The Internationalization of the Refugee Problem

Resettlement from the Global South during the 1970s

Dissertation submitted for the degree of Doctor in History

Faculty of Arts, KU Leuven

Sara Cosemans

Supervisor: Idesbald Goddeeris

Co-Supervisor: Magaly Rodríguez García

Leuven, 2021

Contents

Acknowledgements ix
Abbreviations xiii

Introduction 1
Dominant Ideas about Resettlement during the 1970s 7
Reconceptualizing Resettlement 20
Collecting Sources on Resettlement 32
Close and Distant Reading 38
Structure and Chapters 46

Part I – On Resettlement
1. Resettlement: Protection or control? 53
Resettlement before 1950 53
The Current Refugee and Resettlement Regime 59
Resettlement in the 1970s 66
Resettlement in British And American Immigration and Refugee Law 76
Conclusion 81

Part II – On Status
2. Undesirable Ugandan Asian: Nationality, Statelessness, and Refugee Status after Empire 87
The Concept of British Nationality in the Empire 91
Asian Citizenship as a Postcolonial Problem 94
Kenyan Asians, Human Rights, and Racist Populism 99
Citizenship and Statelessness in Uganda 105
Idi Amin, the Expulsion of 1972 and the Role of UNHCR 109
Conclusion 116

3. Becoming a Refugee in Chile: Protecting or Removing Dissidents? 119
Latin American versus International Protection 123
The Right to Leave Chile 129
The Expansion of UNHCR's Activity 135
Protection of Chileans outside Chile 143
Conclusion 149

4. To Be or Not to Be a Refugee from Indochina: Tension between Humanitarian Aid and Refugee Recognition 151
Reluctance to Become Involved in Indochina 155
The Paris Peace Accords and UNHCR Involvement in Vietnam 161
Humanitarianism at the Expense of Refugees 168
Restricted Refugee Protection 174
Refugee Status as Taboo 177
Conclusion 183

Part III – On Internationalization

5. The Politics of Dispersal: The Internationalization of the Ugandan Asian Crisis 187
Indian and Ugandan Reactions to British Immigration Restrictions 191
Commonwealth Solidarity? 197
Searching "Third Country" Solutions 199
Debate in the United Nations 206
Involving UNHCR in the resettlement effort 211
Plans to reduce responsibilities for Asians in the future 214
Conclusion 218

6. Gestures of International Solidarity: The Difficult Quest for Resettlement from Chile 221
Incentives for International Resettlement 227
Evading Responsibility: British Backchannel Diplomacy 234
State-Centered Diversion: American Administrative Thresholds 239
A Change in Policy, or not? 243
Expanding Eastwards to Bridge the Protection Gap 247
Conclusion 253

7. The Internationalization of the Refugee Problem?
Limiting the Right to Leave Vietnam 255
The 1975 Evacuation: A Moral Obligation or a Humanitarian Burden? 261
The Central Role of the British Crown Colony Hong Kong 270

The December 1978 UNHCR Conference on Indochinese Refugees 278
Stopping the flow from Vietnam 282
Conclusion 289

Conclusion 293

Bibliography 301
Primary Sources 301
Secondary Sources 307

Acknowledgements

I write these acknowledgements in the memory of the late international historian and migration specialist Adam McKeown, who was my mentor during the first semester of the Dual Degree in International and World History at Columbia University and the London School of Economics. In the middle of the year, Adam left for a sabbatical that turned out to be a permanent exit from academia. When I wrote to him a couple of years later with the first draft of the research proposal that eventually became the dissertation that you are reading now, he told me that "the identity of the historian had shed remarkably fast" and that he was not contemplating a return to the university. Hence, a doctorate under his supervision was out of the question, but he assured me that "an advisor is ultimately only a very small part of your education. And if you don't trust yourself, the best advisor in the world won't make it better (well, they might make you feel better sometimes, but won't make the work much better)." His advice convinced me to remain in Leuven, Belgium, and not join the ranks of the many academic "exiles" in eternal search of the most expert advisor. For that, I am eternally grateful, especially because thanks to the substantial research support of the Research Foundation Flanders (FWO), I was not forced to live as precarious a life during grad school as some of my peers, who started their academic career in the Anglo-Saxon world.

Adam was right about many things, except for one. I have found an advisor's positive encouragement impacts trust in one's self, and therefore directly influences the quality of the research and output. In my case, Idesbald Goddeeris took up that role in the most kind and generous way any advisor could have done. When I approached him with my research proposal in 2016, we already knew each other quite well. In 2011, I had written my master's thesis under his supervision and over the years we regularly published together and remained in touch. I knew that under his supervision I would thrive, even though he was not an expert on refugees. His eye for detail, his inquisitive and critical mindset, but above all his incredible belief in my capacities have helped me build up trust in myself to conquer this mountain that is a doctoral project. Our weekly online meetings during the pandemic kept me going, not only with enthusiasm, but with joy. I have also been blessed with other advisors, all strong and brilliant women, who at decisive moments guaranteed that this research project became a success: first and foremost the co-supervi-

sor of this doctoral dissertation, the international organizations specialist and historian of subalternity, Magaly Rodríguez García at KU Leuven, but also Anupama Rao at Barnard College and Taylor Sherman at the London School of Economics, who advised me on the dual degree thesis about the dispersal of the Ugandan Asians, which formed the start of my interest in resettlement under the auspices of the United Nations High Commissioner for Refugees.

In the Wisdom of Sirach, there are three levels of acquaintance: the ones in a thousand who can serve as your advisors, the many who are friendly to you, and the few who are your friends. Luckily the scholarly community working on migration, refugees, and legal and international history, is a large one, so one in a thousand advisors is still a lot. I am grateful for the invitations to join as a visiting scholar from Matthew Connelly and Elisabeth Ferris in the United States, Alessandro Santoni and Fernando Purcell in Chile, Kate Ogg in Australia, and Vo Van Sen in Vietnam. For their comments on early ideas and drafts of this research, I am indebted (in alphabetical) to Gilad Ben-Nun, Jodie Boyd, Rachel Bright, Frank Caestecker, Yarong Chen, Jeff Crisp, Kate Cronin-Furman, Adèle Garnier, Meghan Garrity, Irial Glynn, Tanya Harmer, Claire Higgins, Martin Ottovay Jørgensen, Spencer Mawby, Saima Nasar, Klaus Neumann, Lien Hang Nguyen, Panikos Panayi, Davide Rodogno, Marlou Schrover, Mira Siegelberg, Evan Smith, Savitri Taylor, Andrekos Varnavas, Teuntje Vorsters, and Barbara Warnock, among others. The members of my research group "Modernity and Society, 1800-2000", past and present, often served as sounding boards and helped me formulate my ideas, Patrick Pasture, Martin Kohlrausch, Lien Verpoest, Leen Vanmolle, Yves Segers, Kim Christiaens, Lourens van Haaften, Arjun Sharma, Joren Janssens, Aditi Athreya, Sebastian de la Rosa, Rinald d'Souza, Chun Gan, Leon Janssens, Monica Stolarczyk-Bilardie, and Simon Nsielanga Tukumu in particular. Former colleague Benjamin Steegen was the "midwife" to my ideas more than once. His help in formulating my objectives in my research proposal has been indispensable. Benjamin Thomas White's incredible comments to my Post Graduate Seminar have shaped the research, as have Volker Prott's redactional comments that helped me develop my analysis in a clearer and more effective way.

A special word of gratitude goes to the scholars who introduced me in the wondrous world of the digital humanities: my colleagues Mark Depauw, Tom Gheldof and Frédéric Pietowski, and my co-authors Philip Grant, Ratan

Sebastian, and Marc Allassonnière-Tang. They have advanced my analysis in ways of which I could only dream when I started. My group of students from the bachelor paper in 2019-2020 (Nathalie, Luckas, Rune, Magalie, Hannah, Robbe, Eline, David, Maxime, Miro, Marieke, Thomas, Lisa, Jolien, and Arne) have enriched my insights in the countless sources of the United Nations High Commissioner for Refugees, sometimes even surprising themselves with the incredible results of their research. Elisabeth Hollingsworth, professor James T. Lap, and Lu Jeu Xuan gave me valuable advice on conducting research in Vietnam where I formed a strong team with Trinh Van Vinh, who joined me as research assistant. What we found is a testimony to his incredible research skill, which has earned him the doctor's title from the Beijing Normal University and an assistant professorship at the Faculty of Sociology, Social work, a Southeast Asia at the Ho Chi Minh City Open University. I also wish to thank my translator Ngoc Truong, without whom any meaningful analysis of the Vietnamese sources would not have been possible.

This research is furthermore the result of many friendly facilitators, as I traveled far and wide to collect my source material. I benefitted from the work of many archivists, of whom I did not always learn the name. Two have played a crucial role in the research process: Anna Haward of the Archives of the United Nations High Commissioner for Refugees, who scanned a crucial set of interviews for me at the onset of the pandemic, and Tran Viet Hoa, who made my research stay in Hanoi particularly comfortable, as she not only made me feel welcome in "her" archival center, but also in her home and family. Many friendly people hosted me in their homes during my research trips: Cristian and Juan Carlos in Santiago, Lee in Canberra, my cousin Hanne, Craig, and their newborn son Michael in Brisbane, Shaunnagh Dorsett in the Blue Mountains (who shared with me her wisdom om legal historical digital research), and my old friend Ise in Hanoi. Others patiently provided invaluable logistical support: the technical services at the faculty (especially the IT crew), the financial assistants Kate Borgers and Isabelle Aerts, and teaching assistants Siegfried Evens, Enrico Castro Montes, and Amber Striekwold, who were and are in charge of the practical organization of our research group. Lisa Munro and her monthly writing retreat group kept me motivated. Christopher Uebelhor diligently corrected my language. Dolar Vasani gave my research a larger platform through her podcast series. Brent Lahousse and Alejandra Castro helped to produce the cover design.

My colleagues from the fifth and the sixth floor, and from the faculty at large, whom are too numerous to name created the friendly and creative environment where research can blossom. Especially Tom Vandevelde and Thomas Pierrart have actively and successfully engaged to build community among our lot. My (former) colleagues Liesbet, Elwin, and Timo (and our regular guests, Matthias, Tom, and Nelleke among others) have become good friends recently, during our daily digital COVID noon breaks, which kept us all afloat in these uncertain times. Maïka, my colleague, neighbor, and friend kept me healthy through regular walks. When you gain friends, gain them through testing, and do not trust them hastily, Sirach warns. My long-standing friendships with Sara, Sophie, Dominique, Jasmien, Stefanie, Gerson, Ruth, and Carolyn withstood any test. Their friendship has made life worth living and put my research in perspective. Jolien, who is like a sister to me, drew my cover picture, for which I owe her greatly.

My family has supported me, cheered me on, and consoled me throughout this entire process. I am forever beholden for my moeke Annie, papa Geert, sister Judith, and my brother from another mother Toon, and for everything they have contributed to who I am today. My family-in-law (Ahlalya, Fatima, Abdeslam, Ismail, Hajar, Assiya, Safia, Aicha, kleine Sara, Souliman, and Brahim) has adopted me as their own. My husband, Mohamed, deserves the last word of thanks, for his kind and loving spirit, for our stimulating intellectual exchanges that kept me sharp, and for what he has endured over the last four years, when my dissertation related stress got the better of me. There is nothing more gratifying than making them proud.

Abbreviations

BPP	British Protected Person
BSWC	British subject without citizenship
CALEX	Commission for Aid to Foreigners (Comisión de Ayuda a los Extranjeros)
CARE	Cooperative for American Remittances to Europe
CIA	Central Intelligence Agency, United States
CICC	Citizen of an Independent Commonwealth Country
COMAR	Commission for Aid to Refugees (Comisión de Ayuda a los Refugiados)
Comité Pro Paz	Cooperation Committee for Peace (Comité de Cooperación para la Paz)
CONAR	National Committee for Aid to Refugees (Comité Nacional de Ayuda a Los Refugiados)
CPA	Comprehensive Plan of Action for Indochinese Refugees
CTD	Convention Travel Document
CUKC	Citizen of the United Kingdom and Colonies
DP	Displaced Person
DRVN	Democratic Republic of Vietnam (Việt Nam Dân Chủ Cộng Hòa)
EEC	European Economic Community
ExCom	Executive Committee of UNHCR

FASIC	Social Aid Foundation of Christian Churches (Fundacion de Ayuda Social de las Iglesias Cristianas)
FCO	Foreign and Commonwealth Office
GRUNK	Royal Government of National Unity of Kampuchea
IATF	Inter-Agency Task Force for Indochinese Refugees
ICCPR	International Covenant of Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICEM	Intergovernmental Committee for European Migration
ICRC	International Committee of the Red Cross
ICSC	International Commission for Supervision and Control
IDB	Inter-American Development Bank
IMF	International Monetary Fund
INA	Immigration and Nationality Act of 1965
INS	Immigration and Naturalization Service
IOM	International Organization for Migration
IRO	International Refugee Organization
LNHCR	League of Nations High Commissioner For Refugees
NLF	National Liberation Front for South Vietnam (Mặt trận Dân tộc giải phóng miền Nam Việt Nam)

NSA	National Security Affairs
OAU	Organization of African Unity
ODP	Orderly Departure Program for Indochinese Refugees
PICMME	Provisional Committee for the Movement of Migrants from Europe
PRG	Provisional Revolutionary Government of South Vietnam (Chính phủ Cách mạng Lâm thời Cộng hòa miền Nam Việt Nam)
RVN	Republic of Vietnam (Việt Nam Cộng hòa)
SRV	Socialist Republic of Vietnam (Cộng hòa Xã hội chủ nghĩa Việt Nam)
UDHR	Universal Declaration of Human Rights
UKPH	United Kingdom Passport Holders
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNRRA	United Nations Relief and Rehabilitation Administration
USOM	United States Operations Mission
WSAG	Washington Special Actions Group

The Internationalization of the Refugee Problem

Resettlement from the Global South during the 1970s

Introduction

When humans struggle over territory/

It always reeks of violence and bloodshed/

Even if the conflict is over a location the size of one body/

On a small boat/

And only for a period of two days.

Behrouz Boochani, 2018

On May 4, 1975 the Danish containership Clara Maersk arrived in the harbor of the British Crown Colony Hong Kong. On board were 3,743 Vietnamese, rescued from a sinking vessel in the South China Sea. Saigon had fallen four days earlier and the American government was working hard to evacuate "high risk" Vietnamese and Cambodians from the region. The Clara Maersk's arrival drew its attention to a new phenomenon: "self-evacuated" Vietnamese who escaped their country in unseaworthy vessels.[1] Exactly a month later, US Consul General to Hong Kong Charles Cross urged his superiors at the American State Department to increase their effort on behalf of the Vietnamese stranded in Hong Kong. Thus far, Secretary of State Henry Kissinger had agreed to include only 580 of them in the general American evacuation program. Cross lamented that "this number would be only slightly more than

[1] National Archives and Records Administration, United States, Record Group 59, Central Foreign Policy Files, 1973–1979 available through the Access to Archival Databases online platform (hereafter this digital record group will be abbreviated to AAD), 1975HONGK06209, VIETNAMESE REFUGEES IN HONG KONG: NEW INSTRUCTIONS NEEDED, 4 June 1975. See also: W. Courtland Robinson, *Terms of Refuge: The Indochinese Exodus and the International Response* (New York: Zed Books, 1999), 23.

those to be taken by Canada and actually less than those to be taken by France".[2] He feared that this meagre number would "subject the US to public ridicule", but more importantly he also dreaded "angry reactions from the Hong Kong Government and the UK". His telegram spurred the Americans not only to take up a greater role in the resettlement themselves, but also to work towards what Cross called "the internationalization of the refugee problem". Eventually, the Clara Maersk passengers ended up in twelve countries. US, Canada, France, and Australia took the largest numbers. Notably, Great Britain did not accept any of them until 1978.[3] The United Nations High Commissioner for Refugees, Prince Sadruddin Aga Khan, played an ambivalent role. On May 5, he appealed to the international community to resettle the increasing group of "boat people" as they became known. However, he refused to recognize the "self-evacuees", especially the Clara Maersk rescues, as refugees, because he considered them an American responsibility.[4] Nevertheless, the arrival of the Clara Maersk in Hong Kong marked the start of the involvement of the international community in the resettlement of "Indochinese" people.[5]

Between 1975 and 1997, around 2.5 million Indochinese, including 1.9 million who received assistance from United Nations High Commissioner for Refugees (UNHCR), were resettled to over thirty countries.[6] 1975 saw the

[2] AAD, 1975HONGK06209, VIETNAMESE REFUGEES IN HONG KONG: NEW INSTRUCTIONS NEEDED, 4 June 1975. All further quotations in this paragraph are from the same source unless indicated otherwise.

[3] The National Archives at Kew, United Kingdom (hereafter TNA) FCO15/2314/231, Refugees from Vietnam in Hong Kong, 7 September 1978. From high to low: Denmark, Austria, West Germany, Belgium, Italy, New Zealand, Switzerland, and Taiwan.

[4] Robinson, *Terms of Refuge*, 24.

[5] As the anticolonial American historian Sucheng Chang has noted, the term "Indochina" to denominate Vietnam, Cambodia and Laos is reminiscent of the region's colonial past, but other more 'neutral' descriptors, like Southeast Asia do not exactly cover the same area. I use Indochina and Indochinese deliberately, because not only do these words reflect the language of the original source material, they also indicate the importance of the specific colonial history that played a role in the exodus and resettlement of people from this region. From here on, scare quotes are implied. Sucheng Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," in *Remapping Asian American History*, ed. Sucheng Chan (Walnut Creek: Rowman Altamira, 2003), 211 n1.

[6] Robinson, *Terms of Refuge*, 2, 295.

start of international resettlement cooperation, or what Cross called "the internationalization of the refugee problem", which formed the inspiration for the title of this thesis. But the internationalization between 1975 and 1979 did not resolve the refugee problem. While roughly 155,000 people received resettlement assistance, over 350,000 others remained in camps in Hong Kong and Southeast Asia, where they suffered increasingly harsher treatment. Moreover, several Southeast Asian states pushed back refugee boats to the open seas, unwilling to let the passengers disembark. The situation grew deadlier and through international media the images of drowning Vietnamese reached the West. In 1979, UNHCR therefore devised a new strategy called the Orderly Departure Program for Indochinese Refugees (ODP), which consisted of four pillars. First, the Vietnamese government had to promise to stop the exodus. Second, countries of first asylum needed to treat the Indochinese in camps and new arrivals in a humanitarian way. Third, resettlement countries in the West had to raise their resettlement quota to help clear the camps. Fourth, refugee candidates in Vietnam had to wait for permission to leave Vietnam, which depended not only on the Vietnamese government but also on a resettlement offer from a Western country.[7] The agreement worked well to vacate the asylum camps. Between 1979 and 1981, the number of resettled Indochinese under UNHCR's auspices rose from 155,703 to 1,075,358.[8] Direct departures from Vietnam, however, started slowly. By 1987, only 125,000 Vietnamese had left Vietnam as refugees under UNHCR auspices.[9] In the next decade, however, over half a million Vietnamese were resettled through the ODP and the 1989 adaption to the program, the Comprehensive Plan of Action (CPA).

---

[7] Judith Kumin, "Orderly Departure from Vietnam: Cold War Anomaly or Humanitarian Innovation?," *Refugee Survey Quarterly* 27, no. 1 (2008): 104–17.

[8] Archives of the United Nations High Commissioner for Refugees, Geneva, Switzerland, Fonds 11, Series 2 (hereafter UNHCR 11/2). The first number comes from Box 128, 100.MLS.SRV Refugees from the Socialist Republic of Vietnam in Malaysia [Vol. 3] 1978-1979, Folio 235, UNHCR Activities in relation to Indo-Chinese refugees and displaced persons since 1975, Statistics of Indo-Chinese Refugees and Displaced Persons – Cumulative Permanent Solutions: Boat and Non-Boat People, 28 February 1979. The second number stems from Box 208, 100.USA.ICH Refugees from Indochina in the United States of America, Folio 10a, Refugee Problems in South East Asia. Departures to U.S. and Third Countries, April 1975 to end of Report Month, 31 July 1981.

[9] Kumin, "Orderly Departure from Vietnam," 105.

The ODP/CPA is often hailed as the most successful resettlement program from the Global South.[10] Resettlement is one of the three durable solutions in the current international refugee regime, alongside local integration and voluntary repatriation. Apart from the Indochinese, two smaller but equally international resettlement programs for refugees from the Global South occurred earlier in the decade: the resettlement of approximately 10,000 Asians after their expulsion from Uganda by General Idi Amin Dada in 1972, and the resettlement of just over 23,000 refugees from Chile following General Augusto Pinochet's coup in 1973. Resettlement from the Global South became a "prominent feature of the 1970s".[11] However, there is little empirical knowledge about resettlement in the 1970s.[12] A historical comparison of the three resettlement cases from the Global South that occurred almost simultaneously is lacking entirely, despite their obvious similarities. All three cases resulted in large scale internationalization, with resettlement to over twenty-five countries from Uganda, over fifty-five countries from Chile, and as already mentioned over thirty countries from Indochina, mostly from Vietnam and secondly from Cambodia.[13]

Cross's telegram is in many ways indicative of the forces behind internationalization. First, his frustration about the low number that the State Department wanted to resettle between May 4 and June 4 shows that the United States did not feel much obligation towards the "boat people", even though UNHCR considered them an American responsibility. Second, Cross was more

[10] Astri Suhrke, "Burden-Sharing during Refugee Emergencies: The Logic of Collective versus National Action," *Journal of Refugee Studies* 11, no. 4 (1998): 396–415; Alexander Betts, *Protection by Persuasion: International Cooperation in the Refugee Regime* (Ithaca: Cornell University Press, 2009); Thais Bessa, "From Political Instrument to Protection Tool? Resettlement of Refugees and North-South Relations," *Refuge: Canada's Journal on Refugees* 26, no. 1 (2009): 91–100; Naoko Hashimoto, "Refugee Resettlement as an Alternative to Asylum," *Refugee Survey Quarterly* 37, no. 2 (2018): 162–86.

[11] Gil Loescher, *The UNHCR and World Politics: A Perilous Path* (Oxford and New York: Oxford University Press, 2001), 164.

[12] Hashimoto, "Refugee Resettlement as an Alternative to Asylum," 162; Becky Taylor et al., "Introduction," in *When Boat People Were Resettled, 1975–1983: A Comparative History of European and Israeli Responses to the South-East Asian Refugee Crisis*, ed. Becky Taylor et al., Palgrave Studies in Migration History (Cham: Palgrave Macmillan, 2021), 3.

[13] Further details about the case studies appear in chapter 1.

concerned about American reputation than about the well-being of the Vietnamese. The fact that Canada and France were resettling more Clara Maersk passengers undermined the United States' moral authority. Third, Cross acknowledges that the United Kingdom, through its Crown Colony Hong Kong, remained a Pacific power with considerable impact. He and his superiors clearly wanted to avoid angering the British and eventually accepted 2,486 or two thirds of the 3,743 Clara Maersk rescues in Hong Kong.[14] The internationalization that Cross propagated was in the first place important to letting the world know that the Indochinese refugee problem was not *solely* an American problem. Simultaneously it served to show to the world the efforts the Americans were taking on the Vietnamese's behalf.

This thesis will demonstrate how powerful states used internationalization to evade their "responsibilities" towards refugees in highly politicized contexts in which the there were high stakes. Responsibility is a loaded term, because it presumes a moral evaluation. However, even today the debate about the "responsibility to protect" and the division of responsibilities between states and international organizations is one of the most crucial and difficult questions with regard to humanitarian intervention.[15] By bringing the three resettlement cases from the Global South in one analytical framework, I will examine the motives, mechanisms, and limitations of internationalization over a slightly longer time span than the Indochinese crisis and consider the responsibilities of more actors. If in Vietnam the United States was the country that was regarded by the international community to bear the responsibility for the victims of the exodus, in Uganda this task befell on the United Kingdom. Chile, as we will see, was a high stakes situation for both the United States and the United Kingdom, but both managed to steer clear of receiving large numbers of Chileans, predominantly through active promotion of internationalization.

Even though resettlement had often benign outcomes for the refugees who benefitted from it, I argue that resettlement was one of the constitutional elements by which the United States and the United Kingdom sought to shape

[14] TNA, FCO15/2314/231, Refugees from Vietnam in Hong Kong, 7 September 1978.
[15] Since 2005, Responsibility to Protect or R2P is "an international norm that seeks to ensure that the international community never again fails to halt the mass atrocity crimes of genocide, war crimes, ethnic cleansing and crimes against humanity". "What Is R2P?," Global Centre for the Responsibility to Protect.

a new global order in line with their own strategic interests. At least since the late eighteenth century, states had assumed an increasingly larger role in dictating human mobility.[16] Emerging international law from the late 1940s onwards, such as refugee law and human rights law had increased, however slightly, the freedom of movement for individuals and eroded states' sovereignty in controlling migration. Powerful states wanting to regain control were nevertheless concerned about losing their humanitarian reputation, which had gained importance since the creation of the new international system under the United Nations. This thesis will show how London and Washington managed to use the internationalization of their resettlement offers not only to share the burden with more of their allies, but also to regulate the conduct of weaker states, most notably the refugee sending countries, but also the countries of first asylum. I will show how this international cooperation through resettlement helped the Western powers reclaim humanitarian virtue and discredit Third World leaders, aiming at the containment of the political and economic aspirations of the Third World.

But it was not just the great powers that circumvented international law to pursue their interests. UNHCR, too, sought to expand its influence at the expense of international regulations. In all three case studies, it explored the outer boundaries of its mandate, sometimes working outside of their own legal framework. Eventually, in 1979, UNHCR even breached human rights law, when it forced the Vietnamese government to halt the boat exodus from Vietnam in exchange for "orderly departures" through international resettlement. The agreement, which sought to prevent deaths at sea also fundamentally contravened the freedom of movement clause or Article 13.2 of the Universal Declaration of Human Rights, which states that "[e]veryone has the right to leave any country, including his own".[17] This assault on human rights law by a UN agency had a profound impact on the political hierarchy of the postcolonial world, because it legitimized anti-immigration sentiments in the West. Internationalization and the suspension of freedom of movement from the Global South led to the creation of a new world order (or rather a

[16] Adam McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York: Columbia University Press, 2008).
[17] Universal Declaration of Human Rights, "UDHR".

restoration of the older imperial hierarchy) and to the reform of the refugee regime along Western neoliberal principles.[18]

This introduction follows a classical pattern. The first section, on dominant ideas about resettlement during the 1970s, discusses the historiography of the resettlement movements from the Global South roughly between 1972 and 1979. In the second section, the objective of reconceptualizing resettlement is laid out. Four elements that feature prominently in the title are dissected to understand their meaning for this story: "refugees", "internationalization", the "Global South", and the "1970s". The third and fourth sections focus on methodology: one on the selection of source material and the other on the digital and analogue processing of these sources. The last section draws out the structure of this thesis, which consists of an introductory chapter, followed by two parts that contain each three chapters, one per case study, starting with Uganda, then Chile, and then Indochina.

DOMINANT IDEAS ABOUT RESETTLEMENT DURING THE 1970S

The Ugandan Asians, Chileans, and Indochinese were the first and only refugees to be resettled *as groups* from the Global South. According to refugee expert Gil Loescher, the 1970s saw a "*renewed importance* of resettlement".[19] However, resettlement in that decade looked fundamentally different from the resettlement of the European post-World War II refugees that had dominated UNHCR programs until then, as we will see in greater detail in chapter 1. The

[18] Following the line of reasoning, recently eloquently summarized by International Relations researcher Alina Sajed, that the Third World and the Global South are not synonymous, I considered using only one of both terms. However, I have decided to use them interchangeably but not randomly, precisely to recognize that the shift between the usage of the terms Third World and Global South "signals a critical historical juncture" from "Third Worldism" (activism for greater political and economic sovereignty) to the "neoliberal revival" of the mid-1970s. See Alina Sajed, "From the Third World to the Global South," *E-International Relations* (blog), July 27, 2020. As historian Quinn Slobodian reminded us, "[t]he neoliberal program in the 1970s was not about growth, equilibrium, optimum, equality, social justice, or prosperity. It was about the *reproduction of an interdependent complex system* – the defence of the totality of the world economy against an assault from [Third World] nationalists that threatened to be as much as a catastrophe as the 1930s." *Globalists: The End of Empire and the Birth of Neoliberalism* (Cambridge, MA: Harvard University Press, 2018), 260 [Emphasis added].

[19] Loescher, *The UNHCR and World Politics*, 164 [Emphasis added].

1970s were also the last decade in which resettlement played a prominent role in the refugee regime. While between 1970 and 1979 international cooperation to resettle refugees from Global South steadily increased, after 1979 that willingness started to decline. Whereas in 1979 UNHCR resettled 1 out of 20 refugees under its mandate, by 1990 that number had dropped to 1 in 100.[20] The number of countries willing to participate in resettlement programs also fell from some fifty in the 1970s to a mere twelve in 1990.[21]

1979 was the turning point. That year, the international community under the lead of UNHCR decided on an Orderly Departure Program (ODP) from Vietnam (later also from Cambodia). This program resembled international resettlement arrangements, with one important qualification: refraining from fleeing by boat became a prerequisite for resettlement. In other words, potential refugees had to wait in the countries where they feared persecution before they could relocate to third countries.[22] Even with continued numbers of resettlement cases from Indochina, however, the numbers plummeted: while in 1979 twenty per cent of refugees worldwide could expect resettlement, in 1993 only 0.25 per cent had the opportunity to move outside the own region.[23] The ODP was never repeated, but the group approach was also abandoned. New groups of refugees, even in Indochina, saw resettlement opportunities foreclosed, as the complete neglect for the Khmer Rouge victims in Democratic Kampuchea (Cambodia's name from 1976 until 1990) shows.[24] Other groups with similar profiles to the Ugandan Asians, Chileans, and Vietnamese that emerged in the 1980s, such as the Cubans, Ethiopian, and Afghans, were sporadically admitted by the traditional immigration countries, most notably the United States, Canada, and Australia, under their regular immigration programs, without the support of the wider international

[20] Gary Troeller, "UNHCR Resettlement: Evolution and Future Direction," *International Journal of Refugee Law* 14, no. 1 (2002): 87–88.
[21] Marjoleine Zieck, "'Quota Refugees': The Dutch Contribution to Global 'burden Sharing' by Means of Resettlement of Refugees," *International Journal of Legal Information* 39, no. 2 (2011): 144–47.
[22] Kumin, "Orderly Departure from Vietnam."
[23] "The History of Resettlement. Celebrating 25 Years of the ATCR" (UNHCR, 2019).
[24] Aristide R. Zolberg, Astri Suhrke, and Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (Oxford: Oxford University Press, 1989), 166.

community and UNHCR.[25] Moreover, the focus shifted from a group approach to protection tailored to individuals. Resettlement became "a last resort" for the "most vulnerable refugees" and remains so until today, all efforts of recent international agreements, such as the Global Compact on Refugees, notwithstanding.[26] It seems that the United States' withdrawal from Afghanistan in August 2021 will not overhaul the current praxis either.[27]

To the question why resettlement lost its appeal, scholars and practitioners have basically offered four interrelated explanations. First, they point to the global economic recession at the end of the 1970s, initiated by economic uncertainty brought by the 1973 oil crisis, which reduced countries' willingness to admit refugees, as they would be no longer welcome as labor forces.[28] Second, many scholars follow Gil Loescher and John Scanlan in their analysis that resettlement served as an anti-communist measure to save people who were "voting with their feet" and to discredit the communist regimes where these refugee flows originated.[29] In this explanatory frame, Western support for resettlement at the time was a gesture of solidarity for the victims of the Cold War in the Global South, which became less important when the Cold War ended. Third, the sheer numbers of Indochinese refugees – almost two million resettled between 1975 and 1997 – are an oft-cited cause for the changes that have occurred in resettlement programs. The enormous logistical undertaking, the costs, "compassion fatigue", and the realization that resettlement worked as a pull factor for migration to the West serve in this analysis to explain resettlement countries' disenchantment with the practice altogether.[30] Last but not least, scholars have looked at internal developments

[25] Zolberg, Suhrke, and Aguayo, 154.

[26] Troeller, "UNHCR Resettlement," 86; United Nations High Commissioner for Refugees, "The Global Compact on Refugees," UNHCR, December 17, 2018.

[27] Policy analysts have started to make pleas for the European Union to engage in the resettlement of Afghan refugees: "EU Must Resettle Afghan Refugees to Manage Migration Crisis | View," euronews, September 3, 2021.

[28] Troeller, "UNHCR Resettlement," 87; Taylor et al., "Introduction," 32.

[29] Gil Loescher and John A. Scanlan, *Calculated Kindness: Refugees and America's Half-Open Door, 1945 to the Present* (New York: Free Press, 1986), 76.

[30] Zolberg, Suhrke, and Aguayo, *Escape from Violence*, 173; Laura Barnett, "Global Governance and the Evolution of the International Refugee Regime," *International Journal of Refugee Law* 14, no. 2–3 (2002): 261,; Peter Gatrell, "Western NGOs and Refugee Policy in the Twentieth Century," *Journal of Migration History* 5, no. 2

within UNHCR, and particularly at the role of the elected official in charge of the Office. The success of international resettlement would have depended on the charisma and diplomatic skill of its youngest and longest-serving High Commissioner for Refugees, Prince Sadruddin Aga Khan (1966-1977), the Harvard educated son of Sir Sultan Mahomed Shah Aga Khan (known as Aga Khan III, the Imam of the Ismaili Muslim sect) and Princess Andrée Aga Khan, who held Iranian, French, British, and Swiss citizenship.[31] Under Sadruddin's leadership, UNHCR became truly global in scope. When he resigned at the end of 1977, he was "a hard act to follow" for his Danish successor, Poul Hartling (1978-1985).[32] Later High Commissioners, like Jean-Pierre Hocké (1986-1989) further undermined resettlement through a shift to local humanitarian relief instead of the international legal protection of people on the move.[33]

However, all these explanations remain at least partially unsatisfactory. First, the peak of the recession occurred between 1980 and 1983, *after* international enthusiasm about resettlement had started to decline. Historian Karen Akoka has recently busted the myth that the recession-induced immigration stops of the early 1970s in most of Western Europe meant that immigrant labor had become redundant. She shows that the French government in fact used the resettlement of Indochinese to fill labor shortages caused by the immigration stop from North Africa. According to Akoka, the migration stop was more of a neoliberal attack on the trade unions, the Marxist left, and anticolonial *tiers-mondisme* (Third Worldism), all of which had a lot of traction among Algerian and Moroccan workers. The fact that the Indochinese were always seen as more "docile" and that the refugee story generated loyalty towards the countries that saved them, made resettlement an attractive option.[34] Resettlement was thus not halted by the recession; in a way, it was stimulated by it. Second,

(2019): 384–411; Philipp Ther, *The Outsiders. Refugees in Europe since 1492* (Princeton: Princeton University Press, 2019).

[31] Loescher, *The UNHCR and World Politics*; Diana Miserez, *Prince Sadruddin Aga Khan: Humanitarian and Visionary* (Leicester: The Book Guild Ltd, 2017).

[32] Loescher, *The UNHCR and World Politics*, 201.

[33] Loescher, 249–51.

[34] Karen Akoka, "France: Boat People Brough by Plane," in *When Boat People Were Resettled, 1975–1983: A Comparative History of European and Israeli Responses to the South-East Asian Refugee Crisis*, ed. Becky Taylor et al., Palgrave Studies in Migration History (Cham: Palgrave Macmillan, 2021), 47–77.

if the Cold War was such a determining factor, why did resettlement halt ten years before 1989? Cold War anti-communist rhetoric might have helped to advance resettlement, but it was by no means a guarantee. In the 1950s and 1960s, Chinese refugees fleeing Mao's regime did not receive the same generous international resettlement support as the Indochinese.[35] As already mentioned, even in Indochina during the 1970s not all anti-communists garnered the same treatment. The neglect of Pol Pot's victims in Kampuchea from the late 1970s onwards is considered one of UNHCR's most serious humanitarian failures.[36] Moreover, not all groups that were resettled in the 1970s, such as the Ugandan Asians, were victims of the Cold War or fitted the profile of anti-communist refugees. In fact, this was quite the opposite in the case of the Chileans. Third, the argument about large numbers and compassion fatigue is also hardly convincing. Fears of large numbers of non-white immigrants had occupied the minds of policymakers and the public in western immigration countries at least since the nineteenth century.[37] What needs explanation is that these states engaged in resettlement programs in the first place, not that they sought to reduce their responsibility later. Fourth, the role of the High Commissioner mattered, but he never acted alone. Recent research has emphasized the role of bureaucratic officials, next to elected ones, within international organizations such as the High Commissioner for Refugees.[38] With rising budgets and greater operational tasks in Indochina, the staff size exploded.[39] It is striking that at the end of the 1970s, the staff structure of the UNHCR completely changed, but that we have such limited information about it.

If we really want to understand why resettlement virtually ended in 1979, we need to investigate why the international community engaged in it so eagerly before that date. However, resettlement is rarely a subject of its own in the scholarly literature. Nevertheless, it figures as one of the key international

[35] Laura Madokoro, *Elusive Refuge. Chinese Migrants in the Cold War* (Cambridge, MA: Harvard University Press, 2016).
[36] Loescher, *The UNHCR and World Politics*, 209.
[37] McKeown, *Melancholy Order*; Rachel Bright, "Migration, Naturalisation, and the 'British' World, c.1900-1920," *History of Global Arms Transfer* 10 (2020): 27–44.
[38] Giulia Scalettaris, "Bureaugraphier le HCR : approche empirique et englobante d'une organisation internationale," *Critique internationale* 88, no. 3 (2020): 153–72.
[39] Loescher, *The UNHCR and World Politics*, 201–2.

refugee management techniques in the field of Refugee Studies.[40] Refugee Studies was formally established in British universities during the 1980s, with the specific goal of influencing refugee policy and as "a response to both the growing number of refugees and increased South-North flows" during the 1970s.[41] In the decades that followed, Refugee Studies would often reflect *and* influence the ruling policy paradigm on resettlement. In the early 1980s, when the international community's preference for resettlement rapidly diminished, legal scholars began criticizing the practice. Their basic premise, however, was not so much a concern about resettlement per se, but about what they perceived as the lack of protection due to overly narrow eligibility criteria under refugee law. Under the 1951 Convention and its 1967 Protocol, only those who were persecuted on the basis of race, religion, nationality, membership of a particular social group, or political opinion were eligible for refugee status. In 1983, the prominent refugee law specialist Guy Goodwin-Gill started to advocate a human rights-based refugee regime instead.[42] This might seem odd, as today refugees' rights are often considered human rights, but unlike human rights law refugee law lacks a universalist character. In other words, while human rights in international law apply to everyone without exception, rights in refugee law were explicitly reserved for refugees.[43]

When in the late 1980s and early 1990s conflicts in Central Africa, Central America and Eastern Europe started to produce large numbers of refugees, scholars realized that defining the concept of persecution more broadly would

---

[40] Gil Loescher, Alexander Betts, and James Milner, *The United Nations High Commissioner for Refugees (UNHCR): The Politics and Practice of Refugee Protection into the Twenty-First Century* (London and New York: Routledge, 2008).
[41] B. S. Chimni, "The Birth of a 'Discipline': From Refugee to Forced Migration Studies," *Journal of Refugee Studies* 22, no. 1 (2009): 14. Its central institutions are the Refugee Studies Programme (RSP) in Oxford (established in 1983), the Center for Refugee Studies (CRS) at York University (since 1988). Roger Zetter, "Refugees and Refugee Studies - A Valedictory Editorial," *Journal of Refugee Studies* 13, no. 4 (2000): 349–55; Alexander Betts and Gil Loescher, *Refugees in International Relations* (Oxford: Oxford University Press, 2011).
[42] Guy S. Goodwin-Gill, *The Refugee in International Law* (Oxford: Clarendon, 1983).
[43] Vincent Chetail, "Are Refugee Rights Human Rights? An Unorthodox Questioning of the Relations between Refugee Law and Human Rights Law," in *Human Rights and Immigration*, ed. Ruth Rubio-Marín (Oxford and New York: Oxford University Press, 2014).

increase the number of refugees enormously, turning resettlement into an undesired solution. Their first move was to attack the "exilic bias" that underpinned resettlement as a permanent solution, namely the assumption that migration to the West is always the best solution.[44] The second step, proposed by the influential American legal scholar James Hathaway in 1991, was to shift away from resettlement as a permanent solution and to advocate a system of obliged temporary protection in the refugees' own region. A large group of refugees at the borders of a country could then serve as justification to impose reforms in the country of origin, as the refugees' presence would exert pressure, which could accelerate reforms and return home.[45] Criticism followed immediately. In 1992, Alexander Aleinikoff unmasked this "source-control bias" (i.e. the attempt to enforce human rights by keeping refugees close to the source of the violation) as dangerous, as Western policy would "end up more about *containment* of migration than about improved protection of refugees".[46] Bhupinder S. Chimni, who approached his legal work on refugees from a postcolonial and critical perspective, later identified these debates on human rights as critical for the shift from resettlement to "*involuntary* repatriation", which was a denial of the protection inherent in refugee law, as it violated the *non-refoulement* principle.[47]

At the turn of the millennium, refugee scholars (in the socio-political rather than legal corner of the field) rediscovered resettlement as one of the most humanitarian durable solutions, but also one of the most discretionary that required an enormous amount of political motivation, which scholars found

[44] Gervase J.L. Coles, "The Human Rights Approach to the Solution of the Refugee Problem: A Theoretical and Practical Enquiry," in *Human Rights and the Protection of Refugees Under International Law: Proceedings of a Conference Held in Montreal, November 29-December 2, 1987*, ed. Alan Eric Nash and John Peters Humphrey (South Halifax, N.S: Institute for Research on Public Policy, 1988).

[45] James C. Hathaway, "Reconceiving Refugee Law as Human Rights Protection," *Journal of Refugee Studies* 4, no. 2 (1991): 113–31.

[46] T. Alexander Aleinikoff, "State-Centered Refugee Law: From Resettlement to Containment Refugees and Asylum," *Immigration and Nationality Law Review* 14 (1992): 187 [Emphasis in original].

[47] B. S. Chimni, "From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems," *Refugee Survey Quarterly* 23, no. 3 (2004): 55–73 [Emphasis added].

was missing.[48] They emphasized international cooperation between states for sharing the responsibility for refugees as an important element in resolving the growing refugee crisis. Researchers have since explored the necessary conditions for resettlement and why states engage in resettlement in the first place.[49] To answer this question, the 1970s became an important point of reference. In 1998, sociologist Astri Suhrke noticed that "the old idea of 'burden-sharing' has been revived".[50] She argued that the international resettlement of postwar Eastern European and Hungarian refugees in the 1950s could be explained by instrumental-communitarianism: refugees were resettled by large numbers of Western countries due to cultural proximity and Cold War anti-communist sympathies for these refugees. For the Indochinese in the 1970s, however, Suhrke suggested another explanation. Certain countries were forced by a more powerful state to relieve the plight of the refugees. The United States became "the principal architect of the entire resettlement system" as it "put pressure on other states, set the rules for collective action, and took its own 'fair share'" to persuade others to follow its example.[51] She called this "hegemonic pressure", but noticed that it was so contingent on historical factors that it would be hard to replicate.[52] Her work formed the start of a more systematic analysis of the role of states' interest in burden sharing through resettlement.[53] However, Suhrke also pushed the research in a very distinctive direction, towards the search for resettlement as an international success story that needed replication. My thesis is much more critical of the resettlement efforts that occurred in the 1970s. I am not only interested in the (undeniable) hegemonic pressure, but also in the reasons

[48] Gregor Noll and Joanne van Selm, "Rediscovering Resettlement," MPI Insight (Washington, D.C.: Migration Policy Institute, 2003).

[49] Without going in too much detail here, they commonly use International Relations theory as their basis and divide among traditional realist (i.e. states' self-interest), idealist (i.e. humanitarian altruism), institutionalist (i.e. reciprocity), and constructivist (i.e. international reputation) motives. See: Hashimoto, "Refugee Resettlement as an Alternative to Asylum," 165–66.

[50] Suhrke, "Burden-Sharing during Refugee Emergencies," 396.

[51] Suhrke, 406, 413.

[52] Suhrke, 413.

[53] Noll and van Selm, "Rediscovering Resettlement"; Bessa, "From Political Instrument to Protection Tool?"; Joanne van Selm, "The Strategic Use of Resettlement: Changing the Face of Protection?," *Refuge: Canada's Journal on Refugees*, 2004, 39–48; Hashimoto, "Refugee Resettlement as an Alternative to Asylum."

behind that pressure. It is crucial to understand what was at stake when powerful nations pressed for the internationalization of the resettlement effort.

In 2008, International Relations scholar Alexander Betts developed a model to explain when states engage in international cooperation and overcome what he called "the North-South impasse".[54] His theorization on cross-issue persuasion is based on the premise that the appeal of international cooperation can only be successful when it is linked to vested interests beyond the humanitarian plea of the refugees, such as migration control, security, or trade. Betts compared two successful cases – the last stage of the Indochinese resettlement and the Comprehensive Plan of Action between 1987 and 1997 – with two failed cases of international cooperation to show how countries could be persuaded that resettlement was in their own interest and that "substantive linkages" were "neglected resource of power".[55] He envisaged a greater role for UNHCR as a power broker for protection. In his model, UNHCR has to actively point out these linkages to states.[56] Betts conceptualizes protection as a tool for advancing other policy goals, not unlike the advocates of a human rights-based protection agenda in the 1980s. Generally missing in this model is an evaluation of the desirability of linkages with certain policy goals, let alone a reflection on the motivations of the actors promoting these linkages. Like Suhrke, Betts is looking to turn resettlement into a success without asking the question of who benefits most from it. For instance, if states are persuaded to engage in resettlement in exchange for better border control, many people get trapped except for a few enjoying the international protection that resettlement offers.

Recent research on the role of UNHCR and its powers of persuasion through "soft law" has been more critical about the link between refugee resettlement and humanitarian governance. In an edited volume from 2018, Adele Garnier, Liliana Lyra Jubilut, and Kristin Bergtora Sandvik build on the most recent (historical) insights on humanitarianism to argue that resettlement policy consists of both "care *and* control". They study power relations between

[54] Betts, *Protection by Persuasion*.
[55] Betts, 4.
[56] Betts, 46.

organizations, states and individuals in a context of global inequality.[57] The volume concentrated on UNHCR's power *with* others as well as *over* others, or its powers to persuade and negotiate with other states and NGOs and the powers it assumes over refugees and potential resettlement candidates that can result in coercion. The volume succeeded in producing new political and ethnographic insights into longer time spans, covering a greater geographical area than most works that consider only the United States. However, this longer historical perspective does not yield new historical insights on why actors in specific situations engaged in refugee resettlement, as Garnier *et al*, like most of their Refugee Studies colleagues, were not primarily concerned with historical analysis and instead focused on contemporary policy questions. In a summary review of 2018 on refugee resettlement in International Relations theory, PhD candidate Naoko Hashimoto (University of Sussex) concluded that "there is only a limited amount of empirical research on why an increasing number and variety of states admit refugees through resettlement, when it is not an obligation under international law".[58]

Over the last few years, this situation has changed drastically as empirical historical studies on resettlement have been published in quick succession. These are embedded in critical research traditions, particularly feminist, postcolonial, and critical race studies. Rather than looking at refugees as a problem that requires a humanitarian solution, critical scholars have reconceptualized "the refugee" as a liminal concept. Liminality, according to postcolonial scholar Homi Bhabha, is an in-between space of state, a hybrid environment with potential for subversion and change.[59] Liminality is a strong analytical device as it allows for a reassessment of the boundaries of a certain system or logic. Both Peter Nyers and Nevzat Soguk use the refugee to investigate the boundaries of the modern world order of nation states. According to them, refugee regimes do not solve an "essential" refugee problem, but they set the boundaries of both citizenship and sovereign statehood.[60] In the modern state

[57] Adele Garnier, Liliana Lyra Jubilut, and Kristin Bergtora Sandvik, eds., *Refugee Resettlement: Power, Politics, and Humanitarian Governance* (New York and Oxford: Berghahn Books, 2018), 2 [Emphasis in original].
[58] Hashimoto, "Refugee Resettlement as an Alternative to Asylum," 162.
[59] The postcolonial scholar Homi Bhabha introduced "liminality" in *The Location of Culture* (Psychology Press, 1994).
[60] Peter Nyers, "Emergency or Emerging Identities? Refugees and Transformations in World Order," *Millennium* 28, no. 1 (1999): 1–26; Nevzat Soguk, *States And*

system, where the citizen is the constitutive element, "the marginality of the refugee is vitally productive of the normative centrality of the citizen/nation/state hierarchy in life".[61] In theory, a community of citizens in a territorially bound space forms a nation that enters into a social contract with the state. The nation empowers the state, the state represents the nation and protects its citizens. The refugee, without legal protection of any state, upsets this picture. In order to rectify this rupture, intergovernmental and international regimes are created to bring refugees back into the citizen/nation/state framework.[62] In a very recent publication, historian Mira Siegelberg goes even further. In her intellectual history of the concept of statelessness, she claims that "the international categories defining noncitizenship contributed to the formation and legitimation of the boundaries of interstate order".[63] Going back as far as the late eighteenth century, she shows how the liminal status of noncitizenship has defined the architecture of international law and has forged the world of nation states that emerged in the late twentieth century.[64]

Ethnic studies professor Yến Lê Espiritu was the first to engage with this conceptual innovation with regard to resettlement in her critical revaluation of American humanitarian engagement with Vietnamese refugees.[65] She noticed how the United States used the resettlement of Vietnamese refugees to the United States to reclaim moral authority after the American defeat in the Vietnam War. The press re-imagined the defeat in Vietnam as a morally just and successful war through the portrayal of the Indochinese as a model minority. This discourse was later adopted by policymakers, contrary to the century-old anti-Asian immigration rhetoric that had shaped the US national

Strangers: Refugees And Displacements Of Statecraft (Minneapolis: University of Minnesota Press, 1999).

