# TABLE OF CONTENTS

## Acknowledgements

**xv**

## Introduction:

**GENERAL DESCRIPTION OF THE PROBLEM OF THE DETERMINATION OF GROUP REFUGEE STATUS AND ITS CURRENT RELEVANCE**

1

## Part I


### Chapter I: The Refugee Concept as Applied in Group Situations Prior to World War II in the Practice of the League of Nations

11

(a) Introduction

11

(b) Russian refugees

12

(c) Armenian refugees

13

(d) “Analogous” refugee groups

15

(e) Refugees from the Saar

18

(f) Refugees from Germany

19

(g) The Evian Conference (July 1938)

21

(h) Evaluation of the practice of the League of Nations in regard to refugee groups

21

(1) Determination of group refugee character

22

(2) Determination of individual refugee character

22

(i) General conclusion regarding the refugee concept as perceived during the League of Nations period

25

### Chapter II: The Application of the Refugee Concept in Group Situations Under the Constitution of the International Refugee Organization (IRO) (1947-1951)

26

(a) Introduction

26
### Table of Contents

(b) Proposals for broad definitions for inclusion in the IRO Constitution 27
(c) Identification of refugee categories 30
(d) “Valid objections”: Definition 33
(e) Application of the notion of “persecution” or “fear of persecution” as a valid objection in the practice of the IRO 35
   (i) Persecution or fear of persecution 35
   (ii) Objections of a political nature 36
(f) Conclusions regarding the refugee concept as applied in the practice of the IRO 37

Chapter III. DEVELOPMENT OF THE REFUGEE DEFINITIONS IN THE 1950 UNHCR STATUTE AND IN THE 1951 REFUGEE CONVENTION 40
(a) Introduction 40
(b) General Assembly Fourth Session (1949) 41
(c) The Ad Hoc Committee on Statelessness and Related Problems (January-February 1950) 47
   (i) Introduction 47
   (ii) Refugees and Stateless Persons 48
   (iii) Statements in favour of a liberal approach to the refugee definition 49
   (iv) Definitions by categories versus general definitions 51
   (v) Draft definition adopted by the Ad Hoc Committee 56
(d) 11th Session of the Economic and Social Council – August 1950 58
   (i) Introduction 58
   (ii) The Refugee Convention 58
   (iii) The UNHCR Statute 63
(e) General Assembly Fifth Session (1950) 67
   (i) Introduction 67
   (ii) The UNHCR Statute 67
   (iii) The Refugee Convention 69
   (iv) Conclusion 70
(f) The Conference of Plenipotentiaries, July 1951 70
   (i) Introduction: “categories” and general definitions 70
   (ii) Possibility of introducing a geographical limitation to refugees of European origin 73
   (iii) Significance of Recommendation E of the Final Act of the Conference 73
   (iv) Indications in the work of the Conference as to the meaning of the term “persecution” 76

Chapter IV CONCLUSIONS REGARDING THE DEVELOPMENT OF THE REFUGEE CONCEPT 1921-1951 78
PART II
FROM THE ADOPTION OF THE 1950 UNHCR STATUTE AND THE 1951 UNITED NATIONS REFUGEE CONVENTION TO 1975

Chapter V: APPLICATION OF THE REFUGEE CONCEPT IN VARIOUS GROUP SITUATIONS IN THE PERIOD 1951-1961 85
(a) Introduction 85
(b) Group of Experts on the UNHCR Statute – 1959-1960 87
(c) The Good Offices Concept 90
(1) Introduction 90
(2) The “good offices” concept first phase: refugees “not within the competence of the United Nations” 90
(i) Chinese refugees in Hong Kong 90
(ii) General Assembly resolutions concerning refugees “not within the competence of the United Nations” 94
(3) The “good offices” concept second phase: prima facie determination of group refugee character 103
(4) Conclusions regarding the development and application of the “good offices” concept 111
(d) Groups of refugees dealt with in the period 1951-1961 on the basis of specific United Nations General Assembly resolutions 111
(1) Hungarian refugees 112
(2) Algerian refugees in Morocco and Tunisia 120
(i) Brief historical survey of the relief operation 120
(ii) Resolutions adopted by the United Nations General Assembly on behalf of this group 121
(iii) Refugee character of the group 122
(iv) Discussions in the Third Committee of the General Assembly 126
(aa) Discussions in the Third Committee at the Thirteenth Session leading to the adoption of Resolution 1286 (xiii) of 5 December 1958 126
(bb) Discussions in the Third Committee at the Fourteenth Session leading to the adoption of Resolution 1389 (xiv) of 20 November 1959. 132
(cc) Discussions in the Third Committee at the Fifteenth Session leading to the adoption of Resolution 1500 (xv) of 5 December 1960 133
(dd) Discussions in the Third Committee at the Sixteenth Session leading to the adoption of Resolution 1672 (xv) of 18 December 1960. 138
(v) Conclusion: Was the assistance to Algerian refugees in Tunisia and Morocco a “good offices” operation? 140
Chapter VI: APPLICATION OF THE REFUGEE CONCEPT IN GROUP SITUATIONS IN THE PERIOD 1961-1975

