II”, *International Journal of Refugee Law*, 9(4), 1997, 613; U. Ozsu, “Fabricating Fidelity: Nation-Building, International Law, and the Greek–Turkish Population Exchange”, *Leiden Journal of International Law*, 24(4), 2011, 823–847; U. Ozsu, *Formalizing Displacement: International Law and Population Transfers*, Cambridge, Cambridge University Press, 2014. See also Skran & Daughtry, “The Study of Refugees”, 26.

63 Holborn, *Refugees*, 8–9. On self-sufficiency as a component of “solutions” for refugees in this period, see E. Easton-Calabria, “From Bottom-Up to Top-Down: The ‘Pre-History’ of Refugee Livelihoods Assistance from 1919 to 1979”, *Journal of Refugee Studies* 28(3), 2015, 412–436. See also Long, “When Refugees Stopped Being Migrants”, 4–26.

situations as opposed to the category of “the refugee” generally, there was also an increasing sense of urgency on the part of states that did not want to be solely responsible for dealing with influxes of Jewish refugees. More coordinated action was required; this self-interest invited more forceful interventions. By the late 1920s, delegates to the League of Nations increasingly used the language of “final” or “definitive” solutions for refugees.⁶⁴ In September 1928, for instance, Paul Bastid, the French delegate and Rapporteur on the Fifth Committee on Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees, argued that the reason refugees continued to be a problem was because the League was ill-equipped to address the issues of statelessness, mobility, as well as the perceived economic and social burdens associated with the arrival of displaced populations. Bastid observed:

[...] present political conditions in Europe and all over the world make it impossible to consider mass repatriation, nor do the countries appear disposed to assimilate the refugees residing within their territories before they have evinced their suitability for naturalisation by a sufficiently lengthy sojourn. There is, however, no other alternative by way of solution.⁶⁵

Concerns about resolving refugee situations became more pronounced as the movement of Jewish refugees out of Germany intensified. In 1933, for instance, the Dutch government suggested the creation of an international organisation specifically dedicated to refugee issues, beyond the Office of the High Commissioner for Refugees. Delegate Andries Cornelis Dirk de Graeff argued that the problem was greater than what “countries bordering on Germany” could conceivably address on their own – signalling a nascent movement towards conceptualising the pursuit of solutions to the “refugee problem” as a shared undertaking requiring greater international engagement.⁶⁶ de Graeff insisted

the solution of the problem demanded the co-operation of other countries. Any attempt to bring about a settlement of this question exclusively by the States into which the stream of refugees had hitherto flowed was doomed to failure. All the cases where the League had intervened on behalf of refugees proved that the universal character of such problems was recognised from the outset and that the League’s competence to deal with them was an accepted fact.⁶⁷

This intervention, recognising the “universal character” of refugee problems, reveals growing cracks in the League’s premise that refugees were best addressed as members of distinct groups, and a temporary problem for which nothing more than

64 League of Nations, “Plan for the Establishment of Armenian Refugees in the Republic of Erivan”, 19 September 1928, *League of Nations Official Journal*, Special Supplement 70 (1928), 32.

65 League of Nations, “Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees”, 25 September 1928, *League of Nations Official Journal*, Special Supplement 64 (1928), 149.

66 League of Nations, *League of Nations Official Journal*, Special Supplement 117 (1933), 22.

67 League of Nations, “Assistance to Refugees coming from Germany (Proposal by the Netherlands Delegation)”, 4 October 1933, *League of Nations Official Journal*, Special Supplement 117 (1933), 23.

ad hoc solutions were required. As a stopgap “solution”, League members channelled additional funds to the Office of the High Commissioner while developing the 1933 Convention Relating to the International Status of Refugees, which did not address the plight of refugees from Germany but was a consolidation of previous instruments and was introduced for signature two weeks after Germany withdrew from the League of Nations.⁶⁸ Although the convention only attracted sixteen adherents (signatures were eventually interrupted by the onset of the Second World War), it came into effect in 1935 and was significant in terms of its novel scope and approach to legal, international coordination. However, as its non-treatment of Jewish refugees demonstrated, it was also inadequate. As such, another possibility the League contemplated was moving the refugees to a Jewish homeland in Palestine. In 1933, for example, Norwegian representative Christian Lange referred to the “special significance” of a “National Home” for Jewish people, emphasising that this was a “solution for their settlement”.⁶⁹ Echoing this sentiment, Count Raczynski of Poland emphasised the “burden” that Jewish emigration from Germany was causing his government. He argued that a “Jewish National Home . . . appeared to offer possibilities for at least a partial solution of the problem of the emigrants from Germany”.⁷⁰

The focus on resolving the Jewish refugee situation through resettlement to Palestine reflected the close relationship between displacement, minorities and the mandate system at the League of Nations.⁷¹ As noted, discussions of refugees and minorities were rarely explicitly conjoined by the League, despite the obvious connections, given that population transfers were a form of forced migration. By the 1930s, however, the question of Jewish refugees and the precedent of imperial border-management, meant that knowledge and institutional approaches developed in the context of discussions about minorities and the mandate system were then applied to refugees and potential solutions for them. At the same time, League delegates took great care to distinguish the situation of Jewish refugees from the question of minorities more generally. The attitudes of the German delegation, for obvious reasons, were most pronounced in this regard. In October 1933 (days before Germany withdrew from the League of Nations), Friederich von Keller, the German delegate, declared

The Jewish question is a peculiar problem of race, and must not be connected with the general question of minorities. . . In Germany, it is primarily a demographical, social and moral problem which has been peculiarly aggravated by a

68 The convention “was applicable to Russian, Armenian and assimilated refugees, as defined by the Arrangements of May 12th, 1926, and June 30th, 1928, subject to such modifications or amplifications as each Contracting Party may introduce in this definition at the moment of signature or accession.”

69 League of Nations, “Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees Appointment of a Rapporteur to the Assembly”, *League of Nations Official Journal*, Special Supplement 120 (1933), 19.

70 “Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees Appointment of a Rapporteur to the Assembly”, *League of Nations Official Journal*, Special Supplement 120 (1933), 20.

71 H. Rosting, “Protection of Minorities by the League of Nations”, *The American Journal of International Law*, 17(4), 1923, 641–660; M. Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations*, Princeton, Princeton University Press, 2009, 104–111.

mass migration of Jews from Eastern Europe westwards. It is a problem *sui generis*, for which, accordingly, a special settlement will have to be found.⁷²

Alongside some efforts in the 1930s to resettle Jewish refugees to Palestine, at the suggestion of the British and French delegates, the Council of the League of Nations developed the 1936 Provisional Arrangement concerning the Status of Refugees Coming from Germany, and extended protection to Jewish refugees from Austria with an associated protocol in 1938. A similar decision by the Council in January 1939 brought refugees from Czechoslovakia under the League’s umbrella. While such initiatives expanded the categories of refugees recognised by the League of Nations, overall the premise underpinning the League’s work on refugees remained relatively consistent from 1921 onwards: refugees were seen as a temporary and isolated problem to be managed through ad hoc solutions deployed in relation to discrete groups, categorised primarily on the basis of ethnicity and nationality. As Mazower remarks, “The League’s impact” on refugee issues was “enormous, but the problem was even bigger. . . But governments refused to admit – as they would again after 1945 – that refugees might be a permanent feature of a world order based around the nation-state, and this remained a constraint on international action under the League (and later the UN).”⁷³

3.2.2. UNRRA: Mass repatriation and relief as solutions to wartime displacement

Under the League of Nations, conceptions of solutions to displacement were bound up with the problems that states, rather than refugees themselves, confronted. This focus on solutions serving states’ interests continued during and immediately after the Second World War, as reflected in the work of UNRRA (1943–1947) and its successor, the IRO (1946–1952).⁷⁴ Under these agencies, refugee problems and solutions were once again primarily seen in discrete, group-based, temporally bound terms although the IRO’s approach served as a bridge to UNHCR’s more individualised, rights-based conceptions of refugees and solutions for them. UNRRA and the IRO’s push to solve Europe’s post-war displacement crisis was driven by the desire to temper the pressures that large populations of refugees and displaced persons presented to the post-war recovery in Europe. The “problem of refugees” was understood by western governments first and foremost in terms of the impact of refugees and displaced persons on politically unstable states. Indeed, UNRRA was established during the war with the express purpose of providing relief, particularly for displaced persons, in “liberated Europe” though it also worked in China. Largely funded by the

72 League of Nations, “Protection of Minorities”, 4 October 1933, League of Nations, *League of Nations Official Journal, Special supplement* 120 (1933), 42.