[61] Soguk, *States And Strangers*, 244.

[62] Soguk, 9–20.

[63] Mira L. Siegelberg, *Statelessness: A Modern History* (Cambridge, MA: Harvard University Press, 2020), 4.

[64] Sara Cosemans, "Modern Statelessness and the British Imperial Perspective. A Comment on Mira Siegelberg's Statelessness: A Modern History," *History of European Ideas* 47, no. 5 (2021): 801–8.

[65] Yến Lê Espiritu, "Toward a Critical Refugee Study: The Vietnamese Refugee Subject in US Scholarship," *Journal of Vietnamese Studies* 1, no. 1–2 (2006): 410–33.

community and imagination.[66] Espiritu's former PhD student and current associate professor at Ohtsuki City College, Ayako Sahara, went a step further in her dissertation on "globalized humanitarianism".[67] Based on Laura Ann Stoler's concept of "imperial formations", Sahara demonstrated how humanitarian tactics, particularly the resettlement of Indochinese refugees to the United States, restored imperial power hierarchies between the First and the Third World.[68] In her case study of Japan, she furthermore showed how Japanese financial contributions to the resettlement effort helped Japan to gain credit in and become part of the West.

These critical approaches towards the humanitarian responses on behalf of the Vietnamese refugees have opened up the field to (global) historians and finally provided a pathway to empirical research of resettlement in the postwar period. Although other refugee resettlement developments during the 1970s are increasingly attracting more attention, historians' attention for globalized humanitarianism and (imperial) hierarchy is clearest in regard to refugees from/in Asia and Indochina.[69] Resettlement is not the sole focus of these studies that concentrate on humanitarianism more generally. The occurrences

[66] Yến Lê Espiritu, "The 'We-Win-Even-When-We-Lose' Syndrome: U.S. Press Coverage of the Twenty-Fifth Anniversary of the 'Fall of Saigon,'" *American Quarterly* 58, no. 2 (2006): 329–52.

[67] Ayako Sahara, "Globalized Humanitarianism : U.S. Imperial Formation in Asia and the Pacific through the Indochinese Refugee Problem" (Ph.D. Dissertation, San Diego, The University California San Diego, 2012).

[68] Ann Laura Stoler, "On Degrees of Imperial Sovereignty," *Public Culture* 18, no. 1 (2006): 125–46.

[69] The resettlement of Ugandan Asians are also attracting more attention, for instance in my own work "The Politics of Dispersal: Turning Ugandan Colonial Subjects into Postcolonial Refugees (1967–76)," *Migration Studies* 6, no. 1 (2018): 99–119. See also the scholarship of Becky Taylor: "Good Citizens? Ugandan Asians, Volunteers and 'Race' Relations in 1970s Britain," *History Workshop Journal* 85 (2018): 120–41. A number of other scholars, particularly Saima Nasar at Birmingham University and Ria Kapoor at the University of Leeds, are working on this case study but their work has not yet been published. On Chile as well, new studies on resettlement have been published since 2018. Carmen Norambuena, Adriana Palomera, and Ana Lopez, "Brazilians in Chile during the Military Dictatorship: Double Refuge 1973-1975," *História Unisinos* 22, no. 3 (2018): 453–65; Adriana Palomera and Carmen Norambuena, "Refugio Y Asilo De Bolivianos Durante La Dictadura Chilena Entre 1973 Y 1975," *Diálogo Andino*, no. 57 (2018): 133–46; Romina Miorelli and Valentina Piersanti, "Staying Alive: 1970s Southern Cone Exiles in the UK," *Bulletin of Latin American Research* 40, no. 2 (2021): 220–34.

of the 1970s, with the decade's large and successful international cooperation on behalf of refugees, serve as counterpoint to the earlier and later periods. Laura Madokoro's work on Chinese refugees from the People's Republic in Hong Kong, for instance, shows that despite concerted efforts by a tireless group of Western humanitarians and the Cold War context, refuge for Asians in the West remained "elusive" throughout the 1950s and 1960s.[70] Jana Lipman has pointed out in her latest book *In Camps* how protracted camp life and not resettlement was constitutive for the refugee experience in Southeast Asia in the 1980s.[71] Both monographs redirect our gaze away from purely American developments towards Asia, where Western humanitarianism and human rights discourses worked to discredit the regions from which refugees originated, including both the countries of origin and the countries of first asylum.[72]

Yet, when these works do consider resettlement, they continue to consider only developments in the traditional immigration nations: the United States and the other white settler societies, namely Canada, Australia, and New Zealand. This is interesting, because of the groundbreaking work that has already been conducted on these countries race-based immigration policies.[73] However, there is little attention for what I have called "the politics of dispersal" elsewhere: the conscious effort during the 1970s to disperse refugees from the Global South as widely as possible within the international community.[74] Only very recently, in 2021, Becky Taylor, Karen Akoka, Marcel Berlinghoff, and Shira Havkin published an edited volume that places international resettlement into the limelight.[75] By focusing on the resettlement of Indochinese refugees to Europe and Israel, they are able to show how resettlement was translated into national frameworks, which was and still remains the primary level for the interpretation and application of refugee law in our state-centered

[70] Madokoro, *Elusive Refuge. Chinese Migrants in the Cold War*.
[71] Jana K. Lipman, *In Camps: Vietnamese Refugees, Asylum Seekers, and Repatriates* (Berkeley: University of California Press, 2020).
[72] Sahara, "Globalized Humanitarianism"; Lipman, *In Camps*.
[73] See in particular McKeown, *Melancholy Order*.
[74] Cosemans, "The Politics of Dispersal."
[75] Becky Taylor et al., eds., *When Boat People Were Resettled, 1975–1983: A Comparative History of European and Israeli Responses to the South-East Asian Refugee Crisis*, Palgrave Studies in Migration History (Cham: Palgrave Macmillan, 2021).

refugee regime. The multiplicity of practices is an essential observation, as it shows for the first time how highly complex an undertaking international resettlement in the 1970s was.

Overall, in the histories that draw from critical insights on the link between humanitarianism and imperial formations, there is one important aspect missing: international cooperation. How did states and non-state actors work together and against one another to internationalize the resettlement effort? Why did the international community undertake actions with such enormous logistical repercussions to send often relatively small numbers of refugees to large numbers of predominantly small countries? It begs the question who benefitted from this dispersal. Certainly not always the refugees themselves, who were restricted in their choice of destination and who were sometimes marginalized to such an extent upon arrival that they decided to remigrate.[76] In this thesis, the international exchange is crucial. I want to investigate how actors, the powerful and weak states, but also non-state actors such as the international organizations involved in refugee resettlement, influenced each other, what motivated them, and to what effect.

RECONCEPTUALIZING RESETTLEMENT

The intervention to see refugees as a liminal concept that upsets an international order built on the concept of sovereign nation states has led researchers to investigate how and why refugees emerged in the first place. I propose to do the same with resettlement. As a liminal concept, resettlement forces us to investigate the limits of international cooperation and state sovereignty. In his telegram about the resettlement of Vietnamese people who had just arrived in Hong Kong, Charles Cross stressed the importance of "the internationalization of the refugee problem". This thesis will first consider what "the refugee

[76] The example of Israel that Shira Havkin offers in the volume is telling: "Israel: Asylum Without Refugee Status: Israel's Reception of Vietnamese Exiles," in *When Boat People Were Resettled, 1975–1983: A Comparative History of European and Israeli Responses to the South-East Asian Refugee Crisis*, Palgrave Studies in Migration History (Cham: Palgrave Macmillan, 2021), 177–211. However, we have plenty of evidence from the Ugandan Asian and Chilean case studies that similar things happened there. See in particular: Parminder Bhachu, "Twice Migrants and Multiple Migrants," in *The Wiley Blackwell Encyclopedia of Race, Ethnicity, and Nationalism* (Hoboken, NJ: John Wiley & Sons, 2015).

problem" was, and proceed by investigating what was meant exactly by "internationalization". It will do so in the framework of a limited timespan (the 1970s) and a somewhat harder to define geographical region (the Global South).

If we want to understand resettlement in the 1970s, we need to reconstruct how UNHCR used legal definitions to bring certain people under its mandate in order to enable resettlement opportunities. Hence, we must compare UNHCR's normative framework, created by its 1950 Statute and the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, with its practices of refugee status determination.

It is only in the last couple of years that scholars have begun to examine how exactly the legal refugee regime exactly worked and took shape in the past. Historians increasingly recognize that whether people were labeled as "refugees" depended on political, legal, societal, and economic circumstances. They are progressively becoming aware of the importance of what Nevzat Soguk has called "refugeeing" – the historical processes of socially creating refugees.[77] However, historians often feel restricted by the notion of the refugee in its legal sense, as it never encompasses all experiences of forced migration. Peter Gatrell has therefore suggested employing the concept of "refugeedom", which allows for a study of forced migration beyond the strict confines of the contemporary refugee regime.[78] Laura Madokoro proposes the use of "the term *migrant*, while attending to the occasions when observers, interested parties, and migrants used the term *refugee* to describe themselves and their situation".[79] She takes the term migrant as a starting point to investigate "how and why someone might be called a refugee".[80] For Jana Lipman, the question of terminology is "the crux of the problem" for which she has "no perfect solution".[81] She attempts to avoid terms such as refugees and stays close to the language of the archival records to "drill down and explore how refugee status depended on time, place, global alliances, and local politics,

[77] Soguk, *States And Strangers*, 244.
[78] Peter Gatrell, *The Making of the Modern Refugee* (Oxford and New York: Oxford University Press, 2013), 30; Peter Gatrell, "Refugees—What's Wrong with History?," *Journal of Refugee Studies* 30, no. 2 (2017): 178.
[79] Madokoro, *Elusive Refuge. Chinese Migrants in the Cold War*, 7.
[80] Madokoro, 7.
[81] Lipman, *In Camps*, 19.

while also recognizing the arbitrariness of influence, luck, and chance".[82] However, when studying resettlement, the legal framework needs renewed attention, because in principle only international recognized refugees under the 1951 Convention or under UNHCR's statutory mandate qualify for resettlement under the current refugee regime. Despite the inevitable discrepancies between the experiences and the legal status of refugees, it is crucial to pay close attention to the legal dimensions of the issue of resettlement.

It is paramount to understand that the three case studies that are central to this thesis, and which will be explained in greater detail in chapter 1, were not straightforward resettlement cases. They played out in "grey areas" of the refugee regime, to borrow legal scholar Maja Janmyr's phrase. The refugees were either located in countries that were not signatories to the 1951 Convention or the 1967 Protocol, or they had not complied with the most important provision in the refugee regime, namely that one needs to cross the border of their country of origin or habitual residence to become a refugee.[83] Recent research on current refugee situations, such as the Syrians in Lebanon, has shown that in legally ambiguous situations, when UNHCR is unable or countries are unwilling to determine the legal status of a group of displaced people, UNHCR and other humanitarian actors search for alternative ways of protection that do not require refugee recognition under international law.[84] However, in the 1970s, UNHCR pro-actively worked towards that recognition. This meant that UNCHR officials often had to become very creative with refugee law, and work together with other international and national humanitarian organizations to mold certain groups into the refugee framework. The "refugeeing process" in the 1970s needs to be taken quite literally as a phenomenon that turned people into international recognized refugees. UNHCR used these processes to expand its power throughout the 1970s, but it also met its limits. Resettlement became an important element of "state-crafting" in Soguk's terms. Through resettlement, states tried to reproduce "the central normativity of the citizen/nation/state hierarchy" in the 1970s.[85]

---

[82] Lipman, 19.

[83] "Statute of the Office of the United Nations High Commissioner for Refugees," Pub. L. No. General Assembly Resolution 428 (V) (1950), "1950 Statute".

[84] Maja Janmyr, "UNHCR and the Syrian Refugee Response: Negotiating Status and Registration in Lebanon," *The International Journal of Human Rights* 22, no. 3 (2018): 413.

[85] Soguk, *States And Strangers*, 244.

At crucial junctions, UNHCR's own ambitions to expand its role turned it into an unexpected ally of the powerful states that were trying to reduce their responsibility for certain groups of people from the Global South.

Only if we carefully consider the normative framework and its consequences, will we be able to assess the extent of the political power applied to refugee determination decisions that formed the basis for international resettlement. For our purposes, it is important to take into account that refugee status is not monolithic, but instead consists of various statuses, with different implications for refugees. There are three types of statuses: Convention Status, which is (mostly) granted by states based on the 1951 Convention and its Protocol, Mandate Status that depends directly on UNHCR's 1950 Statute, and *prima facie* status, which is a preliminary status granted to a certain group, originating from a certain place at a certain moment for which there are objective criteria to assume their persecution as a group. The current understanding is that resettlement is and was only possible when one has acquired "full" refugee status, as *prima facie* status did not grant the same rights, for instance to travel.[86] Yet at the same time, specialists acknowledge that the world's largest resettlement program, which started for the Vietnamese in 1979 was entirely run on the premise that people wanting to leave Vietnam were *prima facie* refugees. It is key to investigating why and how resettlement from Indochina became possible for *prima facie* refugees and which potential precedents existed for this arrangement. Furthermore, we need to consider the impact of the different statuses on the treatment of refugees, to understand differentiated refugee experiences even among a group that had acquired refugee status.

I will show that decisions on refugee determination in Indochina were shaped by what UNHCR staff had learned in Uganda and Chile and by whom they knew in other organizations as well as in states. Mine is the first study to attempt a "bureaugraphic" approach of the UNHCR Office in the 1970s. Through a unique set of interviews with three actors who were employed at UNHCR from 1951-1952 until 1979, it was possible to discern the internal relations inside the office, as well as their links with the outside world.[87] These

[86] Matthew Albert, "Prima Facie Determination of Refugee Legal Status: An Overview of Its Legal Foundation," *RSC Working Paper Series* 55 (2010): n. 27.
[87] Archives of the United Nations High Commissioner for Refugees, Geneva, Fonds 36 (hereafter UNHCR 36), Collected Staff Narratives.

interviews allowed to search for specific autobiographical and academic literature produced by the main staff members during this period. Contrary to someone like Gil Loescher, who stood close to the main actors, as he was often engaged in UNHCR activities and programs and who knew many officials personally, my approach towards the place of UNHCR in "world politics" takes a more critical distance.[88] Where possible (and this was surprisingly often), I have cross-checked the memories and analysis of the main UNHCR officials with archives from across the world. The picture that emerges is one of a very ambitious UNHCR that wanted to increase its legitimacy on a global scale, not only in the Third World, but also in the communist bloc, to become the first UN agency with a truly worldwide reach and impact. This expansion, as we will see, did not always happen with the best interest of refugees in mind. When we consider the impact of resettlement of refugees' lives it is always important to include the perspective of those who never got the chance to resettle. UNHCR's internal politics and ambitions played a role in this, much more than UNHCR officials themselves and certain researchers, which have emphasized its "apolitical and purely humanitarian" stance, would acknowledge.[89] Instead, I will pay close attention to how global relations of power were forged by looking at the individual agency of UNHCR staff and their networks within the international community.

The most important feature of resettlement in the 1970s was the internationalization of the resettlement effort. Internationalization and international resettlement are linked but are not exactly the same thing. Some resettlement movements relocated people (migrants and refugees alike) to a very limited number of countries, sometimes even only one. The term "overseas resettlement" for instance often refers to resettlement to the United States and/or Canada. Internationalization is rather linked to burden sharing among a large group of countries. Burden sharing is considered a form of international

[88] Loescher, *The UNHCR and World Politics.*

[89] Michael Barnett, "Humanitarianism with a Sovereign Face: UNHCR in the Global Undertow," *The International Migration Review* 35, no. 1 (2001): 244. Other authors have undermined Barnett's notation that UNHCR managed to remain neutral. For clear examples in the historical literature, see Klaus Neumann, "Hush-Hushing the Whole Matter: The UNHCR, Australia, and West Papuan Refugees," *Refuge: Canada's Journal on Refugees* 23, no. 1 (2006): 12; Rüdiger Schöch, "UNHCR and the Afghan Refugees in the Early 1980s: Between Humanitarian Action and Cold War Politics," *Refugee Survey Quarterly* 27, no. 1 (2008): 45–57.

solidarity within the refugee regime, as it is supposed to provide support to countries of first asylum, which are suddenly overburdened by an unexpected influx of a large number of refugees. An instructive case was the resettlement of 230,000 Hungarian refugees from Austria to thirty-six countries after the Hungarian Uprising in 1956.[90] We can regard this as a form of "international solidarity", where a large coalition of countries comes together to share the burden of a country of first asylum confronted with a sudden and overwhelming refugee influx. In the 1970s, however, we see that the countries of first asylum, that were also located in the Global South, were less successful in attracting the same kind of solidarity. Instead, there was a conscious effort by Western countries to seek the widest possible dispersal of a group of refugees, through what Astri Suhrke has called "hegemonic pressure".[91] Internationalization was not simply international solidarity, it also aimed to reduce the responsibility of powerful states for resettling refugees that they could be held responsible for. In Vietnam, for example, the refugee crisis was seen as an American responsibility, until the US exerted pressure on the international community to share its burden. But the US learned this technique from the British government, which applied it during the Ugandan Asian crisis, where many Asians had unrestricted access to the UK as British passport holders due to a postcolonial anomaly. Contradictory as it may seem, internationalization served to control people's movement. While many countries offered resettlement spots, which seems to imply a choice for refugees, internationalization was a way of masking that there were certain places that refugees could not go to. Not coincidentally, these often were the places refugees wanted to go to the most. Differently put, internationalization reduced refugees' freedom of movement, because it excluded certain places in advance.

In the 1960s, a set of rights connected to "freedom of movement" had been codified into legally binding international law, through the adoption of the International Covenant on Civil and Political Rights (ICCPR). Already in the Universal Declaration of Human Rights of 1948, three articles emerged that infringed on states' sovereignty: the right to leave any country, including his own, and to return to his country (Art. 13.2), the right to seek and to enjoy in other countries asylum from persecution (Art. 14.1) and the right to a nation-

[90] Marjoleine Zieck, "The 1956 Hungarian Refugee Emergency, an Early and Instructive Case of Resettlement," *Amsterdam Law Forum* 5, no. 2 (2013): 45–63.
[91] Suhrke, "Burden-Sharing during Refugee Emergencies."

ality (Art. 15.1).[92] According to human rights historian Mary Ann Glendon, these "were rights with an international dimension" as they did not only impact individuals in single states.[93] Indeed, they regulated the transgression of individuals between several states. The ICCPR fortified the rights to leave and to return, but as several legal scholars have remarked, these rights remained weak, because there was no corresponding right to settle in a new place.[94] Nevertheless, the provisions on freedom of movement in the International Bill of Rights, as the combination of UDHR and the International Covenants is called, put pressure on states to honor their obligations towards migrants and international migration in general.

Central to this thesis are the two countries that had the greatest impact on the debates concerning internationalization and freedom of movement throughout the decade: the United States and the United Kingdom. They started from different principles and experiences, but as the decade progressed, their ideas regarding freedom of movement diverged. Not coincidentally, the electoral victories of Margaret Thatcher in 1979 and Ronald Reagan in 1981 on neoliberal agendas followed immediately after the peak days of resettlement. The objective is not only to describe the hegemonic pressure that led to internationalization, but to investigate how from the early 1970s onwards resettlement was used by powerful states to re-establish the previous hierarchy.

In the US, freedom of movement had originally been evoked to stimulate greater resettlement efforts and had concentrated on the right to leave. In the

---

[92] "Universal Declaration of Human Rights."

[93] Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, 1st edition (New York: Random House Trade Paperbacks, 2002), 182.

[94] Guy S. Goodwin-Gill, "The Right to Leave, the Right to Return and the Question of a Right to Remain," in *The Problem of Refugees in the Light of Contemporary International Law Issues: Papers Presented at the Colloquium Organized by the Graduate Institute of International Studies in Collaboration with the Office of the UNHCR, Geneva, 26 and 27 May, 1994*, ed. Vera Gowland-Debbas, Nijhoff Law Specials 12 (The Hague: Nijhoff, 1996), 97; Jane McAdam, "An Intellectual History of Freedom of Movement in International Law: The Right to Leave as a Personal Liberty," *Melbourne Journal of International Law* 12, no. 1 (2011): 27–28; Dimitry Kochenov, "The Right to Leave Any Country Including One's Own," in *Issues in International Migration Law*, ed. Richard Plender (Brill Nijhoff, 2015), 177.

early 1970s the right to leave was the first human right to arouse a substantial degree of activism on behalf of the Soviet Jews.[95] In the 1950s, a secret Israeli organization, Lishkat Hakesher (the Liaison Office, code named 'Nativ') launched a small operation behind the Iron Curtain, to convince Jews to consider migration or *aliya* to Israel. In 1955, Nativ went international, launching 'Operation Bar', to influence policymakers and (Jewish) intellectuals in several countries in Western Europe and the Americas on the topic of Soviet Jewry. At first, this had almost no effect, especially because there was at the time very little desire among Soviet Jews to emigrate.[96] This changed in the 1960s, especially as conditions for Jews worsened after a brief relaxation following Stalin's death. Moreover, from 1971 onwards, strong American lobbying became an important factor for the resettlement of Soviet Jews, eventually resulting in the Jackson-Vanik Amendment to the 1974 Trade Bill, which tied American trade possibilities to Soviet adherence to human rights.[97] Over the course of the decade, as more Soviet Jews decided to settle in the US instead of Israel, the Soviet Jewry's right to leave would become an important point of reference in American ideas about refugees.[98] The right to leave became a particular signal in American (human rights) politics for moral virtue, even superiority over the Soviet Union and the Communist world in general.

In the UK, policymakers struggled less with the right to leave, and more with the other rights regarding freedom of movement: the right to return to one's country, the right to seek asylum, and the right to a nationality. As a former colonial superpower, the UK had large numbers of residual citizens in the

---

[95] Barbara J. Keys, *Reclaiming American Virtue: The Human Rights Revolution of the 1970s* (Cambridge, MA: Harvard University Press, 2014), 4.

[96] Pauline Peretz, *Let My People Go: The Transnational Politics of Soviet Jewish Emigration During the Cold War* (New Brunswick: Routledge, 2015), 48.

[97] Jordan Chandler Hirsch, "The Gateway: The Soviet Jewry Movement, the Right to Leave, and the Rise of Human Rights on the International Stage" (Undergraduate Thesis, New York, Columbia University, 2010); Geoffrey P. Levin, "Before Soviet Jewry's Happy Ending: The Cold War and America's Long Debate Over Jackson-Vanik, 1976-1989," *Shofar: An Interdisciplinary Journal of Jewish Studies* 33, no. 3 (2015): 63–85.

[98] William Korey, "From Helsinki: A Salute to Human Rights," in *A Second Exodus: The American Movement to Free Soviet Jews*, ed. Murray Friedman and Albert D. Chernin (Hanover, NH: Brandeis University Press, 1999), 124–35; Michael Galchinsky, "The American Jewish Committee and the Birth of the Israeli Human Rights Movement," *Journal of Human Rights* 5, no. 3 (2006): 308.

Global South that had legal ties but no social bonds to the metropole – they held British passports but did not have white ancestry.[99] Throughout the 1960s and early 1970s, Conservative and Labour governments alike sought to reduce the immigration of these non-white British passport holders. However, interventions to reduce these British passport holders' right "to return to their own country" was highly problematic, as they deprived them of their passports and thus rendered them stateless. The provisions of freedom of movement accordingly made the UK vulnerable for accusations of human rights abuses. Early on, it sought to evade this problem through internationalization or dispersal. Another solution was found in shifting the focus of human rights advocacy from an emphasis on freedom of movement to a focus on the right to the integrity of one's person, or the protection from harm and against torture.[100] Finally, however, it was UNHCR which suspended a human right, the right to leave from Vietnam, when it installed the previously mentioned ODP, that was in fact a moratorium on departures.[101]

It is striking that the violation of a legally binding human right by a UN agency has not received more attention from human rights historians. Since Samuel Moyn's iconoclastic book *The Last Utopia* (2010), there has been tremendous attention focused on human rights, both during the 1970s and in earlier and later decades – mostly to prove wrong Moyn's basic premise that human rights only knew their breakthrough in the 1970s.[102] As a result, Moyn has recently updated his vision, in which he remains adamant that the 1970s were the real decade of breakthrough for human rights, but he now linked their ascendence to the neoliberal developments that took place at the same time. In *Not Enough* (2018) he asserts that human rights gained so much acclaim because they promoted sufficiency, rather than the socialist (and communist) ideal of equality. Human rights thus went along well with an emerging neoliberal consensus in

[99] Prakash Shah, *Refugees, Race and the Legal Concept of Asylum in Britain* (London and Sydney: Routledge, 2000).
[100] Keys, *Reclaiming American Virtue*, 7.
[101] Sara E. Davies, "Saving Refugees or Saving Borders? Southeast Asian States and the Indochinese Refugee Crisis," *Global Change, Peace & Security* 18, no. 1 (2006): 3–24; Kumin, "Orderly Departure from Vietnam."
[102] As Paul van Trigt remarked in his historiographical overview of the human rights debate, Moyn has pushed the debate in a particular direction that his critics have not entirely managed to surpass. Paul van Trigt, "Voorbij de laatste utopie," *Tijdschrift voor geschiedenis* 131, no. 2 (2018): 327–40.

the West.[103] Moyn shows convincingly how human rights were incorporated in the neoliberal paradigm, but because he does not want to seriously engage with human rights before the 1970s, it is actually hard for him to see that in the 1970s, certain human rights, particularly those regarding freedom of movement, but also social and economic human rights that were so important to the Soviet Union and their allies when the Universal Declaration was conceived in the 1940s, were systematically curtailed.

Rather than noticing that human rights fitted the neoliberal paradigm well, I will argue that neoliberalist ideas actively shaped the way we perceive human rights today. This is particularly visible in the refugee regime, where granting "sufficient" protection (keeping refugees alive) now trumps granting protection (an equal legal status to that of citizens). Resettlement and integration were replaced by containment and protracted camp situations. As a result, the refugee regime was transformed into a "humanitarian marketplace" where only the most vulnerable could expect resettlement aid.[104] Strangely enough, refugee specialists situate the breakthrough of this neoliberal refugee regime very late, around the turn of the millennium, in 2005, when the United Nations introduced the new framework of the "Responsibility to Protect" (R2P). In the scholarship on neoliberalism and the refugee regime, the 1970s retain their mythical character of the exception, as if the powerful states were not yet influenced by neoliberal ideas regarding refugees by then.[105]

This thesis demonstrates that powerful states used the internationalization of resettlement to eradicate the effects of the rights to freedom of movement. In fact, the 1970s was the decade that saw an active attempt to domesticate human rights, particularly if they implied Western responsibility for interna-

---

[103] Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Cambridge, MA: Harvard University Press, 2018). See also: Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press, 2010).

[104] Jeff Crisp, "Refugees, Persons of Concern, and People on the Move: The Broadening Boundaries of UNHCR," *Refuge: Canada's Journal on Refugees* 76, no. 1 (2009): 76.

[105] They build on political scientist Stephen Krasner's insight that powerful states frequently violate generally accepted international norms to assert their sovereignty at the expense of weak states. Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999). For a good summary of the argument, see Christopher Lee, "Humanitarian Assistance as Containment: New Codes for a New Order," *RSC Working Paper Series* 72 (2011): 12.

tional refugees and migrants in the newly established world of nation states. Human rights abuses were something that happened out there in the Global South, not something from here in the Global North. Historian Barbara Keys had made a similar point with regard to the focus on torture, but she does not go as far as proving that the Western states actively and knowingly breached human rights law.[106] Human rights historians have focused so much on the "breakthrough" of human rights, disputing among themselves which decade was most crucial, that they have lost sight of the fact that the meaning of human rights constantly shifted. In 1979, UNHCR's decision to breach the principle of freedom of movement legitimized the anti-immigration stance of the Western nations, because it tacitly acknowledged that freedom of movement was *a difficult right to enforce* in an international court. If in the early 1970s, weaker states had tried to use migration as a weapon against the powerful states to renegotiate the global power balance, by the end of the 1970s, that strategy proved worthless as the accusation of faltering freedom of movement to the West lost the currency it once had.[107] I argue that the 1970s signaled the rise and demise of human rights as a political tool for the Third World. As a result, by the late 1970s human rights became more useful for Western policymakers because by then human rights were deprived of the elements that made them dangerous to Western leaders.

The decolonization process destabilized the world order, but provided great opportunities to the new nations that emerged out of it through a project called Third Worldism.[108] It came into being at the 1955 Bandung Conference, where for the first time a political alliance was forged between colonial and postcolonial states marked by what Marxist scholars have described as "underdevelopment".[109] In the 1960s, this bloc of Third World countries from Africa, Asia, and South America would leave a decisive mark on the operations of the United Nations. Particularly in the field of human rights, the

[106] Keys, *Reclaiming American Virtue*, 7.

[107] I borrow the concept of refugees as political weapons from political scientist Kelly Greenhill: *Weapons of Mass Migration: Forced Displacement, Coercion, and Foreign Policy* (Ithaca and Londen: Cornell University Press, 2010).

[108] Alina Sajed, "Re-Remembering Third Worldism: An Affirmative Critique of National Liberation in Algeria," *Middle East Critique* 28, no. 3 (2019): 243–60.

[109] Andre Gunder Frank, *Latin America: Underdevelopment Or Revolution: Essays on the Development of Underdevelopment and the Immediate Enemy* (New York: Monthly Review Press, 1969).

drafting and passing of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), Third World countries played a constitutive role.[110] In 1964, the Third World Bloc established the United Nations Conference on Trade and Development (UNCTAD), which became the basis for demands about an alternative equitable economic order. In the early 1970s, it held great promise. In 1973, at the Non-Aligned Movement Conference in Algiers, the project of the New International Economic Order (NIEO) saw the light that it had to reinvent global economics from a Third World perspective of equality.[111]

For my purposes, it is important to note that all the resettlement cases of the 1970s emerged from countries in the Third World, as the refugee crises were linked to anti-colonial and new economic Third World experiments. The expulsion of the Asians from Uganda was directly connected to the Africanization project that was meant to decolonize the Ugandan economy. The Chilean president Salvador Allende aspired to take up a leadership role in the Non-Aligned Movement and managed in 1972 to organize the third meeting of UNCTAD in Santiago de Chile before joining the movement as a full member in 1973.[112] The Chilean coup of September 11, 1973 that caused flight from Chile was an assault on Allende's leadership in the Third World and the threat to American economic interest that his government posed. The fall of Saigon in 1975 was one of the most defining anti-imperial victories in its effect on global power balances. While only some of these cases fell within the confines of the "global Cold War" (Chile, Vietnam), Third Worldism binds them all together and has therefore a greater explanatory power.[113] I will

[110] Steven L. B. Jensen, *The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values*, Human Rights in History (Cambridge, UK and New York: Cambridge University Press, 2016).

[111] Anthony Anghie, "Inequality, Human Rights, and the New International Economic Order," *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 10, no. 3 (2019): 429–42.

[112] Luis Dallanegra Pedraza, "Latin-America and the Caribbean Countries Participation in the Nonaligned Movement," in *The Non Aligned World* (New Delhi: School of International Studies, Jawaharlal Nehru University, 1984), 27–51; Tanya Harmer, *Allende's Chile and the Inter-American Cold War* (Chapel Hill: The University of North Carolina Press, 2011), 159.

[113] In the historiographical debate among Odd Arne Westad and Anders Stephanson on the meaning of the Cold War during the 1970s, Westad argues that the 1970s saw

investigate how resettlement helped to construct the Global South, both abroad and at home. The refugees that became recipients of resettlement assistance may have originated from a Third World context; their resettlement transformed them into Global South subjects. That is why I chose "resettlement from the Global South" as the subtitle of this dissertation. In the text I will distinguish between the Third World, to indicate the attempted global changes originating in the (post)colonial world, and the Global South, which signals the containment of these efforts.

COLLECTING SOURCES ON RESETTLEMENT

Understanding the international negotiations that shaped resettlement practices in the 1970s requires a truly international approach that not only bring together political and diplomatic developments, but also takes into consideration evolutions in international law. This research therefore combines legal as well as diplomatic sources. Apart from the relevant international legal instruments, I have dedicated special attention to legal commentaries written by UNHCR staff members. Until the late 1970s, UNHCR's legal department, also called the Protection Department, was the most important section of the Office. It was headed by the imminent nationality and refugee scholar Paul Weis until his retirement in 1967. Weis was a former refugee from Nazi Germany and later became a British citizen.[114] His writings remain important for understanding the contemporary refugee regime. In the 1970s, several legal advisors, most particularly Gilbert Jaeger, a Belgian national, and Ivor Jackson, an Englishman with Latvian ancestry, who respectively became

---

the emergence of a "Global Cold War" in which the conflict relocated to the Global South. This is by far the most common reading among historians. Anders Stephanson has argued that the Cold War in the 1970s ended, at least according to contemporary actors, because of the renewed diplomatic contacts between the United States and the communist world. According to him Reagan started a new Cold War in the 1980s. Odd Arne Westad, *The Global Cold War: Third World Interventions and the Making of Our Times* (Cambridge UK, and New York: Cambridge University Press, 2005); Anders Stephanson, "Cold War Degree Zero," in *Uncertain Empire: American History and the Idea of the Cold War*, ed. Joel Isaac and Duncan Bell (Oxford and New York: Oxford University Press, 2012), 19–49. In this study, I also show that the Cold War was less important a frame of reference as often thought. I thus tend to side with Stephanson on this one.

[114] Ivor C. Jackson, "Editorial: Paul Weis 1907-1991," *International Journal of Refugee Law* 3, no. 2 (1991): 183–84.

Director and Assistant Director of Protection in 1977 after long careers at UNHCR, wrote on aspects of refugee protection crucial to understanding resettlement.[115] Interestingly, in 1998, both men were interviewed for UNHCR's collected staff narratives project. The lengthy in-depth interviews give an excellent insight in their thought processes and networks behind their legal work and scholarship.[116] Other scholarly and (auto)biographical writings, particularly from staff members who joined the Office in the late 1970s and early 1980s will be used as well, as they show how the focus of UNHCR shifted from a legal to a more international relations oriented approach.[117]

The main body of sources, however, are archival sources gathered across the globe through multi-archival and multilingual research. I have collected approximately 75,000 pages (73,090 to be precise) from sixteen archival collections in eight countries (see bibliography). I furthermore selected and downloaded 21,886 digital records from the Access to Archival Database of the American National Archives and Record Administration (AAD), dated between July 1, 1973 and December 31, 1979.[118] Unlike other scholarship on resettlement, which focuses mainly on countries' internal deliberations and policies regarding refugee reception after resettlement, I have concentrated on

---

[115] Gilbert Jaeger, "Refugee Asylum: Policy and Legislative Developments," *The International Migration Review* 15, no. 1/2 (1981): 52–68; Gilbert Jaeger, "On the History of the International Protection of Refugees," *Revue Internationale de La Croix-Rouge/International Review of the Red Cross* 83, no. 843 (2001): 727–38; Ivor C. Jackson, *The Refugee Concept in Group Situations*, Refugees and Human Rights 3 (The Hague: Kluwer law international, 1999); Ivor C. Jackson, "Some International Protection Issues Arising During the 1970s and 1980s with Particular Reference to the Role of the UNHCR Executive Committee," *Refugee Survey Quarterly* 27, no. 1 (2008): 30–39.

[116] UNHCR 36, Collected Staff Narratives.

[117] Kumin, "Orderly Departure from Vietnam"; Alexander Casella, *Breaking the Rules: Working for the UN Can Be Fun. And It Can Also Do Some Good Provided One Is Ready to Lie, Fib, Obfuscate and Break All the Rules.* (CreateSpace, 2011); Luise Druke, *Innovations in Refugee Protection: A Compendium of UNHCR's 60 Years- Including Case Studies on IT Communities, Vietnamese Boatpeople, Chilean Exile and Namibian Repatriation* (Frankfurt am Main and New York: Peter Lang, 2014); Miserez, *Prince Sadruddin Aga Khan*.

[118] The AAD website gives access to 3,225,365 digital US Department of State Cables from the Central Foreign Policy Files, Record Group 59. See next section for a more in-depth elaboration on this material.

foreign policy and international diplomatic files. With regard to refugee policy, three archive collections feature most prominently in the analysis. In the UNHCR archives, I have focused on Fonds 11 Records of the Central Registry, Series 2 Classified Subject Files 1971-1984, Subgroup Refugee Situations. These files give information on the resettlement practices (and problems) in 77 countries. In the British National Archives at Kew (TNA), most consulted records were produced in the Foreign and Commonwealth Office (FCO). For the American perspective, the aforementioned AAD sources form the most important part of my analysis, together with a smaller collection of sources from the Committee on the Judiciary, situated in the National Archives and Record Administration in Washington, DC.

I also visited the (national) archives of the countries in the Global South where the refugees originated. During my earlier research on the dispersal of Ugandan Asians, I became acquainted with the Uganda National Records Centre and Archives.[119] The Ugandan archives presented a completely different narrative on the resettlement. They do not speak of refugees, but focus on the "economic war" that the Ugandan government was waging with Great Britain.[120] These archives for the first time opened my eyes to different interpretations of the resettlement events in the 1970s. These revelations pointed at the importance of taking the stance of the countries of origin into account. I subsequently visited various archives in Chile and Vietnam. In Chile, I predominantly focused on the material in the Historical Archives of the Ministry of Foreign Affairs (Archivo Histórico del Ministerio de Relaciones Exteriores).[121] In Vietnam, I visited National Archive Center 2 (Trung tâm Lưu trữ quốc gia II) in Ho Chi Minh City that holds all the records of the Republic of (South) Vietnam, but I found most useful material in National Archive Center 3 (Trung tâm Lưu trữ quốc gia III) in Hanoi that collects the records of the current regime since 1945. Primarily the records of the Prime

[119] This research was funded by an Alliance Travel Grant from Columbia University and took place in July 2014, within the framework of my MA/MSc program in International and World History at Columbia University and the London School of Economics (class of 2014).

[120] Uganda National Records Centre and Archives, Entebbe (hereafter UNRCA), Office of the President – Confidential, Box 37, SRA/11 3, Chief Secretary's Office, Entebbe, Economic War, No Date.

[121] This research was funded by a travel grant from the Research Foundation Flanders, FWO File Number 53736, and took place in the summer of 2018.

Minister's Office and of the Planning Committee provided indispensable insights.[122] While I speak, read, and write Spanish fluently, the same cannot be said about Vietnamese. In the Vietnamese archives, I henceforth hired a Vietnamese research assistant, Trinh Van Vinh, who was conducting his doctoral research in World History at Beijing Normal University (China) at the time of the research visit. In his dissertation he explored the topic of Vietnamese migration from the North to the South after the Geneva Peace Accords in the 1950s. He graduated in 2020 and is currently a lecturer at the Faculty of Sociology, Social work, and Southeast Asia Studies at the Ho Chi Minh City Open University. The Vietnamese sources consisted of files in English, French, and Vietnamese. The latter were translated by a Vietnamese-American translator, Ngoc Truong, who was very attentive to the language, tone, and additional information in each document. Without the help of these two scholars, the research on Vietnam would have lacked depth.

A project of this size and geographical scale implies certain choices and limitations. The first and most important limitation is the lack of sufficient primary source material on the refugees' own voices. In the past, resettlement has been studied predominantly from the refugees' perspective, particularly by anthropologists and ethnographers.[123] Historians have only recently started to listen more attentively to refugees themselves. Peter Gatrell, the eminence grise among refugee historians, has just embarked on an exciting new project that explores refugee voices in the UNHCR archives.[124] There is abundant material to do so, but until now UNHCR archivists have carefully protected "individual case files" and manually removed (most of) them from the files available to

[122] This research was funded by a travel grant from the Research Foundation Flanders, FWO File Number 61552, and took place in the spring of 2019.

[123] For the Ugandan Asians, see first and foremost the work by Parminder Bhachu, *Twice Migrants: East African Sikh Settlers in Britain* (London and New York: Tavistock Publications, 1985). For the Chileans, see Loreto Rebolledo González, *Memorias del Desarraigo: Testimonios de Exilio y Retorno de Hombres y Mujeres de Chile* (Santiago: Catalonia, 2013). For the Indochinese, see Patricia Nguyen, "Salt | Water: Vietnamese Refugee Passages, Memory, and Statelessness at Sea," *Women's Studies Quarterly; New York* 45, no. 1/2 (2017): 94–111.

[124] E-mail conversation with Peter Gatrell, July 12-13, 2021. See also: Peter Gatrell et al., "Reckoning with Refugeedom: Refugee Voices in Modern History," *Social History* 46, no. 1 (January 2, 2021): 70–95; Peter Gatrell, "Raw Material: UNHCR's Individual Case Files as a Historical Source, 1951–75," *History Workshop Journal*, October 4, 2021.

researchers, to guarantee refugees' right to privacy. In the rare occasions that they overlooked a letter or file from refugees themselves, I have had the opportunity to see how rich and full of potential these sources are, but most of the time this material has been simply unavailable to me. When I do use it, I make sure not to reveal anything that might give away a person's identity. Moreover, (former) refugees have made their voices heard in (auto)biographies and literature on resettlement.[125] However, these voices also distort the picture, as they mostly originate from large destinations, like the United Kingdom (in the case of the Ugandan Asians) or the United States (in the case of the Vietnamese). Personal accounts in general focus very little attention on the aspect of dispersal so central to my own analysis. An exception is the podcast Expulsion@50 by Dolar Vasani, who in fifty episodes commemorates the fiftieth anniversary of the expulsion of Ugandan Asians.[126]

The most important reason to not actively pursue refugees' voices through oral history or special permission to use UNHCR's privacy sensitive files stems from the fact that my objective is different. I want to lay bare the processes that predetermined refugees' destinies: the deliberations behind their legal status, the possibility of choices of final destinations, and the limitations of these choices. From refugees' accounts, it often becomes clear that they did not have agency over, nor knowledge about these processes. The Kurdish journalist Behrouz Boochani, who wrote (or rather texted) a book from the Australian off-shore immigration prison Manus, describes the refugee system, like he imagined it, as following:

> I imagine the intertwining rooms in the area behind the prison. The administrative quarters with employees wearing uniforms or formal clothes, sitting behind their desks, typing away regularly, writing daily reports […]. There are other employees as well. Employees with large dossiers under their arms. They walk back

[125] With regard to the Ugandan Asian case, I am most influenced by Yasmin Alibhai-Brown's *No Place like Home* (London: Virago Press, 1995). I also read several novels and biographies by former Vietnamese refugees: Kien Nguyen, *The Unwanted: A Memoir of Childhood* (New York: Back Bay Books, 2008); Viet Thanh Nguyen, *The Sympathizer: A Novel* (New York: Corsair, 2015); Viet Thanh Nguyen, *The Refugees* (New York: Corsair, 2017).

[126] Dolar Vasani, "Expulsion@50," Expulsion @50 Podcast, accessed October 19, 2021, https://anchor.fm/expulsion50.

> and forth between the offices and halls. The regular sound of business shoes… tick, tick. […] The top floor of this building is surely occupied by old men and women with white hair. They sit behind a slick, oval conference table. Formal meetings behind closed doors. […] But, as usual, the big boss is nowhere to be found.[127]

This system, which he calls the Kyriarchal System, remains hidden to refugees, although it dictates their entire lives. I see it as the task of historians to try to uncover the workings and the formation of this system, to recover knowledge that might help refugees make sense of their predicament. This is not to say that refugees' voices are written out of the story – they surface from time to time, but do not play a central role in the overall analysis.

A second limitation is the result of the global situation that emerged in March 2020 due to the COVID-19 pandemic. A last round of archival visits, particularly to the UNHCR archives in Geneva, the British Archives at Kew, and the French National archives (which originally also formed part of my research plan) fell through. I have therefore not been able to consult the personal papers of UN High Commissioners for Refugees Sadruddin Khan and Poul Hartling. Neither have I been able to further investigate certain connections between British, French, and American policymakers, that I discovered during the first archival trips. I hope to get the opportunity, in the near future, to make up for six lost months of research time. One gap is entirely of my own choosing. When I discovered the rich content of the Access to Archival Database, I refrained from traveling to the three Presidential Libraries of President Nixon in Yorba Linda, California, Ford in Grand Rapids, Michigan, and Carter in Atlanta, Georgia. Where possible I have used the online resources of these libraries, or references in the Foreign Relations of the United States (FRUS) collection. In one case, I did spend considerable time in the archives, to discover that the material was not central to the story that I was trying to tell. In my original hypothesis, I suspected that Australia would play an important role, as a country of first asylum *and* resettlement to Indochinese refugees. Upon extensive research in the National Archives of Australia, I learned that

[127] Behrouz Boochani, *No Friend but the Mountains: Writing from Manus Prison*, trans. Omid Tofighian (Sydney: Picador, 2018), 211.

Australia appeared more at the margins of the events and hence I abandoned that research trail.

CLOSE AND DISTANT READING

International history based on bureaucratic and diplomatic source material often involves large-scale multi-archival research across the world, resulting in large collections of research pictures.[128] One of the major challenges of this type of research is the abundancy, especially for researchers of twentieth-century history, of digital material that is not digitally born, i.e. that cannot be full-text searched by a computer. Together with a team of two data engineers (Philip Grant and Ratan Sebastian) and a computational linguist (Marc Allassonnière-Tang), whom I met at the 2019 edition of the Oxford School in Digital Humanities, I developed a digital method to process and investigate large quantities of manually selected non-digital typewritten data.

It is increasingly common to use computational methods on historical data. These analyses usually draw on existing large digitally born data sets.[129] However, digitally born historical archives only exist since the introduction of text processing computers. The first data of this kind date back to the early 1970s and were produced in the American State Department, where from July 1, 1973 all telegrams were transmitted and stored electronically.[130]

---

[128] This section is a summary of a research article I co-authored with Philip Grant, Sebastian Ratan, and Marc Allassonnière-Tang, "Topic Modelling on Archive Documents from the 1970s: Global Policies on Refugees," *Digital Scholarship In The Humanities*, 2021.

[129] David Allen and Matthew Connelly, "Diplomatic History after the Big Bang: Using Computational Methods to Explore the Infinite Archive," in *Explaining the History of American Foreign Relations*, ed. Frank Costigliola and Michael J. Hogan, 3th edition (Cambridge, MA: Cambridge University Press, 2016), 74–101; Yuanjun Gao et al., "Mining Events with Declassified Diplomatic Documents," *ArXiv:1712.07319 [Stat]*, 2017, http://arxiv.org/abs/1712.07319; Joseph Risi et al., "Predicting History," *Nature Human Behaviour*, 2019, 1–7.

[130] These data are available through the Access to Archival Database (AAD) from the American National Archives and Records Administration (NARA): https://aad.archives.gov/. The AAD website currently gives access to 3,225,364 US Department of State Cables from Record Group 59, Central Foreign Policy Files between 1 July 1973 and 31 December 1979. The expectation is that more recent records will be gradually released, even though no progress has been made in this regard over the last decade.

Unfortunately, we do not yet have comparable collections from earlier times and other geographical locations. Digital humanities research on earlier analogue, handwritten historical records therefore often concerns much smaller manually transcribed (sometimes crowd-sourced) data sets.[131] The arrival of the typewriter in the late nineteenth century forever changed bureaucratic and archival practices. Since then, we have seen the archival material increase exponentially. For these typewritten but non-digital sources, manual transcription practices do not suffice, simply because the amount of data is too vast. New techniques, such as Optical Character Recognition (OCR) could deliver solutions, but unfortunately the quality of the preserved texts varies widely per document. Cheaper paper and more chemical-based ink components led in the second half of the twentieth century to a rapid decline of print quality. Typewritten documents from the 1970s are particularly impacted by these practices (standards of acid-free paper for archival purposes was only introduced in the 1980s).[132] Moreover, unlike newspapers, which are formally similar, diplomatic and bureaucratic archival material comes in all shapes and forms, which makes it difficult to apply machine learning to improve the OCR quality. Historians of the postwar period thus often end up with great amounts of digital facsimiles (research pictures) with underlying OCR text of variable quality, which makes digital research next to infeasible.

My team and I have designed an *augmented intelligence* method to make digital research on large quantities of manually selected non-digital typewritten archival sources possible, even with imperfect OCR quality. The aim was explicitly to use standard existing tools without the need for extensive customized technology while keeping "the historian in the loop". Historians have the appropriate disciplinary knowledge to judge the quality of results derived by technology, but they also come to their research with preconceived

[131] Glenn Roe, Clovis Gladstone, and Robert Morrissey, "Discourses and Disciplines in the Enlightenment: Topic Modeling the French Encyclopédie," *Frontiers in Digital Humanities* 2 (2016); Alexander T. J. Barron et al., "Individuals, Institutions, and Innovation in the Debates of the French Revolution," *Proceedings of the National Academy of Sciences* 115, no. 18 (2018): 4607–12; Christel Annemieke Romein, Sara Veldhoen, and Michel de Gruijter, "Dataset: Entangled Histories: Ordinances of the Low Countries," 2020.