A. Introduction 143

B. Refugee groups in Africa
   (1) Refugees from Angola 144
   (2) Refugees from Ghana in Togo 148
   (3) Refugees from Rwanda 150
   (4) Refugees from Portuguese Guinea 152
   (5) Refugees from Mozambique 154
   (6) Refugees from Sudan 158
   (7) Refugees from the Democratic Republic of the Congo (later Zaire) 160
   (8) Refugees from Burundi 164
   (9) Refugees from Ethiopia in Sudan 167
   (10) Refugees from Chad in the Central African Republic 171
   (11) Refugee groups from Southern Africa
        (i) Refugees from Namibia 173
        (ii) Refugees from South Africa 175
   (12) Conclusion regarding the application of the refugee concept in various refugee groups in Africa in the period 1961-1975 176

C. The “extended” refugee definition in the 1969 OAU Convention relating to the specific aspects of refugee problems in Africa 177
   (1) Introduction 177
   (2) Historical development of the “extended” OAU refugee definition 180
   (3) Conclusion 191
   (4) Incorporation of the “extended” OAU refugee definition in the national legislation of Member States 194
        (i) Introduction 194
        (ii) Angola 196
        (iii) Benin (formerly Dahomey) 196
        (iv) Burkina Faso 198
        (v) Burundi 198
        (vi) Central African Republic 200
        (vii) Congo (Republic of) (Brazzaville) 201
        (viii) Gabon 201
        (ix) Ghana 202
        (x) Lesotho 202
        (xi) Liberia 203
        (xii) Malawi 203
        (xiii) Mozambique 205
        (xiv) Nigeria 205
        (xv) Rwanda 205
        (xvi) Senegal 206
Table of Contents

(xvii) Somalia 207
(xviii) Sudan 207
(xix) Zimbabwe 209
(xx) Conclusion 210

D. Refugee Groups in Asia 210
   (1) Chinese refugees in Hong Kong 210
   (2) Chinese refugees in Macao 211
   (3) Refugees from Tibet in Nepal and India 213
   (4) Refugees from East Bengal in India 215
   (5) Refugees in South East Asia 220
      (a) Refugees in Cambodia 220
      (b) Refugees in Vietnam 222
      (c) Refugees from Burma in Laos 225
   (6) Conclusions regarding the application of the refugee concept to various refugee groups in Asia 1961-1965 227

Chapter VII: "SPECIAL OPERATIONS" AND DEVELOPMENT OF THE "EXTERNALLY DISPLACED PERSONS" CONCEPT IN THE PERIOD UP TO 1975 229

Chapter VIII: CONCLUSIONS REGARDING THE DEVELOPMENT OF THE REFUGEE CONCEPT IN GROUP REFUGEE SITUATIONS IN THE PERIOD 1951-1975 236

PART III
FROM 1975 TO THE INTRODUCTION OF MORE RESTRICTIVE INTERPRETATIONS OF THE REFUGEE NOTION AS FROM 1985

Chapter IX: APPLICATION OF THE REFUGEE CONCEPT IN VARIOUS GROUP SITUATIONS IN THE PERIOD 1975-1985 243

A. Refugee Groups in Africa 243
   (1) Refugees from Sudan in Ethiopia 243
   (2) Refugees from Ethiopia in Sudan 249
      (a) Introduction 249
      (b) Eritreans 249
      (c) Non-Eritreans 252
      (d) Drought victims 253
   (3) Refugees from Ethiopia in Djibouti 260
   (4) Refugees from Ethiopia in Somalia 266
   (5) Refugees from Zaire in Angola 271
   (6) Refugees from Angola 273
      (a) Refugees from Angola prior to independence: Cessation of refugee status 273
      (b) Refugees from Angola in Zaire 275
(c) Refugees from Angola in Zambia 277
(d) Refugees from Angola in Botswana 279
(e) Refugees from Angola in Namibia 280
(f) Conclusion 281

(7) Refugees from Chad 281
(a) Introduction 281
(b) Refugees from Chad in the Central African Republic 283
(c) Refugees from Chad in the Sudan 286
(d) Refugees from Chad in Cameroon 288
(e) Refugees from Chad in Nigeria 289
(f) Conclusion 290