73 M. Mazower, *Governing the World: The History of an Idea, 1815 to the Present*, New York, Penguin, 2012, 158.

74 For an early overview of UNRRA, see G. Woodbridge, *UNRRA: The History of the United Nations Relief and Rehabilitation Administration*, New York, Columbia University Press, 1950. On the IRO, see L. Holborn, *The International Refugee Organization: A Specialized Agency of the United Nations: Its History and Work, 1946–1952*, Oxford, Oxford University Press, 1956. See also J. Reinisch, “Internationalism in Relief: The Birth (and Death) of UNRRA”, *Past & Present* 210(6), 2011, 258–289, and J. Reinisch & E. White (eds.), *The Disentanglement of Populations: Migration, Expulsion and Displacement in Postwar Europe, 1944–49*, New York, Palgrave, 2011.

United States, UNRRA aimed to ensure a successful post-war recovery, especially in the face of potential communist expansion and oppression.⁷⁵ Although the ethnicity of people in its care would be a consideration (as was the case in the League of Nations era), so too would ideological priorities. Under its founding agreement, UNRRA was charged with planning, coordinating and administering “measures for the relief of victims of war in any area under the control of any of the United Nations through the provision of food, fuel, clothing, shelter and other basic necessities, medical and other essential services. . .”⁷⁶ Although the agreement did not explicitly define refugees, displaced persons or solutions for them, it provided that through UNRRA “preparation and arrangements shall be made for the return of prisoners and exiles to their homes” and in its first years of operation the agency was strongly focused on “solving” the continent’s displacement crisis through returns.⁷⁷

Alongside UNRRA’s efforts to resolve displacement in Europe through large-scale repatriations, immediately after the war the Allied powers orchestrated the massive and permanent expulsion of more than 12 million ethnic Germans from Hungary, Czechoslovakia, and Poland. This constituted the “largest forced population transfer – and perhaps the greatest single movement of peoples – in human history”.⁷⁸ Although at least 500,000 of the so-called *Volksdeutsche* died from malnutrition, disease, and hypothermia after they were expelled from their homes to the ruins of Germany, UNRRA and subsequently the IRO were precluded from assisting or supporting solutions for them.⁷⁹ Indeed, the Allies saw the displacement not so much as a problem but as a solution enabling the stabilisation of post-war Europe; the politicised hierarchies of different groups of displaced persons meant that UNRRA and the IRO’s “care and maintenance” efforts and broader support for solutions, were directed towards other refugees and displaced persons (DPs) deemed worthy of help.⁸⁰

By the end of 1945, UNRRA supported the repatriation of an estimated 7 million displaced Europeans, a “solution” that was often achieved only under duress; as the fault lines of the Cold War solidified, repatriation was increasingly seen not so much as a solution but as a problem – both by UNRRA’s purported beneficiaries and by the United States as its main benefactor.⁸¹ Despite the United States’ growing reluctance to support returns to Soviet-controlled areas, UNRRA staff were highly assertive in promoting returns; for example, UNRRA staff encouraging repatriation to Poland embraced the view that through repatriation they could transform DPs from “useless mouths” to actors who could “play a full part as a citizen in the

75 S. Armstrong-Reid & D. Murray, *Armies of Peace: Canada and the UNRRA Years*, Toronto, University of Toronto Press, 2008.

76 Agreement for United Nations Relief and Rehabilitation Administration (UNRRA), 9 Nov. 1943.

77 *Ibid.*; Gatrell, *Making of the Modern Refugee*, 94–97.

78 R.M. Douglas, *Orderly and Humane: The Expulsion of the Germans after the Second World War*, New Haven, CT, Yale University Press, 2012, 1.

79 *Ibid.*, 78, 1.

80 J. Panagiotidis, “‘Not the Concern of the Organization?’ The IRO and the Overseas Resettlement of Ethnic Germans from Eastern Europe after World War II”, *Historical Social Research* 45(174), 2020, 173–202.

81 G. Cohen, *In War’s Wake: Europe’s Displaced Persons in the Postwar Order*, Oxford, Oxford University Press, 2011, 5.

reconstruction of his country”.⁸² Western observers became highly critical of UNRRA for “pandering to Soviet ambitions”, particularly regarding repatriation, and sounded the alarm that “in its efforts to clear the DP camps and repatriate nationals from Eastern Europe, often against their will, UNRRA had violated the principle of individual liberty and the right of asylum”.⁸³ Indeed, UNRRA’s approach to solving the continent’s displacement situation was shaped “less by a concern for the universal rights of individuals. . . than by ideas concerning the rights” and interests “of sovereign nations, particularly in matters of repatriation and reconstruction”.⁸⁴ Reflecting this proclivity, UNRRA staff presented repatriation to Poland, for example, as “not just economically necessary, but also fundamentally justified, because Polish citizens had a responsibility to take part in Polish reconstruction”,⁸⁵ with UNRRA publicly arguing that “[e]very Pole has not only a right, but also the duty to return to his country”.⁸⁶

Following initially rapid repatriations, return rates plummeted as those who remained displaced resisted going back to areas now under Soviet control. While UNRRA did not have a formal mandate to resettle refugees and displaced persons, it operated 800 resettlement camps across liberated Europe where residents were provided with food, shelter, and medical attention and from which they were ultimately resettled to Australia, the United States, Canada, and countries across South America. As a result, Cohen and others argue that the work of UNRRA and later the IRO inaugurated “the era of humanitarian ‘governmentality’”, with an abundance of statistics, reports, and censuses, as well as the enforcement of uniform nutritional, medical, and housing standards used to shape the heterogeneous ‘last million’ – that is, those displaced Europeans who remained in camps without clear avenues to resolve their predicament – “into a cohesive ‘refugee nation’”.⁸⁷ In other words, UNRRA and in turn the IRO took highly diverse displaced populations, in terms of nationality, family composition and socio-economic class, and made them into a categorical whole. By managing the perceived problem of the unruly heterogeneity of the refugee population in this way, the agencies rendered the “problem” amenable to resolution through standardised solutions in the form of repatriation or resettlement. UNRRA and subsequently the IRO’s focus on refugees’ welfare represented a considerable shift from the inter-war period in which international attention concentrated more so on employability and mobility,⁸⁸ and transferred institutional responsibility for the wellbeing of refugees and displaced persons from host states to international

82 J. Reinisch, “‘We Shall Rebuild Anew a Powerful Nation’: UNRRA, Internationalism and National Reconstruction in Poland”, *Journal of Contemporary History* 43(3), 2008, 469; UN, S-0527-1083-07, “London Meeting on Repatriation Problems”, 13–27 February 1946.

83 *Ibid.*, 453.

84 *Ibid.*, 475–476.

85 *Ibid.*, 466.

86 *Ibid.*; UN, S-0527-1084-02, UNRRA Poland Mission to UNRRA Central HQ, “Answers to DP Questions”, 12 November 1946.

87 Cohen, *In War’s Wake*, 62; S. Salvatici, “‘Fighters without Guns’: Humanitarianism and Military Action in the Aftermath of the Second World War”, *European Review of History* 25(6), 2018, 957–976.

88 UNRRA Preparatory Commission for IRO, File 2/3-11, 1944, UNHCR2, 1945–1948, UNHCR Archives, Geneva.

humanitarian organisations.⁸⁹ Solutions to refugees' immediate welfare needs and their longer-term predicament were often entwined, with the provision of welfare understood as a stepping-stone to resettlement, which soon emerged as western powers' preferred solution for those who remained displaced, despite rhetoric favouring repatriation pushed by the Soviet Union. Indeed, as the baton passed from UNRRA to IRO and the divides of the emerging Cold War hardened, solutions for refugees were increasingly cast in ideological terms, with the USSR's interest in large-scale repatriation overtaken by the more individualised, rights-based frame favoured by the western powers.