[132] Mark Kurlansky, *Paper: Paging Through History* (New York: W. W. Norton & Company, 2017), 255.

notions and biases, which can blind them to other results and outcomes than they had in mind. We combined technological solutions with interdisciplinary communication and iteration to come to a model that can supplement and support hypothesis-testing and data-exploration. While the backbone of this research was (and should always be) a solid historiographical-theoretical underpinning and thorough understanding of the data through *close* reading, *distant* reading served to point the historian in new directions, especially when the potential corpus of sources is larger than a single researcher can read in a life time.

For distant reading, we used two natural language processing (NLP) methods, namely topic modelling and clustering. Topic modelling uses the natural language in texts (not the metadata) to expose hidden structures in collections of texts. An algorithm groups together words (more precisely, lemmas) in topics and annotates each document in the collection, so that it becomes clear which topic is most clearly represented in any given document and *vice versa* which documents mainly constitute a given topic.[133] Topic modelling can help to point at the most important or insightful records in any given corpus. In the case of this research project, the engineers generated a "historian's reading list", listing per topic the thirty records most strongly associated with that topic. This feature made it easier to decide where to start in this large corpus of sources, but also helped with the interpretation of the topics by "the human in the loop".

Clustering can take place on documents or on topics. We clustered topics to yield more semantically meaningful results.[134] In order to be useful, the results of topic modelling and clustering should demonstrate (a) that the method can identify the information available to the historian at the time of the data collection, such as the different case studies and (b) that it also produces information that is new to the historian, for instance encompassing themes that occur in all or several topics. The first part of the test serves to check the

[133] David M. Blei, "Probabilistic Topic Models," *Communications of the ACM* 55, no. 4 (2012): 77–84.

[134] Parvin Ahmadi, Iman Gholampour, and Mahmoud Tabandeh, "Cluster-Based Sparse Topical Coding for Topic Mining and Document Clustering," *Advances in Data Analysis and Classification* 12, no. 3 (September 2018): 537–58.

validity of the data and is of crucial importance, given the varying quality of the source material. The second part of the test needs to generate new insights.

To test whether the manually collected data from the archives were useful for digital research we selected archival records from three different English-language collections: 4,679 records from the UNHCR Archives in Geneva, 7,272 records from the British National Archives at Kew (TNA), and 8,646 records from the Access to Archival Database of the American National Archives and Record Administration (AAD). The UNHCR data were of poorest quality: almost one third of the records had an OCR quality below eighty per cent, which is usually seen as the threshold for topic modelling.[135] The OCR quality of the British archives was well above that threshold, at an average of eighty nine per cent.[136] The Access to Archival Database is the collection of digital-born US State Department telegrams described above. Because these data were machine-readable from the start, they formed the perfect point of comparison for the other two collections. We found that the low(er) quality of the manually collected research pictures did not have a major impact on the results. While the data set was far from perfect, even after preprocessing and data cleaning, we found that each collection proportionally occurred in the topic model.[137] In other words, the model drew information from all the collections equally, regardless of the OCR quality.

In order to evaluate whether the model also produced meaningful results, we used a visualization tool that showed the salience and relevance of each term within each topic, and the level of similarity between topics. Figure 1 shows the output of the visualization. The spheres on the left, numbered from 1 to 16, each represent a topic, its size in the corpus, and its closeness to other

[135] Daniel van Strien et al., "Assessing the Impact of OCR Quality on Downstream NLP Tasks:," in *Proceedings of the 12th International Conference on Agents and Artificial Intelligence* (Special Session on Artificial Intelligence and Digital Heritage: Challenges and Opportunities, Valletta, Malta: SCITEPRESS - Science and Technology Publications, 2020), 484–96.

[136] We measured OCR quality based on the built-in feature in the OCR software ABBYY Finereader, that gives a score for "low confidence characters" in each document that it has converted into machine-readable text.

[137] We used textual Latent Dirichlet Allocation (LDA), a commonly used topic modelling technique, and discerned the number of topics by trial and error. For more information see: Grant et al., "Topic Modelling on Archive Documents from the 1970s: Global Policies on Refugees."

topics. This visualization is dynamic and allows for exploration. By clicking on a topic, it is possible to see the most relevant words. In the case of figure 1, clicking on topic 14 revealed that *president*, *force*, *military*, *people*, and *amin* [Amin] were the most prevalent words. Upon further investigation, topic 14 was clearly linked to the Ugandan Asian case study. The visualization can also be explored the other way around: by clicking on a word, you see in which topics it occurs and to what extent. The size of the spheres then changes according to the prevalence of a certain word in a topic.[138]

By investigating the results in the visualization, it became clear that the model could indeed discern, purely based on the language used in the sources, what the case studies entailed. Studying the most prevalent words in each topic made it possible to assign a "theme" to each topic, that is interpretable for historians. In table 1 the topics, the themes and the five most important lemmas per topic are displayed. From the 16 topics identified by the computer, it appeared that three concerned the Ugandan Asian case (topics 2, 9, and 14), one Chile (topic 11), and seven Indochina (topics 4, 6, 7, 8, 10, 12, and 13). The remaining topics overarch the case studies: one topic concentrates on British policies in all three case studies (topic 5), another on American policy (topic 1), and two on UNHCR processes and actors (topics 2 and 15). One topic contains all the words that are unrelated to refugee resettlement (topic 16). It contains records that were inserted in the model by mistake. However, this mistake even more clearly shows that the model generated meaningful results as it perfectly isolated one topic that had nothing to do with refugee policy. In other words, even with imperfect OCR, the model was able to discern the content of the original research question.

[138] An example with the lemma 'human rights' can be found in Grant et al.

Table 1. The five most prominent lemmas in each topic

		Most prominent lemmas by rank				
Topic	**Theme (manually assigned)**	**Rank 1**	**Rank 2**	**Rank 3**	**Rank 4**	**Rank 5**
1	UK Policy	Britain	Home	Country	Case	Office
2	Ugandan Asians	Uganda	Britain	Asians	Ugandan	India
3	UNHCR	Les	Nations	Commissariat	Capital	Letter
4	Indochina	Boat	Singapore	Ship	Vessel	Arrive
5	USA Policy	USA	Case	Ins	Number	Bangkok
6	Indochina	Country	Government	Problem	Resettlement	Number
7	Indochina	Hong Kong	Minister	Britain	Secretary	Government
8	Indochina	Limited	Official	Embassy	Saigon	Reftel
9	Ugandan Asians	Person	Uganda	High	Office	Family
10	Indochina	Nguyen	Thi	Van	Family	Tran
11	Chile	Chile	Santiago	Embassy	Case	Official
12	Indochina	Hong Kong	Office	Ukmis	Number	Government
13	Indochina	Bangkok	Page	Srv	Hanoi	Chinese
14	Ugandan Asians	People	President	Year	Government	General
15	UNHCR	Jaeger	Hour	Indicate	Paragraph	Kelly
16	ICRC	Conference	ICRC	Prg	Usmission	Usun

Lemmas within a topic are ranked 1–5 in descending significance, but the numbering of topics 1–16 has no significance.

(Source: Grant et al. “Topic Modelling”.)

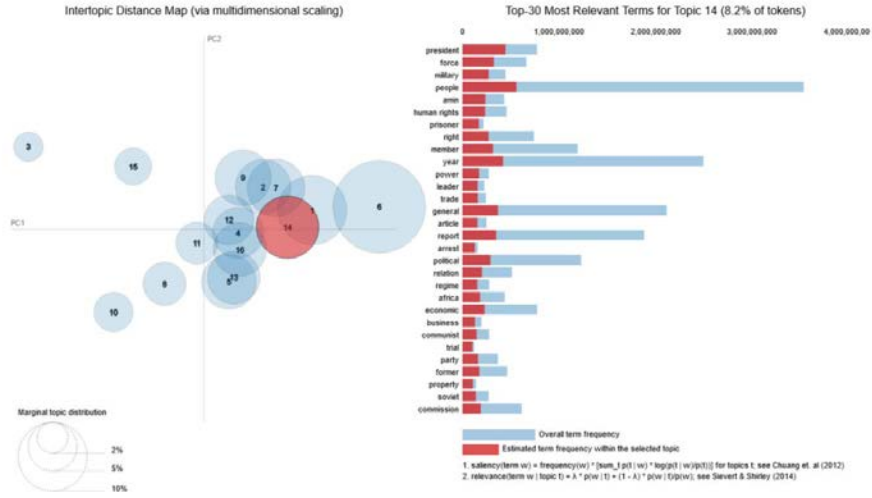

Figure 1. Visualization of salience of words and distance of topics (made with the PyLDAVis package in Python) (Source: Grant et al. "Topic Modelling".)

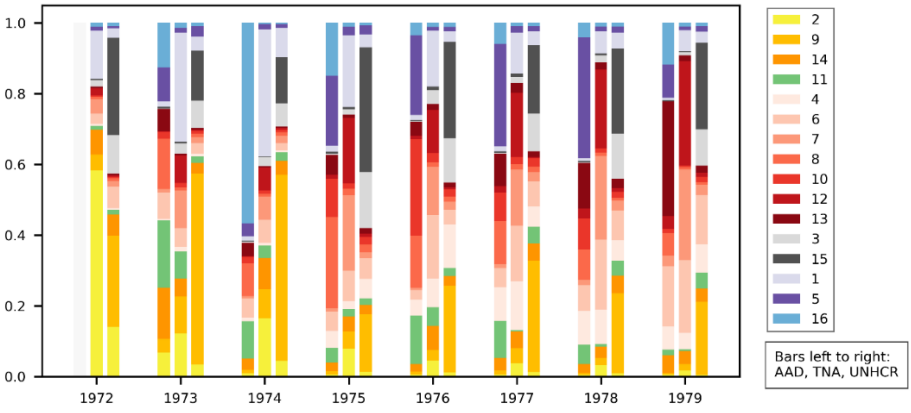

Figure 2. Visualization of the topic variation by themes in UNHCR, TNA, and AAD. The x-axis indicates the time and the organizations. The y-axis refers to the ratio of topics (Source: Grant et al. "Topic Modelling".)

Next, we plotted the topics per archival collection on a timeline.[139] Instead of placing the topics in their numeric order, we grouped them by theme and assigned them different colors: topics related to the Ugandan Asian case study are in yellow/orange (topics 2, 9, 14), topics about Chile are in green (11), topics about Indochina are in red (4, 6, 7, 8, 10, 12, 13), topics on UNHCR

[139] Notice that there are no results 1972 in the AAD collection because electronic telegrams emerged only in July 1973.

policy in grey (3, 15), topics on government policies are in purple (1, 5), and topic 16, the anomaly based on wrongfully inserted data in blue. The visualization shows the change over time, with the Ugandan Asian question emerging in 1972, Chile in 1973, and Indochina in 1975, as expected. Hence, the model proved highly accurate for all three case studies in all archives and across time as far as its outcome corresponds to classical (analogue) historical scholarship.

After establishing that NLP methods can be used to identify what we already knew, we used clustering to investigate whether it can also generate new results. The computer generated three clusters: Cluster A revolves around British resettlement policy including topics 1, 2, 6, 7, 9, 11, and 14; Cluster B consists of a single topic (3), which in hindsight contains only pro forma text that characterizes the UNHCR archives (i.e. words from the formal headings of UNHCR cables, such as French words, like "Les", "Nations" and "Unies"); Cluster C is concerned with American resettlement policies, particularly with regard to Southeast Asia. Delving deeper into the divisions that ran through the clusters, we discovered also another othering principle. Cluster A contained all the topics that include the lemma "human rights", while Cluster C held all the topics where "UNCLAS" was a prominent term. The latter can stand for "unclassified" but also for the "United Nations Convention on the Law of the Seas", which made sense given the role of the boat people in American resettlement practices in Southeast Asia. This finding raised awareness about the importance of legal frameworks beyond refugee law.

As a result, topic modelling and clustering opened up new venues for research. Starting from the reading list, I very quickly discovered that in the 1970s one particular human right, namely the right to freedom of movement, became essential to understanding refugee resettlement. The insight gained from this small sample of records could now be extrapolated: it helped to formulate new search terms for full text search in the entire corpus, also in sources in other languages than English. While it should be recognized that our English corpus from three specific archives influenced the output (for instance the strong emphasis on British and American policy), the advanced full text searches on the entire corpus helped to nuance or confirm these findings. Distant reading helped to find elements that would have remained unnoticed; close reading still remained the basis of all further analysis.

STRUCTURE AND CHAPTERS

This dissertation is divided in seven chapters and three parts. Part I *on resettlement* consist of a single chapter, chapter 1, that sets out what is at stake when empires or states engage in resettlement, to give an overview of the important concepts that shaped resettlement during the 1970s. It sketches the contradictory characteristics of resettlement, as either a tool for control or for protection, from the late eighteenth century until our current age, with attention for the subsequent refugee regimes in which resettlement served as a durable solution. The chapter presents the case studies in greater detail, based on existing literature. It reflects on the expulsion from the refugee generating countries, but also on the legal changes in the United Kingdom and the United States. Chapter 1 concludes that since the late eighteenth century, more often than not, resettlement was a form of population control that forcibly placed certain (groups of) people in certain territories.

The second and the third part both consist of three chapters, each on one case and always starting from the Ugandan Asians, then the refugees from Chile, and finally the Indochinese. Each part revolves around a central research question. Part II *on status* considers why some but not all people in a case study attained refugee status under UNHCR's protection. Part III *on internationalization* asks why so many countries engaged in resettlement and how and by whom they were persuaded to do so. It also evaluates whether internationalization was a success, and if not, what effects its failure had for the refugees involved, but also more largely for the refugee regime, and for the international community.

Chapter 2 focuses on the undesirability of Asians with British passports (but not necessarily British citizenship) in Uganda for all the localities to which they had links: the region of their ancestry in South Asia, their country of habitual residence in East Africa, and the country that gave them their legal status, namely Great Britain. After decolonization a tension developed between the continued presence of this group of diasporic Asians and various rights connected to freedom of movement, particularly the right to a nationality (which prevented the British government from changing its nationality laws) and the right to return to one's own country (which was highly ambiguous in the case of the Asians, but ultimately, according to their passport, remained Britain). In the Ugandan Asian crisis, we see for the first

time how a powerful nation managed to evade its responsibility for a certain group of immigrants, by securing resettlement aid from UNHCR, which recognized one group of UK passport holders as refugees under its mandate.

Chapter 3 asks about refugees and human rights in Chile. Because Allende's left-wing government had acceded to the 1951 Convention and the 1967 Protocol, the military junta had to obey to international law after the coup of 1973. It wished to see the left-wing refugees under the protection of the Allende government leave rather sooner than later. As these refugees fell under UNHCR's mandate, the organization became involved and even started to cooperate with the junta. In doing so, it had to carefully guard not to breach human rights provisions itself, in helping the junta rid itself of its undesired dissidents. Especially when these dissidents increasingly were Chilean nationals with expulsion orders to leave the country, assisting them was add odds with UNHCR's mandate. Though it carefully tried to remain within its own legal framework, UNHCR did not always manage to act in the best interest of the refugees under its care, as it was also concerned about ways to expand its activities and augment its own reputation in parts of the world where it usually had no reach, such as Latin America and Eastern Europe.

Chapter 4 looks at tensions between UNHCR's reflex to give humanitarian aid to the Vietnamese communist government and its mandate of protecting refugees. For UNHCR, the situation in Vietnam provided an opportunity to increase its prestige simultaneously in the Third World and in the communist world, but in a different way than it had done in Chile, since in Vietnam, UNHCR could work directly with the communist leaders, for whom refugee status was an absolute taboo (as it implied that they were persecuting their own citizens). In the early years of the exodus, between 1975 and early 1979, UNHCR granted refugee status only very reluctantly and on a strict individual basis. As numbers in asylum camps in Southeast Asia and Hong Kong augmented, resistance grew, not only in the United States, but also in the countries of first asylum. By mid-1979, the leadership at UNHCR had profoundly changed, with an American-friendly High Commissioner and an American Deputy High Commissioner. Moreover, the older generation of UNHCR officers had started to retire, opening up the way for a different approach that would eventually result in the Orderly Departure Program.

Across the chapters in part II, the choices UNHCR made in granting refugee status to the people concerned are central. Investigating which world views appear through the actions of UNHCR officials with regard to decolonization (in Uganda), socialism (in Chile), and revolutionary anti-communism (in Vietnam), I observe that UNHCR in the early 1970s sought to assert itself as an anti-imperial power to gain respectability in the Third and the communist World and to establish its own influence across the globe. In this process, however, it sometimes lost sight over its main objective, namely protecting refugees.

Chapter 5 on the dispersal of the Ugandan Asians sets the scene for the subsequent chapters in part II. It becomes clear how the British government sought to find resettlement places for East African Asian British passport holders, first among its allies in the "Old Commonwealth" (Canada, Australia, New Zealand) and the United States, then in the "New Commonwealth" (i.e. the non-white countries of the Commonwealth) and later through the United Nations and particularly UNHCR. Personal ties between British civil servants and UNHCR officials facilitated their cooperation, although UNHCR tried to maintain its guise of neutral humanitarianism. UNHCR's involvement, however, had very important repercussions as it helped the British government reframe the Asian crisis as a refugee crisis, rather than a postcolonial immigration issue. As such, the British government managed to reduce the influx to Britain, maintain its humanitarian reputation, and take wind out of the sails of the populist, racist, and neoliberal demagogue Enoch Powell. However, the chapter also shows that his discourse would remain influential throughout the decade and impact further refugee developments.

Chapter 6 looks at the international solidarity towards Chile. The Chilean cause generated the largest offers, or rather offers from the greatest amount of countries, on all sides of the East-West and North-South divides. This can be explained by regional factors, such as Latin American provisions on asylum. But also the pressure on UNHCR and the international community to expand their efforts from the United States and the United Kingdom, which wanted to support their ally in the Andes and its neoliberal economic experiment, played an important role. Although it took long for the American and British governments to accept Chilean refugees themselves (and even then, they only accepted them reluctantly), they started to exert their influence early on. Nevertheless, it actually remained difficult to find a sufficient amount of

resettlement spots for refugees from Chile. The solution, at least on first sight, came from Romania, which proposed to receive an unlimited number of Chileans. When, however, it became clear that the circumstances in Romania were not much better than under Pinochet, Chileans started to leave again, only to find out how limited the protection was that they enjoyed under UNHCR's mandate.

Chapter 7 considers whether the "internationalization of the refugee problem" from the title of this thesis was indeed such a success as many scholars have claimed. It returns to a theme so important in the first part, namely the human right of freedom of movement, to see that faltering and even failing internationalization eventually led to the suspension of the right to leave Vietnam. Even though resettlement from Vietnam was still possible through the Orderly Departure Program, this program was first and foremost designed by the UK, US, and UNHCR to halt the outflow from Vietnam. Even if the United States wanted to disperse the Vietnamese, like the British government had done with its Ugandan Asians, it could not. Although a substantial number of states responded to UNHCR's calls to resettle refugees from Indochina, the United States remained the major destination. After the installation of the ODP, it became an even larger receiver of Indochinese refugees. The pressure that the American government supposedly applied seemed, in hindsight, to have little effect. But what mattered were not the numbers, but the discourse that had shifted in the United States' favor and that rebranded them as a humanitarian and moral leader on the international stage.

In the third part, I thus focus on attempts made by states to reduce their responsibility by seeking the dispersal of refugees from the Global South. I posit that the UK and the US in particular employed the language of solidarity and human rights to maintain their humanitarian reputation. Their main aim, however, was rather restoring their sovereign power that had been threatened due to Third Worldism from the 1950s onwards. Throughout the last three chapters of this thesis, I intend to show how the UK and the US emerged much stronger from the 1970s. More than restoring American moral virtue after the Vietnam debacle, the three resettlement cases from the 1970s, when investigated in comparison to one another, reveal a story about Western regeneration in general, one that found its triumph in the breakthrough of global neoliberalism after 1979.

Part I

On Resettlement

1

Resettlement

Protection or control?

Resettlement is one of the three durable solutions of the international refugee regime that emerged in the 1950s, but it is not just a twentieth-century phenomenon and has not always been a synonym for protection. It is important to understand how the concept of resettlement not only stems from recent international humanitarian and legal developments, but also originates in older ideas about population control by displacement. This introductory chapter first gives a bird's eye perspective on resettlement from the late eighteenth century onwards. The first section considers the characteristics of resettlement up to the development of the current refugee system. The second section explains in greater detail how resettlement works in the current refugee regime that emerged in 1950-1951. In the third section, the chapter shows how resettlement was used in the 1970s by shedding more light on the three cases – the Ugandan Asians, the refugees from Chile, and the refugees from Indochina – that were resolved through international resettlement under UNHCR auspices. In its last section, the chapter gives an overview of refugee and immigration policy in the UK and the US, with special attention to how the resettlement developments of the 1970s impacted their national legislation with regard to mobility. The conclusion briefly discusses what happened to resettlement within the UNHCR context after 1979.

RESETTLEMENT BEFORE 1950

The contemporary meaning of the word resettlement – "the settlement of people in a different place" – emerged in the English language in the late eighteenth century, when the "act to settle again" was connected to "population"

for the first time.[1] Around the same time, the term also appeared in the Russian Empire: the 'Pale of Settlement' (*cherta osedlosti*) was the territory in which the Tsarist regime forced Jews to resettle from 1791 until the end of the empire in 1917.[2] This is not to say that the meaning of the word resettlement was fixed, but to indicate that in comparison to other forms of forced migration – slavery, indentured labor, and exile – resettlement became increasingly used for groups that did not fit in and had to be molded into certain territories. Like other forms of forced migration, resettlement was an essential tool of empire, as not only the history of the Russian but also that of the Ottoman Empire shows.[3] For our purposes, it is important to stress that population resettlement in the eighteenth and early nineteenth centuries was first and foremost a practice that took place *within* empires, not *between* states. At the end of the nineteenth century, "population politics" became even more dominant due to rising nationalism and colonialism that divided the world in ethnic, racial and national terms, with populations that could be "protected, deported, or civilized".[4] As Hannah Arendt noted, the formation of nation states in the formal imperial territories of Eastern Europe inevitably led to mass population displacement.[5] Nationalization pushed to ethnically homogenize or 'unmix' populations, first and foremost in the Balkans. Again, resettlement was often enforced and not favored by the populations involved.[6] This was not only the

[1] Samuel Hull Wilcocke, *Nieuw en volkomen woordenboek der Nederduitsche en Engelsch taalen ...: in twee deelen ...*, 1798.

[2] Robert Geraci, "Pragmatism and Prejudice: Revisiting the Origin of the Pale of Jewish Settlement and Its Historiography," *The Journal of Modern History* 91, no. 4 (2019): 797.

[3] For the Ottoman Empire, see Hans-Lukas Kieser, *Talaat Pasha: Father of Modern Turkey, Architect of Genocide* (Princeton: Princeton University Press, 2018), 206.

[4] Eric D. Weitz, "From the Vienna to the Paris System: International Politics and the Entangled Histories of Human Rights, Forced Deportations, and Civilizing Missions," *The American Historical Review* 113, no. 5 (2008): 1319.

[5] Hannah Arendt, *The Origins of Totalitarianism* (Florida: Harcourt Brace, 1973), 270.

[6] Donald Bloxham, "The Great Unweaving: Forced Population Movement in Europe, 1875-1949," ed. Richard Bessel and Claudia B. Haake, *Removing Peoples: Forced Removal in the Modern World*, 2009, 167–208; Peter Gatrell, *A Whole Empire Walking: Refugees in Russia during World War I* (Bloomington: Indiana University Press, 2005), 33–48.

case in the Russian and Ottoman Empires, but also in the overseas colonial empires, like the British Empire.[7]

During the First World War, resettlement remained a tool for population control, although new humanitarian sensitivities emerged for the plight of the refugee. The first attempts at refugee resettlement occurred already during the war, when the British government devised the plan to resettle Belgian refugees from Britain to Chile and South Africa.[8] What this detail of history shows is that refugee resettlement was not meant to protect the refugees, but to relieve the United Kingdom of its burden of receiving them. The most well-known case was perhaps one for which no satisfactory migration solution was found: the genocide of Armenians in 1915 on Ottoman territory.[9] Many survivors got stuck in refugee camps without real prospects at a "durable solution", i.e. solutions that resolved the lack of protection for these Armenian populations that had once lived in empires but had not yet found states from where they could derive a legal identity.

After the war, the first League of Nations High Commissioner For Refugees (LNHCR), Fridtjof Nansen, received his mandates for specific groups emerging out of the dissolved Russian and Ottoman Empires.[10] In the case of the Armenians, resettlement first appeared as an potential tool for protection. Nansen took the initiative to seek resettlement opportunities for survivors of the Armenian genocide in Australia and Latin America, but to no avail. The largest group was then resettled in the Soviet Republic of Armenia with the help of American philanthropists and the Soviet government.[11]

---

[7] Jane McCabe, *Race, Tea and Colonial Resettlement: Imperial Families, Interrupted* (London: Bloomsbury Academic, 2017).

[8] The plan fell through because the Belgian government saw an important role for the refugees in the reconstruction of the country and a majority of Belgians returned after the war. Pierre Purseigle, "'A Wave on to Our Shores': The Exile and Resettlement of Refugees from the Western Front, 1914–1918," *Contemporary European History* 16, no. 4 (2007): 427–44; Gatrell, *The Making of the Modern Refugee*, 47.

[9] Ther, *The Outsiders*, 44–47.

[10] The first group under Nansen's responsibility were the Russian refugees. His mandate was then extended to the Armenian, the Assyrian, the Assyro-Chaldean, and assimilated refugees. See Ivor C. Jackson, "Dr. Fridtjof Nansen a Pioneer in the International Protection of Refugees," *Refugee Survey Quarterly* 22, no. 1 (2003): 19.

[11] Gatrell, *The Making of the Modern Refugee*, 59–62.

In 1923, Nansen's mandate was expanded to organize the resettlement of the Greek refugees after the Treaty of Lausanne, which ended the Greco-Turkish War.[12] The treaty strongly reflected population politics at that time as it attempted to use – in the words of the famous British imperial administrator and foreign minister Lord Curzon – "the unmixing of peoples" to stabilize the postimperial European order, at the expense of 1.5 million people who were uprooted on either side of the Turkish and Greek border.[13] Nansen became responsible for humanitarian assistance to the refugees, who suffered tremendous hardship upon the exchange, but in fact, he himself had also been one of the architects of the population swap.[14] The League's involvement indicated how the perception was shifting towards interpreting forcefully displaced populations as refugees, even though population control remained paramount.[15]

During the interwar years, resettlement was not one of the primary tools of refugee protection. Instead, the focus shifted towards providing refugees with a legal status that would grant them protection without membership in a state. This refugee status under the League of Nations evolved into one of the most important technical innovations of the international organization: the Nansen passport. These passports allowed refugees to migrate to the places where their (economic) opportunities were best, but they did not give the same protection as citizenship from a (nation) state. Nevertheless, the Nansen passport was recognized by the majority of states until the 1940s as a valid legal status. As intellectual historian Mira Siegelberg has recently convincingly shown, interwar jurists and philosophers, including Hannah Arendt, believed that

[12] Claudena M. Skran, *Refugees in Inter-War Europe: The Emergence of a Regime* (Oxford: Clarendon Press, 1995), 158–59; Jackson, "Dr. Fridtjof Nansen a Pioneer in the International Protection of Refugees," 19.
[13] Weitz, "From the Vienna to the Paris System," 1336–38.
[14] Vincent Chetail, "Fridtjof Nansen and the International Protection of Refugees: An Introduction," *Refugee Survey Quarterly* 22, no. 1 (2003): 5; Weitz, "From the Vienna to the Paris System," 1336; See also Roland Huntford, *Fridtjof Nansen and the unmixing of Greeks and Turks in 1924* (Oslo: Det Norske Videnskaps-Akademi, 1998).
[15] On the issue of the formation of new national identities see Volker Prott, *The Politics of Self-Determination: Remaking Territories and National Identities in Europe, 1917-1923* (Oxford: Oxford University Press, 2016).

refugees' freedom of movement would grant them more protection than being (forcefully) placed under the protection of another state.[16]

Eventually, these ideas to provide refugees with a legal status that would guarantee their human rights outside the protection of the state could not withstand the violence of fascism that came to dominate the interwar period.[17] Even when it became clear how precarious the situation of the European Jews had become in Nazi Germany, the international community was unwilling to provide resettlement opportunities. At the Evian Conference of 1938, national migration policy trumped international solidarity with the Jews, with its well-known consequences.[18] Apart from limited resettlement to Mandatory Palestine between 1933 and 1937– a practice that fell under normal British immigration quota and that prioritized "capitalist" migrants with sufficient means – Jews saw the borders closing on all sides.[19] The image of the failed Evian Conference and the tragedy of the Holocaust would later impact the discourse on resettlement, particularly in the case of the refugees from Indochina, as we will see in chapter 7, but did not contribute to the development of international strategies of resettlement at the time.[20]

The displacement of the Second World War brought resettlement to the forefront of refugee protection, albeit not immediately. During the war, the Nazi's forcefully displaced around nine million Europeans. At first, the Allies believed the situation would resolve through repatriation. Between 1943 and 1947, a specially erected UN agency, the United Nations Relief and Rehabilitation Administration (UNRRA) was put in charge of this. In the first months

---

[16] Siegelberg, *Statelessness*, 62–64, 81–82, 88, 175, 186.

[17] I describe Siegelberg's fascinating analysis in greater debt in "Modern Statelessness and the British Imperial Perspective. A Comment on Mira Siegelberg's Statelessness."

[18] Frank Caestecker and Bob Moore, eds., *Refugees from Nazi Germany and the Liberal European States* (New York: Berghahn Books, 2010); See also Skran, *Refugees in Inter-War Europe*, 230–40.

[19] H. B. M. Murphy, "The Resettlement of Jewish Refugees in Israel, with Special Reference to Those Known as Displaced Persons," *Population Studies* 5, no. 2 (November 1, 1951): 154.

[20] Loescher and Scanlan, *Calculated Kindness*, 145; Tony R.J. Kushner and Katharine Knox, *Refugees in an Age of Genocide: Global, National, and Local Perspectives During the Twentieth Century* (London and Portland, OR: Psychology Press, 1999), 310.

after the war, UNRRA repatriated some seven million people to their country of origin, including the Soviet Union and countries under Soviet influence. Nevertheless, 1.5 million Displaced Persons (DPs) refused to return home. Eastern European and Russian Jewish refugees feared continued persecution and wished to resettle elsewhere, increasingly in Palestine. Eastern Europeans resisted returning to communist countries as the allegiance between the Soviet Union and the Western Allies dissolved and made place for the Cold War. For London and Washington, repatriation to the Soviet Union became increasingly problematic, but resettlement was outside the scope of UNRRA's mandate. In 1946, new UN agency with a limited mandate was created especially for that purpose, the International Refugee Organization (IRO).[21]

IRO became responsible for the resettlement of the so-called "last million".[22] A combination of factors generated favorable conditions for resettlement. First, the Cold War in Europe encouraged Western states to absorb Eastern European refugees. Resettlement became an important vehicle for anti-communist propaganda, the more because the Soviet Union consequently refused to join the IRO. Second, the economic post-war revival increased labor shortages that Western governments sought to remedy with resettlement migration. This combination of ideological and economic motives generated a swift resettlement movement to traditional immigration destinations, such as the United States, Canada, Australia and Argentina.[23] Within Europe, countries such as Britain and Belgium profited from resettled refugees as labor forces as well.[24] However, the economic need-driven approach prioritized the

[21] Jessica Reinisch, "Old Wine in New Bottles? UNRRA and the Mid-Century World of Refugees," in *Refugees in Europe, 1919-1959: A Forty Years' Crisis?*, ed. Matthew Frank and Jessica Reinisch (Bloomsbury Publishing, 2017), 164.

[22] Louise W. Holborn, *The International Refugee Organization, a Specialized Agency of the United Nations: Its History and Work, 1946-1952* (London: Oxford university, 1956).

[23] Gatrell, *The Making of the Modern Refugee*, 91; Klaus Neumann, *Across the Seas: Australia's Response to Refugees: A History* (Collingwood: Black Inc., 2015), 104; Madokoro, *Elusive Refuge. Chinese Migrants in the Cold War*, 8; Ther, *The Outsiders*, 169–84.

[24] Diana Kay and Robert Miles, *Refugees Or Migrant Workers? European Volunteer Workers in Britain, 1946-1951* (Routledge, 1992); Frank Caestecker and Dirk Vanheule, "Een Geïnstitutionaliseerd Vluchtelingenbeleid in Volle Beweging (1944-2010)," *Belgisch Tijdschrift Voor Nieuwste Geschiedenis/Revue Belge de Histoire Contemporaine* 40, no. 3 (2010): 449–88; Frank Caestecker and Lieselotte Luyckx,

choice for resettling the fit and able. More problematic was the situation of the "hard core", a derogatory label that had already emerged in 1946 for refugees with physical, mental or social disabilities (e.g. a criminal record). Unable to secure resettlement spots for them, some 26,000 refugees remained in camps across Europe without a solution.[25] When IRO's short-term mandate ended in 1949, the "hard core" problem in Europe remained largely unresolved.[26] Population control, or rather immigration control, limited the scope of its resettlement operations.

THE CURRENT REFUGEE AND RESETTLEMENT REGIME

In 1950, IRO was succeeded by two new organizations that would dominate the following decades: the United Nations High Commissioner for Refugees (UNHCR) and the Provisional Committee for the Movement of Migrants from Europe (PICMME, currently known as the International Organization for Migration, IOM). UNHCR would take over IRO's refugee protection tasks, PICMME its resettlement operations and its fleet. While the refugee organization had a limited mandate with strictly defined boundaries, the migration organization could get involved in the resettlement of both refugees and migrants, which would sometimes bring them into competition with one another. Yet, as Jérôme Elie has noted, this competition should not be overestimated, since both organization often worked closely together in refugee resettlement situations.[27] As the USSR and its satellites refused to get involved in either of IRO's successors, they had a strong Western perspective from the onset.[28] Whether the organizations emerged as Cold War vehicles is a matter of scholarly debate that would lead us to far from the purpose of understanding

"Hoe de Belgische Mijnindustrie Een Nieuw Thuis Aan Vluchtelingen-Mijnwerkers Aanbood (1947-1951)," *Belgisch Tijdschrift Voor Filologie En Geschiedenis/Revue Belge de Philologie et d'Histoire* 4 (2019): 1299.

[25] Marie Dresden Lane, "'Who Share Our Concern for These People.' The Resettlement of Unwanted Refugees by the International Refugee Organization," *Social Service Review* 26, no. 3 (1952): 275.

[26] Gerard Daniel Cohen, *In War's Wake. Europe's Displaced Persons in the Postwar Order*, Oxford Studies in International History (Oxford and New York: Oxford University Press, 2011), 112.

[27] Jérôme Elie, "The Historical Roots of Cooperation between the UN High Commissioner for Refugees and the International Organization for Migration," *Global Governance* 16, no. 3 (2010): 352.

[28] Elie, 346.

resettlement in the contemporary era.[29] What is certain, however, is that the migration organization did emerge to cater to the immigration needs of the traditional immigration countries, particularly the United States.[30] Since a good comprehension of both organizations, their differences, and their role in resettlement since 1950 is important for the interpretation of the story that unfolds in the following chapters, I will elaborate on them in greater detail here.

The Office of United Nations High Commissioner for Refugees was created as yet another temporary UN agency with a three-year mandate to deal with "residue" European refugees. However, the Statute that established the Office of the UNHCR, which was annexed to Resolution 428 (V) of the United Nations General Assembly of December 1950, for the first time granted a *universal* mandate to a UN refugee organization. Instead of giving the High Commissioner responsibility for a particular group of people, the Statute gave him a three-year mandate to provide international protection to *all* refugees and seek permanent solutions for them.[31] On the one hand, the Statute

[29] It is easily assumed that the notion of 'persecution' that defines UNHCR's operations is bound up with the conflict between East and West. See for instance, Zolberg, Suhrke, and Aguayo, *Escape from Violence*, 25; James C. Hathaway and Michelle Foster, *The Law of Refugee Status* (Cambridge: Cambridge University Press, 2014), 453. However, refugee scholars who worked at the Office, particularly those in the legal or protection section, such as Paul Weis and Ivor Jackson, but also to scholars who have immersed themselves in the *travaux preparatoires* of the 1951 Convention, such as Terje Einarsen and Gilad Ben-Nun, have pointed out that persecution had an older origin and already featured in the Statute of the International Refugee Organization (1946-1952). See Terje Einarsen, "Drafting History of the 1951 Convention and the 1967 Protocol," in *The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol: A Commentary*, ed. A. Zimmermann (Oxford and New York: Oxford University Press, 2011), 52ff; Gilad Ben-Nun, *Seeking Asylum in Israel: Refugees and the History of Migration Law* (London New York: I.B.Tauris, 2017), 20.

[30] Lina Venturas, ed., *International "Migration Management" in the Early Cold War: The Intergovernmental Committee for European Migration*, 2015, 6.

[31] Paul Weis, "The International Protection of Refugees," *The American Journal of International Law* 48, no. 2 (1954): 211. The Statute limited this mandate to three years, but subsequent General Assembly and ECOSOC Resolutions prolonged the UNHCR's lifespan, until in 2003 it was given the mandate to operate "until the refugee problem is solved". See United Nations High Commissioner for Refugees, "Self-Study Module 1: An Introduction to International Protection. Protecting Persons of Concern to UNHCR," Refworld, 2005, 7.

specified that all previous groups labeled "refugees" would come under UNHCR's authority, with the exception of those groups for which special UN agencies emerged (most notably the Korean and Palestinian refugees). On the other hand, the Statute stipulated which people from that point onwards would qualify as refugees. Article 6B, which will be cited often in the subsequent chapters, stipulated that a refugee is:

> *Any* other person who is outside the country of his nationality, or if he has no nationality, the country of his former habitual residence, because he has or had well-founded fear of persecution by reason of his race, religion, nationality or political opinion and is unable or, because of such fear, is unwilling to avail himself of the protection of the government of the country of his nationality, or, if he has no nationality, to return to the country of his former habitual residence.[32]

Article 1 of the Statute listed the permanent solutions, namely "to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities".[33] This assimilation could happen through integration in a country of first asylum or resettlement in a "third" country.[34] The Statute thus implicitly also provided the framework for the three durable solutions that constitute the refugee regime until today: repatriation, integration, and resettlement. But it was also a confirmation and a combination of the strategies tested by its predecessors. Whereas in the interwar period, the League of Nations High Commissioner for Refugees had been the sole authority on refugees, UNHCR had to share this responsibility with states. Therefore, a legal framework was developed that would delineate the responsibilities of states towards refugees. This was the Convention Relating to the Status of Refugees adopted in 1951 (also known as the Geneva Convention). The Convention specified and turned into international law the refugee definition. Slightly different from Article 6B of the Statute (see the emphasized parts) it stated that a refugee is a person who,

[32] Statute of the Office of the United Nations High Commissioner for Refugees [Emphasis added].
[33] Statute of the Office of the United Nations High Commissioner for Refugees.
[34] Third, after the country of origin and the country of first asylum.

> *as a result of events occurring before 1 January 1951* and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a *particular social group* or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.[35]

These two major changes should be understood in the light of the emerging Cold War tensions, which inspired the negotiators of the convention to limit the scope of the Convention to people who became refugees "as a result of events occurring before 1951". The addition of "social groups" to the qualifying factors for persecution might also have to do with opening the door to refugees from communism, but its origin is less certain.[36] Importantly, states could opt for a geographic restriction clause that limited their responsibility to European refugees only, but most of the early adopters did not.[37] States thus recognized that UNHCR could become responsible for refugees all over the world. But the signatories in the early 1950s, still largely dominated by the colonial regime, were almost exclusively European, so if UNHCR would get involved in refugee situations outside of the signatory states, these people would become refugees under its statutory mandate, not under the 1951 Convention. This clarifies the distinction that I already mentioned in the introduction, namely between Mandate refugees and Convention refugees.

---

[35] Convention Relating to the Status of Refugees, Geneva, 28 July 1951, United Nations Treaty Collection, "1951 Convention" [Emphasis added].

[36] Einarsen, "Drafting History of the 1951 Convention and the 1967 Protocol," 56.

[37] Paul Weis, "The Convention Relating to the Status of Stateless Persons," *International and Comparative Law Quarterly* 10, no. 2 (1961): 264. Some historians wrongly assume that the Convention included a *temporal and a geographical* limitation (e.g. Gatrell, *The Making of the Modern Refugee*, 91.) However, UNHCR explains the difference quite clearly in its own manuals (United Nations High Commissioner for Refugees, "Refworld | Self-Study Module 1."). I am grateful to Laura Madokoro, who has pointed out to me that of the pre-1967 signatories only Argentina, Australia, Brazil, Ecuador, France, the Holy See, Iceland, Italy, Luxembourg, Peru, Portugal, and Turkey chose the more geographically restricted option. See also UNHCR, "States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol" (UNHCR, 2015).

Mandate refugees directly depend on UNHCR for their legal status. Convention refugees derive their legal status from a state (always a state party to the Convention) that has recognized a certain person as a refugee.[38] The introduction also talks about *prima facie* refugees. They are a type of Mandate refugees, who have received that status because of their belonging to a certain group for whom persecution is presumed. Mandate status can also apply to an individual, it does not always have to apply to groups.

The difference between Mandate and Convention status matters for resettlement. While both the 1950 Statute and the 1951 Convention honor the principle of the *non-refoulement* (i.e. the right not to be forcibly returned to a state where a refugee would face persecution), the Convention also grants some specific rights to refugees, such as equal rights to nationals in terms of housing, employment, and schooling.[39] Most importantly, states are obliged to grant a Convention Travel Document (CTD) to Convention refugees that gives them freedom of movement, which is not readily available to Mandate refugees. In resettlement situations, where international migration is key, this is more than a slight difference. Yet, as we will later see, in the 1970s, most refugees originated from regions with few states that had acceded to the Convention. They thus became Mandate refugees, mostly on a *prima facie* basis (i.e. as groups coming from a particular situation where fear of persecution was presumed). This complicated their resettlement and begs the question which interventions were needed to make resettlement an effective tool for protection of non-European refugees under the new refugee regime.

In the early years, resettlement was clearly more a tool for migration than for protection. In 1951, sixteen countries under the lead of Belgium and the United States established the aforementioned organization for migration PICMME during a conference in Brussels. Among the creators were tradi-

[38] United Nations High Commissioner for Refugees, "Refworld | Self-Study Module 1," 62.

[39] Gilad Ben-Nun, "The British–Jewish Roots of Non-Refoulement and Its True Meaning for the Drafters of the 1951 Refugee Convention," *Journal of Refugee Studies* 28, no. 1 (2015): 93–117; Gilad Ben-Nun, "The Israeli Roots of Article 3 and Article 6 of the 1951 Refugee Convention," *Journal of Refugee Studies* 27, no. 1 (2014): 101–25. As Vincent Chetail has noted, "there exist as many refugee statuses as states parties to the Geneva Convention, insofar as the content of the applicable standards to aliens and nationals is primarily determined by the legislation of each individual state". Chetail, "Are Refugee Rights Human Rights?," 42.

tional resettlement countries, such as Australia, Bolivia, Brazil, Canada, Chile, and the US, migrant producing countries, like Italy, Greece, and Turkey, and some smaller Western European states in need of labor migrants, namely Austria, Belgium, France, the Federal Republic of Germany, Luxembourg, the Netherlands, and Switzerland.[40] In 1952-1953, the organization changed its name to Intergovernmental Committee on European Migration (ICEM). Since 1980, ICEM is known as the International Organization for Migration (IOM), which is currently incorporated in the UN system, but has throughout its history functioned alongside (and sometimes at odds with) the UNHCR.[41]

The emergence of this new intergovernmental body indicated that "the problems of European migration could not be left to the whim of individual initiatives of private organizations or bilateral actions" and that "the resettlement of refugees had to extend beyond European shores".[42] ICEM, unlike UNHCR, was not limited by a restrictive mandate and could occupy itself with all migrants, not just refugees.[43] It catered to the migration needs of its most powerful member states, bringing labor immigrants and able-bodied refugees to the United States, Canada, Australia, and Argentina. ICEM's arrangement made clear that resettlement in the new international refugee regime would still happen with population control perspectives in mind.[44]

In 1956, the refugee regime was tested beyond its temporary limits. After the Hungarian Uprising, more than 170,000 Hungarians sought refuge in Austria

---

[40] Marianne Ducasse-Rogier, *The International Organization for Migration 1951-2001* (Geneva: IOM, 2001), 4; Venturas, *International "Migration Management,"* 6–7.

[41] Elie, "The Historical Roots of Cooperation between the UN High Commissioner for Refugees and the International Organization for Migration."

[42] Gatrell, *The Making of the Modern Refugee*, 86.

[43] C. Clyde Ferguson et al., "Refugees: A New Dimension in International Human Rights," *Proceedings of the Annual Meeting (American Society of International Law)* 70 (1976): 65–70.

[44] For a very recent overview of IOM's history, see Megan Bradley, *The International Organization for Migration : Challenges, Commitments, Complexities* (Routledge, 2020). Further reading: Megan Bradley, "The International Organization for Migration (IOM): Gaining Power in the Forced Migration Regime," *Refuge: Canada's Journal on Refugees* 33, no. 1 (2017): 97–106; Dimitris Parsanoglou and Yannis Papadopoulos, "Regulating Human Mobility through Networking and Outsourcing: ICEM, IOs and NGOs during the 1950s," *Journal of Migration History* 5, no. 2 (2019): 332–52.

and just over 20,000 in Yugoslavia. Although initially reserved for refugees of the Second World War, the 1951 Convention proved flexible, as international lawyers interpreted the flight from communism as a result of "events occurring in Europe before 1951" (i.e. the establishment of a communist regime in Hungary in 1944-1949).[45] Upon the request of the Austrian government, that saw itself overburdened with the sudden arrival of the Hungarian refugees, UNHCR saw an opportunity for expanding its relevance. Together with ICEM and a number of NGOs (most notably the United States Escapee Program, USEP), it became involved in the first large resettlement operation under the new refugee regime.[46] Eventually some 230,000 refugees resettled in 36 countries apart from Austria.[47] UNHCR also got involved in the resettlement of the earlier mentioned "hard core".[48] Still, it would take until World Refugee Year in 1959-1960 before the camps started to "clear". In a showcase of international solidarity, not only to the refugees themselves, but also to the countries "burdened" with their temporary shelter, predominantly small countries with strong humanitarian agendas, such as Denmark and New Zealand stepped up to the challenge of resettling the Europe's residue refugees.[49] It seemed like protection needs had finally gained the upper hand over population control imperatives, although the new reality of the Cold War strongly motivated the largest resettlement countries, particularly the US, to play their part.[50]

---

[45] Zieck, "The 1956 Hungarian Refugee Emergency, an Early and Instructive Case of Resettlement," 45.

[46] Louise W. Holborn, *Refugees: A Problem of Our Time: The Work of the United Nations High Commissioner for Refugees, 1951–1972*, vol. I (Metuchen, NJ: The Scarecrow Press, 1975), chap. 16. The Hungarian crisis thus predated the resettlement of the refugees that had seen their chances of resettlement linger after the Second World War.

[47] Holborn, I:402; Zieck, "The 1956 Hungarian Refugee Emergency, an Early and Instructive Case of Resettlement," 59.

[48] In his PhD dissertation on the first High Commissioner Gerrit Jan van Heuven Goedhart, Jeroen Corduwener shows how the Office tried but largely failed to address the "hard core" problem in its first years of existence. "Riemen Om de Kin!: Biografie van Mr.Dr. Gerrit Jan van Heuven Goedhart" (Ph.D. Dissertation, Groningen, University of Groningen, 2011).

[49] Gatrell, *The Making of the Modern Refugee*, 113; Neumann, *Across the Seas*, 157.

[50] Loescher and Scanlan, *Calculated Kindness*.

The Hungarian situation, albeit fitted within the scope of the 1951 Convention, indicated the need for a more permanent international refugee regime beyond the aftermath of the Second World War.[51] Indeed, simultaneous occurrences outside Europe generated greater attention. In the late 1950s, High Commissioner for Refugees Auguste Lindt extended his office increasingly to groups beyond the scope of the Convention, starting with providing protection to refugees from Algeria in 1957. In the 1960s, the resettlement of Cubans to the United States (and the restricted entrance of Haitians that never led to resettlement) followed strict Cold War logic and never turned into an international effort.[52] Nevertheless, by 1960, the major Western players recognized that refugee crises were not unique to Europe and urged UNHCR to devote attention to emerging refugee situations on other continents.[53] This led to years of debate and eventually resulted in the Protocol Relating to the Status of Refugees in 1967. This protocol was added to the 1951 Convention to delete the temporary limitation, and hence the focus on the Second World War.

RESETTLEMENT IN THE 1970S

In the 1970s, interest in resettlement grew, as we have already seen in the introduction. The most prominent, and also the first group to receive resettlement assistance were the Jews from the Soviet Union. While some Soviet Jews were recognized by individual states as Convention refugees, only a tiny minority had legal refugee status and most were resettled as migrants to Israel, and later to the United States. They remained the concern of ICEM and a number of Jewish NGOs involved in resettlement but not of UNHCR, since UNHCR officials did not consider the Soviet Jews as refugees under their mandate.[54]

As a matter of fact, UNHCR in the 1970s almost exclusively resettled refugees from the Global South. The first group of refugees to receive resettlement

[51] Caestecker and Vanheule, "Een Geïnstitutionaliseerd Vluchtelingenbeleid in Volle Beweging (1944-2010)," 469.
[52] Loescher and Scanlan, *Calculated Kindness*, 69.
[53] Loescher, *The UNHCR and World Politics*, 91ff.; Gatrell, *The Making of the Modern Refugee*, chaps. 4–6.
[54] Peter Hägel and Pauline Peretz, "States and Transnational Actors: Who's Influencing Whom? A Case Study in Jewish Diaspora Politics during the Cold War," *European Journal of International Relations* 11, no. 4 (2005): 467–93.

assistance from UNHCR were the East African Asians, who were expelled by General Idi Amin Dada from Uganda in 1972.