(8) Refugees from Uganda 291
(a) Introduction 291
(b) Refugees from Uganda in Kenya 292
(c) Refugees from Uganda in Sudan 294
(d) Refugees from Uganda in Zaire 297
(e) Conclusion 299

(9) Refugees from Southern Rhodesia (Zimbabwe) 299

(10) Refugees from Southern Africa 302
(a) Refugees from South Africa 302
(b) Refugees from Namibia 308

(11) Conclusions regarding the application of the refugee concept to various groups of refugees in Africa, 1975-1985 311

B. Refugee Groups in Asia 313
(1) Refugees from Burma in Bangla Desh 313
(2) Refugees from countries in South-East Asia 316
(a) Introduction 316
(b) Refugees from Laos in Thailand 325
(c) Refugees from Cambodia in Thailand 331
(d) Refugees from Vietnam in various countries in South East Asia 338
(i) Introduction 338
(ii) Hong Kong 340
(iii) Singapore 340
(iv) Malaysia 341
(v) Philippines 342
(vi) Thailand 343
(e) Conclusions regarding the characterisation of refugee groups in Asia, 1975-1985 345

C. Refugee Groups in Central America 347
(1) Introduction 347
(2) Refugees from El Salvador 347
(a) Introduction 347
(b) Refugees from El Salvador in Honduras 349
(c) Refugees from El Salvador in Costa Rica 354
(d) Refugees from El Salvador in Belize 356
(e) Refugees from El Salvador in Nicaragua 357
(f) Refugees from El Salvador in Panama 358
(g) Refugees from El Salvador in Mexico 359
(h) Conclusion 361

(3) Refugees from Guatemala 362
(a) Introduction 362
(b) Refugees from Guatemala in Mexico 363
(c) Refugees from Guatemala in Honduras 369
(d) Refugees from Guatemala in Nicaragua 371
(e) Conclusion 373

(4) Refugees from Nicaragua 373
(a) Refugees who left Nicaragua due to the outbreak of violence leading to the overthrow of the Somoza regime 373
   (i) Introduction 373
   (ii) Honduras and Costa Rica 374
   (iii) Panama 376
(b) Refugees who left Nicaragua after the fall of the Somoza regime 377
   (i) Supporters of the former (Somoza) regime 377
      (aa) Honduras 377
      (bb) Costa Rica, Guatemala and El Salvador 380
      (cc) Conclusion 380
   (ii) Persons other than supporters of the former (Somoza) regime 380
      (aa) Ladino refugees 381
         – Honduras 381
         – Costa Rica 385
         – Conclusion 388
      (bb) Miskito refugees from Nicaragua in Honduras 389

(5) Conclusions regarding the application of the refugee concept in the various Central American refugee groups examined. 393

D. The “extended” Refugee Definition in the Cartagena Declaration on Refugees of 22 November 1984 395
(1) Historical Development 396
(2) The terms of the Cartagena Declaration in so far as they are relevant to the refugee definition 402
(3) The “extended” Cartagena refugee definition in the legislation of Latin American countries 405
   (a) Countries which participated in the Cartagena Colloquium 405
      (i) Belize 405
      (ii) Costa Rica 406
      (iii) El Salvador 408
      (iv) Guatemala 409
Table of Contents

(v) Honduras 409
(vi) Mexico 410
(viii) Panama 412
(b) Countries which did not participate in the Cartagena Colloquium 413
(i) Bolivia 413
(ii) Ecuador 413
(c) Conclusions regarding the inclusion of the “extended” Cartagena refugee definition in national legislation 414

Chapter X: EXTERNALLY DISPLACED PERSONS: DEVELOPMENT OF THE CONCEPT AFTER 1975 416
(1) Introduction 416
(2) Formulations regarding “displaced persons” in General Assembly resolutions adopted on the High Commissioner’s Annual Report 421
(a) Definition 421
(b) Externally displaced persons and durable solutions 423
(c) Externally displaced persons and international protection 424
(d) Conclusion 429
(3) Discussions in the Third Committee of the United Nations General Assembly relating to externally displaced persons 431
(4) Conclusions 453

Chapter XI: CONCLUSION NO. 22 (XXXII) OF THE UNHCR EXECUTIVE COMMITTEE ON PROTECTION OF ASYLUM-SEEKERS IN SITUATIONS OF LARGE-SCALE INFLUX (THIRTY-SECOND SESSION, 1981) 455

Chapter XII: CONCLUSIONS REGARDING THE APPLICATION OF THE REFUGEE CONCEPT IN GROUP SITUATIONS, 1975-1985 459

Chapter XIII: CLOSING REMARKS: PAST PRACTICE AS A GUIDE TO CURRENT PROBLEMS OF GROUP REFUGEE CHARACTER 464

Chapter XIV: SELECTED BIBLIOGRAPHY 474

INDEX 479