3.2.3. IRO: Beginning the turn to rights-based approaches to solutions

Panned by western critics as an “incompetent, corrupt and naïve” agency in the pocket of the USSR, UNRRA was not long for the world.⁹⁰ On US insistence and despite Soviet opposition, UNRRA's doors closed in 1947 and the IRO – established in 1946 as a temporary, specialised UN agency – came to the fore of international efforts to resolve post-WWII displacement, primarily through resettlement (working in conjunction with the ILO).⁹¹ In contrast to UNRRA, IRO's founding documents explicitly employ solutions discourse – although not the specific term “durable solutions” – and centre the resolution of displacement within the agency's remit. Indeed, more than any organisation before or since, the IRO was dedicated first and foremost to securing prescribed solutions for refugees, with some early refugee studies scholars presenting the IRO's efforts as evidence in support of the view that “international organizations themselves provide solutions to refugee problems”.⁹² A close reading of the IRO Constitution is therefore instructive. The Constitution reflects deep contestation over the preferability of repatriation versus resettlement as solutions for refugees, and went further than any prior international legal standard in explicitly connecting the protection of refugees' rights to the resolution of displacement. It also clearly connects humanitarian aid and paid work to the resolution of the “refugee problem”, and explicitly centres the IRO's own judgment in determining when solutions for refugees have been achieved. Many of these dynamics are evident in the Constitution's preamble, which recognises:

that as regards displaced persons, the main task to be performed is to encourage and assist in every way possible their early return to their country of origin;

89 Armstrong-Reid & Murray, *Armies of Peace*, 4.

90 Reinisch, “UNRRA, Internationalism and National Reconstruction”, 453.

91 The ILO served in tandem with the IRO to secure migration and employment opportunities for displaced people in Europe as well as in China, with productive work seen as a vital element of solutions and an antidote to the perceived “apathy” of those who remained reliant on humanitarian aid. Gatrell, *Making of the Modern Refugee*, 116.

92 Skran & Daughtry, “The Study of Refugees”, 27; J. Stoessinger, *The Refugee and the World Community*, Minneapolis, University of Minnesota Press, 1956. For more recent critiques of this notion, centring refugees' own involvement in this process, see e.g. Bradley, Milner & Peruniak (eds.) *Refugees' Roles in Resolving Displacement*.

that genuine refugees and displaced persons should be assisted by international action, either to return to their countries of nationality or former habitual residence, or to find new homes elsewhere [. . .]
 that re-settlement and re-establishment of refugees and displaced persons be contemplated only in cases indicated clearly in the Constitution; [and]
 that genuine refugees and displaced persons, until such time as their repatriation or resettlement and reestablishment is effectively completed, should be protected in their rights and legitimate interests, should receive care and assistance and, as far as possible, should be put to useful employment. . .

Per its Constitution, the IRO’s “main object” was to “bring about a rapid and positive solution of the problem of *bona fide* refugees and displaced persons, which shall be just and equitable to all concerned”.⁹³ Article 2.1 maps out the IRO’s functions, which include “the repatriation; the identification, registration and classification; the care and assistance; the legal and political protection; the transport; and the re-settlement and re-establishment, in countries able and willing to receive them, of persons who are the concern of the Organization under the provisions of Annex I”.⁹⁴ Annex I maps out a complex definition of refugees that was at once categorically specific (e.g. Jews, victims of fascism, and displaced, unaccompanied children) and broad (individuals forced to flee on account of race, religion, nationality, or public opinion), straddling group-based definitions of refugees prevalent under the League of Nations and expanded, individualised conceptions of refugees.⁹⁵ The IRO mandate also reflected shifts in understanding of the problems associated with displacement, and the resulting solutions. On Soviet insistence, and reflecting some of the tensions of the early Cold War, the IRO Constitution presented repatriation as the best possible solution.⁹⁶ However, western powers countered this by detailing in the Constitution and General Assembly Resolution A/45 (annexed to the IRO Constitution) the circumstances in which individual refugees may legitimately object to repatriation, including fear of persecution and political objections.⁹⁷

These provisions crystallise key ways in which the IRO’s conception of the refugee problem and its operational approach to solutions both built on and diverged from the approaches of previous international organisations. In particular, the IRO’s conception of the refugee problem reflected Allies’ concerns with the stabilisation of post-war Europe as well as the emerging divides of the Cold War. While refugees were still conceptualised in group terms, the IRO also integrated an individualised component to the definition of refugees; this informed practical decision-making on solutions, with individuals permitted (indeed encouraged) to object to repatriation as the *de facto* solution for them on the basis of their particular circumstances and convictions. The IRO thus played a pivotal role in cementing the notion that for

93 United Nations, Constitution of the International Refugee Organization, UNTS 18, 15 Dec. 1946 (entry into force: 20 Aug. 1948), Annex I, Art. 1(a).

94 *Ibid.*, Art. 2.1.

95 *Ibid.*, Annex I, Part I, Section A. The Constitution also defines displaced persons, who were typically able to seek out the same solutions as refugees; see IRO Constitution, Annex I, Part I, Section B.

96 *Ibid.*, Annex I, Art. 1(b).

97 *Ibid.*, Annex I, Part I, Section C.

repatriation to serve as a solution, it had to be voluntary; this was not simply a theoretical point, but a principle that definitively affected the focus of the IRO's operations on resettlement. While the IRO Convention does not explicitly frame the choice between repatriation and resettlement as a matter of individual rights, emerging concerns with individual rights and free choice tacitly underpinned the agency's approach to solutions, foreshadowing UNCHR's later framings of durable solutions.

The United States provided the vast majority of the IRO's funding and shaped its perspectives on the problem that refugees represented and the attendant solutions required. The Americans insisted that its work support broader efforts to rein in fascism and communism globally; this translated into the active promotion of resettlement over repatriation, with only some 73,000 refugees repatriating with IRO assistance.⁹⁸ As in the UNHCR Statute, the IRO Constitution attempted (however implausibly) to portray refugee assistance and the pursuit of solutions to refugees' displacement as a non-political undertaking.⁹⁹ However, the issue was inescapably politically charged, with concerns about communism distinctly shaping western states' assessments of the perceived preferability of different approaches to resolving the displacement of particular populations. In 1947, for instance, a sub-committee of the Committee on Foreign Affairs of the US House of Representatives declared

The issue of the displaced persons is the great moral issue of Europe. The police states have [...] according to their ideology concerning the complete control of the individual [...] insisted that every displaced person must return whence he came even though he is in legitimate fear of political or religious persecution or will suffer unbearable mental anguish when he goes there. The democratic nations have said that this is not in accord with their standards of morality in public policy and that where such legitimate fear exists they will treat the individual as a displaced person, look after him, and find him a new home. But it is not enough to have taken the right side of this moral issue. It is also essential to succeed.¹⁰⁰

IRO's relief and resettlement work reflected the notion that by addressing refugees' social welfare needs and facilitating resettlement opportunities, the superiority of liberal democracy could be demonstrated. Indeed, both UNRRA and the IRO closely coupled humanitarian aid and longer-term solutions for refugees: the problem refugees were seen to pose and consequent solutions were bound up with larger concerns about the health and well-being of states, and liberal democracies in particular. From this vantage point, the IRO emphasised "rehabilitation as preparation for resettlement and repatriation".¹⁰¹ Indeed, the IRO Constitution indicates that refugees "cease to be of concern to the organization" when "they are making no substantial effort towards earning their living when it is possible for them to do so, or when they

98 Chimni, "From Resettlement to Involuntary Repatriation", 57.

99 IRO Constitution, Annex I, Art. 1(g).

100 United States Congress, *Displaced Persons and the International Refugee Organization: Report of a Special Subcommittee of the Committee on Foreign Affairs*, Washington D.C., 1947, US Govt. Print. Off.

101 International Organization, "International Refugee Organization", *International Organization* 1(3), 1947, 527.

are exploiting the assistance of the Organization”.¹⁰² In this provision and others, the IRO decisively privileged its own assessments over those of refugees themselves in terms of reasonable expectations, and when solutions had been achieved such that individuals were no longer to be considered refugees. From the IRO’s perspective, solutions had been achieved and refugees were no longer to be considered as such when they had returned to their country, gained a new nationality or “When they have, in the determination of the Organization, become otherwise firmly established”.¹⁰³ Tempering the support for individual decision-making in relation to solutions discussed above, the IRO Constitution also indicates that refugees were no longer a concern to the agency if they had “unreasonably refused to accept the proposals of the Organization for their re-settlement or repatriation”.¹⁰⁴ In this sense, the IRO’s solutions work diverged from UNHCR’s early approach which, as we discuss below, initially involved a stronger focus on the principle of refugee choice.

Ultimately, the IRO resettled over a million refugees worldwide.¹⁰⁵ However, as the resettlement process proceeded, concerns emerged about the perceived quality and character of the remaining refugees and displaced persons, who came to be described as “hard core” or “residual” cases.¹⁰⁶ These cases involved people with mental or physical issues that made them appear undesirable to potential countries of resettlement.¹⁰⁷ The question of “hard core” cases would remain an issue beyond the life of the IRO and would become a focal point for activities during the United Nations’ World Refugee Year in 1959–1960. Proposed solutions rested on advocacy for their acceptance in resettlement countries, and locally integrating the last camp residents – a process in which UNHCR played a leading role, as discussed below.¹⁰⁸ Critically, for the purposes of our study, the language used by the IRO in this period (and taken up by one of its successors, the Intergovernmental Committee for European Migration) reflected heightened concerns about the unsettled refugees and other “surplus populations” who were seen as potentially destabilising to the fragile peace in Europe, concerns that mirrored some of the state-based discussions and imperatives to act in response to forced migration in the wake of the First World War through the League of Nations.¹⁰⁹ The idea of being a “hard core” case did not

102 IRO Constitution, Annex I, Part I, Section D(e).

103 *Ibid.*, Section D(c).