A brief note on the term East African Asians is appropriate. The term denominates a group of UK passport holders of South Asian origin settled in the territories now known as Kenya, Uganda, and Tanzania.[55] Before European colonialism, Indian Ocean trade brought Asians to the east coast of the African continent. During the colonial era, the British actively encouraged the settlement of Asians – South Asians, but also Chinese – throughout the Empire to help develop newly conquered territories. In East Africa, Asians came predominantly from British India and arrived not only as indentured laborers but also as traders, shopkeepers (*dukanwallahs*), small business owners, artisans, clerks, soldiers, and policemen.[56] The Asians formed the middle layer in the colonial political economy in East Africa.[57] The general perception was that the British had wealth and power, the Asians wealth without power and the Africans neither wealth nor power.[58] Decolonization upended the political hierarchy, but not the economic inequality. The Asians – unlike the majority of Europeans – remained in East Africa, but could not shake their image of a "comprador class" that facilitated empire and hence became "undesirables".[59] The governments in Nairobi, Kampala and Dar Es Salaam issued legislation

[55] Robert G. Gregory, *India and East Africa: A History of Race Relations within the British Empire, 1890-1939* (Oxford: Clarendon Press, 1971); Robert G. Gregory, *South Asians in East Africa: An Economic and Social History, 1890-1980* (Boulder: Westview Press, 1993).

[56] Sunil S. Amrith, *Migration and Diaspora in Modern Asia*, New Approaches to Asian History (New York: Cambridge University Press, 2011).

[57] Dharam P. Ghai and Yash P. Ghai, *Portrait of a Minority. Asians in East Africa.* (Nairobi: Oxford University Press, 1970); Yashpal Tandon and Arnold Raphael, *The New Position of East Africa's Asians: Problems of a Displaced Minority*, Revised, Report 16 (London: Minority Rights Group, 1978).

[58] John Mattausch, "From Subjects to Citizens: British 'East African Asians,'" *Journal of Ethnic and Migration Studies* 24, no. 1 (1998): 128; Avtar Brah, *Cartographies of Diaspora: Contesting Identities* (London and New York: Routledge, 1996), 1.

[59] The term "comprador class" derives from T. M. Luhrmann, *The Good Parsi: The Fate of a Colonial Elite in a Postcolonial Society* (Cambridge, MA: Harvard University Press, 1996), 17–18. I use the term "undesirable" here after Paddy Hillyard, *Suspect Community: People's Experiences of the Prevention of Terrorism Act* (London: Pluto Press, 1993). Particularly in the British sources the term is regularly deployed as well. From this point onwards, scare quotes are implied.

to deprive the Asians of immigration and trading rights (in Kenya and Uganda) and property (in Tanzania).[60] As a result, Asians started leaving East Africa from the late 1960s onwards, particularly to the UK, where they could enter without immigration restrictions as they had retained their British nationality upon independence.[61] This spurred a reaction of immigration restrictions in the UK, to which I shall turn in the last section of this chapter. When in August 1972 Amin ordered the expulsion of 50,000 Asians in less than 90 days, panic broke out in Westminster and Whitehall. Admitting large groups of Asians after pressure from a government in a former colony would make the British government look weak in the already polarized public opinion. Not admitting its own passport holders, however, would damage Britain's humanitarian reputation.[62]

Eventually, the group of Asians was divided according to their passport status. At the time of independence, there were three main groups: local (Kenyan/Ugandan) passport holders, South Asian (Indian/Pakistani) passport holders, and United Kingdom passport holders (UKPH). Within the UKPH category, there were important variations. In Uganda, most Asians were either Citizens of the United Kingdom and Colonies (CUKC), who were full-fledged British citizens, or British Protected Persons (BPP), who held British legal documents but were neither British citizens nor British subjects. India and Pakistan both received their own citizens. While the British government ultimately accepted responsibility for its 27,000 citizens of Asian origin in Uganda, it refused to resettle the approximately 10,000 persons who had formerly held BPP status. As a result, the latter group lost its claim to any

[60] Ernest J. Wilson III, "Strategies of State Control of the Economy: Nationalization and Indigenization in Africa," *Comparative Politics* 22, no. 4 (1990): 401–19; Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton: Princeton University Press, 2018), 20.

[61] Richard Plender, "The Exodus of Asians from East and Central Africa: Some Comparative and International Law Aspects," *The American Journal of Comparative Law* 19, no. 2 (1971): 287–324; John L. Bonee, "Caesar Augustus and the Flight of the Asians: The International Legal Implications of the Asian Expulsion from Uganda during 1972," *International Lawyer* 8, no. 1 (1974): 136–59; Paul Weis, *Nationality and Statelessness in International Law*, 2nd ed. (Alphen aan den Rijn: Sijthoff and Noordhoff, 1979).

[62] Cosemans, "The Politics of Dispersal."

citizenship.[63] These stateless people became the responsibility of the international community. ICEM and the International Committee of the Red Cross (ICRC) arranged for their travel, while UNHCR coordinated the operation and provided reception in temporary refugee camps in Europe. By 1976, they were resettled in more than 25 countries, most notably India and Canada.[64]

This was not as obvious as it seems, as the Ugandan Asians were resettled from within their country of habitual residence, which is in violation of UNHCR's mandate. Moreover, UNHCR did not yet have a mandate over the stateless in 1972 (it would gain that authority in 1975). However, UNHCR officials decided the Asians would be recognized *prima facie* as refugees under UNHCR's mandate as soon as they had left the country. In certain situations, a *prima facie* refugee determination approach, in which certain groups of refugees coming from a certain region at a certain time are granted refugee status under the Convention, is used to provide protection as an emergency measure. This is often the case for sudden influxes in countries that have not acceded to the Convention.[65] It is assumed that *prima facie* refugee status differs from 'full' Convention status in quality but not in kind – both are granted to refugees under UNHCR's mandate. The general premise, however, is that resettlement is not an option for *prima facie* refugees, unless they register for full Convention status, including the right to a Convention Travel Document.[66] The literature states that the only exception to this rule was the resettlement of the Indochinese, after the installation of the Orderly Departure Program, that recognized all Vietnamese who wanted to leave Vietnam as *prima facie* refugees. Yet, the Ugandan case shows that Vietnam was not the exception. In fact, all resettlement cases in the 1970s, including the Chileans, consisted of considerable groups with *prima facie* refugee status.

Refugees from Chile constitute the second case of resettlement from the Third World. Their case emerged after the coup of general Augusto Pinochet in Chile on September 11, 1973, but here as well, the name "Chilean refugees"

---

[63] Tandon and Raphael, *The New Position of East Africa's Asians*, 17; Cosemans, "The Politics of Dispersal," 104; Cosemans, "Modern Statelessness and the British Imperial Perspective. A Comment on Mira Siegelberg's Statelessness."
[64] Cosemans, "The Politics of Dispersal."
[65] Jackson, *The Refugee Concept in Group Situations.*
[66] Albert, "Prima Facie Determination," 14; Janmyr, "UNHCR and the Syrian Refugee Response," 403.

disguises a more complex reality. Chile had a long history of refugee hospitability, that fitted within the Latin American tradition of political asylum.[67] As a founding member of ICEM, it received a substantial amount of European refugees and fugitives (including Nazis) during the 1950s.[68] Starting in the 1960s, but most definitely from Salvador Allende's presidency in 1970 onwards, Chile also began to attract people from across Latin America, including left-wing allies and refugees from oppressive Latin American regimes.[69] In 1972, Allende acceded to the 1951 Convention and its 1967 Protocol and applied for the assistance of UNHCR to officially recognize the refugees on Chilean soil.[70] The accession also formed part of Allende's international strategy to strengthen Chile's position in the Third World bloc and the Non-Aligned Movement, which culminated in the organization of UNCTAD III in Santiago at exactly the same time of his accession to the refugee instruments. At that time, he also ratified the two most important human rights conventions, namely the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.[71]

---

[67] Jaime Esponda Fernández, "La tradición latinoamericana de asilo y la protección internacional de los refugiados," in *El asilo y la protección internacional de los refugiados en América Latina: análisis crítico del dualismo "asilo-refugio" a la luz del derecho internacional de los derechos humanos*, ed. Leonardo Franco (San José, C.R.: Alto Comisionado de las Naciones Unidas para los Refugiados, 2004), 82.

[68] Graeme Mount, *Chile And The Nazis: From Hitler to Pinochet*, Illustrated edition (Montréal ; New York: Black Rose Books, 2002), 156; Rossana Cassigoli, "Sobre la presencia nazi en Chile," *Acta Sociológica* 61 (2013): 170–71.

[69] Mario Garcés and Nancy Nicholls, *Para una historia de los derechos humanos en Chile: historia institucional de la Fundación de Ayuda Social de las Iglesias Cristianas FASIC 1975-1991* (LOM Ediciones, 2005); Norambuena, Palomera, and Lopez, "Brazilians in Chile during the Military Dictatorship"; Palomera and Norambuena, "Refugio Y Asilo De Bolivianos Durante La Dictadura Chilena Entre 1973 Y 1975."

[70] Lina Callejas Ramírez and Julio Jáuregui Medina, "¿El asilo contra la opresión? Análisis crítico de la evolución del asilo en Chile," *Derecho y Humanidades*, no. 17 (2011): 132; Roberto Garreton Merino, "Chile: Exile and Return under Dictatorship. Preface," in *Innovations in Refugee Protection: A Compendium of UNHCR's 60 Years- Including Case Studies on IT Communities, Vietnamese Boatpeople, Chilean Exile and Namibian Repatriation* (Frankfurt am Main ; New York: Peter Lang, 2014), 293–95.

[71] Harmer, *Allende's Chile and the Inter-American Cold War*, 158; Jan Eckel, "Allende's Shadow, Leftist Furor, and Human Rights: The Pinochet Dictatorship in International Politics," in *European Solidarity with Chile, 1970s-1980s*, ed. Kim

When Allende was overthrown in 1973, foreigners were seen as subversive and became the first focus in the reign of terror of the military junta. Already on the first day of the coup, they were hunted down and one group even forcefully returned (*refouled*) to the country where they feared persecution (Bolivia).[72] In this climate of hostility, hospitality towards left-wing partisans, but also towards political asylees and refugees recognized under the international refugee regime abruptly halted. However, as the junta was bound by international obligations under conventions signed by the previous government, the approximately 13,000 people who were recognized as "Convention Refugees" by the Allende administration were entitled to international protection. Because the new rulers no longer wanted to grant them this protection, UNHCR became directly responsible under the terms of its Statute, which stipulated that the UNHCR had the authority to grant refugee status to those persons who lived in territories where governments were unable or unwilling (as was Pinochet's case) to grant refugee status under the Convention. The Convention refugees thus became Mandate refugees. They were the first group to receive resettlement assistance from UNHCR in Chile.[73] Together with a Chilean national NGO, UNHCR registered and sheltered these non-Chilean refugees in safe havens – a new concept in refugee protection at that time. ICEM and ICRC became responsible for their transportation. By February 1974, some 4,500 Mandate refugees had been resettled from these safe havens.[74]

The group most associated with Chilean exile – persecuted Chileans themselves – did not fall under UNHCR's mandate as long as they remained in

---

Christiaens, Idesbald Goddeeris, and Magaly Rodriguez Garcia (Ixelles: Peter Lang, 2014), 73.

[72] Harmer, *Allende's Chile and the Inter-American Cold War*, 244; Luise Druke, "Chile: Exile and Return under Dictatorship," in *Innovations in Refugee Protection: A Compendium of UNHCR's 60 Years- Including Case Studies on IT Communities, Vietnamese Boatpeople, Chilean Exile and Namibian Repatriation* (Frankfurt am Main and New York: Peter Lang, 2014), 294.

[73] The difference between Convention and Mandate Refugees is explained in United Nations High Commissioner for Refugees, "Refworld | Self-Study Module 1." See also: UNHCR, *The State of the World's Refugees, 2000: Fifty Years of Humanitarian Action* (Oxford and New York: Oxford University Press, 2000), 126–27.

[74] Yannek E. Smith, "Una perspectiva institucional del proceso de asilo para los refugiados y perseguidos políticos en Chile después del Golpe de Estado" (Santiago: Museo de la Memoria y de los Derechos Humanos, 2013).

Chile. Indeed, both UNHCR's Statute and the 1951 Convention defined a refugee as someone "outside the country of his nationality".[75] Nevertheless, Chileans did receive resettlement assistance from UNHCR as *prima facie* refugees, but only as soon as ICEM had transported them out of Chile.[76] By the end of 1974, 4,600 of these Chilean *prima facie* refugees were resettled by international organizations, mostly to Argentina, France, Mexico, Venezuela, Colombia, Sweden and Italy, but significant numbers also to communist countries through the UNHCR channel, particularly to Romania and Cuba.[77] Notably absent were the United Kingdom and the United States, especially in these early years.[78] After 1974, UNHCR actions in Chile seemed to slow down, but the organization then got involved in new developments, such as family reunion of the resettled Chileans.[79] Finally, in 1976, particularly as the political situation in Argentina worsened, UNHCR's main focus shifted to the resettlement of Chilean refugees who had crossed the border to Argentina (and to a lesser extent to Peru) by their own means.[80] Between 1973 and 1980, UNHCR resettled just over 23,000 people – both Latin American refugee residents in Chile and Chilean nationals – to more than forty-five countries, while ICEM resettled another 20,000 Chileans who did not fall under

[75] Statute of the Office of the United Nations High Commissioner for Refugees, pt. 6B.

[76] Véronica Reyna, "Demandas de Reparación En La Sociedad Chilena: Experiencia de La Fundación de Ayuda Social de Las Iglesias Cristianas, FASIC," in *Derechos Humanos y Reparación: Una Discusión Pendiente*, ed. Germán Morales and Elizabeth. Lira, Ciencias Humanas. Sociedad y Derechos Humanos (Santiago: LOM; Universidad Alberto Hurtado, 2005), 38.

[77] Fernando Camacho Padilla, "Los Asilados de Las Embajadas de Europa Occidental En Chile Tras El Golpe Militar y Sus Consecuencias Diplomáticas: El Caso de Suecia," *Revista Europea de Estudios Latinoamericanos y Del Caribe / European Review of Latin American and Caribbean Studies* 81 (2006): 21–41; Claudia Fedora Haake and Alessandro Santoni, "Geografía Política Del Exilio Chileno: Los Diferentes Rostros de La Solidaridad," *Perfiles Latinoamericanos* 21, no. 41 (2013): 123–42.

[78] Loescher and Scanlan, *Calculated Kindness*, 95–96; Grace Livingstone, *Britain and the Dictatorships of Argentina and Chile, 1973–82*, Security, Conflict and Cooperation in the Contemporary World (Cham: Springer International Publishing; Palgrave Macmillan, 2018), 21–22.

[79] Mireya Vera E., "Exilio y Repatriación. Asistencia Social y Laboral," in *Exilio 1986-1978*, ed. FASIC (Santiago de Chile: Amerinda Ediciones, 1986), 81–121.

[80] Smith, "Una perspectiva."

UNHCR's mandate.[81] Nevertheless, many also fled Chile by their own means, forming a Chilean diaspora that spread out over more than 100 countries.[82]

In terms of numbers of people involved, the cases of Uganda and Chile pale in comparison to Indochina. Indeed, the end of the Vietnam War in April 1975 caused the largest effort ever in refugee resettlement from the Global South.[83] In total more than 2.5 million Indochinese, of which 1.9 million under UNHCR auspices, were resettled from Vietnam, Laos and Cambodia between 1975 and 2000. As in Chile, the exodus evolved over different phases and took various forms. During the last stages of the war, the United States arranged the evacuation of 134,000 (129,000 Vietnamese and 5,000 Cambodians), including 50,000 'high risk profiles' from South Vietnam in the last stages of the war.[84] UNHCR was invited to monitor the situation in the transit camps on the island of Guam, an American military base in the Pacific, but was only tangentially involved.[85] Immediately after the war, in the first week of May 1975, people started to escape Vietnam, predominantly for Thailand. Some fled by boats (the so-called "boat people"); others by land (hence "land people").[86] They were hosted in increasingly extending camps for "displaced people", as Thailand refused to call them refugees.

Initially, UNHCR was very reluctant to get involved out of fear of insulting both the countries of origin (mostly the Vietnamese communist regime) and the countries of first asylum (next to Thailand also Malaysia, Singapore, Indonesia, Thailand, the Philippines, and the British Crown Colony Hong Kong). None of these countries were signatories to the Refugee Convention (and the United Kingdom had excluded Hong Kong from its accession). However, despite its reluctance, UNHCR launched an appeal in May 1975 for the international resettlement of the Indochinese stranded in camps throughout South East Asia. In this first phase, UNHCR assisted in the spreading the Indochinese over twenty four countries, most notably 11,000 to the US, 5,200

[81] UNHCR, *The State of the World's Refugees, 2000*, 127.
[82] Thomas C. Wright and Rody Oñate Zúñiga, "Chilean Political Exile," *Latin American Perspectives* 34, no. 4 (2007): 31–49.
[83] Zolberg, Suhrke, and Aguayo, *Escape from Violence*, 160.
[84] Robinson, *Terms of Refuge*, 18; Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 174–77.
[85] Jana K. Lipman, "'Give Us a Ship': The Vietnamese Repatriate Movement on Guam, 1975," *American Quarterly* 64, no. 1 (2012): 1–31.
[86] Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 173.

to Canada, 4,500 to France, 700 to Australia, and 1,200 Muslims from Cambodia to Malaysia.[87]

Due to the policy choices of the new Vietnamese government – characterized by re-education camps on the one hand, and incentives to remain cultivating the land and rather slow agricultural and industrial reforms on the other – the outflow from Vietnam remained relatively small until late 1977. Where they arrived in larger numbers, like in Thailand and Malaysia, the authorities started to push refugees back to the sea. In Indonesia, the Philippines and Hong Kong, numbers were considerably smaller and officials less inclined to deny temporary asylum.[88] Japan and Singapore chose to turn away all potential asylum seekers.[89] However, as international media started reporting on the growing number of drowning people on small rickety boats, the Indochinese refugee crisis attracted more attention.[90] Still, it was largely ad hoc measures, namely the parole programs authorized by the Attorney General (with the approval of Congress), that granted both land and boat people the opportunity to exit the camps and start a new life in the United States.[91] There were no large-scale resettlement operations to other countries in these early stages of the exodus.[92] The exception was France, with its long-lasting imperial connections to Indochina. Yet, Paris resettled mostly on its own volition, without UNHCR assistance. Instead of selecting people for their protection needs, it looked for people who would benefit France: those who had served the French army, who spoke French, or who had special skills for the French labor market.[93]

In 1978, the crisis deepened. On the one hand, the Vietnamese invasion of Cambodia in December 1978 generated new flows of refugees crossing land borders. On the other hand, the Vietnamese government began expelling Hoa (Vietnamese people of full or partial Han Chinese ancestry) following the growing tensions with China, which backed the Khmer Rouge regime in Cambodia. 160,000 Hoa entered mainland China before August 1978, and

[87] Robinson, *Terms of Refuge*, 24.
[88] Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 177.
[89] Sahara, "Globalized Humanitarianism," chap. 4.
[90] Espiritu, "Toward a Critical Refugee Study," 412.
[91] Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 177–87.
[92] Taylor et al., "Introduction."
[93] Akoka, "France: Boat People Brough by Plane," 49.

their numbers further rose to 260,000 by February of the next year. However, this period became especially renowned for the surge in boat refugees. In Thailand and Malaysia, they came predominantly from South Vietnam, in Hong Kong from mainland China. Between September 1978 and February 1979, several large ships with thousands of passengers each set sail to Hong Kong, which made British intelligence officers claim that this trafficking was organized with the approval and to the financial benefit of the Vietnamese government. The two earliest ships never reached Hong Kong, but got stranded in Indonesia and Malaysia, who refused permitting these ships to dock in their harbors unless the Western countries would pledge to resettle them. This situation brought the resettlement countries in the West and international organizations, especially UNHCR and the UN Secretary General, to seek a way to stem the refugee flow.[94]

UNHCR initiated several international negotiations, including with the Vietnamese government. Eventually, at the initiative of freshly elected British Prime Minister Margaret Thatcher, an international conference on the Indochinese took place in Geneva in June 1979.[95] This led to the installation of a new plan, the Orderly Departure Program (ODP), which rested on a threefold agreement: the promise of the country of origin to restrict "illegal" emigration (or to control the outflow), the engagement of the countries of first asylum to receive refugees, and the guarantee of third countries to provide resettlement offers to share the burden.[96] The beginning of the program was not an astounding success. While 200,000 refugees had been resettled before the start of the ODP in 1979, only 125,000 got resettled between 1979 and 1987. However, in the decade to follow, more than half a million Vietnamese left their country under the auspices of the program, to resettle in more than thirty different countries.[97]

[94] Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 187–200.
[95] Becky Taylor, "'Our Most Foreign Refugees': Refugees from Vietnam in Britain," in *When Boat People Were Resettled, 1975–1983: A Comparative History of European and Israeli Responses to the South-East Asian Refugee Crisis*, ed. Becky Taylor et al., Palgrave Studies in Migration History (Cham: Palgrave Macmillan, 2021), 117.
[96] Kumin, "Orderly Departure from Vietnam."
[97] Kumin, 105.

The ODP was the last plan to resettle a group of refugees from a certain region throughout the entire international community, but as we have seen in the introduction, it already differed quite starkly from other resettlement programs, because it granted refugee status to people who were still inside their own country (contrary to Article 6B of UNHCR's Statute). While it did succeed in reducing people dying at sea, and it even provided resettlement opportunities to over 600,000 Vietnamese who did not have to make the dangerous crossing, it was also a denial of Vietnamese people's right to leave their own country on their own volition. As we will see in greater detail in chapter 7, the ODP effectively managed to stop the outflow from Vietnam rather than serve as an effective migration channel. More important than the numbers, however, is the fact that the ODP signaled to the Western nations that human rights regarding the freedom of movement were not as sacred as they had appeared to be when they appeared in the Universal Declaration of Human Rights in 1948.

RESETTLEMENT IN BRITISH AND AMERICAN IMMIGRATION AND REFUGEE LAW

Resettlement was not only a concern of UNHCR, but also, and maybe even to a larger extent, a concern for the states which provided resettlement spots. In the case of the two main protagonists of this thesis – the UK and the US – national immigration and refugee policy shaped and was shaped by resettlement. This chapter's last section focuses on the main characteristics of these national legal frameworks, which are necessary to understand the multifaceted developments in the subsequent chapters.

As mentioned above, in the British Commonwealth, many people, particularly of Asian origin, had been able to hold on to their British passports after the countries in which they resided gained their independence. Aware of this anomaly that found its roots in the British Nationality Act of 1948, the British government started to adopt legal restrictions on immigration from the early 1960s onwards. These new immigration laws had a profound impact on the freedom of movement of British subjects and citizens in the New Commonwealth. In 1962, the Commonwealth Immigrants Act introduced a system of employment vouchers (quota) for all Commonwealth immigrants, regardless of their origin. Six years later, the 1968 Commonwealth Immigrants Act introduced the concept of 'belonging'. The label "United Kingdom belongers"

applied to those who were born, naturalized or adopted in the United Kingdom or had at least one parent or grandparent in that category. "Non-belongers" were from 1968 onwards subject to migration control. In fact, this meant that Asian CUKCs, although they had no other citizenship than the British one, could no longer enter Britain freely and thus lost their "right to return" to the only country from where they derived their legal identity status.[98] In 1971, an even more rigid immigration law, the Immigration Act, equalized the status of UK passport holders outside Britain to that of aliens, but secured the entrance rights of white 'patrials' in Old Commonwealth countries.[99]

This new and strict 1971 law could not prevent a new crisis. Already before it came into force, Idi Amin had already ordered the expulsion of the Asians from Uganda. In fact, these immigrant restrictions in the UK served to induce migration crises rather than preventing them. By restricting entrance on the basis of race, the British government put itself in an incredibly vulnerable position for human rights-based attacks from the Third World.[100] As chapter 2 and 5 on the Ugandan case show, the internationalization of resettlement was driven in the first place by the British government trying to divert "residual citizens" or avoid their arrival in the future. British immigration law thus immediately affected developments of international resettlement. When British policymakers in 1972 finally understood that legal reforms of immigration control worsened their predicament, new restrictions were stalled. It took until 1981 before Prime Minister Margaret Thatcher would again touch the law. However, she this time did not change the immigration laws, but adapted the nationality law itself that had caused the situation of residual citizens in the first place.

The 1981 British Nationality Act changed the then applied standard of *ius sanguinis* (nationality on descent) into *ius soli* (nationality by birth in a territory). This shift would have made substantial numbers of British nationals stateless were it not for special provisions and temporary national statuses that

---

[98] James Hampshire, *Citizenship and Belonging: Immigration and the Politics of Demographic Governance in Postwar Britain* (Basingstoke, Hampshire; New York: Palgrave Macmillan, 2005), 37–38.

[99] Randall Hansen, *Citizenship and Immigration in Post-War Britain: The Institutional Origins of a Multicultural Nation* (Oxford and New York: Oxford University Press, 2000), 192–95.

[100] Cosemans, "The Politics of Dispersal," 113.

brought the UK in line with its obligations under the Conventions on Statelessness. However, as Laurie Fransman has remarked, these provisions and legal statuses did not grant the right of abode in Britain and, accordingly, were "of dubious worth as a measure for reducing the practical disadvantages of statelessness".[101] The most important restriction was that to travel to the UK. Becky Taylor has recently convincingly argued that Margaret Thatcher took this radical step after UNHCR forced her to receive a substantial number of (10,000) Vietnamese refugees for resettlement in the UK in 1979. According to her, "the 1981 British Nationality Act was designed to cut down 'the level of immigration into the UK, and in particular on the admission of dependents', partly to 'compensate for a higher intake of Vietnamese refugees'".[102]

Important to note is that the United Kingdom, although it was one of the originally signatories to both the 1951 Convention and the 1967 Protocol, did not readily translate these international laws into the British domestic system.[103] It took until the Immigrants Act of 1971 before the UK considered bringing its provisions for asylum applications in line with the 1951 Convention, and even then, it remained only a footnote in the bill.[104] As late as 1993, the 1951 Convention took primacy in asylum applications. Until then, the UK had applied its own systems, which dated back to the beginning of the twentieth century.[105]

The United States also struggled with connecting their legislation with international agreements. Just as in the UK, American refugee law had developed before the 1951 Convention. Shortly after the Second World War, the Citizens' Committee in Congress prepared a bill to admit refugees from

---

[101] Laurie Fransman, Adrian Berry, and Alison Harvey, *Fransman's British Nationality Law*, Third edition (London: Bloomsbury, 2011), 645, 649.
[102] Taylor, "'Our Most Foreign Refugees': Refugees from Vietnam in Britain," 118. The citations originate from TNA, PREM19/130, note for the record, 9 July 1979.
[103] Shah, *Refugees, Race and the Legal Concept of Asylum in Britain*, 65.
[104] Dallal Stevens, *UK Asylum Law and Policy: Historical and Contemporary Perspectives* (London: Sweet & Maxwell Ltd, 2003), 78; Taylor, "'Our Most Foreign Refugees': Refugees from Vietnam in Britain," 112.
[105] Stevens, *Uk Asylum Law and Policy*, 165; Taylor, "'Our Most Foreign Refugees': Refugees from Vietnam in Britain," 112. For more on these early provisions, see Alison Bashford and Jane McAdam, "The Right to Asylum: Britain's 1905 Aliens Act and the Evolution of Refugee Law," *Law and History Review* 32, no. 2 (2014): 309–50.

Austria, Germany and Italy outside of the national origin quota. These quota stemmed from the Immigration Act of 1924, which included the Asian Exclusion Act and National Origins Act. The latter regulated migration based on the then existing proportions of residents of each nationality present in the United States, with the specific aim to control the growth of certain ethnicities (particularly the Chinese) through immigration.[106] In 1947, when Congress passed the first Displaced Persons Bill, it installed a four-year program to admit 100,000 "non-quota" refugees annually (400,000 in total). In 1948, the bill was adapted to further limit admissions of refugees to 202,000 over four years, of which 2,000 had to come from Czechoslovakia. In the following months and years, discussions in Congress evolved particularly around these numbers, raising them to 341,000 later in 1948 and reducing them again to 209,000 "special immigrant visa" for refugees under the Refugee Relief Act in 1953. As the United States never signed nor ratified the 1951 Refugee Convention (until today they have only ratified the 1967 Protocol), its refugee law kept developing separately as well.

In 1956, the Hungarian Uprising shifted the initiative of refugee admission to the Executive Branch, when President Eisenhower decided to make use of a loophole in the law to "parole" refugees into the United States. In the immigration context, parole meant an exception for immigrants without the appropriate visas. Instead of the boundaries set by Congress, the Attorney General had the discretionary power to allow the entrance of entire groups of people – and from then on, it was the President himself who decided on the numbers. Eisenhower admitted 32,000 Hungarians (just over 38,000 eventually resettled in the United States). In 1962, Kennedy did the same for Cubans fleeing Castro's regime. After that, Congress attempted to restore its role in immigration matters by issuing the Immigration and Nationality Act (INA) of 1965, which eliminated the national origins quota system.[107] However, in its attempt to universalize entrance to the United States regardless of nationality, it retained the idea of migration quota to control mobility.

---

[106] Adam McKeown has called the bill "perhaps the most significant innovation law of the twentieth century" because "[i]t set the standard for the progressive and scientific management of migration". *Melancholy Order*, 330–331.

[107] This paragraph is based on the work of Loescher and Scanlan, *Calculated Kindness*, 10, 19, 22, 27, 49, 50, 69.

The 1965 act installed a limitation of 170,000 immigrant visas (apart from "dependents" (i.e. the dependent relatives of US citizens) that would be granted on a first-come-first-served basis, with a limitation of 20,000 visas per country per year. To placate anti-immigrant hardliners, the bill for the first time in the history of the United States restricted immigration from the independent countries in the Western Hemisphere to 120,000 visas, excluding children, spouses and parents – a measure that particularly affected Mexicans. The INA also established seven preference categories, four regarding family reunion, two for professionals and skilled laborers, and one – the so-called "seventh preference" – for refugees fleeing from "Communist or Communist-dominated lands".[108] Refugees as described in the 1965 act virtually equaled those leaving the communist world. Loescher and Scanlan note that in subsequent amendments to the Act "a new category of quota immigrants" emerged, as six per cent of all visas became reserved for "seventh preference" visas. Between 1965 and 1972, circa 68,000 migrants – particularly from Czechoslovakia and Cuba – were admitted under the seventh preference. On top of that, the Executive could parole migrants into the United States outside the discretionary refugee quota.[109]

Generally, parole programs after 1965 also worked as measures for group asylum in which a pre-set quota was filled with refugees from one particular region or country. This was also what happened when the Nixon administration admitted over 1,100 Ugandan Asians. Despite heavy pushback from immigration conservatives such as Joshua Eilberg, the chairman of the House Immigration Subcommittee (D-Pennsylvania), who objected "to any extension of parole to aliens who did not meet the definition of 'refugee' contained in the 'seventh preference'", Nixon and Kissinger decided to accept Ugandan Asians as a gesture of goodwill towards the British government, "which sought to 'internationalize'" the Ugandan Asian crisis.[110] The Chilean crisis, of course, was different, because of the deeply ingrained involvement of the administration and the CIA in the coup and the fact that those fleeing Chile

[108] Edward M. Kennedy, "The Immigration Act of 1965," *The Annals of the American Academy of Political and Social Science* 367 (1966): 137–49; Loescher and Scanlan, *Calculated Kindness*, 69; Christian Joppke, *Immigration and the Nation-State: The United States, Germany and Great Britain* (Oxford and New York: Oxford University Press, 1999), 27.
[109] Loescher and Scanlan, *Calculated Kindness*, 69, 85–86.
[110] Loescher and Scanlan, 87.

were communist or otherwise left-wing activists with little interest to resettle in the United States, as is amply known from the existing literature.[111]

The United States only in 1980 adopted a Refugee Act that was aligned with the provisions of the 1967 Protocol, to which the American government had already acceded in 1968.[112] While many scholars have seen the accession to the 1967 Protocol as a purely symbolic act, because the United States kept identifying refugees with refugees from communism until 1980, political scientists Rebecca Hamlin and Philip Wolgin have argued that the accession to the 1967 Protocol did matter, because it gave a legal basis to refugee advocates for widening the scope of the United States' refugee efforts.[113] Relying on strong archival evidence, they show that particularly the resettlement of the Ugandan Asians formed a strong precedent that eventually helped prepare the transition from a refugee system based on Cold War principles to one based on international conventions.[114] Indirectly, the British policies of dispersal had thus an impact on how "refugees" were perceived by the American government.

CONCLUSION

Refugee resettlement from the Global South shaped the 1970s and was shaped by it. For once, it seemed that protection prevailed over migration control, but if we take a closer look, we see that also in the 1970s, migration control and protection were deeply intertwined. In any case, the window for resettlement from outside Europe closed as quickly as it had opened. In the 1980s and 1990s, international resettlement as a viable durable solution for groups had ended. From the early 1990s onwards, increasing numbers of refugees from

[111] Loescher and Scanlan, 85–101; Benedetta Calandra, "Exile and Diaspora in an Atypical Context: Chileans and Argentineans in the United States (1973–2005)," *Bulletin of Latin American Research* 32, no. 3 (2013): 311–24; Gabrielle Girard, "Disillusionment in Action: The Origins and Outcomes of US Solidarity with Chilean Refugees," *Ezra's Archives* 5, no. 1 (2015).

[112] Edward M. Kennedy, "Refugee Act of 1980," *The International Migration Review* 15, no. 1/2 (1981): 141–56.

[113] Rebecca Hamlin and Philip E. Wolgin, "Symbolic Politics and Policy Feedback: The United Nations Protocol Relating to the Status of Refugees and American Refugee Policy in the Cold War," *International Migration Review* 46, no. 3 (2012): 586–624.

[114] Hamlin and Wolgin, 607, 612.

the former Eastern Bloc and Central Africa got stuck in refugee camps without resettlement opportunities but with equally few chances to return home. Moreover, the spectacular failure of providing protection in safe zones within refugees' countries, especially in Bosnia-Herzegovina in the 1990s, forced UNHCR and refugee scholars to reconsider resettlement as an option.[115] In 1995, UNHCR sought to revive resettlement as a practice, by holding new consultations on resettlement, for the first time since the Indochinese refugee crisis.

The Working Group on Resettlement – in 2001 renamed the Annual Tripartite Consultations on Resettlement (ATCR) – is still operational today. Though not successful in large-scale commitments towards resettlement, the ATCR provided the framework within which UNHCR reoriented the protection goals of resettlement. Instead of an approach towards groups, the individual became the centre of attention. In theory, humanitarian needs of the displaced ought to trump the political, economic and strategic needs of states – both resettlement states and countries of first asylum.[116] In practice, as I have already said in the introduction, resettlement fell victim to the "humanitarian marketplace" idea in which only the most vulnerable can receive resettlement assistance.[117]

In the last decade, resettlement has again gained prominence. Two high profile cases show that the link between migration and resettlement has not been severed in the way the protection agenda of the 1990s suggested. In 2011, the governments of Australia and Malaysia signed an "Agreement on Transfer and Resettlement", which 'traded' unauthorized asylum seekers to Australia for authorized resettlement spots for refugees stranded in Malaysia. In 2016, the "EU-Turkey Statement" made a similar proposition. However, these 'refugee swap deals' did not materialize into large operations. The agreement between Australia and Malaysia was annulled, as the Australian Court ruled it unlawful, and the EU-Turkey deal has never performed the way it was expected, as numbers of refugees resettled from Turkey in the European Union

[115] Mikhael Barutciski, "The Reinforcement of Non-Admission Policies and the Subversion of UNHCR: Displacement and Internal Assistance in Bosnia-Herzegovina (1992–94)," *International Journal of Refugee Law* 8, no. 1–2 (1996): 49–110.
[116] Bessa, "From Political Instrument to Protection Tool?," 95–96; "The History of Resettlement. Celebrating 25 Years of the ATCR," 9–13.
[117] Crisp, "Refugees, Persons of Concern, and People on the Move."

remained notoriously low.[118] It has led researchers to conclude that resettlement, despite all the attention for its protection function, remains, after all, a tool to control migration and contain refugee movement.[119]

[118] Hashimoto, "Refugee Resettlement as an Alternative to Asylum"; Michele Tantardini and Juliette Tolay, "Does Performance Matter in Migration Governance? The Case of the 2016 EU-Turkey Statement," *International Journal of Public Administration* 43, no. 2 (2020): 137–50.
[119] Hashimoto, "Refugee Resettlement as an Alternative to Asylum," 178–79.

Part II

On Status

2

Undesirable Ugandan Asians

Nationality, Statelessness, and Refugee Status after Empire

In 1973, a group of thirty-one Ugandan Asians brought the British government before the European Commission of Human Rights.[1] Despite their British passports, the UK government had denied their entrance into the British Isles based on the Commonwealth Immigrants Act of 1968. The bill granted only a limited quota of vouchers to UK passport holders who could not prove their "belonging" to the UK, or in other words, who were not white. The claimants' lawyers argued that this law was racist by intent and stated that the decision to admit someone to a country based on racial prejudice was "degrading treatment" in breach of Article 3 of the European Convention on Human Rights to which the UK was a party.[2] The Asians' team won the case: the measure was deemed a violation of human rights, but with one important caveat. The European Commission divided the group of claimants, based on their passport status, into a group of twenty-five Asians with Citizenship of the UK and Colonies (CUKC) and six British Protected Persons (BPP). The Commission considered that "according to English law, British Protected Persons, although not aliens, are not British subjects" who had no right of abode before the 1968 law. Therefore, their exclusion was legitimate and did not constitute "degrading treatment". Though it took years to enforce the ruling, the twenty-five CUKC were eventually admitted into the UK. The six BPP found their British passports worthless in their search for permanent new homes upon expulsion from Uganda. As stateless persons, their only recourse was to seek protection

[1] East African Asians v United Kingdom - 4403/70 [1973] ECHR 2 (European Court of Human Rights December 14, 1973).

[2] Anthony Lester, "Preparing and Presenting a Human Rights Brief," *Commonwealth Law Bulletin* 17, no. 3 (1991): 1061–62.

as refugees under the auspices of the United Nations High Commissioner for Refugees.[3]

As a colonial anachronism, diasporic Asians fell victim to laws seeking the establishment of homogenous national communities, not only in East Africa, but also in the UK and the Indian Subcontinent, where they became increasingly "undesirable".[4] This chapter investigates why that was the case and how a particular group of Asians first became stateless, then attained refugee status, and eventually turned into the first non-European candidates for international resettlement under UNHCR's mandate.

Until 1962, Ugandan (and Kenyan) Asians could travel and immigrate unrestricted to the UK as British passport holders (this applied to the CUKCs as well as the BPPs). Growing non-white immigration, symbolized by the arrival of SS Empire Windrush in 1948, met with escalating hostile reactions from the public opinion over the course of the 1950s, culminating in the Notting Hill Race Riots of 1958.[5] That the East African Asians arrived as British nationals provoked outrage, especially from the Conservative politician Enoch Powell, who in 1968 profoundly impacted the British public opinion with his infamous populist and racist "Rivers of Blood" speech.[6] Throughout the 1960s and early 1970s, the threat of British Asian immigration urged policymakers to legislative changes. In 1962, the BPPs lost their right of unrestricted access to the UK due to stricter immigration regulations for Commonwealth citizens without British ancestry; in 1968, the same happened to CUKCs. East African leaders regarded these restrictions as a provocation and used them to their advantage. They knew the British passport holders had

[3] Shah, *Refugees, Race and the Legal Concept of Asylum in Britain*, 93.
[4] A portion of this chapter is published as Sara Cosemans, "Undesirable British East African Asians. Nationality, Statelessness, and Refugeehood after Empire," *Immigrants & Minorities*, 2021.
[5] Mike Phillips and Trevor Phillips, *Windrush: The Irresistible Rise of Multi-Racial Britain* (London: Harper Collins, 1998), chap. 1.
[6] Stuart Hall, "The Great Moving Right Show," *Marxism Today* 1 (1979): 19; Paul Gilroy, *There Ain't No Black in the Union Jack: The Cultural Politics of Race and Nation* (London and New York: Routledge, 2002), xiii; Paul Corthorn, *Enoch Powell: Politics and Ideas in Modern Britain* (Oxford University Press, 2019); Robbie Shilliam, "Enoch Powell: Britain's First Neoliberal Politician," *New Political Economy* 26, no. 2 (2021): 239–49.

nowhere to go but Britain in the event of an expulsion from East Africa. Hence, they increased the pressure on Asians to leave.

Historians have studied the East African Asians' fate extensively from the viewpoint of citizenship legislation in both East Africa and Britain, because these diasporic groups had a profound impact on how legal status was (re)negotiated in the post-imperial period.[7] The Kenyan crisis of the late 1960s features prominently in the historiography on British immigration control, due to its connection to the adoption of the 1968 Commonwealth Immigrants Act in Britain.[8] The Ugandan expulsion is studied more frequently by refugee scholars.[9] It is often assumed that, because Ugandan Asians were refugees, they were more readily admitted into the UK.[10] Thereby it is overlooked that only Asians with UK passports and citizenship status could enter the UK.[11] They did not enter the UK as refugees, collective memory notwithstanding, but as migrants. The refugees of this story, the BPPs (i.e. UK passport holders

[7] Randall Hansen, "The Politics of Citizenship in 1940s Britain: The British Nationality Act," *Twentieth Century British History* 10, no. 1 (1999): 67–95; Bronwen Manby, *Struggles for Citizenship in Africa* (London: Zed Books, 2013).

[8] Ann Dummett and Andrew G. L. Nicol, *Subjects, Citizens, Aliens and Others: Nationality and Immigration Law* (London: Weidenfeld and Nicolson, 1990); Ian R. G. Spencer, *British Immigration Policy since 1939: The Making of Multi-Racial Britain* (New York: Routledge, 1997); Hansen, *Citizenship and Immigration*; Hampshire, *Citizenship and Belonging*; Evan Smith and Marinella Marmo, *Race, Gender and the Body in British Immigration Control: Subject to Examination*, Migration, Diasporas and Citizenship (Basingstoke, Hampshire; New York: Palgrave Macmillan UK, 2014).

[9] Tony R.J. Kushner and Katharine Knox, *Refugees in an Age of Genocide: Global, National, and Local Perspectives During the Twentieth Century* (London and Portland, OR: Psychology Press, 1999), chap. 9; Yumiko Hamai, "'Imperial Burden' or 'Jews of Africa'?: An Analysis of Political and Media Discourse in the Ugandan Asian Crisis (1972)," *Twentieth Century British History* 22, no. 3 (2011): 415–36.

[10] Kathleen Paul, *Whitewashing Britain: Race and Citizenship in the Postwar Era* (Ithaca: Cornell University Press, 1997), 182; Hansen, *Citizenship and Immigration*, 179; Hampshire, *Citizenship and Belonging*, 42; Sana Aiyar, *Indians in Kenya. The Politics of Diaspora* (Cambridge, MA: Harvard University Press, 2015), 294.

[11] An extreme example of using refugee as a misnomer for East African Asians in Britain can be found in this article from 2021, where the "progress" of the community is measured against their reception as refugees, without mentioning that they entered with full citizenship rights: Jake Anders, Simon Burgess, and Jonathan Portes, "The Long-Term Outcomes of Refugees: Tracking the Progress of the East African Asians," *Journal of Refugee Studies* 34, no. 2 (2021): 1967–98.

without citizenship), never entered the United Kingdom. Legal scholar Nadine El-Enany has rightfully remarked that for the Ugandan Asian CUKC in Britain the refugee category was invoked "out of convenience, by an administration wishing to frame its actions towards the Ugandan Asians as charitable or humanitarian".[12] In reality, the CUKCs had entered Great Britain as citizens and never attained the legal status of refugee.

This chapter shall argue that the British government sought to use the international community to shoulder part of the burden of winding up empire, while trying to avoid convictions for breaching newly emerging legally binding international human rights obligations regarding nationality, freedom of movement, and the elimination of racial discrimination. It considers the international resettlement of Ugandan Asians as part of a much larger and longer history that is rooted in the British (end of) Empire. By focusing on Asians' developing legal statuses since independence, I am able to tell a wider story about the effect of human rights legislation, which by the end of the 1960s had attained a legally binding character on national immigration and nationality law in both the former colonies and the metropole. I will show how human rights obligations for the powerful states provoked a counter reaction that was increasingly embedded in neoliberal ideas about economic migration *and* about political membership of a society. I shall argue that such ideas about immigration emerged especially in relation to the legal status of East African Asians and helped prepare the path towards their resettlement, as the UK government started to assert "hegemonic pressure", in Astri Suhrke's terms, onto the international community. In this chapter, I consider in particular the British pressure on UNHCR and I trace the relationships and networks that help explain how and why UNHCR became involved in a situation that, at first sight, could not so easily be identified as a refugee situation.

To show how Ugandan Asians became refugees without access to the UK, this chapter first explains the different legal identities within the British Empire. It then shows how Asians' citizenship status became a problem in postcolonial Kenya and Uganda, as well as in the UK and in post-partition South Asia. In 1968, the Kenyan government issued the first anti-Asian measures, which spurred an exodus predominantly towards the UK and India. The threat of a

[12] Nadine El-Enany, *Bordering Britain: Law, Race and Empire* (Manchester: Manchester University Press, 2020), 124.

Kenyan Asian expulsion led to significant shifts in ideas about citizenship and immigration in the postcolonial British context. In Uganda, issues soon started to evolve around citizenship and statelessness, when it appeared that the Asians held ambiguous legal statuses and loyalties towards the Ugandan state. The suspicion against them found its culmination in their expulsion by Idi Amin in 1972. The chapter ends with the developments that turned the stateless Ugandan Asians into refugees during the expulsion process.

THE CONCEPT OF BRITISH NATIONALITY IN THE EMPIRE

In order to understand the different outcomes of the Ugandan Asian expulsion in 1972, we need to pay attention to the great variety of legal identities within the East African Asian community that were shaped by empire. The British Empire always was a patchwork of territories and identities with differentiated legal statuses. In South Asia and East Africa, there were directly ruled territories (British India and the Crown Colony Kenya) and indirectly ruled ones (the Princely States, the Protectorate of Uganda, and the Kenya Protectorate) which impacted the inhabitants' legal personhood.[13] In those territories where the Crown had centralized control, people's status was that of British subjects. In territories under indirect rule, people were British Protected Persons.[14] BPPs were not British subjects, but they could claim consular protection from the Crown in a foreign country and apply for British passports. As Ann Dummett and Andrew Nicol have remarked, "from other countries' point of view, such a British protected person was indistinguishable from a British subject: both were British nationals on the international plane. The distinction was important only within the British Empire".[15]

The difference between subjects and protected persons gained importance after the Second World War as emancipatory tendencies within the Commonwealth and the Empire led to a "constitutional revolution" that ended the century-long tradition of British subjecthood based on an allegiance between a subject and the King.[16] In 1946, the Canadian Citizenship Act had installed

[13] The British National Archives (hereafter TNA) FCO47/643/230, Annex B: The National Status of Asians in Uganda in 1972, 10 November 1972.
[14] Plender, "The Exodus of Asians from East and Central Africa: Some Comparative and International Law Aspects," 291.
[15] Dummett and Nicol, *Subjects, Citizens*, 77.
[16] Hansen, "The Politics of Citizenship in 1940s Britain," 69.

a separate Canadian nationality next to Canadians' status as British subjects. The British government decided that, in order to ensure the same rights for all subjects in the Commonwealth and the Empire, British subjecthood would from then on depend on citizenship elsewhere: British subjects were either Citizens of the United Kingdom and Colonies (CUKC), or Citizens of an Independent Commonwealth Country (CICC).[17] This decision left all inhabitants of the Empire without citizenship in a legal jungle. For a small group of white British subjects who had lost their citizenship while living outside Britain, a solution was found in the remaining category of British subjects without citizenship (BSWC). A comparable solution did not befall the British Protected Persons (BPP), who originated from protectorates, protected states, or mandates (under the League of Nations) and trusts (under the United Nations). They formed a large, predominantly non-white group without any claim to citizenship anywhere. In 1945, there were an estimated 100 million BPPs in the world, including substantial groups in East Africa.[18]

The British government did include the BPPs in the British Nationality Act of 1948, but it could not simply equate the status of BPPs with that of aliens. Such a measure would leave millions of people under British protection stateless at exactly the same time that the Universal Declaration of Human Rights proclaimed "the right to a nationality" for everyone.[19] Historians and contemporary bureaucrats have sometimes mistakenly equated BPPs with aliens under the 1948 Nationality Act.[20] The eminent nationality and refugee scholar Paul Weis, however, correctly remarked that BPPs were not aliens from the perspective of international law, by referring section 3 subsection 3 of the 1948 Act, which stated that "'alien' *shall not include* a British protected person".[21] Weis contended that, while BPPs had no right of entry into the UK prior to the passing of the 1948 Nationality Act, for a brief moment in history

[17] Hansen, 78. Another independent territory from where British subjecthood could be derived was Ireland, but it would lead us to far to go into the details here.
[18] Dummett and Nicol, *Subjects, Citizens*, 125–26.
[19] "Universal Declaration of Human Rights," Article 15 (1).
[20] Hansen, "The Politics of Citizenship in 1940s Britain," 78; Hansen, *Citizenship and Immigration*, 45. For a discussion among civil servants proclaiming that stance, see: TNA FCO50/267/14, UK Citizens of Asian Origin in Uganda, 15 October, 1968.
[21] Paul Weis, *Nationality and Statelessness in International Law*, vol. 28, Library of World Affairs (London: Stevens, 1956), 22; Bonee, "Caesar Augustus," 148. British Nationality Act 1948 [Emphasis added.]

they gained the same rights as British subjects, until their movement was again restricted in 1962.[22]

The independence of British India affected the nationality status of East African Asians further. After the partition in 1947, British subjects from British India in East Africa could apply for Indian or Pakistani citizenship, but access was rather limited.[23] For one, people from former Princely States never gained access to Indian nationality and became stateless.[24] More importantly, India, where most Asians wanted to register their citizenship (regardless of religion), grew increasingly suspicious of East African Indians' loyalties and conceived "communal" tendencies (particularly among Muslims). Already in 1955, the Indian government introduced the Citizenship Act, which prevented overseas Indians from acquiring Indian citizenship. New Delhi hoped to push for a further integration between Asians and Africans by forcing Asians to take up local citizenship. Until the East African countries attained national independence, this meant CUKC status, which – thus Indian officials hoped – would be converted to national Kenyan or Ugandan citizenship.[25] This plan turned out quite differently, when East African Asians upon independence chose their citizenship strategically, often holding on to their British passports. In any case, during the colonial period, the number of Indian nationals in East Africa remained limited and most Asians retained their British nationality.[26]

Right before the independence of Uganda in 1962 and Kenya in 1963, East African Asians were thus predominantly UK passport holders, next to smaller groups of Indian and Pakistani citizens. All UK passport holders, Asians and Africans alike, born in the Kenyan Colony became Citizens of the UK and

[22] Weis, *Nationality and Statelessness in International Law*, 1979, 20.

[23] TNA CAB129/135/34, Immigration Legislation, Appendix I. The Citizenship Position, 12 February 1968.

[24] TNA FCO47/643/230, Annex B: The National Status of Asians in Uganda in 1972, 10 November 1972.

[25] Deborah Sutton, "Divided and Uncertain Loyalties. Partition, Indian Sovereignty and Contested Citizenship in East Africa, 1948-1955," *Interventions* 9, no. 2 (2007): 287.

[26] Anirudha Gupta, "India and the Asians in East Africa," in *Expulsion of a Minority: Essays on Ugandan Asians*, ed. Michael Twaddle (London: Athlone Press, 1975), 125–39; Deborah Sutton, "Imagined Sovereignty and the Indian Subject: Partition and Politics beyond the Nation, 1948–1960," *Contemporary South Asia* 19, no. 4 (2011): 409–25.

Colonies (CUKC). All people born in either the Protectorate of Uganda or the Protectorate of Kenya remained BPPs, unless their father was a British subject. In that case, they also became CUKC. After 1948, the British colonial authorities granted people in other categories, such as the Indians and Pakistanis, who had not legally acquired citizenship in their places of origin and those from the formerly Princely States without citizenship, the right to either register or apply for naturalization as CUKC after twelve months of residence in the British territories of East Africa.[27]

ASIAN CITIZENSHIP AS A POSTCOLONIAL PROBLEM

The constitutions of the new states of Uganda and Kenya had built-in provisions to prevent statelessness, but acquiring citizenship was easier, virtually automatic, for African Kenyans and Ugandans than for Asians. Each person born in Uganda or Kenya of at least one parent born there, who was a British national (CUKC or BPP) at the date of independence, automatically obtained local citizenship.[28] Both countries offered the option to register or naturalize as citizens for those who did not meet the conditions, but the requirements for applicants differed. In Uganda, the Uganda Citizenship Ordinance implemented the measures of the 1962 Constitution. CUKCs or BPPs could register for citizenship until the second anniversary of Ugandan independence, on October 9, 1964. They had to prove continuous residency in Uganda of at least five years.[29] The law ordained that in order to become valid, the applicant had to declare the renunciation of his previous citizenship, while his former government had to register the renunciation within a three-month grace period following the adoption of Ugandan citizenship.[30] In Kenya, Section 92 of the Kenyan Citizenship Act stipulated that the applicant had to satisfy the minister

[27] TNA FCO47/643/230, Annex B: The National Status of Asians in Uganda in 1972, 10 November 1972.
[28] TNA CAB129/135/34, Immigration Legislation, Appendix I. The Citizenship Position, 12 February 1968; Manby, *Struggles for Citizenship in Africa*, 51–52.
[29] Manby, *Struggles for Citizenship in Africa*, 53.
[30] Dummett and Nicol, *Subjects, Citizens*, 199; Hamai, "'Imperial Burden' or 'Jews of Africa'?," 430; Chibuike Uche, "The British Government, Idi Amin and the Expulsion of British Asians from Uganda," *Interventions* 19, no. 6 (2017): 826.

that he or she was of "African descent" before qualifying as a candidate for citizenship.[31]

Obtaining local citizenship was unpopular among Asians not only because of the application hurdles but also because they had the option to keep their British nationality. In Kenya, where most Asians were British citizens, there was almost no incentive to acquire Kenyan citizenship. In Uganda. the Constitution and the Citizenship Ordinance installed an even more cumbersome process of registration, granting the government sweeping powers to revoke citizenship obtained through this procedure, and prohibiting dual citizenship for adults. Nevertheless, Ugandan Asians, particularly the BPPs without British citizenship, showed more interest in adopting local citizenship than in Kenya. Moreover, the British high commissioner in Kampala also encouraged the approximately 10,000 Asian BPPs to register for Ugandan citizenship to avoid the risk of future statelessness.[32] Families would commonly divide among them several types of citizenship out of strategic considerations: some members would keep their UK passports, while others became Ugandan citizens, to guarantee the continued right of access to both countries. This situation provoked suspicion about the Asians among the Ugandan population and leaders, adding to Asians' undesirability.[33]

The changing situation in the UK provided further incentive for Asians to hold on to their British passports. In 1962, Harold Macmillan's Conservative government tightened legislation for immigration from the Commonwealth. Under the Commonwealth Immigrants Act of 1962, all British nationals living outside the British Isles had to apply for a limited number of employment vouchers.[34] Despite the neutral language, the law contained a racial bias from the start as the heavy focus on highly-skilled labor favored white Commonwealth citizens.[35] The Commonwealth Immigrants Act 1962 served to solve a complex dilemma of what British politicians and the public increasingly perceived as undesirable immigration of British nationals of color. However,

[31] Manby, *Struggles for Citizenship in Africa*, 52–53.
[32] TNA HO344/327, U.K. Asians in Uganda, n.d. [October 1968].
[33] Uche, "The British Government, Idi Amin and the Expulsion of British Asians from Uganda," 824–25.
[34] Commonwealth Immigrants Act 1962, 10 & 11 Eliz. 2 c. 21, 1 July 1962.
[35] Robert Miles and Annie Phizacklea, *White Man's Country: Racism in British Politics* (London, 1984), chap. 2.

the closing door had much of an opposite effect. The stricter immigration law made the UK more desirable as a destination and UK passports more valuable. It also made the British government more vulnerable for attempts by its adversaries to use migration as a weapon. Postcolonial states with large minorities of British passport holders were well aware that under international law, the UK could not deny responsibility over its own passport holders, despite stricter immigration criteria.[36]

The first to realize this intrinsic risk of immigration restrictions was the Conservative politician and Minister of Health Enoch Powell, who wanted to change British nationality law rather than restrict immigration. Powell is remembered as an immigration hardliner, but he was also the first and only British policy maker to sponsor a government program of labor migration. In 1962, while Prime Minister MacMillan was tightening entrance criteria for Commonwealth immigrants, Powell's Ministry recruited nurses and doctors, particularly from the West Indies and India to work in the National Health Service.[37] This action (and the fact that Powell has always negated accusations of him being racist) has confused some of his biographers about the extent of his racism.[38] However, as postcolonial scholar Robbie Shilliam has recently argued, following in the British critical cultural theorist Stuart Hall's footsteps, that Powell's "racist populism should be apprehended as, formatively, a neoliberal project".[39] Powell had been influenced by neoliberal ideas already in the late 1930s and became a proponent of the free movement of goods, capital, and people in the late 1940s, which can explain his preference for migrant labor.[40] However, when by the mid-1950s he comprehended that the British Empire was beyond redemption, he started to agitate against the broad interpretation of British citizenship in the 1948 Nationality Act. Rather than restricting immigration so vital to the British economy, Powell sought to deprive non-white UK passport holders of their British citizenship rights.[41]

---

[36] Cosemans, "The Politics of Dispersal," 111; See also: Kelly Greenhill, "Forced Migration as a Coercive Instrument," in *The Use of Force: Military Power and International Politics*, ed. Robert J. Art and Kelly Greenhill (Lanham: Rowman & Littlefield, 2015), 121–39.
[37] Hansen, *Citizenship and Immigration*, 8.
[38] Corthorn, *Enoch Powell*, 5–6.
[39] Shilliam, "Enoch Powell," 239. See also Hall, "The Great Moving Right Show."
[40] Corthorn, *Enoch Powell*, 50.
[41] Corthorn, 76–77.

While the Tories had sympathies for Powell's perspective on citizenship in the 1960s, Prime Minister MacMillan's hands were tied by the British signature and ratification of the 1954 Convention relating to the Status of Stateless Persons.[42] If he were to follow Powell's suggestion of changing British nationality law, he would have rendered millions of people stateless, exactly at the same time that Britain signed another piece of international law on statelessness, namely the 1961 Convention on the Reduction of Statelessness.[43] To avoid jeopardizing the UK's humanitarian reputation, MacMillan's government created a highly technical solution. The 1962 Commonwealth Immigrants Act would not be based on a distinction between citizens and aliens, but on the difference between passport types. If a passport was issued by British authorities (either in the UK or by British high commissioners at the embassies), it would remain free of control. However, if a passport was issued by colonial authorities within the Commonwealth it would become subject to control.[44] Both Uganda and Kenya, however, gained their independence shortly after the passing of the 1962 act. As a result, UK passports in these independent Commonwealth countries were no longer issued by the British colonial governments but by British high commissioners, who issued passports directly under the supervision of the British government in London. This meant that Asian CUKCs were equated to British citizens in the UK and were exempt from the immigration voucher scheme.[45] BPPs, however, lost their (briefly acquired) right to enter the UK freely.[46]

In 1964, Labour won the elections and the new Prime Minister Harold Wilson had his own ideas on how to tackle the issue of race in Britain. His government sought to eradicate political discrimination through the Race Relation Act of 1965, which was based on the premise that the employment voucher scheme

[42] Plender, "The Exodus of Asians from East and Central Africa: Some Comparative and International Law Aspects," 324; K. C. Kotecha, "The Shortchanged: Uganda Citizenship Laws and How They Were Applied to Its Asian Minority," *International Lawyer* 9, no. 1 (1975): 25.

[43] The United Kingdom was among the first signatories in August 1961. It had previously also signed (in 1954) and ratified (in 1959) the 1954 Convention relating to the Status of Stateless Persons.

[44] Randall Hansen, "The Kenyan Asians, British Politics, and the Commonwealth Immigrants Act, 1968," *The Historical Journal* 42, no. 3 (1999): 827.

[45] Hansen, 828–29; Hansen, *Citizenship and Immigration*, 179.

[46] Weis, *Nationality and Statelessness in International Law*, 1979, 20.

set up in 1962 would keep the immigrant population small, which would allow for its full integration into the British society. Powell became one of the staunchest opponents of this approach.[47] He wanted the conservative "white element" to remain dominant as opposed to far more progressive voices from Britain's former empire. Contrary to Margaret Thatcher's later claim that "there is no such thing as a society", for Powell there was one: a mythical white, conservative society detached from postcolonial responsibilities and demands for historical justice and reparations.

I agree with Robbie Shilliam and Stuart Hall that Powellism was the immediate predecessor of Thatcherism, but I want to go further in pointing out Powell's role for neoliberal ideas about immigration. Instead of a proponent of racist ideas within the community of neoliberal thinkers, Powell was one of its main ideologues. He laid out his vision in a review article of a book by the Mont Pelerin Society member and British economist William Hutt from 1964. In *The Economics of The Colour Bar*, Hutt described the situation in South Africa with regard to race and economics. On the one hand, Hutt saw racism as antagonistic to the free market, but on the other hand, he wanted to divorce the economic from the political. He thought that economic competition would eradicate discrimination in the work place, but he dreaded the possibility of democracy in South Africa. He warned that a one-man-one-vote system would lead to "black imperialism" over a white minority, or "black supremacy (a mere turning of the tables)".[48] Powell praised Hutt on his insight that the market economy was "the most effective enemy of discrimination between individuals, classes, and races", but he read Hutt's book as a cautioning tale for the British democracy. If large amounts of non-white immigrants would enter the UK as *citizens* with full voting rights, they would alter Britain as "a homogeneous community, local and national" and threaten its white conservative consensus.[49] In other words, Powell was not opposed to immigrants, such as the NHS workers, as long as *they did not possess citizenship rights in the UK*. This book review might have earned Powell a ticket into the Mont Pelerin

[47] Corthorn, *Enoch Powell*, 81.
[48] William H. Hutt, *The Economics of the Colour Bar* (Londen: Andre Deutsch, 1964), 180; Cited in Slobodian, *Globalists*, 174.
[49] Enoch Powell, "How Money Works for Integration: The Economics of the Colour Bar by W.H. Hutt," *The Sunday Times*, June 14, 1964; Cited in Corthorn, *Enoch Powell*, 78.

Society, which he entered in 1965 and from where he developed his ideas about race and citizenship further.

Meanwhile, it became apparent that the premises on which the Race Relations Acts were built, were untenable. On the one hand, the UK needed immigration, as Powell had understood very well. On the other hand, former colonial countries counted on the UK to absorb their excess populations. The 1962 Commonwealth Immigrants Act aroused severe criticism, especially in India, where potential migrants to the UK now had to "queue" for employment vouchers. Over the course of the 1960s, India had become the largest sender of immigrants to the UK. In total – skilled and unskilled labor combined – India accounted for 51 per cent or 4,282 out of 8,300 immigrants to the UK in 1966. In the category of skilled labor, India made for 73 per cent or 3,976 out of 5,425 immigrants.[50] While India's share was large and influential in key sectors, such as the NHS, the government of India wanted to increase the overall numbers of emigrants to Britain. It accused its British counterpart of "creaming off" the skills of the Commonwealth, leaving the postcolonial countries behind with masses of poor and unskilled workers.[51] The Indian government thus requested several times that Whitehall change the entry certificate procedure initiated in 1962.[52] In the summer of 1967, the Indians threatened with sanctions against a group that already stirred controversy: the East African Asians.[53] For Indira Gandhi's government, this group increasingly became undesirable as well, concerned as she was with population control.[54]

KENYAN ASIANS, HUMAN RIGHTS, AND RACIST POPULISM

The Indian threat of sanctions against East African Asians was particularly effective since the Kenyan government started to lash out against Asians as

[50] TNA FCO50/133/5, Note on Immigration for E.E.C. talks with Indian officials, 15 July 1967.
[51] TNA FCO31/496/6, Otton to Croft. Scope for Domestic Action, 9 December 1968.
[52] TNA FCO50/131/13, Commonwealth Immigration – British High Commissioner to New Delhi John Freeman's visit to United Kingdom, May-June 1967, 5 July 1967.
[53] TNA FCO50/131/22, Wilson's committee visit to Pakistan and India, 14 August 1967.
[54] Matthew Connelly, *Fatal Misconception: The Struggle to Control World Population* (Cambridge, MA: Belknap Press of Harvard University Press, 2008), 222.

part of a larger Africanization policy simultaneously.[55] In 1967, the National Assembly first passed the Kenya Immigration Bill, which made residence in the country contingent on work permits. Three months later, in October, a Trade Licensing Bill reserved trading opportunities in certain goods and certain provinces to Kenyan citizens exclusively. Asian petty traders, but also specific categories of (semi-)skilled workers included in the Bill were immediately affected. As they lost their work permits, they lost their right to residency. The goal was clear: freeing the Kenyan economy from undesired Asian competitors. From that standpoint, Kenyatta's Africanization scheme was hugely successful: from October 1967, an average of 500 Asians emigrated per week. The large majority had a CUKC passport issued by the British high commissioner, which meant unrestricted entrance to the UK. Between 1963 and 1966 approximately 6,000 Kenyan Asians came to Britain annually. At the end of 1967, their number had doubled to 12,000. In January and February of 1968, another 12,000 swapped East Africa for the UK.[56]

In this context, on April 20, 1968 Enoch Powell delivered his "Rivers of Blood" speech to a Conservative Association Meeting in Birmingham that immediately made him one of the most (in)famous politicians of the UK.[57] In it, Powell laid down his position even more clearly than he had done in 1964. He warned that

> The Commonwealth immigrant came to Britain as a *full citizen*, to a country which knew *no discrimination* between one citizen and another, and he entered instantly into the possession of the *rights of every citizen*, from the vote to free treatment under the National Health Service.[58]

He clarified that he was not against immigration per se, but against "settlement", saying

> This has nothing to do with the entry of Commonwealth citizens, any more than of aliens, into this country, for the purposes of study or of improving their qualifications, like (for instance) the

[55] Mamdani, *Citizen and Subject*, 20.
[56] Aiyar, *Indians in Kenya. The Politics of Diaspora*, 276–77.
[57] Corthorn, *Enoch Powell*, 2.
[58] J. Enoch Powell, "Rivers of Blood Speech" (Conservative Association meeting, Birmingham, April 20, 1968) [Emphasis added].

> Commonwealth doctors who, to the advantage of their own countries, have enabled our hospital service to be expanded faster than would otherwise have been possible. They are not, and never have been, immigrants.[59]

Then, he went on to tell a grossly racist (and later proven untrue) story about a woman in Wolverhampton, who was threatened, bullied, and pushed out of her own neighborhood by black Commonwealth citizens. He remarked that they sought "integration" to "become for all practical purposes indistinguishable from [the society's] other members".[60] In this case, according to Powell it meant that "the immigrant communities can organize to consolidate their members, to agitate and campaign against their fellow citizens, and to overawe and dominate the rest". He concluded with the famous words, "As I look ahead, I am filled with foreboding; like the Roman, I seem to see 'the River Tiber foaming with much blood'."[61]

The speech formed a turning point in British ideas about the integration of immigrants in its civil society. The first reaction was one of disgust, also among the Conservatives. Tory Shadow Chancellor Edward Heath immediately sacked Powell from the Shadow Cabinet, but his ideas proved powerful. Powell effectively managed to insert the fear into the British public that they faced a take-over by a growing number of non-white British nationals with full citizenship rights.[62]

Moreover, Powell's appeal spurred the Labour government into action to stop the influx of Kenyan Asians. In record time, Home Secretary James Callaghan pushed a new Commonwealth Immigrants Act through parliament.[63] Callaghan was not merely concerned about Kenya, but about a potentially much larger group of undesirable non-white British nationals. He estimated that there were "something like 1¼ million people who have no real connection with the UK but who are eligible for the issue of UK passport" in the Commonwealth.[64] Most of them were Asians of Indian or Chinese descent. In

[59] Powell.
[60] Powell.
[61] Powell.
[62] Corthorn, *Enoch Powell*; Shilliam, "Enoch Powell."
[63] Hansen, "The Kenyan Asians," 818.
[64] TNA CAB129/135/34, Immigration Legislation, Annex, 12 February 1968.

Malaysia, Singapore, Trinidad and Tobago, Jamaica, and Cyprus the majority of them had dual citizenship. However, some 370,000 subjects in Kenya, Uganda, Tanzania, Zambia, Malawi, Malaysia, and Singapore had only UK documents.[65] The new act thus introduced the concept of "belonging". "United Kingdom belongers" were those who were born, naturalized or adopted in the UK or had at least one parent or grandparent in that category. The rest were "colonial belongers" who were from 1968 onwards no longer exempt from migration control. Citizens of the United Kingdom and Colonies who could not prove their "belonging" lost their right to enter and live in the UK.[66]

At first sight, the British government simply executed its sovereign right to control entrance. Human rights law includes the right to leave, but has no equivalent right to enter another country.[67] Therefore, granting an immigrant access to a territory is a prerogative of the receiving state. However, the situation in the context of the aftermath of colonialism was far more complex, especially for the diasporic Asians. Even though most of them had never been to the British Isles, legally that was the only country they could claim as their own. The insertion of "belonging" in the 1968 Commonwealth Immigrants Act introduced race as factor in immigration control and effectively stripped non-white UK nationals of their right to return or to enter their own country as stipulated in Article 12 of the Universal Declaration of Human Rights (UDHR 1948) and Article 13 of the International Covenant on Civil and Political Rights (ICCPR 1966).

The 1968 Commonwealth Immigrants Act caused major opposition, both at home and abroad. In the two weeks between its proposal and adoption, the law met with severe domestic protest.[68] For David Ennals, a Labour MP from

[65] TNA CAB129/135/34, Immigration Legislation, Appendix I. The Citizenship Position, 12 February 1968.
[66] Hampshire, *Citizenship and Belonging*, 37–38.
[67] Randall Hansen makes this point referring to Jeannette Money, *Fences and Neighbors: The Political Geography of Immigration Control* (Ithaca: Cornell University Press, 1999). See: Hansen, *Citizenship and Immigration*, 250.
[68] Hansen, "The Kenyan Asians," 822. See also: TNA FCO50/235/56, Report "Committee on UK Citizenship" addressed to Mr. Whitlock, 15 July 1968; TNA FCO 50/103/409, Kenya Asians, 22 August 1968; TNA FCO 50/103/410, Daily Nation, UK Turns Away Students Says MP, 20 August 1968; TNA FCO 50/103/411, Excerpt

Dover, who drafted the bill as Callaghan's deputy, the bill even caused "considerable personal and family discomfort" as both of his brothers became his most ferocious critics on the issue of human rights.[69] Ennals was the second of three brothers, who had all become politically active in the fight against South African Apartheid. His older brother John Ennals was vice-chairman of the United Kingdom for Human Rights, and in that capacity wrote a letter to Labour Prime Minister Harold Wilson, to warn about the effects of the bill. The letter clearly stated that "it would be quite a definitive breach of the principles of the UN Declaration of Human Rights if admission to this country were denied to those who applied directly for British passports after [Kenya's independence in] 1963, whereby retaining their British citizenship".[70] More painful even was the confrontation with his younger brother, Martin Ennals, who worked with the Committee on UK Citizenship, which was an initiative of two prominent East African Asians, the Kenya-based lawyer G.S. Sandhu and the UK-based Ugandan Asian community organizer and anticolonial activist Praful Patel.[71] They hired Martin Ennals to investigate the situation both in Kenya and Britain. His report denounced the British human rights violations and noted that,

the architects of the Bill had only one obsession in their mind, i.e. the denial of free entry into the U.K. of British citizens of Asian origin. It was totally unexpected of a democratic government to plan legislation depriving its citizens of their fundamental human rights in the year which is named the Human Rights Year.[72]

---

from "Bulletin of the International Commission of Jurists – June 1968", 27 August 1968.

[69] Howard Glennerster, "Ennals, David Hedley, Baron Ennals (1922–1995), Politician," Oxford Dictionary of National Biography, 2004.

[70] TNA, FCO50/97/34, Letter from the United Kingdom Committee for Human Rights to PM Harold Wilson, 23 February 1968.

[71] Patel had joined the Labour party upon his arrival in the UK in 1958 now left the party to lead the protest against "Callaghan's racist Kenyan Asians Bill. "Praful Patel".

[72] FCO50/235/24A, British Citizens of Asian Origin in Kenya and the Commonwealth Immigrants Acts of 1962 and 1968, 24 April 1968. See also: Martin Ennals, *UK Citizens of Asian Origin in Kenya: An Independent Survey* (London: Committee on United Kingdom Citizenship, 1968).

The act was even successfully challenged before the European Commission of Human Rights, which asserted that it was an explicit breach of the freedom of movement clause in the Universal Declaration of Human Rights and the Fourth Protocol of the European Convention of Human Rights.[73] Home Secretary Callaghan ignored the negative advice from the European Commission on Human Rights against the act, but not because he simply was "indifferent to arguments about international law and obligation" as historian Randall Hansen has claimed.[74] In fact, Callaghan's move was even more cynical. He knew that the UK had not yet ratified the Fourth Protocol and could therefore not be held by it, in contrast to the Convention Relating to the Status of Stateless Persons, which the UK had ratified.[75] He chose to breach the right for which the UK could not be convicted, in order to avoid having to break a law to which the British government had acceded. To appease his critics, Callaghan did not entirely remove Asians' right of entrance, but the 1968 act made them "queue" before entering the UK, at a ratio of 1,500 quota vouchers for Asian heads of households per year – altogether about 6,000 to 7,000 persons.[76]

The impact of the 1968 Commonwealth Immigrants Act, however, would reach beyond the UK alone. Not only did it prove that powerful states could easily breach the human rights principles that they had not officially adhered to, it also changed ideas about the usefulness of (certain) human rights for activists. Martin Ennals, in particular, learned how hard it was to hold (Western) governments responsible for breaching the right to freedom of movement. This was not unimportant, as he moved on to become the Secretary General of Amnesty International at the end of 1968, and would become the one that

[73] Hansen, "The Kenyan Asians," 821. See: United Nations High Commissioner for Refugees, "Refworld | 25 Cases of Citizens of the United Kingdom and Colonies v. United Kingdom," Refworld, accessed October 3, 2020, /cases,COECOMMHR,3ae6b6581c.html. European Convention of Human Rights, Article 3(2) of the Fourth Protocol. Similar articles appeared in the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, but the European Convention was important because it had an enforcement machinery in the form of the European Commission of Human Rights.
[74] Hansen, "The Kenyan Asians," 822.
[75] TNA CAB129/135/34, Immigration Legislation, Annex, 12 February 1968. Hansen, *Citizenship and Immigration*, 167.
[76] Hampshire, *Citizenship and Belonging*, 37.

turned the organization in the main human rights watchdog, as we will see in chapter 2.[77]

CITIZENSHIP AND STATELESSNESS IN UGANDA

The Commonwealth Immigrants Act of 1968 could not prevent further immigration crises. While it was being adopted, the next problem already emerged in Uganda, where President Milton Obote increasingly pushed for Africanization measures.[78] Just like in Kenya, Obote's goal was greater economic independence, but he first and foremost fought a battle about the meaning of postcolonial citizenship. Even before the Commonwealth Immigrants Act 1968 had passed, Obote referred to the notion of modern citizenship to condemn British policies and defend his own. For him, citizenship went beyond names, skin color, and "extraction". What mattered was the identity on the passport and each state had to take responsibility for its own passport holders. Obote concluded that the Asians in Uganda were ultimately British: they "behaved British" and even "felt British," "until a statement was made recently in the British Parliament that they were not as British as they thought they were".[79] According to Obote, the British government did not have the right to turn Uganda into "a refugee camp", where people had to wait until they got off the voucher list.[80]

Soon, rumors started spreading that Obote's cabinet was devising the same anti-Asian measures as in Kenya: a Trade Licensing Bill combined with an Immigration Bill. As concerning as British officials found this development, they also estimated that the preparation of the legislation would take considerable time. The more immediate problem evolved entirely around citizenship. Obote claimed that upon inspection, many former British Asians, who had

---

[77] Hans Thoolen, "Martin Ennals," in *Encyclopedia of Human Rights*, ed. David P. Forsythe (New York: Oxford University Press USA, 2009), 135–38.

[78] Mahmood Mamdani, *From Citizen to Refugee: Uganda Asians Come to Britain*, Second Edition (Cape Town, Dakar, Nairobi and Oxford: Pambazuka Press, 2011), 20.

[79] TNA FCO31/496/2, Ministry of Information, Broadcasting, and Tourism Uganda, The President's Press Conference Held in Parliamentary Buildings Kampala, 26 February 1968.

[80] TNA FCO31/496/2, Ministry of Information, Broadcasting, and Tourism Uganda, The President's Press Conference Held in Parliamentary Buildings Kampala, 26 February 1968.

registered for Ugandan citizenship, were not Ugandan citizens after all.[81] In July 1968, the Ugandan government accused the British high commissioner of not having complied with the Ugandan Constitution with regard to the three-month grace period for renunciation. The British high commissioner in Kampala, which until 1964 did not have the authority to register renunciations, had to send all applications to the Home Office in London, which often returned the paperwork too late. He had thus reached a "gentleman's agreement" with the Uganda Immigration Department to accept as the operative date for the three-month period the date of registration at the High Commission. Now, the Uganda Immigration Department contested the "gentleman's agreement" and announced it would only take the date of registration of the renunciation by the Home Office into account.[82] Another problem concerned the BPPs. Because they never had a citizenship that they could renounce, the Ugandan authorities now deemed their registrations for Ugandan citizenship invalid. The Uganda Immigration Department claimed that these people could simply revert back to their former British nationality status.[83]

This issue was heavily contested and debated in different departments within the Home Office. In January 1969, British civil servants decided to make a strict distinction between CUKC and BPP. If Asians with British citizenship had abandoned that status in favor of Ugandan citizenship, Foreign and Commonwealth Office (FCO) bureaucrats decided that the renunciation was definitive, even when the Ugandan authorities did not recognize them as their citizens. Readmission was only possible for those who could unequivocally prove that their statelessness "was due to delay by the High Commission in registering his declaration of renunciation." For BPPs under British law, registration to acquire another citizenship automatically meant the loss of any claim to British nationality without recourse. Officials in the Home Office realized already in 1969 this would leave a large group of Asian BPPs stateless.[84]

[81] TNA HO344/327/23, Asian immigration into the U.K., 13 August 1968.
[82] TNA FCO47/643/230, Annex B: The National Status of Asians in Uganda in 1972, 10 November 1972.
[83] TNA FCO31/497/60, Tel no. 90 Scott to FCO, 29 January 1969.
[84] TNA FCO50/267/17 Your Reference 3917, Letter from A. Rutter to A.F. Knight, 17 January 1969.

The British High Commissioner in Kampala, David Aubrey Scott, immediately took to work to gain statistical information on the decisions of both the Ugandan and British immigration services. He calculated that 4,000 out of 30,000 British Asians in Uganda had renounced their British citizenship to acquire a Ugandan one. He noted that of the 4,000 applications "up to 25% of the passports granted […] will be invalid on technical grounds." [85] Furthermore, 8,000 out of 10,000 BPPs had registered for Ugandan citizenship. Scott found out that none of the BPP applications had been processed, for the Uganda Immigration Department did not accept that protected persons had no formal citizenship to renounce.[86]

The situation looked concerning, but Scott also believed that Uganda's decision to render thousands of (former) UK passport holders stateless could play out to Britain's advantage. He argued that "we could make some play with the fact" that BPPs "never had UK citizenship any more than African Ugandans, and our responsibility has always been limited to consular protection 'in situ' and provision of travel documents."[87] Scott realized that the Ugandan government counted on the international community to recognize the Asians as a British responsibility. He thought it crucial to remove any ambiguity about the British government's legal position that it could be held responsible only for its own citizens under international law. The consequences of such an approach would mean "a fairly forthcoming attitude on acceptance into the UK of those whom we accept as UK citizens", in order to avert responsibility for all the rest.[88] Already in 1969, without any sign of Amin's future expulsion order in sight, Scott hoped that by the time it would come to an exodus of Ugandan Asians, the number of legitimate British citizens among them would be substantially reduced.[89]

Again the fact that the UK had ratified the UN Convention relating the Status of Stateless Persons formed a stumbling block, as civil servants worried about Her Majesty's government's international standing and British obligations

[85] TNA FCO31/497/60, Tel no. 90 Scott to FCO, 29 January 1969.
[86] There was another small group of 200 British Subjects without Citizenship, but they were not taken into consideration in the statistics. TNA FCO31/497/60, Tel no. 90 Scott to FCO, 29 January 1969.
[87] TNA FCO31/497/75A, Tel no. 175 Scott to FCO, 20 February 1969.
[88] TNA FCO31/497/75A, Tel no. 175 Scott to FCO, 20 February 1969.
[89] TNA FCO31/497/75A, Tel no. 175 Scott to FCO, 20 February 1969.

under international law.[90] However, soon the conviction arose that the fault was entirely that of Uganda, which "ought to be far more the targets of criticism in the United Nations than the UK", since they deliberately caused statelessness, while the UK "had acted in good faith".[91] This would soon become the official British stance, even though it met with criticism from Ugandan Asians themselves. As Uganda's new Immigration Bill came into effect in January 1970, two Ugandan Asians wrote an open letter to Uganda's main newspaper, the *Uganda Argus*:

There are many BPPs who would not qualify to get entry permits as is required under the new Immigration Act of [the] Uganda Government. Where are these persons to go if they are refused employment vouchers? […] *Everyone would agree to the fact that the British Protected Persons are solely the liability of the British Government*.[92]

The Ugandan Immigration Bill of 1970 did not cause the same rush on the borders as the 1967 Kenyan bill had done, but regardless of the number of immigrants, the issues of national identity and immigration monopolized the British elections in 1970. As soon as Edward Heath became Prime Minister, he started working on one of his biggest campaign promises: a more restrictive migration control bill. The 1971 Immigration Act virtually equalized the status of UK passport holders outside Britain to that of aliens, but secured the entrance rights of white "patrials". The status of "non-patrials" deteriorated drastically: employment vouchers no longer granted permanent settlement, while involuntary repatriation and the law enabled deportation of immigration offenders.[93] However, the 1971 Act could not prevent a new crisis: before it entered into effect on January 1, 1973, Idi Amin had already expelled the Asians from Uganda.[94]

[90] TNA FCO50/267/34, Loss of Ugandan Citizenship, Resumption or U.K. Citizenship, 30 September 1969.
[91] TNA FCO50/267/47, Arthur to Brian Lea, 16 October 1969.
[92] TNA FCO50/268/65, Readers' letter by B.T Somaiya and B.D. Makwana, *Uganda Argus*, 5 December 1969. [Emphasis added].
[93] Hansen, *Citizenship and Immigration*, 192–95.
[94] Cosemans, "The Politics of Dispersal," 107.

IDI AMIN, THE EXPULSION OF 1972 AND THE ROLE OF UNHCR

In January 1971, while the Ugandan president Milton Obote was in Singapore attending a Commonwealth Heads of Government Meeting, General Idi Amin Dada took power in a military coup. At first, the British felt relief to see Obote disappear from the scene, as with him disappeared the imminent threat of the expulsion of the Asians. In May 1971, British officials negotiated a deal with Kenyatta and Amin to increase vouchers for East African Asians (in exchange for a lower volume of employment vouchers for the rest of the New Commonwealth).[95] However, keen observers noticed that behind the scenes, Amin carried on Obote's policies regarding the Asians. Immediately after the coup, in January 1971, Amin ordered a census to count all Asians. In December of that same year, he announced to Asian representatives that 12,000 unprocessed applications for citizenship would be cancelled. Unsurprisingly, the Ugandan archives show that the bulk of Asians threatened by statelessness in 1971 were former BPPs.[96] In any case, British policy-makers' relief was short-lived. In a radio broadcast on August 4, 1972, Amin announced that there was no room in Uganda "for the over 80,000 Asians holding British passports who are sabotaging Uganda's economy and encouraging corruption".[97] He announced that the foreign Asians had ninety days to comply with the order.

Amin's claim that there were 80,000 Asian British passport holders in Uganda was mistaken. At the time he issued the expulsion order – also known as the Ugandan Immigration (Cancellation of Entry Permits and Certificates of Residence) Decree or as Decree 17 of 9 August 1972 – there were only about 80,000 Asians in Uganda *in total*, including UK passport holders, Indian, Pakistani, Bangladeshi and Ugandan citizens.[98] Furthermore, the decree ordered the departure of all foreign Asians, but allowed all Asians with legit-

[95] James S. Read, "Some Legal Aspects of the Expulsion," in *Expulsion of a Minority: Essays on Ugandan Asians*, ed. Michael Twaddle (London: Athlone Press, 1975), 200.

[96] UNRCA, Office of the President – Confidential, Box 2 Ref. No. 17, Citizenship and Immigration Act 1969, Ugandan Citizenship – Irregularities.

[97] Speech Amin, cited in "The Future of Asians in Uganda," *Uganda Argus*, August 5, 1972. In: Zane Lalani, *Ugandan Asian Expulsion: 90 Days & Beyond Through the Eyes of the International Press* (Tampa: Expulsion Publications, 1997), 1.

[98] Kotecha, "The Shortchanged: Uganda Citizenship Laws and How They Were Applied to Its Asian Minority," 1–2.

imate Ugandan citizenship to stay.[99] In January 1973, at least 450 Asians were still present in Uganda and throughout Amin's entire reign a consistent number of 150 Asians, including some Indian and Pakistani citizens remained.[100] It is unclear whether Amin ever planned to expel all Asians. Ugandan sources show that the Ugandan Attorney General started to grant exceptions from the expulsion to Asians as soon as Decree 17 had been propagated.[101] However, in the turmoil following expulsion order, the majority of Ugandan Asians (including those whose Ugandan citizenship remained valid) did not want to take the risk and arranged for their departure, not in the least because British borders were shutting once more.[102]

As soon as the decree was published, the British government sought strategies to evade its responsibility for the Ugandan Asians without overly breaching its humanitarian principles and human rights obligations. Prime Minister Edward Heath "accepted that we could not disclaim responsibility for British passport holders. But we must *seek to ensure that world opinion was fully seized of the problem* if a mass movement of population in a state of panic was to be avoided […] and a suitable resolution by the United Nations might be helpful".[103] Soon thereafter, the government sent a representative to Amin to persuade him to extend the deadline. The Chancellor of the Duchy of Lancaster, Geoffrey Rippon, was chosen for the task. He first consulted with other East African leaders on the issue of the expulsion order, to find out that Amin had substantial support among them. He deemed it impossible to upscale the issue to the level of the United Nations, unless "it became a humanitarian refugee problem" under the auspices of UNHCR.[104] On August 15, during his visit to Amin's headquarters in Kampala, Rippon's pleas to persuade the

[99] Kotecha, 2.
[100] Read, "Some Legal Aspects of the Expulsion," 202; Anneeth Kaur Hundle, "Exceptions to the Expulsion: Violence, Security and Community among Ugandan Asians, 1972–79," *Journal of Eastern African Studies* 7, no. 1 (2013): 164–82.
[101] UNRCA, Chief Secretary's Office – Confidential, Box 37 Ref. SRA/11, Economic War, Decree No. 17 of 1972, Statutory Instrument No, 124 of 1972, 22 August 1972.
[102] TNA FCO47/643/230, The Asian Diaspora from Uganda, 10 November 1927.
[103] TNA CAB128/50/41, CM72 40th Conclusions, 8 August, 1972 [Emphasis added].
[104] TNA FCO31/1401, Meeting between Geoffrey Rippon, QC MP, and the Foreign Minister of the United Republic of Tanzania, Mr. J.S. Malecela, at the Ministry of Foreign Affairs, Dar Es Salam, 14 August 1972.

general to refrain from his plans proved fruitless.[105] Amin showed himself a skillful negotiator, fully aware of the domestic and international legislative framework that had shaped Ugandan citizenship since independence in 1962. The next day, Amin intimated to Rippon that he would proceed with the plan to render Asians with Ugandan documents stateless due to "technical faults".[106] He had started the verification process of the passports already.[107]

Amin's brutal approach and the fact that a sizeable group of Asians was about to become stateless presented the British government with a tremendous opportunity: to engage the United Nations High Commissioner for Refugees and to turn the issue into a humanitarian problem to the concern of the entire international community. As soon as the verification process had started, a representative of the British government reached out to the UNHCR representative in London, Warren Pinegar. This representative was Praful Patel, whom we met as one of the members of the UK Committee on Citizenship in 1968. In 1972, he was hired by the Conservative Home Secretary Robert Carr to work for Ugandan Resettlement Board and the UK Immigrants Advisory Service.[108] Patel informed Pinegar that the UK government had learned that the Ugandan government was about to cancel the passports of about 23,000 Ugandan citizens of Asian origin. Patel asked for the UNHCR's view "on the status vis-à-vis the UN, of such stateless Asians in Uganda".[109] Patel's previous human rights activism made him the perfect person to persuade UNHCR to become involved.

However, there were several legal thresholds that prevented a straightforward UNHCR intervention. In his report to the United Nations High Commissioner for Refugees, Sadruddin Aga Khan, Pinegar pointed out that as long as the Asians stayed in Uganda, "they would still not come within either the UNHCR Mandate, or the 1951 Refugee Convention and 1967 Protocol", but "they would appear to fall within the terms of the 1954 United Nations Convention

[105] TNA FCO31/1401, Meeting between Geoffrey Rippon and General Amin, held at the command post, Kampala at 11.00am on Tuesday, 15 August 1972.
[106] TNA FCO31/1401, Visit of Mr. Rippon to East Africa. Note of a secret meeting at Chequers on 9.30am on Wednesday, 16 August 1972.
[107] TNA FCO47/643/230, The Asian Diaspora from Uganda, 10 November 1927.
[108] Kul Bhushan, "A British Asian Leader for Many Causes: Praful Patel | India Empire".
[109] UNHCR 11/2, Box 1281, 641.UGA, Expulsion and Deportation – Uganda [Vol.1] (1972), folio 11a, Asians in Uganda, 16 August 1972.

on the Status of Stateless Persons".[110] He noted that Uganda had ratified this convention, but that it was complicated to definitely establish Uganda's responsibility for this group, as the UK's role remained unclear. Instead of figuring out the complex citizenship situation, he proposed that the best course of action was to find a way for the stateless Asians to "leave Uganda and go elsewhere". In that case they would fulfil the two major criteria of the refugee definition, namely being outside of the country of their habitual residence and subject to well-founded fear of persecution. Only then could UNHCR become involved.

By considering resettlement assistance for the Ugandan Asians UNHCR entered a legal grey zone that involved many risks. In 1972, UNHCR did not (yet) have a mandate over stateless persons that were not refugees and neither over internally displaced persons.[111] As long as the Asians had not crossed any borders, UNHCR had no authority over them. By declaring them refugees prematurely, UNHCR could be seen as interfering in a state's internal affairs. This was particularly a problem as it concerned Uganda, a country host to one of the major refugee populations in the region and even in the world (as is still the case today). Besides, President Amin had repeatedly indicated that he did not regard the Asians as stateless, but as British passport holders. According to the Ugandan government, they remained a British responsibility, not a United Nations one. Within UN circles, there was considerable fear that UNHCR's involvement "would do more harm than good to the people concerned".[112]

Furthermore, it was not straightforward to establish which country exactly was to blame for the Asians' statelessness. A British newspaper at the time remarked: "By and large, it seems the letter of the law was being fulfilled. Asians were not being deprived of their citizenship by disregard of regulations, but by the rigorous application of them."[113] A British attempt to

[110] Ibid. All quotations that follow in this paragraph are from the same document.
[111] UNHCR would assume that mandate only in 1975. Jeff Crisp, "UNHCR at 70: An Uncertain Future for the International Refugee Regime," *Global Governance: A Review of Multilateralism and International Organizations* 26, no. 3 (2020): 362.
[112] UNHCR 11/2, Box 1281, 641.UGA, Expulsion and Deportation – Uganda [Vol.2] (1972), folio 81B, Notes on the Informal Meeting of the Representatives on the Executive Committee of the High Commissioner's programme, 13 October, 1972.
[113] Phillip Short, "Plight of the 23,000 Ugandans Made Stateless," *Times Newspapers Limited*, August 20, 1972. Reproduced in Lalani, *Ugandan Asian Expulsion*, 25–26.

condemn Uganda's actions in a UN General Assembly resolution (discussed in more detail in chapter 4) failed.[114] Even scholars of international law struggled with the interpretation of Amin's actions. Most agreed that Amin's methods of expelling the Asians were a violation of customary international law.[115] However, in terms of enforceable international law, the UK's behavior was equally problematic, as the court cases described earlier in this chapter have shown.[116] An editorial in an American newspaper succinctly noted:

> Rich nations are accustomed to forcing their will on the poor whenever it suits their interest. The Uganda situation is a rare example of the poor forcing their will upon the rich. This is, in a sense, the inevitable consequence of the colonial era's end.[117]

If UNHCR did want not to alienate Uganda, and by extension the Third World, it needed to avoid being seen as "acting at British behest".[118] Given how perilous this entire operation was, one starts to wonder why UNHCR got involved in the first place. Some scholars have suggested that this was because Sadruddin Aga Khan's own community, the Ismailis, were among the affected in Uganda.[119] However, when in 1971 almost the entire Ismaili community left Tanzania to resettle in Pierre Trudeau's Canada, Sadruddin Khan did not get involved in his capacity as UN High Commissioner for Refugees.[120] His heritage hence cannot be a sufficient explanation. Moreover, Sadruddin's first reaction regarding the Ugandan Asian case came late – on September 20, with almost half of Amin's ninety-days deadline passed – and expressed his reluctancy to get involved. He wrote a very cautiously worded telegram to the Ugandan Foreign Minister in which he did not even mention the expulsion of

---

[114] UN General Assembly, Official Record New York, 1972, Twenty-Seventh Session (A/8794), International implications of the expulsion of the Asian Community from Uganda, Letter dated 26 September 1972 from C.T. Crowe, 27 September 1972.
[115] Bonee, "Caesar Augustus," 159.
[116] Shah, *Refugees, Race and the Legal Concept of Asylum in Britain*, 93.
[117] The Cristian Science Monitor, 27 September 1972. Cited in Bonee, "Caesar Augustus," 158.
[118] TNA FCO31/1406/490, Alec Douglas-Home, Telno 771 Stateless Asians in Uganda, 3 October 1972.
[119] Loescher, *The UNHCR and World Politics*, 168; Miserez, *Prince Sadruddin Aga Khan*, 80.
[120] Richa Nagar, "The South Asian Diaspora in Tanzania: A History Retold," *Comparative Studies of South Asia, Africa and the Middle East* 16, no. 2 (1996): 70.

the Asians. On the contrary, he praised Uganda for the fact that they had provided refuge for 180,000 refugees from the neighboring countries.[121] However, in a subsequent cable to the Secretary General of the Organization of African Unity (OAU), Nzo Ekangaki, he expressed his apprehension of "the creation of new groups of refugees either by expulsion [of] residents of Uganda, who are at present stateless as they have no defined nationality or by expulsion of other groups who would be *de jure* or *de facto* deprived of their Uganda nationality".[122]

To understand how UNHCR became involved, it is important to consider the internal politics at the UNHCR office, the networks and ambitions of its staff members. A key figure was the head of the newly established Uganda Asian Section, the Irish John "Jack" Kelly, a senior officer with over twenty years of experience at UNHCR.[123] Between 1960 and 1970, Kelly combined a post of UNHCR Regional Representative in London with extensive field work in the Third World (first in Congo, then Algeria, Nepal, South Africa, Sudan, and Haiti). In 1971, he returned to Geneva as Deputy Director of Protection. At that time, the Protection Section was the most important and prestigious section of UNHCR, first headed by the famous jurist, former refugee, and drafter of the 1951 Convention Paul Weis.[124] In 1967, the post of Director of Protection went to Emmanuel Dadzie, a Ghanaian jurist and diplomat, who represented UNHCR's more global ambitions that also spoke from the adoption of the 1967 Protocol.[125] Kelly's first task as deputy protection director was to head the operation in East Pakistan in 1971. This was a landmark case for UNHCR in the Third World, as the organization became for the first time

[121] UNHCR 11/2, Box 1281, 641.UGA, Expulsion and Deportation – Uganda [Vol.1] (1972), folio 12 III a, Letter from the High Commissioner to his Excellency, The Minister of Foreign Affairs, Kampala, Uganda, 20 August 1972.
[122] UNHCR 11/2, Box 1281, 641.UGA, Expulsion and Deportation – Uganda [Vol.1] (1972), folio 15, Outgoing Cable, 21 August 1972.
[123] A jurist by training, Kelly started as the Desk Officer for Germany, Austria, UK and Scandinavia in 1951. In 1956, he became a field officer for the Hungarian refugees and went on to become Deputy Special Representative of the Secretary General for World Refugee Year in 1959-60. As a lawyer, Kelly got involved in the drafting of the resolutions and the High Commissioner's good offices. He moved on to work in refugee situations beyond Europe in the 1960s, most notably in Algeria. UNHCR 36, Collected Staff Narratives, John Kelly, Interview 1, 1 April 1998.
[124] Jackson, "Editorial."
[125] UNHCR 36, Collected Staff Narratives, John Kelly, Interview 1, 1 April 1998.

the "focal point" of a large-scale humanitarian UN operation that provided assistance to ten million refugees.[126]

With his experience in the Third World and his contacts in London, Kelly was the perfect person to handle the Ugandan situation, but he appears to also have been susceptible to British pressure, as he was keen for UNHCR to play an important role in the Ugandan Asian crisis. In the meetings he had with British FCO officials and diplomats in the beginning of October, we see how he constantly switched between positions. On the one hand, he insisted adherence to refugee law and managed to convince his British contacts that UNHCR would not assume responsibility over all Asians, especially not over those with British citizenship.[127] He also explained to them that the Asians could only become refugees once they were outside of Uganda. On the other hand, he was eager to take over responsibility of the Asians of "undetermined nationality" from the British and to bring them under UNHCR's mandate.