104 *Ibid.*, Section D(d).

105 International Organization, “International Refugee Organization”, *International Organization*, 5(4), 1951, 800.

106 A. Suhrke, “Burden-Sharing During Refugee Emergencies: The Logic of Collective Versus National Action”, *Journal of Refugee Studies*, 11(4), 1998, 396–415.

107 International Organization, “International Refugee Organization”, *International Organization*, 6(1), 1952, 126.

108 B. Taylor, “A Change of Heart? British Policies towards Tubercular Refugees during 1959 World Refugee Year”, *Twentieth Century British History*, 26(1), 2015, 97–121; J. Damousi, “World Refugee Year 1959–60: Humanitarian Rights in Postwar Australia”, *Australian Historical Studies*, 51(2), 2019, 211–227.

109 Gatrell, *Making of the Modern Refugee*, 109–110. On the ICEM’s role, see e.g. J. Élie, “The Historical Roots of Cooperation between the UN High Commissioner for Refugees and the International Organization for Migration”, *Global Governance* 16, 2010, 345–360; L. Venturas (ed.), *International “Migration Management” in the Early Cold War: The Intergovernmental Committee for European Migration*, Corinth: University of the Peloponnese, 2015.

emerge from refugees themselves, but rather was language developed by institutional actors to suggest the nature of the problem and the need for redoubled efforts to secure solutions.

Over its short existence, the IRO resettled scores of people and significantly shaped ideas about solutions to displacement as a concern straddling the interests of states, the needs of displaced groups and the rights of individuals. While some of the convictions and concerns motivating the IRO also informed international agencies concerned with solutions for Palestinian refugees, in the face of unyielding political obstacles debates on solutions for this new group of exiles failed to move from theory to practice.

3.2.4. UNCCP and UNRWA: Expanded but unrealised interpretations of solutions

Forced from their homes in the 1948 war following the UN-backed partition of Palestine and the creation of the state of Israel, the Palestinian refugee problem and solutions to it were the purview of the UN Mediator for Palestine, followed by the UN Conciliation Commission for Palestine (UNCCP), with the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) also implicated in debates on the issue despite having no mandate to promote (durable) solutions for the refugees. The ongoing failure to secure solutions to the Palestinians' displacement accentuates the fickleness of states' preferences regarding the resolution of displacement, and the entangled roles of international organisations in both advancing and undermining solutions for refugees. These agencies' involvement in framing – but never implementing – lasting solutions for Palestinian refugees have important similarities but also striking divergences with the approaches embraced by the League of Nations, UNRRA and the IRO. Although the UN mediator, the UNCCP and UNRWA did not employ the specific term “durable solutions”, debates in the late 1940s and 1950s on the Palestinian refugees were steeped in the discourse of problems and solutions, including the possibilities of repatriation, resettlement and local integration.¹¹⁰ However, given the absence of an independent Palestinian state, the solidification of Israel as a Jewish homeland to the exclusion of displaced Palestinians, and the mass usurpation of the refugees' property, solutions were also understood from an early stage to encompass national self-determination, and restitution or compensation for material losses.¹¹¹ Humanitarian relief and development aid were recognised as integral to solutions, but in this case – in contrast to the League's efforts in the inter-war years – there was little hope that workaround solutions would materialise if only refugees had access to temporary relief and labour migration opportunities. Instead, the search for solutions quickly calcified, with the ongoing conflict and Israel's intransigent position against returns undercutting the feasibility of other solutions.¹¹²

110 Since the 1990s, UNRWA has applied the specific discourse of durable solutions to the Palestinian refugees. Notably, in the Palestinian case the term “resettlement” is often used to denote what would, in other contexts, be referred to as local integration.

111 F. Albanese & L. Takkenberg, *Palestinian Refugees in International Law*, 2nd Edition, Oxford, Oxford University Press, 2020, 325–492.

112 *Ibid.*

UN agencies’ perspectives on the Palestinian refugee problem and solutions to it were first shaped by the work of the UN Mediator for Palestine, Swedish diplomat Count Folke Bernadotte. Bernadotte’s Progress Report, submitted to the UN just weeks before his assassination on 17 September 1948, conveyed views on solutions to the refugees’ displacement which have reverberated strongly over the last 73 years, including within Palestinian refugee communities. Bernadotte concertedly framed repatriation as a right and one of the “basic premises”¹¹³ for resolving the conflict, but also recognised that some refugees may choose not to return, writing: “[t]he right of innocent people, uprooted from their homes by the present terror and ravages of war, to return to their homes, should be affirmed and made effective, with assurance of adequate compensation for the property of those who may choose not to return”.¹¹⁴ The mediator stressed that the refugees’ physical relocation – whether through return or resettlement – would not in and of itself constitute a solution:

It must not be supposed, however, that the establishment of the right of refugees to return to their former homes provides a solution of the problem. The vast majority of the refugees may no longer have homes to return to and their resettlement in the State of Israel presents an economic and social problem of special complexity. Whether the refugees are resettled in the State of Israel or in one or other of the Arab States, a major question to be faced is that of placing them in an environment in which they can find employment and the means of livelihood. But in any case their unconditional right to make a free choice should be fully respected.¹¹⁵

Although Bernadotte was unsuccessful in his attempts to negotiate repatriation, through such interventions he influentially centred the right of return, refugee choice, the reparation of material losses, reconstruction, and restoration of livelihoods as integral to solving the refugees’ plight – ideas that continue to influence contemporary debates on the resolution of the Palestinian refugee situation, and the roles of international organisations.¹¹⁶ He was also keenly aware of the ways in which different refugee problems and solutions were entwined, with the resolution of the Jewish refugee crisis in Europe entangled with the Palestinians’ dispossession. Bernadotte argued that “It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes while Jewish immigrants flow into Palestine.”¹¹⁷

Following Bernadotte’s assassination, General Assembly Resolution 194(III) created the UNCCP (comprised of the United States, France and Turkey) and

113 United Nations Mediator on Palestine, *Progress Report submitted to the Secretary-General for Transmission to the Members of the United Nations in pursuance of paragraph 2, part II, of Resolution 186 (S-2) of the General Assembly of 14 May 1948, A/648, 1948, Part One, Section VIII, para. 3.*

114 *Ibid.*, para. 3(e).

115 *Ibid.*, Section V, para. 8.

116 On these dynamics, see e.g. R. Brynen & R. El-Rifai (eds.), *Palestinian Refugees: Challenges of Repatriation and Development*, London, I.B. Tauris, 2007; R. Brynen & R. El-Rifai (eds.), *The Palestinian Refugee Problem: The Search for a Resolution*, London: Pluto Press, 2013.

117 *Ibid.*, para. 6.

bestowed on it a mandate to facilitate the resolution of the conflict broadly *and* the Palestinian refugee situation specifically. Resolution 194 “Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation” to them, famously resolving

that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.¹¹⁸

Reaffirmed annually in the General Assembly, Resolution 194 consolidated Bernadotte’s focus on the right of return, individual choice, restitution, and compensation as integral elements of solutions. Faced however with Israel’s refusal to allow returns and restitution, the UNCCP, guided by the United States, shifted to urging local integration in Arab host states.¹¹⁹ At the same time, it amassed detailed records on Palestinians’ lost property to inform compensation efforts – efforts that never materialised as the “solutions acceptable to one party [were] perceived as existential threats by the other”.¹²⁰ Israel’s steadfast rejection of returns rendered other options such as local integration or resettlement to third states politically unfeasible, and unconscionable to many refugees.¹²¹ Given this impasse and the lack of state cooperation, the UNCCP became defunct by the mid-1960s. Parallel to UNCCP debates, some United States and Israeli officials also promoted large-scale population exchanges to end the refugee problem; the rejection of such proposals reflected the demise of the notion that officially orchestrated population exchanges such as those undertaken during the League of Nations era could serve as a legitimate solution for refugees.¹²²

With the UNCCP catatonic, no international organisation was formally charged with supporting solutions for the Palestinian refugees.¹²³ Established in December 1949, UNRWA was tasked to carry out “direct relief and works programmes” with a view to ensuring self-sufficiency among the refugees.¹²⁴ UNRWA had no protection

118 UN General Assembly Resolution 194 (III), 11 Dec. 1948, A/RES/194.

119 Albanese & Takkenberg, *Palestinian Refugees*, 360.

120 *Ibid.*, 456; M. Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab–Israeli Conflict*, New York, Columbia University Press, 2003.