When FCO officials told Kelly that they had started working with ICEM (the Intergovernmental Committee for European Migration, currently known as IOM) in Uganda, Kelly wanted to assure that UNHCR would not be left out of the operation.[128] In a meeting in Geneva between him, ICEM's director John Thomas, and two British diplomats to the United Nations, Frederick Mason and Anne Warburton, it was decided that "the stateless Asians might *prima facie* be of concern to UNHCR" as soon as ICEM had found ways to get them out of Uganda.[129] Kelly demanded that "for security reasons, their 'refugee' quality would not be stressed, at least until the last one had left Uganda".[130] That way, UNHCR could become involved behind the scenes and maintain its influence, without losing face with the Ugandan government. However, as we will see in chapter 4, this meant that from then onwards, the British authorities would use Kelly's and UNHCR's services to legitimate

[126] Loescher, *The UNHCR and World Politics*, 155–60.
[127] TNA FCO31/1406/490, Alec Douglas-Home, Telno 771 Stateless Asians in Uganda, 3 October 1972.
[128] UNHCR 11/2, Box 1281 641.UGA Expulsion and Deportation – Uganda [Vol. 2] 1972, Folio 77, Note for the File, Meeting at Foreign/Commonwealth Office concerning Ugandan Asians, 5 October 1972.
[129] UNHCR 11/2, Box 1281 641.UGA, Expulsion and Deportation – Uganda [Vol. 2] 1972, Folio 82A, Confidential. Asians in Uganda. Points arising from discussions with UK delegation and ICEM, 11 October 1972.
[130] Ibid.

their own inaction towards this group of Asians, who had been UK passport holders and BPPs.

In the three months between Amin's radio announcement of the expulsion and the deadline, just over 27,000 Ugandan Asian British passport holders migrated to Britain. Approximately 10,000 stateless Asians were resettled in other countries: some 2,000 in Canada, 1,600 in the US, 1,500 in India and Pakistan, and 4,300 to over twenty-five "third countries as part of the UNHCR refugee resettlement program for Asians of undetermined nationality (as we will see in greater detail in chapter 4).[131] This situation exactly resembled the vision of British High Commissioner to Uganda, David Scott in 1969: a lenient policy towards British citizens (regardless of the immigration restrictions imposed in 1962, 1968, and 1971), in exchange for the dispersal of a substantial group for which the UK could no longer be held responsible.

CONCLUSION

Refugee resettlement emerged as a solution to reconcile the diametrically opposed goals of reducing Britain's postcolonial responsibilities and its human rights obligations. As the British Empire disintegrated, the Asian diaspora as a residue of colonial times became undesirable everywhere: in East Africa, where they resided, in South Asia, from where they originated, and in the UK, from where their legal identity (in the form of passports) emanated. What this chapter shows, based on source material unavailable at the time, is that political strategies to evade responsibility for the Asians were developed over a long stretch of time, since the 1960s. The chapter reveals a chain of action and reaction between the three geographical localities that mattered to the Asians, who became a pawn in the game of renegotiating power after Empire. In the end, the UK emerged as the most influential force, though the East African crisis revealed its vulnerabilities.

There is a tendency in human rights history to investigate the employment of human rights law, rather than the evasion of it. It is, however, important to notice how the emergence of legally binding human rights laws clipped the wings of the former imperial power. Especially the UN Convention Relating to the Status of Stateless People of 1954, to which the UK had acceded, created

[131] Tandon and Raphael, *The New Position of East Africa's Asians*, 17; Cosemans, "The Politics of Dispersal."

a problem when the British government tried to evade responsibility for its former imperial subjects and protected persons. The Convention complicated changing British nationality law without breaching international obligations and distorting Britain's humanitarian reputation. However, the right to a nationality was a hard one to enforce for any international organization. The 1954 Convention on Statelessness also differed from the 1951 Refugee Convention in the fact that it did not have a special UN agency to execute its mandate. As citizenship problems proved particularly complex in the post-colonial era, the 1954 Convention stood rather weak. Still, the plea of the stateless in the Ugandan Asian crisis of 1972 was a strong call for action upon the international community.

The group of Ugandan Asians that did not gain entrance to the UK was the first group of refugees from the Global South to be resettled in the Western world. In the literature on refugee resettlement, burden sharing is understood as a form of international solidarity with countries in distress due to the sudden and unexpected influx of large numbers of refugees. In this chapter, I have shown that in the case of the Ugandan Asians, resettlement attained a new meaning. Instead of sudden immigration "wave", the influx of East African Asians was anticipated by subsequent British governments. Despite changes in rhetoric, there was a lot of continuity in policy conceived and carried out by civil servants in the FCO, who worked for years to prepare for the consequences of the Asians' expulsion. Through thorough preparation and intense diplomatic lobbying, London managed to limit its obligations by shouldering a group of potential immigrants onto UNHCR, while complying with its obligations under international law *and* maintaining its humanitarian posture.

3

Becoming a Refugee in Chile

Protecting or Removing Dissidents?

On September 12, 1973, Massachusetts' Democratic Senator Edward Kennedy sent a telegram to Prince Sadruddin Aga Khan on the situation in Chile, where on the previous day a brutal coup had ousted the democratically elected left-wing government of President Salvador Allende and installed a military junta of four generals including later President Augusto Pinochet. "Ted" and "Sadri" knew each other personally, as they had gone to college together at Harvard in the early 1950s.[1] In 1962, Kennedy was elected to the US Senate to replace his brother John, who had just become president. He became chairman of the United States Senate Judiciary Subcommittee on Refugees and Evacuees, where he for the first time asserted himself when he introduced the bill that would become the US Immigration Act of 1965. Also in 1962, Sadruddin was asked to act as Deputy High Commissioner under Félix Schnyder. He was elected UN High Commissioner in 1966 and became the youngest and longest-serving High Commissioner in the history of UNHCR. Kennedy's and Sadruddin's shared interest in refugee protection strengthened their bond. In his telegram, the Senator warned the High Commissioner that "confirmed reports from Chile suggest that some 10,000 political refugees from Brazil and other neighboring countries are in immediate danger as a result of [the] new government in Chile".[2] He appealed "for [UNHCR's] intervention in [sic] behalf of these refugees to help ensure and

[1] Miserez, *Prince Sadruddin Aga Khan*, 18, 285. They had studied under the tutelage of Henry Kissinger, who at that time was a faculty member at the Department of Government.

[2] AAD, 1973STATE185349, Foreigners in Chile, from Deputy Secretary of State Kenneth Rush to American Embassies in Geneva and Santiago, 18 September 1973. All following quotations in this paragraph are from the same document.

protect and/or safe conduct for resettlement in other countries." He furthermore suggested that Sadruddin send his personal representative, which "would be helpful to facilitate this effort".

Pinochet's junta had inherited the refugee situation from the former government and saw the presence of these Latin American political refugees in Chile as a major threat. In 1972, Allende's government had acceded to the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees.[3] The accession allowed Allende to recognize 13,000 foreigners in Chile, of which at least 5,000 were Latin Americans, as refugees under the 1951 Convention.[4] On the day of the coup, military forces across the country "hunted down all foreigners as a matter of priority".[5] They forced a group of two hundred-fifty Bolivian refugees in the Arica province near the Bolivian border to return to their country of origin, where they faced persecution. This blatant violation of the *non-refoulement* principle in the 1951 Convention Relating to the Status of Refugees prompted the involvement of UNHCR.[6] On September 13, the High Commissioner sent a telegram to the junta, reminding them of their obligations towards refugees under international law, in which he urged them to abstain from refouling refugees.[7] That his actions were – at least partly – inspired by Kennedy's telegram was visible in the fact that he asked his Regional Representative in Buenos Aires, Oldrich Haselman, to prepare for a visit to Santiago de Chile.[8] While Sadruddin's telegram has received a lot of

[3] See UNHCR, *The State of the World's Refugees, 2000*; Harmer, *Allende's Chile and the Inter-American Cold War*, 158; Eckel, "Allende's Shadow, Leftist Furor, and Human Rights: The Pinochet Dictatorship in International Politics," 73.

[4] Garcés and Nicholls, *Para una historia de los derechos humanos en Chile*, 21; Palomera and Norambuena, "Refugio Y Asilo De Bolivianos Durante La Dictadura Chilena Entre 1973 Y 1975," 135.

[5] Harmer, *Allende's Chile and the Inter-American Cold War*, 244.

[6] Helmut Frenz, *Mi Vida Chilena* (Santiago: Lom, 2006), 146. Helmut Frenz claims there were 315 Bolivians refouled. Chilean sources mention 264 "voluntary returns". See: Archivo Historico del Ministerio de Relaciones Exteriores, Santiago (hereafter AHMRE), Fondo Organismos Internacionales 608 Naciones Unidas 1973, Telex OIN No. 296 from Ismael Huerta to the Chilean Delegation at the UN in New York, s.d.

[7] Loescher, *The UNHCR and World Politics*, 169; Druke, "Chile: Exile and Return under Dictatorship," 294.

[8] Manuel Bastias Saavedra, *Sociedad civil en dictadura: Relaciones transnacionales, organizaciones y socialización política en Chile* (Ediciones Universidad Alberto Hurtado, 2013), 54.

scholarly attention, Kennedy's has been forgotten, even though it signaled the very first American action to condemn human rights violations in Chile.

There are vast bodies of literature on both human rights and refugees in Chile, but these historiographies have developed largely separately from one another. Exile studies elaborate on political activism. When historians of the Chilean diaspora do focus on human rights, it is to show how Chileans became strong human rights advocates in exile, who condemned the junta's practices of torture, unlawful detention, disappearances, and deaths.[9] Human rights historiography, as well, considers the Chilean diaspora in the light of its political activities, as a catalyst for "human rights activism, especially on the transnational plane".[10] For historian Patrick Kelly, who sees the Chilean case as the breakthrough of transnational human rights activism, Chilean exiles and human rights organizations such as Amnesty International constantly reinvigorated one another, but he has not much to say about exile as such.[11]

Nevertheless, exile and human rights are intrinsically linked, as the most renown historian of the Chilean diaspora Thomas C. Wright once noted. Exile itself is a violation of several rights related to freedom of movement, particularly Article 9 of the Universal Declaration of Human Rights ("No one shall be subjected to arbitrary arrest, detention, or exile") and Article 13.2 ("Everyone has the right to leave any country, including his own, and to return to his country").[12] Likewise, human rights historians acknowledge that "[t]he most pressing crisis in the immediate days after the coup was the state of some fifteen thousand refugees", but do not dedicate much attention to (the human

[9] Fernando Montupil I., *Exilio, derechos humanos y democracia: el exilio chileno en Europa* (Santiago: Caupolicán, 1993); Eckel, "Allende's Shadow, Leftist Furor, and Human Rights: The Pinochet Dictatorship in International Politics."

[10] Patrick William Kelly, "The 1973 Chilean Coup and the Origins of Transnational Human Rights Activism," *Journal of Global History* 8, no. 1 (2013): 166.

[11] Kelly, "The 1973 Chilean Coup and the Origins of Transnational Human Rights Activism"; See also: Todd Landman, "A Most Unlikely Case: Chile, Pinochet and the Advance of Human Rights," *Política. Revista de Ciencia Política* 51, no. 2 (2013): 37–55; Eckel, "Allende's Shadow, Leftist Furor, and Human Rights: The Pinochet Dictatorship in International Politics"; Patrick William Kelly, *Sovereign Emergencies: Latin America and the Making of Global Human Rights Politics* (Cambridge, United Kingdom; New York: Cambridge University Press, 2018).

[12] Thomas C. Wright, "Chilean Political Exile in Western Europe," in *European Solidarity with Chile, 1970s-1980s*, ed. Kim Christiaens, Idesbald Goddeeris, and Magaly Rodriguez Garcia (Ixelles: Peter Lang, 2014), 48–49.

rights attached to) it and proceed immediately with the activism against torture, detention, and disappearances.[13] For historian Barbara Keys, the Chilean coup of 1973 was a "watershed event", precisely because it moved away from the rights of freedom of movement that had previously been used predominantly by conservative anti-communist Democrats to defend the right of Jews to leave the Soviet Union.[14] The events in Chile gave liberal Democrats the opportunity to raise their own human rights concerns. These liberals argued that "the right to the integrity of one's person" became "the most fundamental of all human rights" instead of "the right to leave".[15] According to Keys, the Chilean coup brought liberal human rights concerns "into mainstream public consciousness".[16]

The focus on what Keys calls "liberal rights" has eclipsed the attention that existed in the United States for the rights of the refugees, as expressed in Kennedy's telegram. In fact, despite the vast literature on Chilean refugees, scholars rarely focus exclusively on the circa 23,000 recognized refugees under UNHCR protection.[17] Only recently, new empirical research on Chilean source material from the Historical Archives of the Ministry of Foreign Affairs (AHMRE), under the leadership of the Chilean historian Carmen Norambuena, has led to more attention for the different legal categories of exiles.[18] However, this Chile-centered approach takes these categories at face value, as a starting point for the research. It does not consider how these categories emerged and differed from each other, neither what these differences meant for people's rights.

This chapter investigates the link between human rights and refugee protection in Chile by carefully considering how people in Chile became refugees (or did not). When Kennedy mentioned resettlement in his telegram, he

[13] Kelly, *Sovereign Emergencies*, 69.
[14] Keys, *Reclaiming American Virtue*, 13. See also: Hirsch, "The Gateway."
[15] Democratic congressman Donald Fraser (Minnesota) on 20 August 1974, quoted in Keys, *Reclaiming American Virtue*, 163.
[16] Keys, 148.
[17] UNHCR, *The State of the World's Refugees, 2000*, 127; Esponda Fernández, "La tradición latinoamericana de asilo y la protección internacional de los refugiados," 118.
[18] Norambuena, Palomera, and Lopez, "Brazilians in Chile during the Military Dictatorship"; Palomera and Norambuena, "Refugio Y Asilo De Bolivianos Durante La Dictadura Chilena Entre 1973 Y 1975."

referred to the foreign refugees' right to leave and appealed to the High Commissioner to guarantee this right. However, the resettlement programs of UNHCR in Chile would soon bring to light a tension between protecting refugees and aiding the military junta in removing dissidents or "undesirable" elements from its society.[19] To understand this tension, we need to examine UNHCR's motives for getting and staying involved in Chile and, *vice versa*, the junta's motives to cooperate with the UN agency. The chapter argues that UNHCR walked a thin line between protecting refugees from human rights abuses and committing human rights abuses itself, by helping the junta in expelling refugees and later also its own citizens. Various elements of pressure, particularly from governments that did not want to receive Chilean refugees, such as the US and the UK, influenced UNHCR's motives, and had sometimes detrimental effects on the outcomes for refugees.

This chapter first explains the meaning of refugee protection in the Latin American context and the presence of a large group of foreign refugees in Chile in 1973. It secondly considers the impact of American conservative debates about the right to leave on the Chilean junta's discourse and on the start of UNHCR's refugee program in Chile. Thirdly, the chapter investigate how UNHCR sought to expand its responsibilities and its power as the most ambitious UN agency of the 1970s. Finally, to evaluate whether UNHCR managed to provide protection for refugees, or was merely responsible for removing them at the Chilean junta's behest, this chapter concentrates on the different forms of protection that Chileans enjoyed (or lacked) once they had left Chile.

LATIN AMERICAN VERSUS INTERNATIONAL PROTECTION

Before we start to consider why and how a portion of Chilean exiles became refugees under UNHCR's protection, it is necessary to understand how refugee protection worked in Latin America. It is, in fact, the continent with the longest tradition of protecting political refugees. The 1889 Montevideo Treaty on International Penal Law was the first international treaty that took asylum

[19] Undesirable is used in the same way as in chapter 2, after Paddy Hillyard. Scare quotes are implied.

and protection of political refugees into account.[20] Although only five countries initially ratified the treaty, it set the scene for subsequent regional legal agreements on asylum.[21] The 1928 Havana Convention on Asylum and the 1933 Montevideo Convention on Political Asylum concentrated on diplomatic, but did not include territorial asylum. In 1937, Argentina took the initiative for a Convention on Asylum in the League of Nations, which was turned down by the major European countries. A year later, during the Evian Conference, the Colombian delegate proposed the establishment of a committee to study the possibility of a universally applicable "legal status for political refugees".[22] The initiative stalled just like the conference itself.[23] With the disappointment of the failed attempts at a global approach towards refugees fresh in their minds, the American countries tried to strengthen asylum as an institution at home, resulting in the 1939 Montevideo Treaty on Asylum and Political Refuge.[24] Meanwhile in Europe, discussions on refugees were overtaken by the realities of the Second World War. Only thereafter, within the orbit of the newly established United Nations, did the possibility arise for an international agreement and a universal refugee definition.

[20] Anders B. Johnsson, "Montevideo Treaty on International Penal Law: 1889–1989 - 100 Years of Treaty Making on Asylum Issues," *International Journal of Refugee Law* 1, no. 4 (1989): 554–57; Esponda Fernández, "La tradición latinoamericana de asilo y la protección internacional de los refugiados," 82.

[21] Argentina, Bolivia, Paraguay, Peru, Uruguay. Colombia became a party in 1933.

[22] Esponda Fernández, "La tradición latinoamericana de asilo y la protección internacional de los refugiados," 94.

[23] In general, the Latin American delegates have long been considered the most generous, as they were among the only ones that support resettlement for Jewish refugees at Evian. New research, however, has nuanced this view, as Latin American vocal support for the refugees did not lead to many effective offers. Even the Dominican Republic, which did offer a substantial amount of places did not do so until a month *after* the conference. Paul R. Bartrop, *The Evian Conference of 1938 and the Jewish Refugee Crisis*, The Holocaust and Its Contexts (Cham: Springer International Publishing; Palgrave Macmillan, 2018), 68.

[24] Esponda Fernández, "La tradición latinoamericana de asilo y la protección internacional de los refugiados," 94–95. It is important to note that the treaty makes a differences between diplomatic *asylum* and political *refuge.* The terminology matters for the legal identity attached to these particular forms of protection. Chile is a member state to the Treaty, together with Peru, Argentina, Uruguay, Bolivia, and Paraguay.

In the early 1950s, the Latin American countries continued to develop international and regional refugee law. In 1951, four Latin American countries (Brazil, Columbia, Cuba and Venezuela) sent delegates to the Conference of Plenipotentiaries where the Convention Relating to the Status of Refugees was debated and eventually adopted in 1951. However, in the end none of them signed or ratified what they saw as a "European convention", meant exclusively for Europeans.[25] Three years later, in 1954, the Latin American countries adopted two conventions of their own, the Caracas Conventions on Diplomatic and on Territorial Asylum. The division indicated the dominant idea in the Americas that diplomatic asylum seekers were proper "political asylees", while territorial fugitives were "refugees" resulting from the Second World War in Europe.[26] This attitude was also visible when five countries eventually acceded to the 1951 Convention – Ecuador in 1955, Brazil in 1960, Argentina and Colombia in 1961, and Peru in 1964. All except for Colombia adopted the geographic restriction clause, that limited the refugee definition to "refugees from Europe".[27] Chile, like other Latin American countries, received a substantial number of refugees and fugitives (including Nazis) from Europe in the 1950s.[28] Chile's status as an immigration destination was also formalized by its membership in the Intergovernmental Committee for European Migration (ICEM). Chile was even among the founding members of that organization, originally called the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME), today's International Organization for Migration (IOM), at the Brussels Conference in December 1951.[29]

[25] Esponda Fernández, 108–9.

[26] Chile signed but did not ratify the Caracas Conventions. See Esponda Fernández, 99, 137; Ramírez and Medina, "¿El asilo contra la opresión?," 130; Palomera and Norambuena, "Refugio Y Asilo De Bolivianos Durante La Dictadura Chilena Entre 1973 Y 1975," 137.

[27] United Nations High Commissioner for Refugees, "States Parties, Including Reservations and Declarations, to the 1951 Refugee Convention," UNHCR (2015).

[28] One of the most famous among them was Walter Rauff, who under Pinochet allegedly served as an advisor to the Chilean Secret service DINA (*Dirección de Inteligencia Nacional*). See Mount, *Chile And The Nazis*, 156; Cassigoli, "Sobre la presencia nazi en Chile," 170–71.

[29] Jérôme B. Elie, 'IOM from 1951-53: The Creation of PICMME/ICEM' (2011 World Migration Report Seminar Series, IOM Headquarters, Geneva, 2010).

Starting in the 1960s, Chile also began to attract people from across Latin America. During the presidency of Eduardo Frei, between 1964 and 1970, sympathizers of the Chilean socialist project from countries such as Argentina, Nicaragua, Guatemala, Cuba, Peru, Uruguay, but also the Soviet Union, and several European countries arrived in Chile.[30] Simultaneously, a couple of dictatorial regime changes across the continent produced large numbers of political exiles. In 1964, Brazilians escaping the military dictatorship found refuge in Chile.[31] The interest in Chile as a place of social experiment on the one hand and of refuge on the other only grew with the election of Salvador Allende in 1970. The arrival of refugees from Bolivia, fleeing after the coup of dictator Hugo Banzer in 1971, urged the Allende government to make a decision with large repercussions for the years to come.[32] To deal with the Bolivian influx, Allende applied for help from UNHCR. In exchange, Chile acceded to the Geneva Convention and its Protocol in 1972, and subsequently turned provisions for refugees into Chilean domestic law.[33] Chile remained a popular destination for Latin American exiles and in April 1972 a large movement of left-wing Uruguayans (known as Tupamaros) sought refuge under Allende's and UNHCR protection.[34]

As a result, of the 13,000 foreigners in Chile, approximately 5,000 Latin Americans – mostly Bolivians, Brazilians, and Uruguayans – were recognized as refugees under the 1951 Convention and 1967 Protocol before the coup.[35] A large group of foreigners, political exiles and sympathizers (especially Cubans), however, never registered for refugee status. Under Allende's government, they enjoyed the same freedoms as Chileans. Even if they found themselves in Chile in irregular situations (in legal terms), their presence was not problematized. In fact, they often moved in left-wing circles close to the

[30] Garcés and Nicholls, *Para una historia de los derechos humanos en Chile*.
[31] Norambuena, Palomera, and Lopez, "Brazilians in Chile during the Military Dictatorship."
[32] Palomera and Norambuena, "Refugio Y Asilo De Bolivianos Durante La Dictadura Chilena Entre 1973 Y 1975"; Esponda Fernández, "La tradición latinoamericana de asilo y la protección internacional de los refugiados," 137.
[33] Ramírez and Medina, "¿El asilo contra la opresión?," 132.
[34] Clara Aldrighi and Guillermo Waksman, *Tupamaros exiliados en el Chile de Allende: 1970-1973* (Montevideo: Mastergraf, 2015), 53.
[35] Garcés and Nicholls, *Para una historia de los derechos humanos en Chile*, 21; Palomera and Norambuena, "Refugio Y Asilo De Bolivianos Durante La Dictadura Chilena Entre 1973 Y 1975," 135.

government. Sources close to the new minister of Foreign Affairs, Vice Admiral Ismael Huerta Díaz, described the situation under the previous government as "absolute anarchy" that had allowed ten to fifteen "extremist foreigners" to reside in "an irregular situation" and to "directly intervene in internal politics".[36] Luise Druke, who was UNHCR's Regional Representatives in Chile in the 1980s has remarked that

> On 11 September 1973 everything changed. The country of asylum became a country of persecution for all foreigners, asylum seekers, refugees, simple migrants, or temporary visitors. The dictator saw all of them disparagingly as revolutionaries, extremists, and terrorists, and therefore enemies of Chile. The country boasted of xenophobia, something completely alien to its tradition. Even the word *foreigner* first became derogatory and then dangerous.[37]

For the junta, the international attention (in the first place of Senator Kennedy and Sadruddin Aga Khan) for foreign refugees was an unexpected windfall. The involvement of international organizations, such as UNHCR, would help the military leaders remove undesirable elements from the new society that they were seeking to establish.[38] It was thus in their advantage to receive UNHCR's Regional Representative Oldrich Haselman shortly after the power take-over. On September 21, Haselman had his first meeting with the Chilean ministers of Foreign and Internal Affairs, Ismail Huerta and Óscar Bonilla. On September 25, he received the assurance that the junta would adhere to the 1951 Refugee Convention and the 1967 Protocol, but with an important caveat.[39] The military government pledged adherence to the *non-refoulement* principle, but reserved the right to expel foreigners in an "irregular situation",

[36] AHMRE, Fondo Organismos Internacionales 608 Naciones Unidas 1973, Telex OIN No. 492, 26 November 1973.
[37] Druke, "Chile: Exile and Return under Dictatorship," 294 [Emphasis in original].
[38] Frenz, *Mi Vida Chilena*, 10–11; Wright, "Chilean Political Exile in Western Europe," 58; Kelly, *Sovereign Emergencies*, 178.
[39] Saavedra, *Sociedad civil en dictadura*, 54. AHMRE, Fondo Organismos Internacionales 608 Naciones Unidas 1973, Telex OIN No. 296 from Ismael Huerta to the Chilean Delegation at the UN in New York, s.d.

i.e. those who had never registered as refugees under the protection of the previous government.[40]

Haselman, however, also did not want to grant blanket protection to all foreigners in Chile and sought to remain within the legal boundaries of UNHCR's mandate and the 1951 Convention. As a Czech citizen by birth, he himself had become a refugee during the Second World War. In the early 1950s, he joined the legal section of UNHCR (later renamed the Protection Section) as an assistant to then Economic Advisor Gilbert Jaeger, who became the main UNHCR official involved in coordinating UNHCR's protection tasks in Chile.[41] Jaeger and Haselman knew the legal intricacies and boundaries of the task at hand intimately. From the start, they insisted that UNHCR would only take up responsibility for refugees under its mandate. UNHCR's 1950 Statute specified that in order to become a refugee, a person had to be both *outside the country* of his nationality or habitual residence and unable to avail themselves to the protection of that country due to *well-founded fear of persecution*.[42]

In Chile this meant that UNHCR would only become responsible for the foreign refugees, who had been recognized under the 1951 Convention by the previous government, but who could no longer count on the protection of the new government. Neither other foreigners, such as tourists, nor Allende sympathizers who did not face persecution in their countries of origin, could rely on UNHCR protection.[43] Chileans, who had sought diplomatic asylum in embassies, as was customary in the Latin American context of refugee protection, were equally deprived of international protection, as they had not yet crossed a border.[44] Haselman's first task in Chile was to establish an eligibility

[40] "Adhesión a Convenios de Refugiados", *El Mercurio*, 25 September 1973.
[41] UNHCR 36, Collected Staff Narratives, Dr. Gilbert Jaeger, Interview 1, 15 April 1998.
[42] Statute of the Office of the United Nations High Commissioner for Refugees, sec. 6B.
[43] UNHCR 11/2, Box 19 100.GEN.CHL Refugees from Chile General (1973-1983), Folio 6, Incoming cable dispatched from Santiago HQRSANT 32 from Schlatter, Resettlement Operation, 13 November 1973.
[44] AHMRE, Fondo Organismos Internacionales 623, CIME 1973, Letter from ICEM to Jaime Lagos, Directorate of International Organizations at the Chilean Foreign Ministry, 30 October 1973. Though the Chileans in the embassies were not technically

procedure to determine which people exactly fell under UNHCR's mandate.[45] This happened against the background of mounting evidence that the Chilean junta was torturing and illegally detaining dissidents and supporters of the foreign regime, both foreigners (refugees and other) and its own citizens.

THE RIGHT TO LEAVE CHILE

In the United States, Henry Kissinger, who shortly after the Chilean Coup, on September 22, had exchanged his role as Assistant of National Security Affairs for that of Secretary of State, wanted to avoid human rights accusations that would jeopardize US-Chile relations.[46] Kissinger saw the issue of foreign refugees as a welcome distraction to lead attention away from increasing attacks on Chile in human rights terms. Kissinger did not want to receive refugees in the United States, but he thought that providing his support for the resettlement of foreign refugees was a lesser evil than condemning the Chileans for their "repressive measures", which he thought (following the junta's own reasoning) were "completely legal under Chilean state of siege legislation".[47] He considered the problem manageable, precisely because UNHCR was involved and the group of foreign refugees in Chile was well circumscribed and limited. He realized that he could use Kennedy's telegram to his advantage. The junta's agreement to cooperate with UNHCR and to adhere to refugee rights could prove, according to Kissinger, their adherence to human rights in general. On September 28, he sent his deputy, Assistant Secretary of State for Inter-American Affairs Jack Kubisch, to Kennedy's Subcommittee on Refugees and Evacuees to assure the congressmen that the administration's "concern for human rights extends to the Chilean situation as it does to others" and that the UNHCR could count on the US government's

on Chilean soil, they were also not outside of Chile as they had to cross national territory to reach the airport.

[45] Saavedra, *Sociedad civil en dictadura*, 53. See also: AAD, 1973GENEVA05001, FOREIGNERS IN CHILE, from Jules Bassin, US Mission in Geneva to State, 20 September 1973; UNHCR 11/2, Box 19 100.GEN.CHL Refugees from Chile General (1973-1983), Folio 1 Incoming Cable dispatched from Santiago, 23 October 1973.

[46] Tanya Harmer, "Fractious Allies: Chile, the United States, and the Cold War, 1973–76," *Diplomatic History* 37, no. 1 (2013): 109–43.

[47] AAD, 1973STATE210412, ITALIAN GOVERNMENT'S INTEREST IN CHILEAN SITUATION, 25 October 1973.

"full support".[48] Kubisch was instructed to praise Kennedy on his initiative to send a telegram to the UN High Commissioner for Refugees, but he was interrupted before he could do so.[49]

On October 2, Senator Edward Kennedy sponsored an amendment to the Foreign Assistance Act making US foreign aid dependent on the Chilean government's adherence to human rights.[50] Barbara Keys has stressed the critical role of this amendment in "framing the Chile issue as one of human rights".[51] The question, however, remains: which human rights exactly? According to Keys, foreign policy on human rights in the United States was divided along the liberal-conservative axis, especially among Democrats.[52] The conservative genealogy of human rights in the United States stemmed from an anti-communist critique of the détente policies of the Nixon administration. Conservative Democrats focused particularly on human rights abuses in the Soviet Union and its satellites. The liberal strand developed its narrative not from (Jewish) Soviet dissidents, but from international lawyers and American church groups. They used the human rights narrative to condemn the actions of right-wing regimes, often American allies. According to Keys, "conservatives emphasized freedom of religion, movement, and speech, while liberals were exercised most of all by torture and arbitrary imprisonment".[53]

The most prominent conservative human rights defender was Senator Henry 'Scoop' Jackson from Everett, Washington, who two days before the coup proclaimed the idea that "[o]f all the human rights contained in the universal declaration of the United Nations, none is more fundamental than that in Article 13—the right to free emigration", because, "whatever other liberties may be denied—speech, press, religion, employment—any and all of these

[48] AAD, 1973STATE194220, DRAFT REMARKS BY ASSISTANT SECRETARY KUBISCH, From Kissinger to AMEmbassy Santiago, 28 September 1973.
[49] Ibid.
[50] US Foreign Aid bills often served as vehicles for human rights amendments, as they had to be approved by Congress every year. In first instance, Jackson had also tried to tie his amendment (which was later attached to the Trade Bill) to the Foreign Aid bill. See: Keys, *Reclaiming American Virtue*, 125, 139.
[51] Keys, 150.
[52] Keys, 13.
[53] Keys, 13.

can be restored by emigration to free countries of the West".[54] These ideas would in 1975 lead to the first US law that "drew its inspiration consciously from the Universal Declaration of Human Rights": the Jackson-Vanik Amendment to the US Trade Act (which was introduced in chapter 1).[55] Senator Kennedy, together with the Minnesota Representative Donald Fraser, who would in 1975 uncover CIA's role in the Chilean coup, were seen as the most prominent liberal human rights advocates.[56] However, in 1973, Kennedy, as a strong supporter of refugee resettlement to the United States, was one of the signatories of Jackson's amendment.

The strong interest in the role of torture in human rights activism against Chile has made historians overlook what was in plain sight: that some of the very first actions on behalf of Chileans after the coup centered on the freedom to leave Chile.[57] In Kennedy's amendment to the Foreign Assistance Bill of October 2, the foreign refugees played a major role. Apart from asking President Nixon to request a fact-finding mission on human rights abuses in Chile, the amendment stressed that "the President should support international humanitarian initiatives by the United Nations High Commissioner for Refugees and the International Committee of the Red Cross to insure the protection and safe conduct and resettlement of political refugees" and that "the President should be prepared to provide asylum and resettlement opportunities under appropriate provisions of the immigration and nationality act to a reasonable number of political refugees".[58]

---

[54] Henry M. Jackson, "First, Human Détente," *The New York Times*, September 9, 1973, sec. Archives; Keys, *Reclaiming American Virtue*, 121.

[55] William Korey, "Jackson-Vanik: A 'Policy of Principle,'" in *A Second Exodus: The American Movement to Free Soviet Jews*, ed. Murray Friedman and Albert D. Chernin (Hanover, NH: Brandeis University Press, 1999), 111.

[56] Barbara J. Keys, "Congress, Kissinger, and the Origins of Human Rights Diplomacy," *Diplomatic History* 34, no. 5 (2010): 823–51. See also: Calandra, "Exile and Diaspora in an Atypical Context"; Girard, "Disillusionment in Action."

[57] For instance, the World Council of Churches set up a Chile Emergency Desk, that was primarily concerned with the refugees, while the Ford Foundation's first grant for Chile was to help intellectuals leave the country. See: Kelly, *Sovereign Emergencies*, 69, 75, 85.

[58] AAD, SENATE RESOLUTION ON AID TO CHILE REF: SANTIAGO 4790, 1973STATE197523, 4 October 1973.

The historiography on Chilean human rights violations pays almost exclusive attention on the human rights visitations, which resulted from this amendment, particularly by Luis Reque of the Inter-American Commission and Amnesty International that took place in October and November 1973 respectively. However, historians do not mention that these findings reached the public rather late. Reque would leak his report in March 1974, while Amnesty International published its report in September 1974.[59] Chilean human rights histories are quiet about human rights actions *before* mid-1974 and have therefore overlooked that in these first months after the coup, the major debate about human rights in Chile and with the Chilean authorities evolved around "conservative" issues, namely freedom of movement and more particularly the right to leave.

It was not only Kissinger who thought that refugees were the safer issue to focus on, but the Chilean junta did so, too. On October 3, Pinochet issued Decree Law 1308, which recognized formally the Chilean government's responsibility under international law for the refugees under UNHCR's mandate and allowed for the establishment of six safe havens in the capital where foreign refugees could await their departure.[60] Furthermore, it formalized the rights of a new oecumenic humanitarian organization, the National Committee for Aid to Refugees (CONAR) under the leadership of the German Lutheran Bishop Helmut Frenz, to provide aid to the foreign refugees in Chile. CONAR became the hub between UNHCR, the Chilean government, and the refugees. It had three functions: (1) to localize foreign refugees, (2) to provide information about their protection options, and (3) to gather identity documentation that allowed people to leave.[61] At the end of October, when most foreign refugees had been located and brought to the safe havens, UNHCR's resettlement officer, the first female senior office, Hari Brissimi from Greece, arrived in Santiago, and together with ICEM and ICRC, the resettlement of the foreign

[59] Kelly, *Sovereign Emergencies*, 143; Amnesty International, ed., *Chile: An Amnesty International Report* (London: Amnesty International Publications, 1974).
[60] Archivo Nacional de la Administración, Santiago de Chile (hereafter ARNAD), Ministerio del Interior, Decretos, Volumen 17496, 1973, DECRETO NO. 1308, SANTIAGO, 3 de Octubre de 1973.
[61] Museo de la Memoria y de los Derechos Humanos de Chile, Santiago, (hereafter CL MMDD), 00000046-000023-000003, Fundación de Ayuda Social de las Iglesias Cristianas, Informe del Comité Nacional De Ayuda a los Refugiados del programa Septiembre 1973 – Febrero 1974, June 1974.

refugees started in earnestness (as will be further discussed in chapter 6).[62] For each refugee that had secured a resettlement spot through UNHCR, the Chilean Ministry of Foreign Affairs issued a *salvoconducto* – a laissez-passer or safe conduct – that allowed the refugee to travel from his (or her) safe haven, over Chilean soil, to airport Padahuel in the Chilean capital.[63] For the Chilean Foreign Minister General Ismael Huerta this collaboration with UNHCR was proof of the junta's good faith, as was the regime's approval of human rights fact-finding missions.[64]

Historians and contemporary observers have often wondered why the junta allowed human rights commissions into the country in the first place. Many follow the view of law professor Frank Newman, who was part of the Amnesty International delegation, that the junta saw the visitation as an "easy way to take some of the international pressure off".[65] However, the Chilean sources show that the junta was encouraged by its positive experiences with UNHCR. Carlos Franz Nuñez, director of the Ministry of Foreign Relations, reported that the representatives of the High Commissioner for Refugees were "*widely satisfied* with the provided facilities" and that the cooperation worked well.[66] Likewise, he noted that Luis Reque, the representative of the Inter-American Commission of Human Rights, had "expressed the *gratitude* of the Commission for the fact that it had been allowed to carry out this inspection visit, to which several countries of the continent had not agreed on other occasions".[67] As historian Patrick Kelly has noted:

> In allowing in outside bodies like Amnesty International, the International Commission of Jurists, and the Organization of

[62] Druke, "Chile: Exile and Return under Dictatorship," 310.
[63] CL MMDH, 00000252-000030-000007, Fondo Museo de la Memoria y los Derechos Humanos, Testimonio de Roberto Kozak, 2009.
[64] AHMRE, Fondo Organismos Internacionales 608, Naciones Unidas 1973, Telex 388 from Ismael Huerta to the Chilean delegation at the United Nations in New York, 16 October 1973.
[65] Newman cited in Kelly, *Sovereign Emergencies*, 83.
[66] AHMRE, Fondo Organismos Internacionales 608, Naciones Unidas 1973, Telex 388 from Ismael Huerta to the Chilean delegation at the United Nations in New York, 16 October 1973 [Emphasis added].
[67] AHMRE, Fondo Organismos Internacionales 608, Naciones Unidas 1973, Telex 388 from Ismael Huerta to the Chilean delegation at the United Nations in New York, 16 October 1973. [Emphasis added]

> American States, the junta assumed that it could control the global narrative on human rights. But it learned very quickly it could not, and as such it began to speak its own version of the language of human rights.[68]

In fact, the junta's "own version" of human rights centered entirely on the right to leave. Nowhere was this more clear than in Chile's confrontation with the Soviet Union during the twenty-nineth session of the UN General Assembly. When the Soviet delegation added an amendment to a resolution regarding human rights in Chile, the Chilean representative Raúl Bazán Dávila fulminated that these claims were "unfair, because they come from the Soviet Union, a country that neither recognizes nor practices the right [to leave]" and "unnecessary, because the government of Chile, which has honored all its conventional obligations, has also adhered to those regarding the right [to leave]".[69]

In the first months of the dictatorship, the junta used the number of people granted the right to leave, symbolized by the number of safe conducts, to prove its adherence to human rights principles.[70] For instance, when the junta learned, in February 1974, that Allende's widow Hortensia Bussi de Allende would address the United Nations about the violations of human rights in Chile, Bazán prepared a fact sheet in its defense with the exact numbers of safe conducts awarded, the number of asylum seekers still in the embassies in Santiago, and the number of foreign refugees and Chileans that had been

[68] Kelly, *Sovereign Emergencies*, 163.

[69] AHMRE, Fondo Organismos Internacionales 640, Naciones Unidas 1974, Telex 21 from Ambassador to the United Nations Raúl Bazán Dávila to Santiago, 14 January 1974. The original quote reads: "Es improcedente, porque proviene de la Union Sovieta, país que no reconoce ni practica el derecho de asilo. Es innecesaria, porque el gobierno de Chile, que cumple todos sus obligaciones convencionales, ha cumplido también las que conciernen al derecho de asilo".

[70] AHMRE, Fondo Organismos Internacionales 608, Naciones Unidas 1973, Telex 388 from Santiago to the Chilean delegation at the United Nations in New York, 16 October 1973; Ibid., Telex 468 from Santiago to the Chilean delegation at the United Nations in New York, 16 November 1973; AHMRE, Fondo Organismos Internacionales 640, Naciones Unidas 1974, Telex 21 from Ambassador to the United Nations Raúl Bazán Dávila to Santiago, 14 January 1974; Ibid., Telex 27 from the Chilean delegation at the United Nations to the Ministry of Foreign Affairs, 15 January 1974.

allowed to leave the country.[71] Chilean Ambassadors around the world would continue to notify the junta from time to time about the behavior of the Soviet Union in the case of their defense against human rights attacks, sometimes even explicitly mentioning what the Chileans could learn from them. For instance, in 1975, after the passing of the Jackson-Vanik amendment, the Chilean Ambassador in Brussels, Sergio Nuño Bawden, informed Ismael Huerta that the Kremlin had warned Kissinger that it would not "tolerate interference in internal political matters, on the subject of Jewish emigration".[72] Bawden clarified: "I inform you of the former because I believe this type of news may be of interest to the [Chilean] Secretariat of State not only as general information, but also and very especially, as background information that could be useful when it comes to returning the attacks that communist countries make on the United Nations or other international organizations".[73] The junta made use of Chile's cooperation with UNHCR and the resettlement operation to legitimize its own human rights record.

THE EXPANSION OF UNHCR'S ACTIVITY

With the Chilean desire to let as many dissidents leave as possible in order to polish the perception of their human rights policies, the pressure on the UNHCR staff in Chile and Geneva augmented to provide protection beyond their legal mandate. Initially, like had been the case for the Ugandan Asians,

[71] AHMRE, Fondo Organismos Internacionales 640, Naciones Unidas 1974, Telex 122 from Bazán to the Cabinet of the Minister of Foreign Affairs, 16 February 1974.
[72] AHMRE, Fondo Países 27, Belgica Embachile Oficios Ord. 1975, E. Bruselas Ord. No. 24/17, 14 January 1975.
[73] Ibid. The full quote in Spanish reads: "Como se recordará, hace algún tiempo Gromyko hizo pública una carta que había dirigido a Kissinger, en la que le manifestaba que el Kremlin no toleraría ingerencias [sic] en materia de política interna, a propósito de la emigración judía. Se estaba diciendo, en los medios internacionales, que parte de la ayuda económica y técnica que darían los Estados Unidos a la Unión Soviética, después de los acuerdos adoptados durante la última visita de Nixon a Moscú, tendría como compensación la autorización para salir del país de numerosos rusos de origen judío. Y la reacción a tales revelaciones indiscretas, verdaderas o no, no se han dejado esperar. Los rusos, en ese aspecto, no perdonan infidencias... Informo de lo anterior porque creo que esta clase de noticias pueden interesar a esa Secretaría de Estado no sólo como información general, sino que y muy especialmente, como antecedentes que pudieran ser de utilidad cuando se trate de devolver los ataques que nos hacen los países comunistas en las Naciones Unidas u otros organismos internacionales."

UNHCR's responsibility in Chile had been clearly delineated to a confined group, the foreign refugees that had received refugee status under the previous government. UNHCR literature explains that this involvement was possible through the application of the High Commissioner's "good offices".[74] Over the course of the 1960, the General Assembly had extended the High Commissioner's mandate by allowing for this practice, which is generally understood as acting towards providing a solution in an unofficial capacity, when someone or an organization cannot officially intervene.[75] Usually, UNHCR lends its good offices when invited by a country of first asylum is overwhelmed by the sudden influx of a group of refugees resulting from a particular situation.[76] In Chile, however, it is debatable that the junta ever invited UNHCR, as it was Sadruddin's telegram of September 13 that initiated the cooperation. The telegram was an indication of Sadruddin's global ambitions to expand his mandate to regions where UNHCR had previously had limited or no influence.[77]

UNHCR representatives in the field furthermore noticed that their presence in Chile, at the exact same time that the persecutions were taking place, made it very complicated to limit themselves to UNHCR's mandate. Already in November 1973, Haselman decided to grant an exception to what he called "informal refugees" or foreigners who had never acquired refugee status before but were now facing persecution under Chile's new regime.[78] By arranging their resettlement, Haselman stepped outside of the boundaries he and his superior, Gilbert Jaeger, had set in the beginning. However, as foreigners they were *outside of their country of nationality* and they most certainly *feared persecution* in their country of habitual residence. This first extension could be seen as a creative extension UNHCR's Statutory Mandate.[79] Far more

[74] UNHCR, *The State of the World's Refugees, 2000*, 127; Druke, "Chile: Exile and Return under Dictatorship," 314.
[75] Gilbert Jaeger was one of the drafters of the Good Offices Resolutions and explains their working rather well in his interview. UNHCR 36, Collected Staff Narratives, Dr. Gilbert Jaeger, Interview 2, 20 April 1998.
[76] Jackson, *The Refugee Concept in Group Situations*, 103.
[77] Loescher, *The UNHCR and World Politics*, chap. 6.
[78] UNHCR 11/2, Box 19 100.GEN.CHL Refugees from Chile General (1973-1983), Folio 5, Incoming cable dispatched from New York No. YZ 438, 13 November 1973.
[79] Statute of the Office of the United Nations High Commissioner for Refugees, sec. 6B. Sometimes other international organizations got involved was well, such as the

difficult was it for UNHCR to provide protection for Chilean asylees in the embassies, who had not yet crossed any borders.

Other humanitarian organizations filled a protection gap as the junta expelled more people than UNHCR was willing to recognize under its mandate. As was the case for the foreign refugees, the junta was eager to see the asylees leave, but UNHCR did not formally have any authority over them, as they fell under the 1954 Caracas Convention rather than the 1951 Refugee Convention.[80] For Foreign Minister Huerta, however, complying with the Latin American agreements on asylum was also a showcase of his goodwill on the human rights front.[81] The human rights language and the fact that asylees often suffered extreme pressure from the junta gave UNHCR a dilemma. Eventually, UNHCR steered clear from these "procedural difficulties in dealing with those seeking asylum within their own country" and let ICEM process their resettlement.[82] Similarly to what had happened with the foreign refugees, the churches came together in solidarity with Chileans in distress. The Catholic Archbishop Raúl Silva Henríquez himself negotiated the establishment of the Cooperation Committee for Peace (Comité Pro Paz) with Interior Minister Óscar Bonilla. UNHCR's involvement in this organization was almost non-existent in comparison to the collaboration UNHCR had with CONAR.[83]

However, the formal detachment from the Chilean asylees did not mean that UNHCR completely disengaged. Haselman remained involved, albeit behind the screens. Even though the resettlement was arranged through ICEM, UNHCR staff provided information about unfilled resettlement quotas, which

---

World Council of Churches which sponsored the resettlement of foreigners who did not fall under UNHCR's mandate. Saavedra, *Sociedad civil en dictadura*, 55.

[80] AHMRE, Fondo Organismos Internacionales 623, CIME 1973, Letter from ICEM to Jaime Lagos, Directorate of International Organizations at the Chilean Foreign Ministry, 30 October 1973., 30 October 1973.

[81] CL MMDH, 00000632-000031-000001, Fondo Insunza Sergio, International Commission of Enquiry into the Crimes of the Military Junta in Chile, Chile generously fulfills the agreement on the right of asylum, 5 January 1974.

[82] Alan Angell and Susan Carstairs, "The Exile Question in Chilean Politics," *Third World Quarterly* 9, no. 1 (1987): 152.

[83] I have only found traces of UNHCR's exchanges with the Comité Pro Paz in the case of family reunion to Ireland. UNHCR 11/2, Box 103 100.IRE.GEN Refugees from Chile in Ireland. Dealings with the Vicariat started much later, as soon as UNHCR got involved in the repatriation of Chilean refugees.

they already had negotiated with countries for the foreign refugees.[84] Moreover, CONAR, which officially only had a mandate to work with foreign refugees, started to provide food aid to asylees in the embassies next to the foreign refugees in its own safe havens.[85] UNHCR and CONAR also acted on behalf of the Chilean family members of asylees and foreign refugees and arranged their resettlement once their spouses had left the country.[86] Most importantly, as soon as the asylees had left Chilean territory, UNHCR considered them as *prima facie* refugees under its mandate, which provided them with the opportunity to get involved with the Chilean refugees as soon as they arrived in their resettlement countries.[87] However, not all of these "refugees" necessarily wanted UNHCR's protection, as we will later see in this chapter.

In general, the international organizations helped only a few thousand people in the first months after the coup. UNHCR's work with the foreign refugees was completed by the end of 1973. CONAR's life span was extended by another month – it operated eventually until February 28, 1974.[88] In CONAR's final report, it claims that it served 4,442 persons, of which 2,985 passed through safe havens. Between 3,645 and 3,870 persons were resettled with CONAR's assistance (the numbers in the report contradict each other).[89] Of these refugees under the auspices of CONAR, only 2,298 persons were recognized as refugees by the previous government under the 1951 Convention.[90] ICEM had a wider mandate than that of UNHCR. Between the coup

[84] UNHCR 11/2, Box 19 100.GEN.CHL Refugees from Chile General (1973-1983), Folio 5, Incoming cable dispatched from New York No. YZ 438, 13 Nov. 1973.
[85] CL MMDD, 00000046-000023-000003, Fundación de Ayuda Social de las Iglesias Cristianas, Informe del Comité Nacional De Ayuda a los Refugiados del programa Septiembre 1973 – Febrero 1974, June 1974.
[86] CL MMDD, 00000046-000023-000003, Fundación de Ayuda Social de las Iglesias Cristianas, Informe del Comité Nacional De Ayuda a los Refugiados del programa Septiembre 1973 – Febrero 1974, June 1974.
[87] National Archives of Australia, Canberra (hereafter NAA), A446/165/1974/78037, UNHCR Note on Resettlement from Chile, Argentina and Peru, 10 April 1975.
[88] See: ARNAD, Ministerio del Interior, Decretos, Volumen 17496, 1973, SUPREMO DECRETO NO. 1880, SANTIAGO, 22 de Deciembre de 1973).
[89] CONAR also provided food aid to asylees in the embassies, as well as in its own refuges. CL MMDD, 00000046-000023-000003, Fundación de Ayuda Social de las Iglesias Cristianas, Informe del Comité Nacional De Ayuda a los Refugiados del programa Septiembre 1973 – Febrero 1974, June 1974.
[90] UNHCR 11/2, Box 72 100.COL.GEN Refugees in Colombia General (1976-1984), Folio 3, Annex, Office of the United Nations High Commissioner for Refugees.

and March 1, 1974, it transported 4,506 persons to the airport, including persecuted Chileans from the various foreign embassies.[91] These numbers were meager compared to general estimates of the Chilean diaspora, which range from 200,000 to two million, depending on which groups are included (see chapter 6).[92]

In Chile, the international organizations did not just protect refugees, they also explored opportunities to expand and to gain relevance in a world in which European refugees were a much less important fact. This follows from the observation that the end of the resettlement program for foreign refugees around the turn of the year did not mean that operations ended. UNHCR remained present in Santiago and Haselman was replaced by a new representative, Daniel Blanchard, in January 1974. Other representatives would follow, until the office was eventually closed in 1995.[93] ICEM and ICRC also continued their operations in Chile and would even gain importance, especially when from 1975 onwards family reunion became an important

---

Resettlement and Voluntary Repatriation of Refugees from Latin America (from September 1973 to 30 November 1976).

[91] UNHCR 11/2, Box 19 100.GEN.CHL Refugees from Chile General (1973-1983), Folio 6, Incoming cable dispatched from Santiago HQRSANT 32 from Schlatter, Resettlement Operation, 13 November 1973.

[92] The most common interpretation is that the diaspora consists of all political fugitives, whether they attained refugee status or not. That group is estimated to consist of 150,000 to 200,000 persons. See: Wright and Oñate Zúñiga, "Chilean Political Exile," 31; Mario Sznajder and Luis Roniger, *The Politics of Exile in Latin America* (Cambridge: Cambridge University Press, 2009), 230; Haake and Santoni, "Geografía Política Del Exilio Chileno," 124; Natalia Laura Casola, "Una escala peligrosa. Los refugiados chilenos en Buenos Aires durante el tercer gobierno peronista (1973 - 1976)," 2017, 14. Other scholars maintain a wider definition, including also the so-called "economic migrants" that left Chile as a result of the neoliberal reforms from 1975 onwards. They estimate that in total one to two million Chileans at a certain point left the country. See: Jorge Arrate, *Exilio: Textos de Denuncia y Esperanza.* (Santiago: Ediciones Documentas, 1987), 90–91; Montupil I., *Exilio, derechos humanos y democracia*, 10; Jorge Gilbert, *Edgardo Enríquez Frödden, Testimonio de Un Destierro* (Santiago: Mosquito Editores, 1992), 122; Claudio Bolzman, "De l'exil à la diaspora : l'exemple de la migration chilienne," *Autrepart* 22, no. 2 (2002): 93; Loreto Rebolledo, "Memorias del des/exilio," in *Exiliados, emigrados y retornados: chilenos en América y Europa, 1973-2004, 2006, ISBN 956-284-498-6, págs. 167-192* (Exiliados, emigrados y retornados: chilenos en América y Europa, 1973-2004, RIL Editores, 2006), 167–92.

[93] Druke, "Chile: Exile and Return under Dictatorship," 385.

activity.[94] The Chilean NGOs also continued to exist, in coexistence with, or rather under the watchful eye of Pinochet's government. CONAR was replaced by a more permanent body called COMAR with an M (Commission for Aid to Refugees, *Comisión de Ayuda a los Refugiados*), with the same composition and function albeit with much smaller numbers of foreigners under its care.[95] In October 1974, COMAR became CALEX (Commission for Aid to Foreigners, *Comisión de Ayuda a los Extranjeros*), until in April 1975 the last successor of CONAR, FASIC (Social Aid Foundation of Christian Churches, *Fundación de Ayuda Social de las Iglesias Cristianas*) was founded.[96] At the request of Pinochet, the Comité Pro Paz was dissolved in December 1975 and replaced by the Vicariat of Solidarity (*Vicaria de la Solidaridad*) from January 1976 onwards.[97]

Did they manage to keep the junta's human rights abuses in check or did they instead legitimize the use of force by providing other solutions, such as exile

[94] In August 1975, the Helsinki Final Act was adopted after three years of negotiations at the Conference on Security and Cooperation in Europe (CSCE). Basket III on Human Rights specified the right to "unity of family". See "Helsinki Final Act, 1975. Reunification of Families Divided by International Borders"; Daniel C. Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism.* (Princeton: Princeton University Press, 2001), 28; Sarah B. Snyder, *Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network* (Cambridge UK, and New York: Cambridge University Press, 2011), 7. We know from correspondence between ICEM director John Thomas and the Ambassador for Chile to the UN in Geneva, Abelardo Silva-Davidson, that the Final Act affected family reunification in Chile, albeit only because it conformed the already existing situation. See AHMRE, Fondo Organismos Internacionales 692 ACNUR CIME, 1975, Migration Movement from Chile to Australia ex Santiago on June 5th, 1975 on Proflight 1874, 2 June 1975. UNHCR 11/2, Box 253 110.CHL Programming Chile (1977-1980), Folio 9, Memorandum from Belela Herrera to Robert Muller, 9 February 1979.

[94] UNHCR 11/2, Box 72 100.COL.GEN Refugees in Colombia General (1976-1984), Folio 3, Annex, Office of the United Nations High Commissioner for Refugees. Resettlement and Voluntary Repatriation of Refugees from Latin America (from September 1973 to 30 November 1976).

[95] Office of the United Nations High Commissioner for Refugees, *El Refugio: Refugees from Chile* (United Nations High Commissioner for Refugees, 1975), 20.

[96] Archivo Documental de Fundación de Ayuda Social de las Iglesias Cristianas de Chile (herafter CL ADFASIC), Fondo FASIC, Sección 2 Promoción y Defensa de los Derechos Humanos, Subsección 2 Jurídico, Serie 05 Exilio (FASIC 02-02-05).

[97] Smith, "Una perspectiva," 13–20.

that was legitimized by arguments about the right to leave? That question became paramount in August 1974, when Sergio Nessi, ICRC's Delegate-General for Latin America found out that the Chilean regime sought the aid of the humanitarian organizations in resettling Chileans as part of an amnesty program that would commute prison sentences of detainees into exile.[98] Gilbert Jaeger, who had been coordinating the Chilean operation from the UNHCR Headquarters in Geneva, reacted appalled. He remarked that "it would be effectively a blatant violation of human rights" to expel Chilean citizens. Given that respect for human rights was "the very basis of UNHCR activity", Jaeger thought it "difficult to see the Office of the High Commissioner helping a government to violate these rights."[99] Yet Jaeger also recognized that the exiles would most surely become refugees the moment they had left Chilean territory, in which case UNHCR would need to take up its responsibility anyway. He promised Nessi his constructive collaboration in the best interest of the people involved.

The Belgian Gilbert Jaeger had started to work with the Office of the UNHCR in 1951.[100] An economist by training, he was hired as an independent consultant in charge of a study on the Volksdeutsche problem. After his experience with war refugees, he took up his first leadership role in the Hungarian operation of 1956. John Kelly, whom we met as the head of the Ugandan Asian Section in chapter 2, reported to him. In 1959, their collaboration deepened as Jaeger became Deputy Director of External Relations, while Kelly took the position of Deputy Special Representative of the Secretary General for World Refugee Year. Together, they were involved in the drafting of the resolutions and the High Commissioner's good offices. They both moved on to work in refugee situations beyond Europe, most notably in Algeria, where they were together in the field, in 1962. In the 1960s both men combined their functions as regional representatives – Jaeger to Brussels, Kelly to London – with extensive field work in the Third World. Both men were ambitious. While Kelly moved on to become Deputy Director for Protection, Jaeger had set his ambitions to one the second most prestigious posts in the Office, Director of

[98] UNHCR 11/2, Box 19 100.GEN.CHL Refugees from Chile General (1973-1983), Folio 14a, Note pour le dossier (confidentiel) – Réunion HCR-CICR du 16 août 1974, 2 September 1973.
[99] Ibid. Original quote in French, translated by author.
[100] This paragraph summarizes UNHCR 36, Collected Staff Narratives, Dr. Gilbert Jaeger, Interview 1-3, 15-21 April 1998 and John Kelly, Interview 1, 1 April 1998.

Assistance. As that place was held by an older Scottish gentleman, Thomas Jamiesson, High Commissioner Félix Schnyder created a new position for Jaeger in 1965, namely Director of the Africa and Asia Division, which was effectively an alternate directorship of assistance. As soon as Jamiesson retired, in 1972, Jaeger assumed his position. As Director of Assistance, Jaeger became the driving force behind the resettlement from Chile.

Just like Kelly, Jaeger combined thorough knowledge of refugee law with the desire to develop UNHCR as the major agency within the UN system. Hence, when on September 11, 1974, at the first anniversary of the coup, Pinochet effectively declared the release of political prisoners without charge of offence in exchange for exile, or "release *cum* expulsion" (*extrañamiento* in Spanish), he needed to find a way for UNHCR to remain involved without openly breaching the terms of its mandate. Officially, UNHCR "kept aloof from the scheme since the persons concerned are not mandate refugees as long as they are in Chile" and because of the inherent human rights abuses in the schedule.[101] Jaeger wanted to steer clear of the possibility that Pinochet would use their help for his own reputation's sake and for resolving his internal opposition problem by simply removing all dissidents. However, he also argued that this served as an opportunity to improve a sizeable number of people's lives. According to him, UNHCR possessed the expertise and was best placed to carry out the resettlement operation.[102] Gilles Sicotte, then UNHCR's Head of Mission in Santiago, preserved UNHCR's reputation of neutrality, as he refused to attend the talks between the governments and the (inter)national organizations, even as an observer. Nevertheless, he was kept in the information loop behind the scenes. He wrote to Jaeger in Geneva:

> [ICEM and CALEX] are however informing me regularly of developments, which I welcome, in the belief that you are desirous of keeping abreast of the situation. Eventually – and possibly quite soon – we shall be brought into one element of the operation, when the families of detainees […] will ask to join them.[103]

[101] UNHCR 11/2, Box 1275 641.CHL Expulsion and Deportation – Chile 1974-1984, Folio 14, Release and expulsion of detainees in Chile, 7 February 1975.
[102] Ibid.
[103] UNHCR 11/2, Box 1275 641.CHL Expulsion and Deportation – Chile 1974-1984, Folio 3a, Release of detainees for resettlement, 20 November 1974.

Despite the objections to getting involved with in the *extrañamiento* program, High Commissioner Sadruddin Khan agreed to reimburse ICEM travel expenses for exiles, "provided that they are recognized as refugees in the country of asylum."[104] This was quite a peculiar situation, as it meant UNHCR involvement with refugees without their having left their home country. In Uganda, an elaborate scheme with temporary refugee camps prevented UNHCR's ostensibly direct involvement with Ugandan Asians while they were still in Uganda. The application of UNHCR funds to ICEM went a step further. While UNHCR did everything to avoid direct association with the Chilean junta regarding Chilean nationals, it also saw in the arrangement a possibility for institutional growth. To interpret UNHCR's actions as a manifestation of its good offices obscures the fact that UNHCR entered the arrangement on its own terms and with its own ambitions in mind.[105]

PROTECTION OF CHILEANS OUTSIDE CHILE

In order to evaluate whether UNHCR's strategy worked effectively to provide protection for Chilean refugees, it is worthwhile to consider its dealings with Chileans once they had crossed a border. As mentioned before, all asylees in the embassies that had received resettlement assistance from ICEM or another humanitarian organization were considered *prima facie* refugees from the moment they left Chile. However, as the first wave of the resettlement operation drew to a close, it became clear that many Chileans preferred to hold on to their national passports and never applied for refugee status in their countries of resettlement.[106] On December 16, 1974, Robert Muller, chief of UNHCR's Europe Section, sent out a memorandum to all UNHCR delegations in Europe in which he stated:

This situation is a special one inasmuch as the High Commissioner's Office considers all Chileans who were assisted towards resettlement in Europe as

[104] UNHCR 11/2, Box 1275 641.CHL Expulsion and Deportation – Chile 1974-1984, Folio 6a, Memorandum from Gilbert Jaeger to High Commissioner, Transportation cost of detainees expelled, from Chile, 13 December 1974.

[105] It is noteworthy in this regard that the primary sources, collected at the UNHCR archives on the Chilean case and thoroughly researched through digital means, do not mention "good offices" even once.

[106] UNHCR 11/2, Box 72 100.COL.CHL Refugees from Chile in Colombia, Folio 1, Letter from Francisco Urrutia to George Koulischer (HQ), 30 August 1974.

being under the High Commissioner's Mandate. As a consequence thereof the High Commissioner should provide for the protection of these refugees which is, of course, difficult as many of them, being holders of national passports, still avail themselves – at least theoretically – of the protection of Chile.[107]

He asked the European Branch Offices to forward all relevant information on Chileans' status, the reasons why Chileans did not want to be considered as refugees, insights on possible counseling provided by each country for refugees to make them aware of the consequences of their decisions, and possible results of that counseling.[108]

The answers that Muller received to his memorandum show in great detail how Chileans abroad interacted with or understood the refugee regime and how they made sense of their own predicament by adopting the legal status most suitable to their needs. The UNHCR Branch Office in the Netherlands reported that indeed "a number of Chilean exiles have not yet regularized their status as a refugee in the Netherlands. It should, however, be noted that there is no need for them to do so".[109] The Dutch Branch Office equally provided assistance to all Chileans under the High Commissioner's Mandate, regardless of their status, and they saw UNHCR's resettlement assistance as sufficient proof of that mandate. In the Netherlands, like in most Western European countries, the fact that Chileans kept their national passports did not inhibit their eligibility for UNHCR assistance, so there was little incentive to apply for refugee status.

However, not applying for refugee status was also a conscious strategy for some Chileans. Their main reason to retain Chilean nationality was that they "believed that the granting of this [refugee] status would prevent continuation

[107] UNHCR 11/2, Box 19 100.GEN.CHL Refugees from Chile General (1973-1983), Folio 16a, Memorandum: Chilean Refugees – Problems in connection to their status [from Robert Muller, Chief Europe Section], 16 December 1974.
[108] UNHCR 11/2, Box 19 100.GEN.CHL Refugees from Chile General (1973-1983), Folio 16a, Memorandum: Chilean Refugees – Problems in connection to their status [from Robert Muller, Chief Europe Section], 16 December 1974.
[109] UNHCR 11/2, Box 132 100.NL.CHL Refugees from Chile in the Netherlands (1975-1983), Folio 1, Letter from UNHCR Representative in the Hague to Robert Muller, 14 January 1975.

of active participation in exile politics".[110] Others feared reprisals against their relatives still in Chile or wished to return as soon as possible.[111] In Italy for instance, the UNHCR Representative remarked that

> In general these persons have no interest or intention to legalize their position in Italy. Being largely militant ultra-leftists, they prefer to remain in clandestinity to preserve better liberty of movement. For the Italian authorities these persons are 'clandestine foreigners' and – in theory – could be persecuted by law.[112]

The Italian authorities were very displeased by this fact, as it caused "serious administrative problems".[113] Italy, being one of the states that had opted for geographically limiting the 1951 Convention to European refugees at the time they ratified it in 1954, had exceptionally waived this restriction for the Chilean exiles, as Italy's central-left government felt much sympathy for the Allende supporters.[114] Yet, at least 86 out of 373 Chileans in Italy refused refugee status under the 1951 Convention.[115] Exile and refugee protection were clearly different things, at least in the eyes of the Chileans themselves. In fact, many Chileans believed that a clandestine life in Europe granted them more freedom of movement than any recognized legal status.

---

[110] UNHCR 11/2, Box 87 100.GRF.CHL Refugees from Chile in the German Federal Republic (1975-1986), Folio 1, Letter from UNHCR Representative in West Berlin to Robert Muller, 23 January 1975.
[111] UNHCR 11/2, Box 207 100.UK.CHL Refugees from Chile in the United Kingdom, Folio 1, Letter from UNHCR Representative in London to Robert Muller, 14 February 1975.
[112] UNHCR 11/2, Box 109 100.ITA.CHL Refugees from Chile in Italy (1975-1977), Folio 1, Letter from UNHCR Representative in Rome to Robert Muller, 26 March 1975.
[113] Ibid.
[114] Italy retained the "territorial reservation clause" even after they acceded to the 1967 Protocol in 1972. They had an agreement with UNHCR to only host non-European asylum seekers as "refugees under the Mandate of UNHCR" on a temporary basis before their resettlement in another third country. Approximately 200,000 refugees passed through Italy in that fashion between 1952 and 1989, until the clause was lifted in 1990. Elisabeth Wacker, Ulrich Becker, and Katharina Crepaz, *Refugees and Forced Migrants in Africa and the EU: Comparative and Multidisciplinary Perspectives on Challenges and Solutions* (Wiesbaden: Springer Viewegin Springer Fachmedien Wiesbaden GmbH, Springer, 2019), 173.
[115] Ibid.

Their national passports granted them as many possibilities to travel as the Convention Travel Documents (CTD) that came with recognition under the 1951 Convention. Even though these passports were restricted by the imprint of a bright red letter "L" (from *limitado*), which meant that the holder could not return to Chile, this did not matter much since the CTD also inhibited the return to one's country of origin. The meaning of this "L" also remained obscure until 1977, when the junta started talking about an amnesty law.[116] When they eventually issued Decree Law 2129 of April 19, 1978, UNHCR became involved in the repatriation of all those who were allowed to return, regardless of their legal status.[117] The repatriation again shows UNHCR's eagerness to remain involved in the Chilean case.[118] By working together with the Chilean government towards the return of Chileans, the organization lost all its leverage to hold the regime responsible for its continuous human rights abuses.

Perhaps the clearest gap between refugee protection aims and outcomes can be observed in Argentina. From the start of the military dictatorship, people had started spontaneously crossing the border into Chile's neighboring countries, not only Argentina but also Peru. Both countries indicated that they were prepared to give temporary asylum but no permanent resettlement to the Chileans and UNHCR committed to finding resettlement places in third countries, as we will see in chapter 5.[119] The Chileans in Peru and Argentina fulfilled both the criteria of being outside their country of nationality and well-founded fear of persecution. However, while both Peru and Argentina had acceded to the 1951 Convention for Refugees, both had maintained the geographical

[116] UNHCR 11/2, Box 253 110.CHL Programming Chile (1977-1980), Folio 9, Memorandum from Belela Herrera to Robert Muller, 9 February 1979.
[117] Druke, "Chile: Exile and Return under Dictatorship," 307. See also: UNHCR 11/2, Box 253 110.CHL Programming Chile (1977-1980), Folio 9, Memorandum from Belela Herrera to Robert Muller, 9 February 1979.
[118] Eliana Ortiz Mireya Vera, "Exilio y Repatriación. Asistencia Social y Laboral," in *Exilio 1986-1978*, ed. FASIC (Santiago de Chile: Amerinda Ediciones, 1986), 81–121.
[119] UNHCR 11/2, Box 72 100.COL.GEN Refugees in Colombia General (1976-1984), Folio 3, Annex, Office of the United Nations High Commissioner for Refugees. Resettlement and Voluntary Repatriation of Refugees from Latin America (from September 1973 to 30 November 1976).

restriction that reduced refugees to Europeans.[120] For that reason, Chileans could not become Convention refugees, recognized by the respective governments, and resorted only under the protection of UNHCR's mandate. The ways in which Mandate status was granted resembled the procedures set up in Chile, as (oecumenic) religious organizations, similar to CONAR and FASIC, were in charge of the Chilean refugees. In Peru, the religious organizations worked almost independently from UNHCR and granted refugee status to virtually all Chileans crossing the border.[121] As the resettlement effort of foreign refugees in Chile drew to a close, in late 1973, the Chileans in Peru were the first to receive UNHCR attention and were resettled consistently throughout the decade.[122]

In Argentina, however, the refugee situation had been tense from the start. With the death of President Juan Domingo Perón and the take-over by his wife Isabel Martínez de Perón in July 1974, the situation rapidly worsened in Argentina. Increasingly, Chilean refugees in Argentina were imprisoned, murdered, or kidnapped.[123] The caseload of Chileans in Argentina was the largest in the world and continued to grow when in 1975 the neoliberal reforms of the so-called *Chicagos* (also known as the Chicago Boys) started to take effect. As the Chilean economy plummeted, ever more Chileans started to arrive in Argentina.[124] Admitting that they had fled Chile for economic reasons, potential resettlement countries – the UK and Australia in particular – started framing these people as "economic refugees", which were people

[120] UNHCR 11/2, Box 72 100.COL.CHL Refugees from Chile in Colombia, Folio 4, Confidential Memorandum from Gilles Sicotte to Headquarters. Establishment of Regional Office, 3 March 1977.
[121] NAA, A446/1974/775554, Telegram from the Australian embassy in Lima to Canberra, 14 February 1975.
[122] For a summary see: UNHCR 11/2, Box 134 100.NZ.GEN Refugees in New Zealand General, Folio 4, Koulischer to Volfing, Your visit to Japan, Australia and New Zealand, 13 April 1977.
[123] TNA, HO376/196, Wendy Tyndale, Visit to Chile and Argentina for the Joint Working Group for the Resettlement of Refugees from Chile in the United Kingdom, 6-9 July 1975.
[124] Luis Roniger et al., *Exile, Diaspora, and Return: Changing Cultural Landscapes in Argentina, Chile, Paraguay, and Uruguay* (Oxford: Oxford University Press, 2018), 21. I would like to thank my student David Khalil Zare for his brilliant bachelor thesis, which has helped me to develop this point: "Dubbele Vluchtelingen. De Gevolgen Voor Chileense Vluchtelingen in Argentinië Na de Militaire Dictatuur Eind Jaren 1970" (BA Thesis, Leuven, KU Leuven, 2020).

"under no threat of death or imprisonment but finding it difficult to get work or promotion by reason of their political allegiance".[125] Under pressure by declining resettlement spots in the west (see chapter 5), UNHCR reverted to the strategy of dividing Chileans into political refugees worthy of international protection and "economic migrants", which did not fell under its mandate, as economic criteria were no part of the list of possible persecutions refugees could fear.[126] However, in 1976, the situation grew worse when a coup by Lieutenant General Jorge Rafael Videla ousted President Isabel (Martínez de) Perón, but UNHCR's strategy barely changed.[127] Although UNHCR became again more involved after the revelations of Videla's cruelty against Chilean refugees, many refugees in Argentina remained insufficiently protected and had no hopes for resettlement.

Even though the Chilean junta's commitment to human rights was limited to freedom of movement, this meager concession to international law opened windows of opportunities that remained closed in Argentina, where human rights abuses were arguably worse. Unlike Pinochet, Videla had absolutely no intention of upholding humanitarian or human rights standards *vis-à-vis* the refugees. Moreover, as Argentina maintained the geographic limitation and refugees thus did not fall under Argentinian obligations under the 1951 Convention, it could not be legally forced to do so. That situation also differed starkly from the one in Chile, where Pinochet had to uphold the norms of the previous government. Most importantly, however, the Argentinian situation did not capture the imagination of the international community as the Chilean one had.[128] Hence, for Chileans in Argentina there was even less hope than elsewhere in the world, where their options remained more open.

[125] TNA, HO376/195/44, Immigration: Foreign Nationals. Refugees from Chile: Limitation on Future Acceptance, 22 January 1975; NAA, A446/1974/775554, Telegram from the Australian embassy in Lima to Canberra, 14 February 1975.
[126] NAA, A446/165/1974/78037, UNHCR Note on Resettlement from Chile, Argentina, and Peru, 10 April 1975.
[127] Luis Roniger and Mario Sznajder, *The Legacy of Human-Rights Violations in the Southern Cone: Argentina, Chile, and Uruguay*, Oxford Studies in Democratization (Oxford: Oxford University Press, 1999), 11–12; Roniger et al., *Exile, Diaspora, and Return*, 15.
[128] Roniger et al., *Exile, Diaspora, and Return*, 115.

CONCLUSION

This chapter has investigated the central tension in the interpretation of human rights with regard to the refugees from Chile. During the Chilean crisis, the shift occurred from a focus on conservative rights (the right to leave) to liberal rights (the protection from harm). Especially in the early phase after the coup, the right to leave had strong appeal and served to legitimize, or rather disguise the junta's other human rights violations. The chapter shows how UNHCR sought to expand its activities to the detriment of the liberal understanding of human rights. By choosing resettlement as the preferred durable solution, UNHCR did not just rescue victims of human rights, as Gil Loescher has claimed. It also gave legitimacy to the junta's persecution and expulsion. Resettlement under UNHCR auspices helped an oppressive regime ridding itself of its dissident population.

The interactions between UNHCR officials such as Haselman, Jaeger, and the High Commissioner himself, show that they were intrinsically aware of the boundaries of their own mandate. Initially, when UNHCR established an office in Santiago and created resettlement channels for foreign refugees leaving Chile, they were careful not to overstep legal boundaries when granting protection. Yet, at the same time, UNHCR practical assistance in the resettlement of exiles indicates otherwise. There was a grey zone that allowed them to act on behalf of refugees still within their own territory. That grey zone had already been explored – and the legal boundaries carefully guarded – in Uganda, but in Chile, UNHCR made bolder moves. In doing so, it walked the thin line between openly supporting human rights abuses (the arbitrary exile of Chilean nationals) and leaving people unprotected. UNHCR maintained its operations in Chile throughout the 1970s and into the 1980s, because gradually, it started granting protection to Chileans in Chile, *as long as they agreed to leave their country*. However, leaving did not always guarantee protection, as the situation of the Chileans in Romania in chapter 6 will show.

Gil Loescher asserts that UNHCR's "[r]eluctance to criticize governments for their human rights policies or to cooperate closely with UN human rights bodies" characterized its operations in the 1970s, but that it aimed at "rescuing human rights victims through overseas resettlement programmes".[129] In real-

[129] Loescher, *The UNHCR and World Politics*, 175, 165.

ity, however UNHCR's position was even more ambiguous. Not only did UNHCR refuse to criticize human rights violators, in Chile it closely worked together with a government that knowingly committed severe human rights abuses. The Chilean junta's obsession with exile and freedom of movement, combined with the fact that Chile had previously acceded to the Refugee Convention and Protocol (without any geographical restrictions) provide UNHCR with an opportunity to assert itself. This small window remained close in Argentina, where, as we have seen, UNHCR actually avoided getting too involved with potential refugees, assigning other categories such as "economic migrant" to Chileans stranded there to evade responsibility for them. UNHCR did clearly not attach the same importance to rescuing all human rights victims.

4

To Be or Not to Be a Refugee from Indochina

Tension between Humanitarian Aid and Refugee Recognition

In 1970, UNHCR's Regional Representative in London John Kelly had a conversation with the Australian journalist Richard "Dick" Hall that sounded like a foreshadowing of the Indochinese refugee crisis. Hall had just become private secretary to the Australian Labour Party Leader Gough Whitlam and predicted that the latter would win the elections in 1972 (which he did). Furthermore, he foresaw that the American engagement supported by Australian troops in Vietnam would soon come to an end. "When that happens," Hall told Kelly, "a very considerable number of South Vietnamese will be in great danger of being massacred by the Viet Cong, and there will be very strong pressure in the USA, Australia, etc. to take a number"– he estimated around 500,000 – "of these people out of Vietnam as refugees and into safety".[1] UNHCR, he suggested to Kelly, should "keep this in mind for long time planning". Kelly reported the information to his superior, Gilbert Jaeger, who at the time was Director of the UNHCR Africa and Asia Division. He wrote, "Mr. Hall thinks that all this is likely to happen in about two to three years' time, but believes that we should be ready for it when it comes". Jaeger, however, was dismissive. In the absence of UN High Commissioner Sadruddin Aga Khan due to a trip to Africa, he wrote: "Without prejudging the High Commissioner's reaction, I tend to believe that your letter is, at the present stage, chiefly food for thought and does not require any kind of immediate

[1] UNHCR 11/2, Box 32 100.GEN.SRV Refugees from the Socialist Republic of Vietnam - General [Vol. 1] 1968-1977, Folio 82, Kelly to Jaeger, Refugees from South Vietnam, 2 January 1970. All further quotations in this paragraph are from the same source, unless indicated otherwise.

action. I shall, however, revert to the subject if need be".[2] The implicit message was that refugee developments on the African continent required more immediate attention and that senior officials in UNHCR had little interest in getting mixed up in the Indochinese conflict.

After the end of the war in 1973, and particularly after the fall of Saigon in 1975, the events in Indochina unrolled more or less as Hall had predicted, apart from the massacres (which the Viet Cong was accused of, but later turned out to be a long-standing myth). UNHCR officials received several requests – from Thailand, and the United States, but also from Vietnamese and Cambodian individuals – for refugee assistance and protection. Yet, just as Jaeger in 1970, they tried to remain as unengaged as possible.[3] Between 1975 and 1979, the number of refugees recognized under UNHCR's mandate and the 1951 Convention and 1967 Protocol Relating to the Status of Refugees remained a small portion of the total of people leaving the region.[4] Given the great effort UNHCR had put in the protection of people who did not strictly fit the refugee definition in both Uganda and Chile in the first half of the decade, and the potential degree of preparedness due to the abundance of information about the Vietnamese situation, it is peculiar that UNHCR did not want to get more involved with the refugees from Indochina. Meanwhile, the United States had started to receive large numbers of Indochinese: in total, 125,000 Vietnamese and 5,000 Cambodians found new homes in the United States before the end of 1975.[5]

In collective memory, Indochina became intrinsically linked to refugeehood as resettlement from Vietnam was one of the largest refugee movements in

[2] UNHCR 11/2, Box 32 100.GEN.SRV Refugees from the Socialist Republic of Vietnam - General [Vol. 1] 1968-1977, Folio 83, Jaeger to Kelly, 9 January 1970.
[3] Robinson, *Terms of Refuge*, chap. 2.
[4] Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 177; Claire Higgins, "Status Determination of Indochinese Boat Arrivals: A Balancing Act in Australia," *Journal of Refugee Studies* 30, no. 1 (2017): 89–105; Lipman, *In Camps*, 16–19; Taylor et al., "Introduction," 13–18.
[5] Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 174–77; Heather Marie Stur, "'Hiding Behind the Humanitarian Label': Refugees, Repatriates, and the Rebuilding of America's Benevolent Image After the Vietnam War," *Diplomatic History* 39, no. 2 (2015): 223–44; Lipman, *In Camps*.

postwar history, particularly to the United States.[6] In 2006, ethnic studies professor Yến Lê Espiritu remarked that "the 1975 cohort, as state-sponsored refugees, may be the most studied arrival cohort in US immigration history".[7] In a series of critical articles, she argued that the refugees could not be disconnected from the American defeat in the Vietnam War. They were a product of post-Vietnam War American decisions, attempting to rehabilitate the United States as moral victors despite military defeat, what she called "the 'We-Win-Even-When-We-Lose' Syndrome".[8] This intervention was crucial for investigating the role of American humanitarianism. However, Espiritu looked at the *function* of the refugee in US foreign and domestic policy and therefore consciously disregarded the fact that the group that she described – the Indochinese that arrived in the US between 1975 and 1979 – were *legally not refugees*. She even advocated a shift away from the "refugee as a legal classification" to the refugee as an "idea" that underpinned notions of morality and humanitarianism.[9] In 2020, historian Jana Lipman counteracted that viewpoint. She argued that legal labels did matter, since they reveal "ways in which people found themselves trapped between governments, geographies, political eras, and even language".[10] Outside the US, for instance in the camps in Southeast Asia that Lipman studied, the fact that some were and others were not refugees under UNHCR protection had an enormous impact on outcomes

[6] Examples of the former are Gail Paradise Kelly, *From Vietnam To America* (Abingdon: Routledge, 1977); G.S. Morrison and Felix Moos, "Halfway to Nowhere: Vietnamese Refugees on Guam," in *Involuntary Migration And Resettlement: The Problems And Responses Of Dislocated People*, ed. Art Hansen (Routledge, 1982); Kwok Bun Chan and David Loveridge, "Refugees 'in Transit': Vietnamese in a Refugee Camp in Hong Kong," *The International Migration Review* 21, no. 3 (1987): 745–59. Examples of the latter, among many others, are Nathan Caplan, John. K. Whitmore, and Quang L. Bui, *The Boat People and Achievement in America: A Study of Family Life, Hard Work, and Cultural Values* (Ann Arbor: University of Michigan Press, 1989); Rubén G. Rumbaut, "Vietnamese, Laotian, and Cambodian Americans," in *Contemporary Asian America: A Multidisciplinary Reader*, ed. Min Zhou and James V. Gatewood (New York: New York University Press, 2000); Linda Trinh Vô, "Vietnamese American Trajectories: Dimensions of Diaspora," *Amerasia Journal* 29, no. 1 (2003): ix–xviii; Aihwa Ong, *Buddha Is Hiding: Refugees, Citizenship, the New America* (Berkeley: University of California Press, 2003).

[7] Espiritu, "Toward a Critical Refugee Study," 411.

[8] Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 174–77; Lipman, *In Camps*, 25–27; Espiritu, "The 'We-Win-Even-When-We-Lose' Syndrome."

[9] Espiritu, "Toward a Critical Refugee Study," 411–12.

[10] Lipman, *In Camps*, 19.

for the people concerned. In 2021, Becky Taylor and her colleagues have made that same point about the "refugees" coming to Europe and Israel.[11] Yet, even these two latest contributions do not explain *why* the Indochinese had such a hard time acquiring refugee status until 1979.

This chapter investigates where the reluctance from UNHCR officials to recognize fugitives from Indochina as refugees originated and how it developed. In order to do so, this chapter starts earlier than conventional histories of the refugee movement in Indochina and goes back to the early 1970s, at the time of the conversation between Hall, Kelly, and Jaeger. This chapter will show that UNHCR's self-proclaimed neutrality as "an apolitical and impartial institution" was a fiction.[12] In the 1970s, UNHCR's internal goal was to establish itself as the major humanitarian agency in the UN system and to break out of the confines of its European Cold War framework.[13] Vietnam played an important role in these political objectives. This chapter will demonstrate how UNHCR officials set up humanitarian actions within Vietnam, and collaboration with the Vietnamese communist authorities to gain legitimacy not only in Vietnam, but in the entire Third World, as well as in the communist bloc. However, while they did so, political considerations and personal ambitions took priority over the refugees' interests, just as was happening in Chile around the same time.

Because of the extensive use of Vietnamese source material, this thesis shows something that established authorities on the Vietnamese exodus, such as Courtland Robinson and Ivor Jackson, have not sufficiently appreciated, namely the extent to which UNHCR officials went to placate the Vietnamese regime(s). I will argue that the senior actors with most legal experience inside the UNHCR set the tone between April 1975 and the establishment of the Orderly Departure Program (ODP) in 1979, and that they had a profound impact on the mechanism behind how refugee status was granted, but more often denied to Indochinese refugees.

---

[11] Taylor et al., *When Boat People Were Resettled, 1975–1983*, 13.

[12] Barnett, "Humanitarianism with a Sovereign Face." Other authors have also undermined Barnett's notation that UNHCR managed to remain neutral, just as the previous chapters have done. For clear examples in the historical literature, see Neumann, "Hush-Hushing the Whole Matter: The UNHCR, Australia, and West Papuan Refugees"; Schöch, "UNHCR and the Afghan Refugees in the Early 1980s."

[13] Loescher, *The UNHCR and World Politics*, chap. 6.

To understand the relationship between UNHCR and Vietnam and the effect on people fleeing the region, the first section delves into the decades prior to the 1970s and demonstrates that UNHCR by all means avoided getting involved into Indochinese refugee problems. The second section analyzes how this neglect turned into active involvement after the Paris Accords of 1973 and argues that this was part of UNHCR's strategy to receive more credit in the Third World and within the communist bloc. The third section reveals the connection between, on the one hand, UNHCR's aim to augment its presence in Vietnam by providing humanitarian assistance and, on the other hand, its reluctance to become involved with the American effort to evacuate Cambodians and South Vietnamese. In the fourth section, the hesitation to grant refugee status and international protection to Indochinese people as a group is investigated by looking at UNHCR's operations in countries of first asylum, such as Thailand, and its discussions with potential resettlement countries, like Belgium and Italy. The last section reflects on the question why the term "refugee" was such a taboo to UNHCR and the Vietnamese authorities, and why it changed so drastically in 1979, when under ODP all Vietnamese who managed to leave were recognized as *prima facie* refugees under UNHCR's mandate.

RELUCTANCE TO BECOME INVOLVED IN INDOCHINA

While the historical memory of refugee movement in Indochina is dominated by the end of the Vietnam War, at least two major earlier exoduses took place from the region in the twentieth century in which UNHCR could have become involved. The most famous one resulted from the Geneva Armistice Agreements on Indochina in 1954, which ended the French involvement in the Vietnam War. In Geneva, a settlement was reached regarding a population exchange between the communist North and the South. In the three hundred day period after the agreement, 900,000 people – mainly Catholics and collaborators from the French regime – travelled from north to south. 130,000 others – predominantly communist cadres – went in the opposite direction.[14] The operation was mostly an American matter, coordinated by the United States Operations Mission (USOM) with some aid from UNICEF and the

[14] Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 172–73; Trinh Van Vinh, "A research on North Vietnamese migration (1954-1957) [Translated from Mandarin]" (PhD Dissertation, Beijing, Beijing Normal University, 2020).

American charity CARE. Although the Geneva Agreements left an opening for the United Nations to become more involved in postcolonial Vietnam, no demarche was made to UNHCR for assistance with the massive refugee movements.[15]

The refugee movement that would become of interest to UNHCR in the late 1960s and 1970s emerged before the Office even was created, during the First Indochina War (1946-1954). Between 1946 and 1948, 55,000 ethnic Vietnamese with communist sympathies crossed through Laos to reach Thailand. UNHCR's predecessor, the International Refugee Organization (IRO) was asked by a French humanitarian organization (the *Association d'Assistance aux Réfugiés de Guerre Vietnamien en Thaïlande*) to provide assistance, but refused. IRO's mandate was not limited to Europe (it had operations in Hong Kong, for instance), but it was defined by the experience of the Second World War. The events in Vietnam were seen as divorced from the Second World War and, subsequently, IRO Director General Donald Kingsley considered these refugees outside his mandate.[16] In 1951, the Vietnam-American Friendship Association repeated the same question. Again, IRO responded that it was not in a position to offer assistance, but it forwarded the question to the freshly elected first United Nations High Commissioner for Refugees, Gerrit Jan van Heuven Goedhart, who had a more universal mandate under UNHCR's Statute.[17]

In June 1953, the High Commissioner sent his Representative for the Far East, Aamir Ali, to investigate the matter. He reported that he thought a large portion of the group would fall *prima facie* under the mandate of UNHCR as refugees from French rule. He recommended bestowing this group with Mandate status upon further investigation. However, his colleagues at the UNHCR Headquarters in Geneva disagreed. According to them, the State of Vietnam

[15] Ronald Bruce Frankum, *Operation Passage to Freedom: The United States Navy in Vietnam, 1954-1955* (Lubbock: Texas Tech University Press, 2007).
[16] UNHCR 36, Collected Staff Narratives, Dr. Gilbert Jaeger, Interview 1, 15 April 1998. See also: Jackson, *The Refugee Concept in Group Situations*, 90–94.
[17] UNHCR 11/2, Box 199 100.THA.SRV Refugees from the Socialist Republic of Vietnam in Thailand [Vol. 1] 1966-1975, Memorandum from Gilbert Jaeger to the High Commissioner, Vietnamese in Thailand, 23 April 1969. All following information stems from this document, which was in fact a summary of a large collection of archival material compiled by Gilbert Jaeger at the request of High Commissioner Sadruddin Aga Khan.

(as South Vietnam was called at the time) had a recognized independent government under leadership of former emperor, and then chief of state Bảo Đại. From a legal perspective, they argued that "the existence of authorities dispensing justice without discrimination makes it *a priori* improbable that the conditions of persecution required by the Statute exist".[18] Or in other words, these people did not fall under UNHCR's mandate because they did not fear persecution and still could avail themselves to the protection of their own government.[19] The fact that these people with communist sympathies did not *want* to avail themselves to the protection of their own (western-oriented) government was in itself insufficient to establish refugee status under the mandate of the Office, according to UNHCR officials. As a result, and much to the dismay of the Thai government, this group remained in Thailand without international protection.[20]

In 1959, the International Committee for the Red Cross (ICRC) took the initiative to investigate the possibilities of the repatriation of these communist ethnic Vietnamese to North Vietnam.[21] To that end, the Thai Red Cross negotiated the arrangement of a ship between Bangkok and Haiphong with the North Vietnamese Red Cross. In 1960, the first ship with one thousand Vietnamese left Thailand. The operation continued for four years, until North Vietnam stopped the repatriation in August 1964, claiming that the harbor of Haiphong was no longer safe in view of the Gulf of Tonkin incident. The 30,000 remaining Vietnamese in Thailand caused an increasing problem for the Thai authorities, who moved them further south, away from the borders, to avoid the Indochinese conflict spilling over. When then High Commissioner Félix Schnyder was asked whether he could assist with the repatriation, he answered that it "would not be useful or desirable under present circumstances as ICRC was already involved" and that he preferred if the Govern-

[18] Cited in ibid.
[19] Statute of the Office of the United Nations High Commissioner for Refugees, sec. 6B.
[20] UNHCR 11/2, Box 199 100.THA.SRV Refugees from the Socialist Republic of Vietnam in Thailand [Vol. 1] 1966-1975, Memorandum from Gilbert Jaeger to the High Commissioner, Vietnamese in Thailand, 23 April 1969.
[21] Ibid..

ment of Thailand did "*not* raise the matter officially with UNHCR."[22] In subsequent years, UNHCR remained removed from the matter until in 1969 when the Thai Minister of Foreign Affairs, Mr. Thanat Khoman, requested the good offices of High Commissioner Prince Sadruddin Aga Khan in restarting the repatriation of Vietnamese in Thailand to North Vietnam. The High Commissioner did not honor the Thai request.[23]

In April 1971, it seemed like the repatriations would resume with permission of the communist government in Hanoi.[24] Gilbert Jaeger, who was at that time Director of the African and Asian division, showed no interest in getting involved.[25] UNHCR officials, and Jaeger in particular, explicitly wanted to stay out of the conflict, but not because they were not interested in refugee situations in the Third World. In fact, at exactly the same time, on April 23, 1971, the Indian authorities appealed to the United Nations Secretary General U Thant for assistance in the East Pakistan crisis. According to Gil Loescher, Thant "immediately agreed to this request […] and took the unusual step of asking Sadruddin to act as the 'focal point' for the coordination of the relief".[26] East Pakistan became a landmark case for UNHCR, because for the first time, it coordinated all other humanitarian organizations involved in the repatriation. It is here that UNHCR for the first time experienced and learned to assert its power. What made the Vietnamese in Thailand different?

Even UNHCR staff members found it hard to answer that question. Ivor Jackson, for instance, a UNHCR legal advisor, who later embarked on a Ph.D. project that led to a reference work on refugee status in war situations, could

[22] UNHCR 11/2, Box 199 100.THA.SRV Refugees from the Socialist Republic of Vietnam in Thailand [Vol. 1] 1966-1975, Memorandum from Gilbert Jaeger to the High Commissioner, Vietnamese in Thailand, 23 April 1969 [Emphasis added].
[23] Ibid.
[24] The repatriations were conducted by the International Commission for Supervision and Control in Vietnam (ICSC). ICSC was an international organization that was created in 1954 to oversee the implementation of the Geneva Accords in Vietnam. UNHCR 11/2, Box 79 100.DRVN.GEN Refugees from the Democratic Republic of Vietnam – General, Folio 16, Confidential Letter from Schlatter to Jaeger, 30 April 1971.
[25] UNHCR, Box 79 100.DRVN.GEN Refugees from the Democratic Republic of Vietnam – General, Folio 17, Letter from Jaeger to Schlatter, 29 July 1971.
[26] Loescher, *The UNHCR and World Politics*, 157.

not explain what precisely had set Indochina apart.[27] He had found only three situations in which the High Commissioner had extended his good offices to groups of war refugees in Indochina: to Vietnamese of Khmer origin in Cambodia between 1967 and 1970, to Cambodians in South Vietnam between 1970 and 1975, and to Burmese in Laos in 1972. These were all humanitarian aid projects with very small budgets, not interventions of refugee protection in a legal sense. Somewhat puzzled, he wrote,

> It is not clear from the documentation why the circumstances of the war in South East Asia were considered to be essentially different from the various 'war' situations in Africa in which a *prima facie* determination of mandate refugee status was resorted to under the 'good offices' mechanism in what could be regarded as somewhat similar circumstances.[28]

Looking at the archival record now, however, it becomes clear that UNHCR officials did not want to get involved in Indochina as long as it was not clear which of the warring parties was going to win. Getting involved with one group could jeopardize future collaboration with another one. To arrive at this insight, one type of document in the UNHCR archives is particularly valuable: the action sheets. Action sheets were slips of paper attached to more substantial reports, such as memoranda or notes for the file, where UNHCR officials "discussed" in (hand) writing who was responsible for completing an action and noted down if, when, and by whom the action was completed. It takes some training to recognized autographs and handwriting, but then, an amazingly intimate picture of UNHCR's officials' opinions appears. Two examples between July 1972 and January 1973 are illustrative:

---

[27] Jackson was an international lawyer who worked in UNHCR's protection section between 1958 and 1987, and who was specialized in refugee status determination. After his UNHCR career, he wrote a doctoral dissertation that was published under the title *The Refugee Concept in Group Situations* in 1999, which remains a standard work on the subject. Volker Türk, "Dr Ivor C Jackson: 1928-2014," *International Journal of Refugee Law* 27, no. 1 (2015): 1–2. See also: UNHCR 36, Collected Staff Narratives, Dr. Ivor Jackson, Interview 1, 8 April 1998.

[28] Jackson, *The Refugee Concept in Group Situations*, 220–28. Just like Schnyder had argued, these persons were considered war refugees under the mandate of ICRC, rather than refugees fearing persecution under the mandate of UNHCR.

In July 1972, a group of Vietnamese students, who were on an exchange program to Belgium, resisted their draft in South Vietnam, which at the time implied two years of military service. They applied for refugee status and the UNHCR Representative in Belgium had asked Headquarters' advice. On the action sheet, Jaeger asked for the views of the Director of Protection, Emmanuel Dadzie, who replied that "the call-up, which is an operation by law does not ipso facto amount to persecution." Sadruddin replied: "Noted, hardly our responsibility now but keep me informed."[29] In other words, UNHCR refused to formulate an opinion on the military situation in Vietnam and the refugee claim of the students was denied.