121 Albanese & Takkenberg, *Palestinian Refugees*, 443; A. Irfan, “Rejecting Resettlement: The Case of the Palestinian Refugees”, *Forced Migration Review* 54, 2017, 68–71.

122 Mazower, *No Enchanted Palace*, 116–121.

123 D. Lilly, “UNRWA’s Protection Mandate: Closing the ‘Protection Gap’”, *International Journal of Refugee Law*, 30(3), 2018, 444–473; L. Takkenberg, “The Search for Durable Solutions for Palestinian Refugees: A Role for UNRWA?”, in E. Benvenisti et al. (eds.), *Israel and the Palestinian Refugees*, Berlin, Springer, 373–386.

124 UN General Assembly Resolution 302(IV), 8 December 1949, Establishing the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

mandate or formal role in resolving the refugee situation,¹²⁵ yet the agency did have some influence on framing and laying groundwork for solutions, and promoting stopgap options. Early UNRWA development programmes encouraged economic integration “without prejudice to paragraph 11 of resolution 194”, and in some host states the “‘routinization’ of UNRWA’s welfare activities” arguably “produced a de facto resettlement/rehabilitation/reintegration process”.¹²⁶ UNRWA Director General John Davis’ 1959 report highlights the agency’s role in enabling refugees’ self-sufficiency as a kind of makeshift, quasi-solution, and the barriers to alleviating such a multifaceted problem:

the execution of the “long-term task” of assisting refugees to become self-supporting requires certain conditions which so far have not prevailed. . . It is no exaggeration to state that every aspect of life and human endeavour in the Near East is conditioned and complicated by the Palestine refugee problem. Its psychological, political, and social repercussions are of no less significance than its economic and humanitarian aspects. Any solution of the Palestine refugee problem must take these aspects into account.¹²⁷

Many refugees viewed UNRWA’s services as entitlements reflecting “the international community’s recognition of their ‘right to return’”.¹²⁸ Education services in particular were depicted by early refugee leaders as integral to their struggle for solutions and respect for their collective rights. For example, in 1960, Zaki El Tamimi, Head of the Palestinian Arab Higher Committee Office in Syria, petitioned for sustained provision of UNRWA schooling, on the grounds that it “kindles enthusiasm in [Palestinian] hearts to return to their usurped homeland and liberate it from its usurpers”.¹²⁹ Yet the 1950s also saw significant refugee resistance to UNRWA’s interventions, with UNRWA figuring centrally in refugees’ own efforts to stave off undesired “solutions”. While relief and development initiatives undertaken by UNRWA and the IRO were generally seen as stepping stones towards the resolution of refugee situations, UNRWA’s attempts to improve living conditions were often viewed with suspicion as a backdoor to legitimising and entrenching their dispossession.¹³⁰ Many Palestinian refugees denounced UNRWA’s early involvement in small-scale resettlement efforts and integration initiatives as incompatible with their return aspirations. For example, Palestinian refugee students embarking on a hunger strike in advance

125 UNRWA’s remit has evolved over time; the agency argues that as of 1982 it has had a recognised protection mandate, although this remains a matter of some debate and does not encompass durable solutions. See e.g. Lilly, “UNRWA’s Protection Mandate”; S. Custer, “UNRWA: Protection and Assistance to Palestine Refugees”, in S. Akram et al. (eds.), *International Law and the Israeli-Palestinian Conflict: A Rights-Based Approach to Middle East Peace*, New York, Routledge, 2010, 45–68.

126 R. Bocco, “UNRWA and the Palestinian Refugees: A History within History”, *Refugee Survey Quarterly*, 28 (2–3), 2010, 247.

127 UNRWA, *Report of the Director, 1 July 1958–30 June 1959*, UNGA A/4213, 1959, para. 6.

128 L. Takkenberg, “UNRWA and the Palestinian Refugees after Sixty Years: Some Reflections”, *Refugee Survey Quarterly*, 28(2–3), 2010, 256.

129 A. Irfan, “Petitioning for Palestine: Refugee Appeals to International Authorities”, *Contemporary Levant*, 5(2), 2020, 86.

130 Takkenberg, “Some Reflections”, 256; Albanese & Takkenberg, *Palestinian Refugees*, 458–459.

of the 1955 General Assembly meetings demanded that UNRWA abandon its “resettlement projects” and accused the agency of having “given the world the impressions that you have come here for the relief of the refugees. . .when what you have actually come for is to complete the conspiracy, liquidate our problem and deprive us of the chance to return to our usurped paradise”.¹³¹

While deploring UNRWA’s part in undermining solutions to their suffering, displaced Palestinians also sought out recognition as refugees on UNRWA’s rolls, including to substantiate their claims for solutions. UNRWA utilised an operational definition of a Palestine refugee as a person “whose normal residence was Palestine for a minimum of two years preceding the outbreak of the conflict in 1948 and who, as a result of this conflict, has lost both his home and means of livelihood”; as the years passed and the conflict persisted, refugees’ descendants were added to the UNRWA register.¹³² UNRWA’s operational definition was never intended to capture all those who were displaced and had claims to solutions, particularly in the form of return, property restitution, and national self-determination. Nonetheless, diverse refugees actively sought recognition under this definition, with UNRWA registration cards becoming a symbol of and evidence for claims for return and redress.¹³³ Critically, acquiring citizenship in a host country – as many Palestinian refugees in Jordan did – did not necessarily entail removal from UNRWA’s rosters. This contrasts with the typical practice of, for example, the IRO and UNHCR, which have usually taken citizenship acquisition as an indication that a (durable) solution has been achieved and an individual is thus no longer a refugee.¹³⁴ Indeed, this practice has fueled critics’ charges that UNRWA artificially prolongs the Palestinian refugee situation. However, this position disregards the ways in which solutions to the Palestinian refugee situation have been envisioned since 1948 by refugees themselves, the Palestinian national leadership, and the UN agencies involved with them. Resisting the reduction of solutions to the cut-and-dry options of repatriation, local integration, and resettlement, these conceptualisations have centred on conflict resolution, individual choice, respect for the principle of the right of return, national self-determination, and reparation of material losses. No UN agency has the power to unlock the Palestinians’ protracted displacement, particularly as the conflict continues unabated.¹³⁵ And yet the conceptualisations advanced by UNCCP and UNRWA reflect important developments in notions of what it means to resolve displacement, spanning individual and collective perspectives. As in earlier cases we have discussed, such as efforts around Russian refugees under the League of Nations in the 1920s, this conception of solutions reflects a particular situation and population. Yet, over

131 I. Feldman, “The Challenge of Categories: UNRWA and the Definition of a ‘Palestine Refugee’”, *Journal of Refugee Studies*, 25(3), 2012, 401. On Palestinian refugees’ petitioning of UNRWA, including in relation to returns and their desire for “recognition within the nation-state system”, see A. Irfan, “Petitioning for Palestine: Refugee Appeals to International Authorities”, *Contemporary Levant*, 5(2), 2020, 79–96.

132 Feldman, “Challenge of Categories”, 388; UNRWA, *Annual Report of the Director*, 1954, A/2717.

133 Feldman, “Challenge of Categories”, 388, 400; Custer, “UNRWA: Protection and Assistance”; J. Al Hussein & R. Bocco, “The Status of the Palestinian Refugees in the Near East: The Right of Return and UNRWA in Perspective”, *Refugee Survey Quarterly*, 28 (2–3), 2010, 268.

134 Albanese & Takkenberg, *Palestinian Refugees*, 458.

135 Lilly, “UNRWA’s Protection Mandate”; Albanese & Takkenberg, *Palestinian Refugees*.

the years, elements of this distinctive solutions framework have “travelled” and been applied in some cases to refine the more generic and standardised solutions framework that emerged under UNHCR.¹³⁶

3.2.5. UNHCR: Standardising solutions

In its first decade, UNHCR played a pivotal role in consolidating the trinity of durable solutions for refugees, building on but also departing from the approaches taken by earlier international organisations. In keeping with its mandate to protect refugees, individually defined, UNHCR promoted a shift from efforts to resolve the “refugee problem” at the level of entire groups through designated avenues such as mass repatriation (per UNRRA) or resettlement (per the IRO) to a more individualised, rights-based, and protection-oriented approach centred on refugee choice and the restoration of effective citizenship as the lodestone for ending displacement. Legitimising local integration as a solution was a critical achievement of this early period. Histories of UNHCR’s early work often emphasise its initial focus on legal protection, followed by its moves into the provision of humanitarian aid in the global South in the late 1950s.¹³⁷ However, as we demonstrate, UNHCR’s work and discourse in the 1950s also involved a significant, strategic focus on advancing “permanent solutions” for refugees. UNHCR presented the achievement of permanent solutions as integral to refugee protection and respect for refugees’ rights. Yet promoting permanent solutions was also an essential element of the agency’s efforts to demonstrate its efficacy and secure state support for its continued operation beyond its temporally limited, legally focused mandate. These efforts recognised and attempted to respond to states’ desire to conclude costly aid efforts on behalf of refugees, and the perception that ending displacement, particularly in post-war Europe, was integral to security and stability.

Negotiated on the heels of major developments in international human rights law, including the 1948 Universal Declaration of Human Rights, the 1950 UNHCR Statute mandates the agency to protect refugees and seek “permanent solutions for the problem of refugees by assisting Governments. . . to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities”.¹³⁸ The Statute explicitly situates solutions as a matter of protecting refugees, indicating that the “High Commissioner shall provide for the protection of refugees” including by assisting voluntary repatriation and assimilation efforts; framing the resolution of refugee situations as a matter of protection was a significant conceptual shift reflecting the rising influence in this period of notions of individual rights.¹³⁹ Although the Statute refers to voluntary repatriation and assimilation as the two “permanent solutions”, assimilation was soon interpreted to include both resettlement and local integration. Indeed, by 1953, General Assembly resolutions referred to three possible

136 M. Dumper (ed.), *Palestinian Refugee Repatriation: Global Perspectives*, New York, Routledge, 2006.

137 See e.g. A. Hammerstad, *The Rise and Decline of a Global Security Actor: UNHCR, Refugee Protection and Security*, Oxford, Oxford University Press, 2014, 82; Holborn, *Refugees*; G. Loescher, *UNHCR and World Politics: A Perilous Path*, Oxford, Oxford University Press, 2001.

138 Statute of the Office of the United Nations High Commissioner for Refugees, A/RES/428(V), 14 December 1950, Ch. 1, para. 1.

139 *Ibid.*, para. 8.

solutions supported by UNHCR: voluntary repatriation, resettlement, and local integration.¹⁴⁰

Perhaps more than any other international organisation, the gulf between the UNHCR's mandate and its operational capacities in its early years of operation point to the need for further research on the idea of solutions in theory (or as mandated) and in practice. As UNHCR initially lacked operational capacities, it attempted to coordinate solutions efforts and partnered with private actors such as the Ford Foundation to offer tangible support for local integration efforts in Europe.¹⁴¹ UNHCR's involvement in resettlement following the 1956 Hungarian crisis and repatriation after the Algerian War of Independence further demonstrated the vital contributions it could make to supporting solutions beyond the narrow strictures of its mandate.¹⁴² In 1957, UNHCR received its first request for emergency aid in the global South, for Algerian refugees in Tunisia, setting the stage for UNHCR involvement in the return of some 181,000 refugees to Algeria in the early 1960s.¹⁴³ Resettlement was the dominant solution to displacement in the 1950s, yet "From the beginning of its aid operation for Algerian refugees, the UNHCR believed that repatriation, not resettlement, was the only feasible approach to the problem."¹⁴⁴ This operation thus challenged assumptions about the hierarchy of solutions, with a 1974 General Assembly resolution eventually signalling out voluntary repatriation as the preferred solution for refugees displaced in self-determination struggles.¹⁴⁵

Terminologically, during the negotiation of UNHCR's Statute and the 1951 Convention, the resolution of displacement was sometimes framed in terms of a "final solution" to refugee problems; given its evocation of the Holocaust this discourse was abandoned in favour of a focus on "permanent solutions".¹⁴⁶ In the 1960s, UNHCR gradually began a shift to the less definitive term "durable solutions", with the High Commissioner using the term publicly in 1967, and for the first time in an annual report to the General Assembly in 1968. UNHCR reports and speeches from throughout the 1950s reflected a strong concern with permanent solutions, especially resettlement and the legitimization of local integration, anchoring the later shift to the durable solutions frame. Every UNHCR annual report to the General Assembly in the 1950s addressed permanent solutions in detail, and the issue was tackled in more than 75 per cent of speeches delivered by High Commissioners Gerrit Jan van Heuven Goedhart (1950–1956) and Auguste Lindt (1956–1960).¹⁴⁷ Reflecting the importance of solutions to his office, van Heuven

140 UN General Assembly Resolution 728(III), 1953; UNGA resolution 925(X), 1955.

141 Loescher, *UNHCR and World Politics*, 62, 69–70. There is a dearth of historical work on local integration as a durable solution to displacement; this is an issue that merits further study.

142 Loescher, *UNHCR and World Politics*, 75.

143 *Ibid.*, 106–108.

144 *Ibid.*, 106.

145 *Ibid.*, 154.

146 G. van Heuven Goedhart, Statement to the Third Committee of the UN General Assembly, 13 Oct. 1953; Kraler, *Learning from the Past*, 9; Gatrell, *Making of the Modern Refugee*, 115.

147 See note 6 for details on the speeches analysed. When the UNHCR Executive Committee (ExCom) began issuing Conclusions in 1975, solutions were also addressed in many of these documents. While the Conclusions are outside the time frame of our analysis, it is noteworthy that the first ExCom Conclusion to address solutions was adopted in 1979 (No. 15); of the 114 ExCom Conclusions issued

Goedhart’s 1955 Nobel Peace Prize acceptance speech was entitled “Refugee Problems and their Solutions”. In this speech, the High Commissioner rejected the portrayal of refugees themselves as problems and instead presented the difficulty of securing solutions as the overriding problem facing refugees as resourceful, admirable survivors:

The refugee problem has nothing to do with charity. It is not the problem of people to be pitied but far more the problem of people to be admired. It is the problem of people who somewhere, somehow, sometime had the courage to give up the feeling of belonging, which they possessed, rather than abandon the human freedom which they valued more highly. It is the problem of rebuilding their existences. . . And the refugee can solve his problem only by striking new roots.¹⁴⁸

While the Nobel address recognised refugees’ own roles in carving out solutions, UNHCR more commonly portrayed its own interventions as decisive in resolving displacement, thereby upholding refugees’ rights and dignity. For example, in his 1952 General Assembly address van Heuven Goedhart argued that solving the refugee problem

would greatly contribute to the alleviation of existing tensions by restoring for hundreds of thousands of people the dignity of human life and their basic human rights [...] A solution of the refugee problem requires the co-operation in a co-ordinated manner between the countries of first and second asylum and those of resettlement. For the achievement of their co-operation the United Nations are the only appropriate machinery.¹⁴⁹

UNHCR’s approach to solutions was strongly influenced by the individualised definitions of a refugee in its Statute and the 1951 Refugee Convention, and by its mandate to protect refugees’ rights. The 1951 Convention *travaux préparatoires* highlight the differences between earlier approaches to resolving refugee situations and the new orientation of the budding regime, indicating that the “Constitution of the IRO had not attempted to solve the problem on a strictly legal basis, it had been drafted on humanitarian grounds and in an attempt to solve the problem either by repatriation or resettlement”.¹⁵⁰ In contrast, UNHCR aimed for a more holistic, protection-oriented approach where individual choice or freedoms also needed to be considered. In adopting this approach, UNHCR attempted to navigate several tensions, particularly the fact that while the agency was mandated to protect individual refugees, including through securing solutions, neither general international law nor

from 1975 to 2017, 40 refer explicitly to durable solutions (35 per cent); a total of 40 per cent address the resolution of displacement.

148 G. van Heuven Goedhart, “Refugee Problems and their Solutions”, Nobel Peace Prize Address, Oslo, 12 Dec. 1955.

149 van Heuven Goedhart, Statement at the 1953 Third Committee. See also, e.g. G. van Heuven Goedhart, Statement to the Third Committee of the UN General Assembly, 2 Jan. 1952.

150 Weis, *Travaux Préparatoires*.

the UNHCR Statute specifically recognised refugees' right to a solution to their predicament (beyond voluntary repatriation), much less choice between different options such as resettlement and local integration. Against this backdrop, UNHCR positioned permanent solutions as a foundation for the long-term achievement of respect for the rights of refugees as human beings, and refugee choice in the search for solutions as a requirement stemming from principles of respect for individual autonomy underpinning emerging human rights norms.¹⁵¹ An early articulation of this approach, the High Commissioner's 1951 report to the General Assembly indicated:

... it is my duty to seek permanent solutions by promoting the assimilation of refugees within their new national communities. No permanent solutions can be reached if we are prepared only to face part of the problems of refugees. We must face their problems as a whole. I believe that the method and the energy with which the United Nations tackles the problem of refugees is of vital concern in the eyes of the world to its whole programme of human rights. This programme is inspired by the desire to protect the individual. . . [in particular] those persons who are deprived of the most fundamental of all protections, the protection of their countries of nationality namely the refugees.¹⁵²

In centring individual rights protection, this report reflected UNHCR's emerging, legally inflected focus on (re)positioning individual refugees as citizens as the *sin qua non* for permanent solutions – a position that meshed with the simultaneous expansion of international human rights law.¹⁵³ Van Heuven Goedhart put the matter bluntly: “Refugee-status comes to an end through the acquisition of citizenship of another country. As long as that process has not been completed, the refugee, even if well on his way to firm establishment in a country of immigration, may run into difficulties arising from his defective legal status”.¹⁵⁴ This approach diverged from earlier attempts to deliver predetermined solutions to entire groups, and entailed a strong focus on enabling individual refugees to choose whether to return, locally integrate or resettle. While the IRO and the UNCCP also posited a choice between solutions, this was somewhat theoretical as the IRO focused almost exclusively on resettlement, and the UNCCP made no headway in unlocking any solutions for Palestinian refugees. In contrast, refugee choice was a more discursively and operationally influential principle in UNHCR's early work. UNHCR regularly insisted that it was bound by its mandate to “promote permanent solutions for non-settled refugees, giving them the choice between voluntary repatriation, resettlement in other countries whenever possible, or integration in their countries of residence”.¹⁵⁵

151 Harley, “Refugee Participation Revisited”.

152 UNHCR, Refugees and Stateless Persons and Problems of Assistance to Refugees: Report of the United Nations High Commissioner for Refugees for 1951, A/2011.

153 On the emergence of the post-World War II rights regime and the entrenchment of the protection and rights in national citizenship, see M. Siegelberg, *Statelessness: A Modern History*, Cambridge, Harvard University Press, 2019.

154 van Heuven Goedhart, “Refugee Problems and their Solutions”.

155 UNHCR, Report to the General Assembly of the UNHCR for 1958, A/3828/Rev.1.

To be sure, practical and political difficulties narrowed the range of choices available in different situations, and from its early days UNHCR envisioned certain solutions as most appropriate for particular refugee populations. For example, voluntary repatriation was assumed to be the most appropriate solution for Algerian refugees from Tunisia; there was little for western states to gain, politically, from resettling these refugees, and there seems to have been little effort on the part of UNHCR to make resettlement or local intergration viable choices for large numbers of Algerian refugees. But this did not, according to the High Commissioner, “affect the principle which is that it is the refugee himself who has to decide”.¹⁵⁶ This contrasts strikingly with the contemporary view that refugees do not have an explicit right under international law to a durable solution, much less choice between different avenues, with the exception of voluntary repatriation (the upshot of the right to return to the one’s country under international human rights law).¹⁵⁷ While UNHCR no longer advocates so forcefully for choice between solutions (instead supplicating states to enable any solutions at all), in the 1950s this was seen as integral to refugees’ rights and autonomy, and UNHCR’s ability to effectively support the achievement of solutions for them – which in turn underpinned its efforts to transform into an operational entity viable over the long term. As van Heuven Goedhart declared, “Freedom of decision is the inalienable right of the refugee himself. It is his wish that counts, and the United Nations, within the limits of the Statute, try to fulfill that wish, no matter what it is – repatriation, resettlement or integration”.¹⁵⁸ Lindt echoed this sentiment, arguing, “One of the functions of protection is to ensure the widest possible freedom of choice for refugees. They should be able to choose their permanent solutions. . . .”¹⁵⁹

The principle of refugee choice troubled hierarchical orderings of the three classical durable solutions: if refugee choice was paramount, there could be no objectively preferable solution. Yet UNHCR was also conscious of the proclivities of its state taskmasters, who had distinct views on the desirability of particular solutions.¹⁶⁰ In particular, in this period the United States favoured the resettlement of refugees from communist states, while the USSR continued to support repatriation. This prompted UNHCR to engage in a delicate dance whereby it first insisted that “there is no one solution to the refugee problem”¹⁶¹ and that the three avenues were equally valid. Encapsulating this line of reasoning, van Heuven Goedhart contended,

Clearly the problems of a quarter of a million uprooted people cannot possibly be solved by one method alone. On the contrary, the richer the choice of method the greater the chance of finally reaching a solution for all concerned.

156 van Heuven Goedhart, Statement to the Third Committee of the United Nations General Assembly, 4 Oct. 1955. See also Harley, “Refugee Participation Revisited”, 76.

157 McAdam & Goodwin-Gill, *Refugee in International Law*, 489–490.

158 van Heuven Goedhart, “Refugee Problems and their Solutions”.

159 A. Lindt, Statement to the Third Committee of the United Nations General Assembly, 4 Nov. 1957. See also A. Lindt, Statement to ECOSOC, 22 July 1958.

160 Chimni, “From Resettlement to Involuntary Repatriation”; Chimni, “The Meaning of Words”.

161 UNHCR, Report to the General Assembly of the United Nations High Commissioner for Refugees for 1953, A/2394.

We, in our Office, are equally in favour of all existing methods for the solution of refugee problems. . . .¹⁶²

High Commissioner van Heuven Goedhart then acknowledged powerful member states' preferences, dismissing solutions such as voluntary repatriation as "no longer of great importance" or, contrarily, as the ideal solution, depending on the context.¹⁶³ Taking a cue from the earlier efforts of organisations such as UNRRA and the IRO, UNHCR positioned its emergency relief work as a bridge to solutions, and promoted "swift and complete" permanent solutions for refugees as logical and cost-effective.¹⁶⁴ In recognising the growing barriers to voluntary repatriation and resettlement and the need to execute on its solutions mandate to justify its continued existence, UNHCR concertededly transformed local integration into a fully-fledged third option for solving displacement, which it presented as critical to a protection-oriented approach to permanent solutions. UNHCR presented local integration as an essential avenue for refugees who were not seen as desirable resettlement candidates (notwithstanding its advocacy of refugee choice) in light of dwindling openings, strict admissions requirements, and factors such as race, age, disabilities, or illness.¹⁶⁵ (Lack of access to resettlement on the basis of such factors of course hindered refugees' choices in the resolution of displacement – a contradiction UNHCR was not able to resolve, but attempted to mitigate by making local integration a viable option.) UNHCR's interest per its protection mandate in identifying and tempering vulnerabilities was particularly apparent in this work, with van Heuven Goedhart criticising the IRO's earlier, less explicitly protection-focused approach for leaving so many by the wayside and denying the systemic, permanent nature of the problem:

It is a pity, I feel, that the IRO too readily gave the impression that it was going to solve the problem once and for all; it is a pity also that it allowed the idea to grow up that there was really only one solution to the refugee problem, namely, emigration of the refugees to other countries overseas. Both these notions are historically fallacious [. . .] my faith in emigration as a solution to the refugee problem is subject to a proviso, namely that the countries of emigration do not regard the problem exclusively from the 'manpower' angle but are prepared to allow the human factor its place; in other words that the family unity is not disregarded, any more than the rights of the elderly, the sick and the incapacitated.¹⁶⁶

162 van Heuven Goedhart, "Refugee Problems and their Solutions".

163 *Ibid.*

164 A. Lindt, Address to Ambassadors' Dinner of the U.S. World Trade Fair, New York, 6 May 1956.

165 UNHCR, Report to the General Assembly for 1954, A/2648. See also van Heuven Goedhart, "Refugee Problems and their Solutions"; and van Heuven Goedhart, Statement to the 1955 General Assembly Third Committee.

166 van Heuven Goedhart, Speech to meeting of Swiss Aid to Europe, Berne, 19 Feb. 1953. See also van Heuven Goedhart, "Refugee Problems and their Solutions".

As these comments imply, UNHCR’s conception of solutions entailed not only homing in on refugees’ rights and re-establishing state-citizen links in pursuit of the trinity of orthodox solutions, it also involved rethinking earlier solutions like labour migration, and *ruling out* solutions deemed incongruous with rights-based approaches, such as compulsory population transfers.¹⁶⁷ Indeed, van Heuven Goedhart actively questioned labour migration as a route to resolving displacement, although this had been a primary solution for refugees under the League of Nations and early ILO efforts, arguing that

it is dangerous and untrue to say that migration is the solution to the refugee problem. It certainly has contributed to such a solution, but it would only be a complete solution if it were true that the governments of the countries of admission would be ready to admit any refugee, not only the able bodied refugee who can do a good job, but also that tubercular patient, the old refugee who has done his share of work, the old grandmother.¹⁶⁸

Over its first ten years, UNHCR consolidated a particular vision of solutions to the “refugee problem” – a vision strapped to its protection mandate and the now “axiomatic” trinity of voluntary repatriation, local integration, and resettlement.¹⁶⁹ This entailed a shift from time, place and group-based notions of solutions to a focus – rhetorically, if not always in practice – on individual refugees, and their rights, choices and citizenship status; a shift that would become obvious in the wake of the 1956 Hungarian Revolution and the UNHCR’s response to appeals for assistance for Algerian refugees in Tunisia in 1957 and 1958. This approach reflected post-war legal developments and re-diagnoses of the refugee problem, moving away from pre-occupations with congruence between minority groups, nations and states towards ideas of refugees as vulnerable individuals in need of protection – a need that, in UNHCR’s view, could only be met in the long term by securing effective citizenship for refugees. This approach also reflected the recognition that refugee problems would endure, necessitating a more institutionalised, systematically applicable imagining of solutions. This conceptualisation resonated with UNHCR’s assessment of what refugees needed and wanted – a process in which refugees typically had little direct say, notwithstanding its promotion of refugee choice. The emerging solutions framework also resonated with UNHCR’s own institutional self-interest. UNHCR characterised resolving displacement as a normative undertaking, and positioned itself as the leading moral authority on the issue. At the same time, by accruing operational experience supporting not one but three routes to resolving displacement in different parts of the world, UNHCR proved itself flexible, responsive and useful, helping to secure its longevity, becoming a core part of the very solutions framework it advanced.

167 Long, “When Refugees Stopped Being Migrants”; UNHCR, Report to the General Assembly for 1952, A/2126; Skran & Daughtry, “The Study of Refugees”, 26.

168 van Heuven Goedhart, Statement to the 1952 General Assembly Third Committee.

169 Skran & Daughtry, “The Study of Refugees”, 25.

4. CONCLUSIONS

Although the specific discourse of durable solutions only emerged in the late 1960s through the work of UNHCR, the concept has deeper roots, tied to varying diagnoses of the “refugee problem” and cannot be fully understood without considering how UNHCR has built on the legacy of earlier international organisations’ (often failed) efforts to enable solutions for refugees, typically understood in time, place, and group-bound terms. Beginning in the inter-war era, a range of international organisations wrestled with the “problem of refugees”. The various solutions they envisaged, from the provision of passports to enable labour migration to welfare relief, helped lay the foundations for the emergence of the contemporary concept of durable solutions. While the creation of a stronger system of asylum rights under the 1951 Convention was seen as a critical solution to the problem of refugee protection after the Second World War, asylum was not intended to be a permanent fix, and the challenge of longer-term solutions that addressed root causes, liminal legal statuses and eventually “protracted” refugee situations would continue to loom large. Conceptions of lasting solutions for refugees have shifted according to socio-economic and geopolitical interests, and have historically been more diverse and less coordinated than the “canonisation” of the statist trio of voluntary repatriation, local integration, and resettlement suggests.¹⁷⁰

Early efforts at the League of Nations through to the end of the Second World War, with the work of UNRRA and IRO, reflected the perception that refugee movements were a temporary problem and that solutions could be specifically targeted to the particular dynamics of the displaced population at hand; this view also shaped the United Nations’ framing of solutions to the exodus of the Palestinian refugees. As much as international organisations recognised that refugee flows were bound up with larger issues of post-imperial citizenship and mobility, the manner in which problems were identified and solutions proposed rested on refugees being a manageable and isolated problem. Only in the latter half of the twentieth century were refugees recognised as an enduring concern, requiring a more general solutions framework that could be applied in different situations and pursued for individual refugees rather than on behalf of entire groups, as a dimension of refugee protection and not only of geopolitics.

The trajectory we have mapped is a story of both continuity and change, and should not be mistaken for a narrative of straight-forward progress. From 1921 to 1960, the underpinnings of international organisations’ solutions frameworks become both more statist and more overtly normative, tied to notions of individual rights, choice and the (re)establishment of refugees as fully fledged citizens, which in turn revealed a different set of problems and limitations in terms of reconciling divergent views and preferences regarding the resolution of displacement amongst refugees, humanitarians, and state actors. Yet in more recent decades, efforts to achieve solutions – influenced by approaches developed in this earlier era – have stagnated, prompting re-interrogation of the solutions trinity and attempts to devise new means of resolving displacement. In some ways this represents a return to the past, when international organisations promoted more diverse, context-specific means of ending

refugee situations but combined with the post-war ideas about refugee rights and choice.¹⁷¹

While an extensive body of historical scholarship has probed refugee categories and definitions, less work has examined related socio-legal and bureaucratic concepts such as “solutions” and the interplay between refugee labels and the solutions construct. In offering such an analysis, this work underscores that the tripartite framework, and the very concept of “solutions” to displacement, are tools deployed by states and international organisations to govern refugees, just like the more extensively discussed notion of the refugee label. The solutions frameworks devised and promoted by international organisations provide discrete, controlled, state-bound frames for reckoning with the resolution of displacement, advancing the interests of western powers in particular while sidelining other, more radical possibilities.¹⁷² While international organisations are not automatic servants of states, they often reflect states’ ideas and preferences regarding solutions to displacement, and can inadvertently deflect responsibility from states for the resolution of the refugee crises they create. Bearing this in mind, it becomes clear that conceptions of “solutions” for refugees are not simply benign. The protection-oriented, tripartite approach that was gradually consolidated as UNHCR continued its work is in many ways normatively compelling, in theory centring the rights and wellbeing of refugees as individuals, rather than only the interests of states. Yet it is also deceptive: it gives the impression of the existence of a robust toolkit to solve refugees’ dilemmas, but in reality the options postulated in the framework are rarely offered – especially as the epicentre of refugee movements has shifted from Europe to the global South. Indeed, rights-based approaches are not a sure-fire “solution to the problem of solutions” for refugees, in that displacements such as the exodus of the Palestinian refugees bring to the fore the ensnared nature of problems and solutions to forced migration, and the profusion of competing rights claims in many displacement contexts. That efforts to resolve some refugee situations fuel others points, in Ballinger’s words, to the deeply “entangled histories” of refugee movements.¹⁷³

Although some displaced groups, such as the Palestinian refugees, have actively embraced elements of the solutions frameworks developed by international organisations and deployed them in their own struggles for solutions to their dispossession, these frameworks primarily reflect “the refugee administrator’s views” rather than those of refugees themselves.¹⁷⁴ This analysis is motivated in part by concerns about limited opportunities for refugees themselves to imagine, and implement, solutions as they see fit. Although recent efforts such as the Global Refugee Forum have given unprecedented space to refugees in discussions of potential solutions, including the traditional durable solutions, the structures within which refugee policies and strategies are devised continue to posit refugees as a problem (variously defined) and

171 On this point, see also Kraller et al., *Learning from the Past*.

172 See e.g. R. Cohen & N. Van Hear, *Refugia: Radical Solutions to Mass Displacement*, New York, Routledge, 2019.

173 P. Ballinger, “Entangled or ‘Extruded’ Histories? Displacement, National Refugees, and Repatriation after the Second World War”, *Journal of Refugee Studies*, 25(3), 2012, 366–386.

174 E. Kunz, “Kinetic Models of Refugee Flight”, *International Migration Review*, 7(2), 1973, 128; Skran & Daughtry, “The Study of Refugees”, 25.

give precedence to the views and priorities of states and international institutions. Refugees themselves have often pointed out that while they *have* problems, they themselves are not *the* problem. Rather, the problem is the persistence of “root causes” fuelling displacement, inadequate support for the resolution of their predicament, and the possibility that officially promoted solutions – such as repatriation under UNRRA – may themselves be a source of problems and profound risks for refugees pushed to accept them.

We do not purport to tell the full story of international organisations’ attempts to define and resolve the “refugee problem”, but hope that this work may serve as a jumping-off point for further historical explorations of the search for solutions to displacement, including in the context of decolonisation processes and through the work of regional organisations such as the Organisation of African Unity. The contested perspectives forwarded by international organisations are only one part of the puzzle. Ultimately, understanding this issue requires bringing the institutional perspectives detailed here into conversation with the efforts and views of a much wider range of actors including, most vitally, refugees themselves.