In November 1972, Otto W. Gobius, the Chief of the Asian Regional Section, wrote to the High Commissioner: "[m]ay be I am too pessimistic but from this vantage point, a post-Vietnam settlement situation looks grim and has the potential of refugee developments", particularly if Indochinese would cross into Thailand. On the action sheet, Jaeger noted: "Very interesting, but I would prefer a more neutral term. UNHCR is on neither side of the fence".[30] He meant that the United Nations should remain impartial in the conflict and avoid promising refugee status to one group or another. In February 1973, Secretary-General Kurt Waldheim and the High Commissioner decided that UNHCR would not get involved and that instead the Thai government would have to take up the matter directly with Hanoi.[31]

The right approach towards Vietnam could help UNHCR raise to global prominence and to become the leading humanitarian agency within the UN system. The reluctance of UNHCR's senior officials certainly did not stem from a lack of interest in the region. On the contrary, many – not in the least Sadruddin and Waldheim – believed that an impartial approach towards Vietnam was key to greater legitimacy of the United Nations in Third World. Sadruddin

[29] UNHCR 11/2, Box 32 100.GEN.SRV Refugees from the Socialist Republic of Vietnam - General [Vol. 1] 1968-1977, Folio 86, Action sheet, 10-27 July 1972.
[30] UNHCR 11/2, Box 32 100.GEN.SRV Refugees from the Socialist Republic of Vietnam - General [Vol. 1] 1968-1977, Folio 89, Gobius to HC, Confidential Memorandum, Possible developments in South East Asia, 10 November 1972; Ibid., Action sheet, 24 November 1972-4 January 1973 [Emphasis in original].
[31] UNHCR 11/2, Box 199, 100.THA.SRV Refugees from the Socialist Republic of Vietnam in Thailand [Vol. 1] 1966-1975, Folio 8, Confidential Memorandum from Gobius to HC, Vietnamese refugees in Thailand – Secretary General's visit, 13 February 1973.

aimed for a long-term solution to displacement for Vietnam in its entirety. Dealing with one side of the conflict exclusively would undermine UNHCR's credibility on the other side, hence in the early 1970s he rejected to use his good offices on a large scale.[32]

THE PARIS PEACE ACCORDS AND UNHCR INVOLVEMENT IN VIETNAM

In January 1973, the warring parties signed a set of peace agreements in Paris, which formally ended the American involvement in the Vietnam War. The Paris Peace Accords recognized three Vietnamese political entities: (1) the Democratic Republic of Vietnam (Việt Nam Dân Chủ Cộng Hòa, hereafter DRVN) in Hanoi, which was established by Ho Chi Minh in 1945 and became the official communist state in North Vietnam after the Geneva Armistice Agreements on Indochina in July 1954, (2) the Republic of Vietnam (Việt Nam Cộng hòa, hereafter RVN) in Saigon, best known as South Vietnam, which had gained its independence in October 1955 and would exist until the fall of Saigon in 1975, not as a full state but as a "party", and (3) the Provisional Revolutionary Government of South Vietnam (Chính phủ Cách mạng Lâm thời Cộng hòa miền Nam Việt Nam, hereafter PRG), which was the other "party" in the South. The PRG was the government linked to the National Liberation Front for South Vietnam (NLF or Mặt trận Dân tộc giải phóng miền Nam Việt Nam, also known as the Việt Cộng) from 1969 onwards. Its territory constantly shifted as the NLF advanced further into the south, until it was reunited with the communist north in 1976.[33]

This arrangement, which indicated that that "there [we]re not two Vietnams (North and South), but one government in the North and two parties in the South" pleased the communists.[34] It dismayed the RVN, which saw itself reduced to the same status as the PRG, with which fierce battles resumed soon

[32] Casella, *Breaking the Rules*, 34.
[33] Lien-Hang T. Nguyen, *Hanoi's War: An International History of the War for Peace in Vietnam* (Chapel Hill: The University of North Carolina Press, 2012), 4, 21–23, 123–29, 290–98.
[34] UNHCR 11/2, Box 196, 100.THA.DRVN Refugees from the Democratic Republic of Vietnam in Thailand 1973-1980, Folio 9, 9 July 1973.

after the Paris Accords.[35] However, it opened new opportunities for the United Nations to get involved in Vietnam, as it allowed Waldheim to request "all UN agencies to provide assistance to the whole of Vietnam" and opened up opportunities for Sadruddin to use his good offices.[36] The good offices resolutions indicated that governments had to request for aid – the High Commissioner could not take the initiative.[37] Yet, Sadruddin, in his attempt to appear politically "neutral" in the conflict, wanted the request to come from all three political entities. He feared the that more world-savvy South Vietnam, with abundant experience in international diplomacy would overclass the communist parties. His main advisor on the matter was Syed Zia Rizvi, a brilliant Pakistani lawyer and anti-imperialist, who joined the Office in 1967 as legal advisor and special assistant to the High Commissioner.[38]

In February 1973, Rizvi hired an Italian journalist with a large address book in communist Vietnam, Alexandre Casella, as a consultant with the title of "Special Advisor for Asian Affairs". Casella wrote colorful memoirs of his time at UNHCR, called *Breaking the Rules*. While his account is very self-centered and sometimes diverges from the information in the UNHCR archival sources, the main elements are corroborated by archival material from the Vietnamese national archives. Moreover, his description of the atmosphere and the strategy are critical to understanding the rationale behind UNHCR's actions towards Southeast Asia, Vietnam in particular. According to Casella, he was hired to coax "the hard core communist regime in Hanoi to enter into a dialogue with UNHCR at a time when the Vietnamese communists, like their Soviet allies, viewed the UN with a hostility bordering on paranoia".[39]

Rizvi and Casella knew that the notion of "refugees" – as persecuted groups lacking protection of their own governments – was an extremely sensitive issue in Indochina and their first aim was to convince the communist entities in the region to acknowledge UNHCR as a benevolent actor instead of a form

[35] This is clearly discernible from the memoirs of Alice Le Dung Nguyen Swann, the RVN's Permanent Representative to the United Nations and its agencies in Geneva: *My Journey from Saigon to Ottawa* (Ottawa: WestBow Press, 2018).
[36] Casella, *Breaking the Rules*, 34.
[37] This is why it is difficult to speak of good offices in Chile, as we have seen in chapter 3. Jackson, *The Refugee Concept in Group Situations*, 103.
[38] Casella, *Breaking the Rules*, 115; Miserez, *Prince Sadruddin Aga Khan*, 226.
[39] Casella, *Breaking the Rules*, 1.

of foreign intervention. In the first week of June 1973, Casella and Rizvi went on their first mission to Paris, to meet the communist representatives of PRG, the DRVN and the Royal Government of National Unity of Kampuchea (GRUNK, the government-in-exile from Cambodia, located in Beijing between 1970 and 1976, which was a coalition between State Prince Norodom Sihanouk and the Khmer Rouge).[40] With the representatives of the DRVN, Casella and Rizvi wanted to discuss the repatriation of the communist Vietnamese from Thailand to North Vietnam (as we have seen in the first section of this chapter). However, their contact person, Nguyen Tuan Lieu, insisted to UNHCR "there was no such problem" as Vietnamese in Thailand. For the time being, UNHCR had to "abide to the fiction that [the repatriation] is a Red Cross problem".[41] Furthermore, the northern communist representative insisted that UNHCR should prioritize the problems in the PRG, where the war had caused massive displacement. Mr. Ok Sakun, the representative of the GRUNK in Paris, welcomed informal contact with UNHCR, but the presence of Cambodians in South Vietnam was such a contentious issue that it was not even properly discussed. Nevertheless, Casella reported that "some limited assistance [from the UNHCR] to the Saigon Red Cross" (not directly to the Republic of South Vietnam) might be acceptable to the government-in-exile.[42] Nevertheless, both contacts were ultimately unsuccessful and Casella and Rizvi did not pursue them further for the time being.[43]

The most important meeting that Casella and Rizvi had in Paris in June 1973 was with the PRG Representative Pham Van Ba, who would become

[40] UNHCR 11/2, Box 196, 100.THA.DRVN Refugees from the Democratic Republic of Vietnam in Thailand 1973-1980, Folio 9, Personal and Confidential Report from Casella to the High Commissioner, Mission to Paris – June 4-5, 1973, 9 July 1973.
[41] Ibid. Casella realized that the communists in the region would not be convinced with material aid, as they could still rely on various communist allies, most notably the Soviets and to a lesser extent the Chinese. Instead, UNHCR needed to play the card of international recognition, especially towards the youngest political entity in Vietnam, the PRG.
[42] UNHCR 11/2, Box 196, 100.THA.DRVN Refugees from the Democratic Republic of Vietnam in Thailand 1973-1980, Folio 9, Personal and Confidential Report from Casella to the High Commissioner, Mission to Paris – June 4-5, 1973, 9 July 1973. This aid later materialized in a 200.000 USD sum from UNHCR to the Red Cross of the Republic of South Vietnam, see Jackson, *The Refugee Concept in Group Situations*, 224.
[43] Interestingly, Casella does not even mention DRVN and GRUNK in his memoirs.

UNHCR's primary liaison in Vietnam for years to come. At first, Ba was extremely reluctant, as he "apparently believed that [the High Commissioner for Refugees] helped only 'refugees' in the narrow sense".[44] After clearing up that "misunderstanding", Casella and Rizvi explained to Ba that he could request UNHCR's good offices to help with the displaced in their southern territories. In exchange, Rizvi and Casella promised, UNHCR could help with what the PRG most needed: recognition as a separate state in the international arena. Ba agreed and promised to send a letter with the request for aid to the UNHCR Headquarters.[45] At this point, Casella's account in his memoires diverges from the information in the archives. In *Breaking the Rules*, he claims that he initiated his contact with Pham Van Ba *after* a meeting with the PRG's Minister of Foreign Affairs, Madame Nguyen Thi Binh at the Non-Aligned Summit in Algiers in *August 1973*. However, the archival record clearly shows that his meeting with Ba took place already in *June 1973*.[46] While it is possible (though not probable) that Casella forgot about the June meeting, it is more likely that he consciously distorted his narrative, to put more emphasis on the Third World aspect of UNHCR's undertaking. By placing himself in the company of the famous Non-Aligned figurehead Nguyen Thi Binh, his account intended to emphasize UNHCR's ambitions in that arena.

The Information Office of the PRG (in brief the PRG Office) in Paris became the starting point of all contacts. Casella contents that they awaited Ba's promised request for aid at the UNHCR Headquarters for several weeks, when they realized that Ba probably did not have enough international political experience to know what such a letter would contain. Casella and Rizvi then drafted a letter for Ba, which he immediately and *verbatim* – on paper with the PRG's letterhead – sent to Geneva.[47] Over the years, Pham Van Ba and Alexander Casella built a strong personal relationship, that became a motor for UNHCR's

[44] UNHCR, Box 196, 100.THA.DRVN Refugees from the Democratic Republic of Vietnam in Thailand 1973-1980, Folio 9, Personal and Confidential Report from Casella to the High Commissioner, Mission to Paris – June 4-5, 1973, 9 July 1973.
[45] Ibid.
[46] Casella, *Breaking the Rules*, 40.
[47] Casella, 39.

dealings in Vietnam, even after they started dealing with the government in Hanoi directly.[48]

The relationship with the PRG, however, served a wider purpose than assisting displaced people in Vietnam. Casella reflects on the question of why UNHCR invested so much energy in finding an entrance with the Vietnamese communists. For one, Vietnam was "fashionable", but "[c]onversely, claiming that one was helping all sides carried with it a badge of impartiality to be worn with pride. So ultimately, did UNHCR actually need the Vietnamese communists more than the communists needed UNHCR?"[49] UNHCR, and Rizvi and Casella in particular, used the assistance to the PRG to earn credit in the communist bloc by purchasing the aid material, ranging from cotton in China to tractors in the Soviet Union.[50] The Vietnamese communists were nevertheless delighted by their new partnership. In a report from May 1974, they wrote: "[UN]HCR's financial resources are not as abundant as UNICEF but its attitude and approach for assistance seemed to be more progressive." By that time, UNHCR had already assisted with 800,000 USD worth of medicines, and were now working towards providing the Vietnamese with over 1000 tons of textiles for garments.[51]

While on paper, all dealings of UNHCR were with the PRG, the Vietnamese records show that this aid went directly to the DRVN in Hanoi. The flimsy guise also did not fool the Americans, who were dismayed by the fact that UNHCR's aid to Hanoi through the "so-called 'PRG'" exceeded that to the

[48] Casella, 37. Simultaneously, Jean-Pierre Hocké – the later High Commissioner for Refugees (1986-1989), but at that time the new chief of operations at the ICRC – approached Casella, who started consulting for him, too, without notifying Rizvi. For the Vietnamese, this had the advantage that Casella could bring them in touch with two international organizations at the same time.

[49] Casella, 45.

[50] Casella, 47–57.

[51] Trung Tâm Lưu Trữ Quốc Gia III Việt Nam, Hanoi (National Archive Center No. 3, hereafter TTLTQG III), State Planning Committee, 18086, Báo cáo của Vụ Hợp tác kinh tế - Uỷ ban Kế hoạch Nhà nước về kết quả làm việc với Đoàn đại diện Tổng uỷ Tị nạn của LHQ (HCR), năm 1974. (English Translation: Report of the Department of Economic Cooperation - State Planning Committee on the results of working with the Delegation of the UN Refugee delegation (HCR), 1974). Note from the translator: the Vietnamese word tiến bộ used for 'progressive' means both 'advanced' and 'radical'.

Republic of South Vietnam.[52] US Ambassador to South Vietnam Graham Martin cabled to Secretary of State Henry Kissinger: "While we welcome UNHCR['s] greater participation in Indochina, we shall vigorously oppose the manipulation of the high humanitarian purposes of UNHCR to facilitate the intensive DRVN/'PRG' campaign to secure recognition as a sovereign government by any UN agency.[53] This was, however, exactly Rizvi's and Casella's approach for getting a foothold in communist Vietnam. Over the next years, the authorities in Hanoi expected more structural aid for reconstruction in the areas most heavily affected by the war.[54] Martin, on the other hand, was concerned that construction material such as cement would be "diverted into military uses".[55]

Nevertheless, UNHCR proceeded with its rapprochement towards the Vietnamese communists. In the fall of 1974, it established its first Regional Office in Southeast Asia.[56] To avoid embarrassment to any of the Vietnamese parties, they decided to locate the office in Vientiane, the administrative capital of Laos. Casella was offered the post, but refused as he "would have liked something more political".[57] Instead, the position went to a very experienced senior officer, the Swiss Jacques Cuénod, who in 1963 had been the Regional Representative to UNHCR's first ever Regional Office: the one in Bujumbura, Burundi, that was meant to deal with refugee situations in East and Central Africa.[58] Cuénod was later joined by Darryl Han, a Burmese national and the nephew of former UN Secretary-General U Thant. Together they ran operations – particularly delivering material assistance – to the PRG as well as to the RVN (albeit in smaller quantities).[59]

[52] AAD, 1974SAIGON08856, RELIEF ASSISTANCE INDOCHINA UNHCR, 5 July 1974.
[53] Ibid.
[54] TTLTQG III, State Planning Committee, 18086, Report of the Department of Economic Cooperation - State Planning Committee on the results of working with the Delegation of the UN Refugee delegation (HCR), 1974).
[55] AAD, 1974SAIGON08856, RELIEF ASSISTANCE INDOCHINA UNHCR, 5 July 1974.
[56] Robinson, *Terms of Refuge*, 7.
[57] Casella, *Breaking the Rules*, 70.
[58] Miserez, *Prince Sadruddin Aga Khan*, 57–58, 91.
[59] Casella, *Breaking the Rules*, 80.

On March 29, 1975, a mere month before the fall of Saigon, the RVN's Foreign Minister, Vuong Van Bac, sent a telegram to United Nations Secretary General Kurt Waldheim, requesting the evacuation of civilians in the war zone in and around the coastal towns of Da Nang, Tuy Hoa and Nha Trang.[60] Waldheim replied the same day, directing the High Commissioner for Refugees, Sadruddin Aga Khan, to meet with the South Vietnamese Ambassador Le Van Loi in Geneva. In the same telegram Waldheim appealed to the High Commissioner "to call upon United Nations' member states to contribute in the assistance of all Indo-Chinese civilians".[61] A couple of days later, Waldheim himself launched the appeal, but he expanded the geographical area of the humanitarian assistance. He not only requested help for Vietnamese civilians but also for the Cambodians in the RVN. Waldheim explicitly did not mention 'refugees' but requested aid "on behalf of those who have 'been displaced'".[62] The UNHCR Representative in New York reported that Waldheim was still "reluctant to get involved in the highly political question of the evacuation of South Vietnamese refugees […] in light of the fact that American vessels evacuating refugees had been reported fired on, and warnings from the communist side that they were opposed to such assistance."[63]

Waldheim and Sadruddin wanted to avoid criticism from the Vietnamese communists as long as they were working the diplomatic front to get the PRG recognized as an official state with a seat in the United Nations. As they had expected, on April 4, the North Vietnamese government in Hanoi sent a message to the United Nations through its embassy in Paris that it would not

[60] Trung Tâm Lưu Trữ Quốc Gia II Việt Nam, Ho Chi Minh City (National Archive Center No. 2, hereafter TTLTQG II), The President of the Second Republic, 2181, Foreign Minister Vuong Van Bac's letter to Mr. Kurt Waldheim, the UN Secretary-General Requesting Aid for Vietnamese Republic's Refugees, 29 March 1975.
[61] TTLTQG II, The President of the Second Republic, 2181, Requesting the United Nations to provide relief and evacuate victims of war (brief from the Minister of Foreign Affairs to the Prime Minister), 31 March 1975. According to Alice Swann, the Republic of Vietnam's Representative in Geneva, Le Van Loi and Sadruddin Khan knew each other well, and the two men had regular business lunches over the issue of Cambodian refugees in South Vietnam. Swann, *My Journey from Saigon to Ottawa*.
[62] UNHCR 11/2, Box 79 100.DRVN.GEN Refugees from the Democratic Republic of Vietnam – General, Folio 4, Incoming Cable dispatched from the UNHCR Representative in New York, 1 April 1975.
[63] Ibid.

respond to the appeal for evacuation of displaced persons in the south. The PRG of South Vietnam did, however, make a request to UNICEF, the United Nations International Children's Emergency Fund, to assist with emergency aid to six million civilians, including two million children, in its newly acquired territory.[64] Meanwhile, the material assistance of UNHCR to the PRG proceeded as planned. While heavy fighting continued in the south, UNHCR aid parcels, mainly consisting of food and medicine donated by the Nordic countries, arrived in the PRG Office (or DAZIMINA[65]) in Hanoi.[66]

HUMANITARIANISM AT THE EXPENSE OF REFUGEES

By Mid-April, an evacuation of American and local "high risk" personnel from Cambodia and Vietnam became imminent.[67] On April 17, 1975, American Ambassador to Cambodia, Dean Brown, managed to evacuate his staff including 878 high-ranking Cambodians before the fall of Phnom Penh.[68] On April 18, he was appointed head of the Inter-Agency Task Force for Indochinese Refugees (IATF).[69] The Task Force consisted of all major departments of the American government. The US Military Department would become responsible for the transportation and housing of the evacuees. The Attorney-General was in charge of expanding the parole program that

[64] UNHCR 11/2, Box 79 100.DRVN.GEN Refugees from the Democratic Republic of Vietnam – General, Folio 6, Incoming Cable dispatched from New York (Pincon), 4 April 1975.
[65] DAZIMINA was the cable address that became shorthand for the Representative of the PRG in Hanoi.
[66] UNHCR 11/2, Box 79, 100.DRVN.GEN Refugees from the Democratic Republic of Vietnam – General, Folio 10, Outgoing Cable Telex 306 to Vientiane, 7 April 1975.
[67] Stur, "'Hiding Behind the Humanitarian Label.'" Laos would fall in the hands of Pathet Lao only in December 1975, so the Laotians were not really a factor in this stage of the evacuation. Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 174.
[68] Chan, 'Politics and the Indochinese Refugee Exodus, 1975-1997', 174.
[69] Foreign Relations of the United States (hereafter FRUS) FRUS/1969-1976/X, doc. 211, Memorandum of Conversation, 8 April 1975. [Original file: Ford Library, National Security Adviser, Secret Memoranda of Conversations, Box 10, 8 April 1975]. I wish to thank my student Maxime Liesenborghs, who very carefully reconstructed how the Interagency Task Force was created in his bachelorpaper "De Leeuw Tegen de Prins. Edward Kennedy, Henry Kissinger En de Oprichting van Een Interagency Task Force Voor Indochinese Vluchtelingen" (Undergraduate Thesis, Leuven, KU Leuven, 2020).

would give the evacuees access to the United States. The Immigration and Naturalization Service (INS) had to decide on procedures to authorize the entrance of various types of evacuees, according to criteria they had devised during Washington Special Actions Group (WSAG) Meetings chaired by Secretary of State Henry Kissinger. [70] However, the Americans wanted UNHCR involvement to legitimize their mission, just like the High Commissioner had done for the British in the Ugandan Asian case and as had happened in Chile. On April 26, IAFT Director Brown reached out to Sadruddin to request Khan "to help resettle in various parts of the world the refugees that are arriving in Guam".[71] He argued that "these people were not fleeing an old conflict, but a new fear of reprisal at the hands of the communist regimes and that should be acknowledged by UNHCR and the international community."[72] Sadruddin disagreed. For him and his senior staff, the evacuation was the direct result of the American war effort and hardly UNHCR's business. Moreover, he noted, "the High Commissioner's Office was engaged in humanitarian efforts in Vietnam, and the Secretary-General had stressed several times the need for agreement from all sides and his wish not to jeopardize the overall humanitarian operations".[73]

The Americans had to carry out the evacuation operation without international support. Despite some criticism in the US Congress, by the end of April US Attorney-General Edward Levi had authorized the use of parole for up to 132,000 Vietnamese and Cambodians.[74] These evacuees were not transported to the United States directly, but processed in refugee centers on the islands of Guam and Wake – American colonial holds and military bases in the Pacific

[70] FRUS/1969-1976/X, doc. 273, Minutes of Washington Special Actions Group Meeting, 29 April 1975. [Original file: Ford Library, NSC Files, Top Secret, Sensitive NSC Institutional Files (H–Files), Box 25, Originals, April 1975].
[71] UNHCR 11/2, Box 32 100.GEN.SRV Refugees from the Socialist Republic of Vietnam - General [Vol. 1] 1968-1977, Folio 102, Incoming Cable 395 dispatched from New York, Meeting Henry Kissinger – Kurt Waldheim, 26 April 1975.
[72] Robinson, *Terms of Refuge*, 22.
[73] UNHCR 11/2, Box 32 100.GEN.SRV Refugees from the Socialist Republic of Vietnam - General [Vol. 1] 1968-1977, Folio 102, Incoming Cable 395 dispatched from New York, Meeting Henry Kissinger – Kurt Waldheim, 26 April 1975.
[74] As Laos collapsed later, the Laotians were not included in the Vi-Cam parole program. Robinson, *Terms of Refuge*, 18–19; Chan, 'Politics and the Indochinese Refugee Exodus, 1975-1997', 176; Stur, '"Hiding Behind the Humanitarian Label"', 233.

Ocean.[75] By mid-May, the US Military had transported 70 to 80,000 evacuees, predominantly to Guam. Another group of approximately 40,000 people had escaped Vietnam in small fishing boats to reach US Navy ships nearby the coast. They as well were brought to Guam for evacuation.[76] In the chaos of the evacuation, some Vietnamese who had no ties to the Americans profited off the evacuation to leave Vietnam, not unlike what we have seen in Afghanistan in August 2021.[77] Just like the Afghans, *none of these people were refugees*, but parolees under a special program.[78]

On April 30, 1975 Saigon fell. On May 1, Alexandre Casella accepted a post as a UNHCR bureaucrat (he had been an 'independent' consultant before) with the invented title of Special Envoy to the Republic of South Vietnam.[79] Now that there were no longer three Vietnams, but two communist republics – the DRVN in the north and the newly established Republic of South Vietnam (RSV), which was the successor of the PRG – Casella became responsible for finally opening a Branch Office on Vietnamese soil, particularly in Saigon. UNHCR had learned in Chile how important physical presence was to remain involved in the developments in one country. The Branch Office must therefore be understood as an equivalent to an embassy of a state. Officially, the plan was for the Saigon Office to have a dual function. It would provide assistance for the rehabilitation of displaced persons inside South Vietnam and evacuate a small amount of foreigners left behind after the American evacuation. [80] However, the main function was to have a direct connection to the communist government in South Vietnam. Again, Casella promised that he would work towards diplomatic recognition for the RSV with the aim of becoming a full member of the United Nations.[81]

---

[75] Lipman, *In Camps*, 23.
[76] National Archive and Record Administration, Washington DC (hereafter NARA I), RG233, Box 1.25, Indochina Task Force, The President's Advisory Committee on Refugees, 19 May 1975.
[77] Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 174–77; Stur, "'Hiding Behind the Humanitarian Label'"; Lipman, *In Camps*.
[78] Lipman, *In Camps*, 15. The comparison to the evacuation in Afghanistan is stark. See: "Afghan Resettlement Raises the Question: Who Is Coming to the U.S.?," *Washington Post*.
[79] Casella, *Breaking the Rules*, 75.
[80] Casella, 75.
[81] Casella, 75.

As the Americans held the key to RSV recognition, UNHCR had no choice but to engage with the developments of the evacuees in the American staging centers. In the first days of May, a growing group of evacuees in American processing camps (particularly Guam) started to request for repatriation to Vietnam. They claimed that they had wrongfully been taken to Guam and stated family reunification as the main reason for their return. Because the United States did not have diplomatic relations with either of the parties in Vietnam, UNHCR became the broker between the Americans and the Vietnamese communists and got in charge of the procedures for voluntary repatriation. UNHCR's representatives on the island, George Gordon Lennox and Nguyen Tang Canh, interviewed all applicants individually, registering between 1,500 and 2,000 Vietnamese evacuees to repatriate.[82] In June, Rizvi went to Hanoi and Saigon and raised the question of repatriation with Pham Van Ba, his long-term PRG contact. He promised that he would work towards RSV recognition with UN Secretary Kurt Waldheim and the Americans, if in exchange he could set up a UNHCR Branch Office in Saigon in charge of not only of the humanitarian aid to the internally displaced Vietnamese, but also the repatriates from the American staging centers.[83]

As soon as Rizvi came home with this agreement on the Saigon Branch Office, the actual collaboration with the RSV authorities halted. First, the humanitarian aid faltered. After one humanitarian UNHCR airlift from Vientiane to Saigon, which exchanged two tons of canned meat for internally displaced Vietnamese with forty-five foreigner "evacuees" that had been left behind during the initial evacuation, on June 28, the RSV authorities did not again grant the permission to fly and land with new missions. They also postponed the creation of the Branch Office indefinitely.[84] In hindsight, three issues were simultaneously at play. First, there was no progress on the recognition issue. Kissinger instructed the US Ambassador to the UN, Daniel Patrick Moynihan, that Ford had decided to veto the entrance of the PRG as a full UN member, "unless we can find a way to get the ROK [Republic of Korea, i.e. South

[82] Lipman, *In Camps*, 31–33.
[83] Casella, *Breaking the Rules*, 78. In UN circles, the idea that the PRG was the logical successor to the RVN was gaining credit, see AAD, 1975USUNN03373, PRG DELEGATION TO UN, 18 July 1975.
[84] Casella, 84.

Korea].[85] The American veto meant that Waldheim's hands were tied. Second, the RSV authorities were extremely sensitive for terminology. The term evacuation offended them, which hindered the arrangement of the airlift. The solution, after consultation with the authorities, was to call the evacuation "family reunion" but even then it did not develop into a large-scale operation.[86] Third, and perhaps more importantly, behind the screens the Vietnamese authorities had started to work to reunite the country as their rivalry with Cambodia and China mounted. According to Casella, "the agreement [Rizvi] had brought back was dead. But who was there to know?"[87] Instead, UNHCR concentrated on its relations with the Vietnamese communists in the North. In June 1975, Daryll Han managed to open the first Branch Office ever in Vietnam in Hanoi. From there, he coordinated the humanitarian operation, but never engaged with the conflict-ridden evacuation and repatriation issues in the south.[88]

The problem of repatriation, however, became all the more urgent, as (sometimes violent) protests broke out in Guam. By August, UNHCR had submitted all applications of the would-be repatriates to the Red Cross in Saigon and the PRG Office in Hanoi.[89] Again, the RSV authorities procrastinated and the Americans blamed UNHCR for it.[90] Eventually, President Ford authorized a bold move: to give the repatriates their own ship, the Thuong Tin, to return to

[85] AAD, 1975SECT008188, SC-VIETNAMESE AND SOUTH KOREA, 4 August 1975; AAD, 1975STATE185291, SC-VIETNAMESE AND SOUTH KOREA, 5 August 1975.
[86] UNHCR 11/2, Box 32 100.GEN.SRV Refugees from the Socialist Republic of Vietnam - General [Vol. 1] 1968-1977, Folio 105, Memorandum from Casella to the High Commissioner: Tracing Vietnamese, 10 June 1975. Casella openly opposed family reunion for Vietnamese who had requested the High Commissioner's aid in tracing family members left behind in Vietnam.
[87] Casella, *Breaking the Rules*, 84.
[88] TTLTQG III, Prime Minister - Table of Contents 3 (1954-1985), 10183, Hồ sơ v/v tiếp nhận và sử dụng viện trợ của tổ chức Cao ủy Liên hiệp quốc và những người tị nạn (HCR) từ năm 1975 - 1977. Tập 1: Năm 1975 -1976. (English Translation: Documents about the reception and use of aid from the United Nations High Commissioner for Refugees (HCR) from 1975 - 1977. Volume 1: 1975 -1976.), Accord entre Le Gouvernement de la République Démocratique du Vietnam et Le Haut-Commissariat des Nations Unies pour les Réfugiés.
[89] Casella, *Breaking the Rules*, 104.
[90] Lipman, "'Give Us a Ship.'"

Vietnam.[91] According to Jana Lipman, "the UNHCR refused to throw its support behind the ship option because it could not guarantee the well-being of the repatriates on arrival".[92] Alexandre Casella, however, remembered the passage differently. According to him, High Commissioner Sadruddin Aga Khan did raise the ship option during his visit to South Vietnam in September 1975. In a conversation with RSV Vice Minister of Foreign Affairs Nguyen Co Thach, Sadruddin warned that the Americans were prepared to let the Thuong Tin sail without clearance. Thach reacted in disbelief, but in October Sadruddin's prediction materialized and the ship sailed from Guam.[93] Upon arrival, the repatriates were detained and most of them spent years in re-education camps.[94]

Prince Sadruddin's visit to Vietnam in September did not only evolve around the repatriation from Guam, but more importantly around a long-term humanitarian involvement from UNHCR in Vietnam. The visit led to the first ever formal agreement between UNHCR and North Vietnam on structural humanitarian aid. In October, the Executive Committee of UNHCR confirmed in unanimity that "humanitarian aid continues to be required following the events in the Indochinese Peninsula".[95] For the year 1975-1976, UNHCR first pledged six and later seven million USD for several projects with longer term effects in agriculture, education and health, including the delivery of fertilizers, hydraulic pumps, clearing and cultivation equipment, equipment for a pigsty and a buffalo farm, the construction of one technical and several secondary schools, and sanitation posts in various municipalities.[96]

On July 2, 1976, both sides of the country were reunited to form Vietnam as we know it today under the name of the Socialist Republic of Vietnam (Cộng hòa Xã hội chủ nghĩa Việt Nam, hereafter SRV). UNHCR then accepted the application of all the previously agreed programs to the whole of the SRV's

[91] Stur, "'Hiding Behind the Humanitarian Label,'" 241.
[92] Lipman, *In Camps*, 44.
[93] Casella, *Breaking the Rules*, 111.
[94] Lipman, "'Give Us a Ship.'"
[95] TTLTQG III, Prime Minister - Table of Contents 3 (1954-1985), 10183, Accord. Translation from French by author.
[96] TTLTQG III, Prime Minister - Table of Contents 3 (1954-1985), 10183, Project, Republique Democratique du Viet Nam. Programme d'aide du HCR pour 1975-1976.

territory, not only to the north.[97] It continued to provide humanitarian assistance in Vietnam all over 1977.[98] In 1978, the collaboration deepened when Vietnam became the first communist country to ever request UNHCR assistance with a refugee crisis, caused by Cambodians seeking asylum in Vietnam during the Vietnamese war against the Khmer Rouge.[99]

RESTRICTED REFUGEE PROTECTION

Remarkably, however, for all its activity in Vietnam, UNHCR barely got involved with the thousands of Indochinese who started to leave the region immediately after the fall of Saigon. In May 1975, it became clear that a refugee crisis was in the making. Not only were there the American developments in Guam, but Cambodians and Vietnamese started to arrive by their own means in neighboring countries, particularly Thailand and Malaysia. The Thai government was quick to react. One day after the ceasefire, on May 1, Foreign Minister Chatchai Chunhawan held a press conference in which he declared that,

> we refuse to allow any high level South Vietnamese politicians to be given asylum in Thailand, in order to prevent any possible obstacles in contacts to be made with the new Vietnamese government in the future. In regard to ordinary refugees, they will be sent back to Vietnam.[100]

This was a clear violation of the non-refoulement rule, but Thailand was not a party to the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and could not be held accountable for upholding that standard. Despite this fact, Thailand had dealt with UNHCR on a number of occasions

[97] TTLTQG III, Prime Minister - Table of Contents 3 (1954-1985), 10183, Letter from Alexandre Casella to Nguyen Ngoc Hoan, 8 December 1976.
[98] TTLTQG III, Prime Minister - Table of Contents 3 (1954-1985), 10184, Hồ sơ v/v tiếp nhận và sử dụng viện trợ của tổ chức Cao ủy Liên hiệp quốc tế về những người nạn (HCR) từ năm 1975 - 1977. Tập II: Năm 1977. (English translation: Documents about the reception and use of aid by the High Commissioner for International Organization for Victims (HCR) since 1975 - 1977. Episode II: 1977.)
[99] Chan, 'Politics and the Indochinese Refugee Exodus, 1975-1997', 183.
[100] UNHCR 11/2, Box 199 100.THA.SRV [Vol. 1] 1966-1975, Folio 11a, Telegram from the American Embassy in Bangkok to the Secretary of State, UNCLAS BANGKOK 7855, Chatchai on refugees in Thailand, copied to Jaeger, 1 May 1975.

and now requested that UNHCR investigate the status of the "evacuees".[101] On May 2, Jaeger cabled directives to Usamah Kadry in the Regional Office in Bangkok. Jaeger's telegram stressed the word "evacuees" repeatedly. For Jaeger, these people could not be regarded as refugees, and particularly not as a group. Prima facie recognition for him was not an option.[102] Jaeger did not explicitly exclude the possibility that Cambodians and Vietnamese could become refugees, but only upon individual examination of the refugee criteria in the 1951 Convention (fear of persecution). He furthermore told Kadry that only if the Thai government made a formal request with UNHCR, the High Commissioner could consider using his good offices to help them.

However, the Thai government did everything to avoid the association with the refugee regime, as they did not want to consider the Vietnamese as refugees.[103] In July, Jaeger and Rizvi wrote from Vientiane to the UNHCR Office in New York that "both [the Thai] government and UNHCR believe [that the] level of assistance [for Indochinese displaced persons] should be minimum in order to avoid social and intercommunal fictions within [the] country and avoid creation of quote professional refugees unquote."[104] That language, from the international refugee organization, is quite staggering. It suggest that the Vietnamese were risking their lives in rickety boats on the open ocean simply for the goal of attaining refugee status. In this phase, Indochinese people in first countries of asylum, like Thailand and Malaysia, could only attain refugee status "on the merits of the case, in exceptional circumstances, where this was indispensable in the interest of the individual concerned".[105] This practice of examining and recognizing each individual on its own merits

[101] UNHCR 11/2, Box 128 100.MLS.SRV Refugees from the Socialist Republic of Vietnam in Malaysia [Vol. 1] 1975-1976, Folio 1, Outgoing Cable HCR 83 for Kadry, Directives for further handling of problem of evacuees and/or refugees from Cambodia and South Vietnam, 2 May 1975. All further quotations in this paragraph are from the same source.

[102] Ibid. The telegram really emphasized the usage of the word evacuees, by saying: "evacuees repeat evacuees".

[103] UNHCR 11/2, Box 199 100.THA.SRV Refugees from the Socialist Republic of Vietnam in Thailand [Vol.3] 1975-1977, Folio 151, Cable Jaeger/Rizvi for Dayal, 15 July 1975 [Emphasis added].

[104] Ibid. [Emphasis added].

[105] UNHCR 11/2, Box 55 100.BEL.SRV Refugees from the Socialist Republic of Vietnam in Belgium (1975-1981), Folio 122, Letter from Jaeger to Kelly: Status of Vietnamese in Italy, 21 October 1975.

might seem the norm, looking at refugee recognition practices today, but it was in stark contrast to the group (or *prima facie*) approach that UNHCR devised on the African continent and in Chile at the same time.

The reason why UNHCR was so reluctant to grant protection to refugees from Indochina on a *prima facie* basis had nothing to do with the resettlement countries. On the contrary, various resettlement countries, which had by that time established procedures due to their involvement with the Ugandan Asians and refugees from Chile, actively asked UNHCR to recognize the Vietnamese as refugees. The two best examples stem from Italy and Belgium. Substantial groups of South Vietnamese resided in both countries when Saigon fell. The majority of them did not want to return and became refugees "sur place". Both countries, however, needed UNHCR to recognize them as refugees first. In Italy, this was because the state had adopted the geographic restriction clause, that prevented them from recognizing non-European refugees under the 1951 Convention.[106] The Italian government hence asked UNHCR to recognize the South Vietnamese in Italy under its mandate, as it had done for the Chileans. UNHCR's Adjunct-Chief of the Europe Section Carsten Brink-Petersen replied that for Vietnamese refugees "well-founded fear of persecution" could not be assumed and had to be proven on a case-by-case basis.[107] Hence, Vietnamese in Italy did not attain refugee status.

Belgium was in the exceptional situation in that it did not have its own refugee status determination process. It was a party to the 1951 Convention and the 1967 Protocol without restrictions, but it was one of the only countries that had outsourced refugee status determination to UNHCR.[108] Between May 1975 and January 1976, the Belgian Representative Stanley Wright contacted his colleagues in Geneva several times, with the request to grant refugee status to various groups of South Vietnamese, most notably a group of Carmelite nuns and a group of exchange students.[109] Replies from Geneva sounded

[106] UNHCR 11/2, Box 109 100.ITA.RSVN Refugees from the Socialist Republic of Vietnam in Italy (1975-1983), Folio 7, Note on Vietnamese Asylum Seekers in Italy by Carsten Brink-Petersen, 5 November 1975.
[107] Ibid.
[108] Caestecker and Vanheule, "Een Geïnstitutionaliseerd Vluchtelingenbeleid in Volle Beweging (1944-2010)," 461.
[109] UNHCR 11/2, Box 55 100.BEL.SRV Refugees from the Socialist Republic of Vietnam in Belgium (1975-1981), Folio 10, Memorandum Vietnamese Refugees, 24

increasingly annoyed. In October, Brink-Petersen commented on Wright's question about the Carmelites in an internal memo that "eligibility of Vietnamese is decided on a case by case basis, each individual case being examined according to its own merits" and he added "I think Mr. Wright should be told to stick to this golden rule."[110] In January, his colleague in the Europe section, Raymond Terrillon, commented that the request to grant refugee status to Vietnamese students placed UNHCR between "the hammer and the anvil", as it would serve as a precedent to large-scale *prima facie* recognition.[111]

REFUGEE STATUS AS TABOO

From the evidence, it appears that in the early period after the fall of Saigon, the United Nations High Commissioner for *Refugees* did not want to engage with what was starting to look suspiciously like a refugee movement (or at least very reluctantly, as we will see in chapter 7). In his cynical style, Casella remarked: "[1975] had been an interesting year. Granted, in the process I had not come across a single refugee, but who was there to care?"[112]

It is striking that one of the main UNHCR figures in Vietnam had not worked towards the protection of single refugee, as there were many elements that objectively would have led to refugee protection. First, there was the enormous pressure of the US on UNHCR. The US was not only UNHCR's largest donor, but also requested help explicitly, as we have seen above.[113] Second, the refugee movement itself, an escape due to regime change, strongly resembled what had happened in Chile in 1973. In that case, as we have seen in chapter 3, the High Commissioner himself took the initiative to intervene. Third, UNHCR actually had the permission to operate in Vietnam, through a formal good offices request from the PRG, so it must have been possible to at

June 1975; Ibid. Folio 13, Memorandum: 15 Vietnames Carmelite Sisters, 8 October 1975; Ibid. Folio 14, Note pour le dossier from Raymond Terrillon, 2 January 1976.

[110] UNHCR 11/2, Box 55 100.BEL.SRV (1975-1981), Folio 13, Action Sheet, 15 October 1975.

[111] UNHCR 11/2, Box 55 100.BEL.SRV Refugees from the Socialist Republic of Vietnam in Belgium (1975-1981), Folio 14, Note pour le dossier from Raymond Terrillon, 2 January 1976: "l'enclume et le marteau", translated by author).

[112] Casella, *Breaking the Rules*, 125.

[113] Loescher, *The UNHCR and World Politics*, 100.

least start operations that resembled refugee protection. Finally, there was the willingness of major resettlement countries to provide spots for refugees from Vietnam. Ivor Jackson, the legal advisor-turned scholar thus concluded in his book: "there can […] be little doubt that the exodus from the countries of Indochina in 1975 could have been regarded as a normal 'refugee' exodus which could equally well have been dealt with on the basis of a *prima facie* determination of group refugee character according to the statutory definition".[114]

Eventually, UNHCR decided to deal with the exodus as a "Special Operation".[115] Half a year after the fall of Saigon, in December 1975, finally General Assembly Resolution 3454 (XXX) was introduced for Cambodians and Vietnamese outside of their country of origin. It introduced a new concept, namely the "*externally* displaced person".[116] Unlike refugee, the concept of displaced persons is not a legal category. The term has been used in refugee-like situations throughout the twentieth century. However, in the post-1950 refugee regime it had always applied to *internally* displaced persons, who did not fall under the mandate of UNHCR. The reason for this, according to Jackson, was twofold. On the one hand, it was a matter of programming as the terminology allowed UNHCR to treat its pre-1975 actions on behalf of the internally displaced and its post-1975 operations as one continued project. On the other hand, "the term 'refugee' was considered inappropriate both by countries of origin and countries of asylum in the region".[117]

The reasons why the term "refugee" was considered inappropriate by the "countries of first asylum" are laid out above, but the reasons of the "countries of origin" merits more attention: why did UNHCR want to placate a regime that so clearly was dreaded by its own citizens? The answer lies in the will of UNHCR officials, like Casella, but also his superiors, to placate the Vietnamese communist authorities. The Vietnamese did not want to be associated with refugees, because of what they implied: fear of persecution and lack of protection by their own country that marked failure, while they had just won one of the biggest decolonizing victories. Just how much the Vietnamese authorities despised the term refugees is apparent from the first agreement

[114] Jackson, *The Refugee Concept in Group Situations*, 234.
[115] General Assembly Resolution 3454 (XXX) of 9 December 1975. See Jackson, 233.
[116] General Assembly Resolution 3454 (XXX) of 9 December 1975 [Emphasis added].
[117] Jackson, *The Refugee Concept in Group Situations*, 234.

between UNHCR and the DRVN in the North that was signed in September 1975. In the official Vietnamese translation, DRVN officials used the term "nạn nhân chiến tranh", translated as "victims of war", instead of "người tị nạn", which means refugees in Vietnamese. Even in official name "United Nations High Commissioner of Refugees" is consistently translated in the document as "United Nations High Commissioner for War Victims".[118] This was not a mere mistake: in previous years, agreements with the PRG had included the correct translation. Nor was it inexperience from the northern side. Everyone knew that the contacts of UNHCR with the PRG were a smoke screen for actual dealings with the communists in the DRVN. What is all the more remarkable, is that Rizvi's name is on the document. He most likely knew about the alteration, which further indicates that the wrongful translation was on purpose.

The days that it sufficed to leave a communist country in order to receive refugee status in the West were definitely over, but not because European states denied access to refugees. Rather, UNHCR had shifted its strategy to become increasingly more global, by leaving behind the Cold War framework and pleasing the communist bloc as well as the countries in the Third World. Language was the most important vehicle, and the usage of terminology had to be guarded throughout the process. Perhaps the most conscious guard of the language was Gilbert Jaeger, who decided on the parameters of refugee recognition in the countries of first asylum, but who already in 1972 had insisted that UNHCR not take a stance against the Vietnamese communists (see above). As we have seen in Chile and in Vietnam in the early 1970s, Jaeger was careful to remain within UNHCR's legal mandate, at least formally. However, from all the evidence it appears that he was first and foremost concerned with expanding the influence of UNHCR in the Third World. He shared this objective with the High Commissioner, but it did in fact precede Sadruddin's tenure. As we have seen in chapter 3, it was High Commissioner Félix Schnyder who had created Jaeger's position of Director of the Africa and Asia division in 1965.[119] While the Scott Thomas Jamieson remained Director of

[118] TTLTQG III, Prime Minister - Table of Contents 3 (1954-1985), 10183, Disquisition Re. Aid Plan for the Years 1975-1976 of the United Nations High Commissioner for War Victims for the Democratic Republic of Vietnam, 27 September 1975.

[119] UNHCR 36, Collected Staff Narratives, Dr. Gilbert Jaeger, Interviews 1, 15 April 1998.

Operations, it was in fact Jaeger who decided which operations to prioritize. As soon as Jamieson retired, in 1972, Jaeger took his position.[120] As Director of Operations, he had the lead in Chile and also in Vietnam.

In December 1975, Jaeger wrote to Virendra Dayal, the Regional Representative at the UN Headquarters in New York:

> Dear Viru, our colleagues who work on resettlement of displaced persons from Indochina bring to my attention the fact that the term 'displaced persons' tends to be replaced more and more in correspondence by that of 'refugees'. This also concerns your office […]. Without entering here into the legal or political merits of the case and whilst admittedly many displaced persons will end up somewhere in the world with some kind of refugee status, I wonder whether for consistency reasons we should not stick, at least for the time being, to the term 'displaced persons' which is still the official position of the Office.[121]

However, the taboo that rested on terminology also had severe legal consequences. The individual approach denied refugee status to many stranded Indochinese people across the globe, as we will see in chapter 7. Even though the resettlement increased, refugee status determination remained on an individual basis until the introduction of the ODP in January 1979, which stipulated that all people wishing to leave Vietnam would be granted *prima facie* recognition.[122]

By that time, however, the structure and leadership of UNHCR had entirely changed. In 1977, Jaeger realized his greatest ambition when he replaced Emmanuel Dadzie as Director of Protection at the expense of his colleague and "friend", the Deputy Director of Protection Jack Kelly, who was sent off

[120] UNHCR 36, Collected Staff Narratives, Dr. Gilbert Jaeger, Interviews 3, 21 April 1998.
[121] UNHCR 11/2, Box 209 100.USA.RSV Refugees from the Republic of South Vietnam in the United States [Vol. 1] 1975, Folio 81, Letter from Jaeger to Dayal, 8 December 1975.
[122] Kumin, "Orderly Departure from Vietnam." See also: UNHCR 11/2, Box 32, 100.GEN.SRV Refugees from the Socialist Republic of Vietnam - General [Vol. 2] 1977-1982, Folio 132, Incoming Cable, Sampatkumar for HiCom, SRVN proposal of 12 January 1979, 28 January 1979.

to an outpost (he became Regional Representative for the Middle East).[123] For a reason that still remains unclear today, High Commissioner Sadruddin Aga Khan resigned at the end of 1977.[124] However, in a commemorating song "the Ballad of the Parting Prince", that was written for and performed at his good-bye party, it is striking that Jaeger's name is not mentioned, while all other important figures that have appeared in the pages of this thesis are.[125] In fact, Sadruddin's biographer, Diana Miserez, who entered the Office in the late 1970s as a jurist in the protection section, does not mention Jaeger even once. This odd silence merits further investigation – did both men have a falling out over Vietnamese refugee protection?[126]

American sources indicate that Jaeger had by then completely taken over the decision making process with regard to the Vietnamese "refugees". After a visit to Thailand at the end of 1977, Jaeger presented to Sadruddin three options for refugee status determination in Thailand. The first was that UNHCR would become the sole responsible entity for the screening of each individual. The second was that UNHCR would not participate at all. The third option was that UNHCR would intervene selectively. As the first option was not feasible because the Thai would see it as foreign intervention, the second option was "unsatisfactory on humanitarian grounds".[127] Eventually,

[123] UNHCR 36, Collected Staff Narratives, Dr. Gilbert Jaeger, Interview 2, 20 April 1998; UNHCR 36, Collected Staff Narratives, Interview with John Kelly, 1 April 1998. Kelly, not unsurprisingly, did not call Jaeger his friend when he gave his interview.

[124] Miserez, *Prince Sadruddin Aga Khan*, chap. 9.

[125] Miserez, 102–3. For instance, the song mentions that Sadruddin would never "play poker with Charlie *Mace*, Or be seen on the telly with Amin and *Kelly*" and the song continued: "I don't want to be mean", said Prince Sadruddin, "But the time has come to depart, to send *Waldheim* a cable while I am still able to make a decisive new start. Although I'll miss *Koulischer*, it would be foolisher of me to try to remain. It's not that I want to steer clear of *Zia [Rizvi]* And I know that I shouldn't complain" [Emphasis added].

[126] I regret that due to the COVID-pandemic I have been unable to study Sadruddin Aga Khan's personal papers at the UNHCR archives in Geneva. This gap needs to be remedied in the future.

[127] AAD, 1978BANGKO02603, UNHCR REPRESENTATIVE'S JANUARY 23 CALL ON THE AMBASSADOR, 25 January 1978.

"Sadruddin, though reluctant to make any decision during his closing days in office, recommended selective intervention to his successor".[128]

Meanwhile, Sadruddin's resignation left a void that worked to the advantage of the American Department of State, that had long been searching for a different policy towards the Vietnamese refugees (see chapter 7). The most probable candidate to replace Sadruddin was the former Danish Prime Minister Poul Hartling, who was known to the American Ambassador in Copenhagen as "a good friend to our country".[129] An exchange between US Ambassador to the European office of the United Nations in Geneva William van den Heuvel and Secretary of State Cyrus Vance indicates that Sadruddin himself also preferred Hartling. He confided to van den Heuvel that "Hartling's nomination as his replacement" had been "assured in the highest places" and that all "others were not serious candidates".[130] With Hartling's nomination secured, Vance sent the American Ambassador to Denmark, John Gunter Dean, on a mission to convince Hartling that he had to choose an American citizen as his deputy. Hartling replied that he was "fully aware of the importance of maintaining [a] US deputy, both for purpose of fund raising and managerial reasons. He thought that the best way of achieving this result was for him to ask the incumbent (Mace) to remain in this position until sometime in March. This would permit him to resist *pressures by Third World* countries to make a deal."[131] In July, this American Deputy High Commissioner was found in the figure of Dale De Haan. De Haan came out of Senator Edward Kennedy's inner circle, as he served as Kennedy's Staff Director in the Senate Judiciary Subcommittee on Refugees and Evacuees. Kennedy also nominated him for Deputy High Commissioner.[132] He would eventually design the ODP program in 1979. By that time, Jaeger was already retired.[133]

---

[128] AAD, 1978BANGKO02603, UNHCR REPRESENTATIVE'S JANUARY 23 CALL ON THE AMBASSADOR, 25 January 1978.

[129] AAD, 1978COPENH00034, UNHCR COMMISSIONER FOR REFUGEES, 3 January 1978.

[130] AAD, 1977GENEVA11635, DANISH CANDIDACY FOR U.N. HIGH COMMISSIONER FOR REFUGEES, 6 December 1977.

[131] AAD, 1977COPENH07260, CANDIDATES FOR POST IN UN HIGH COMMISSIONER FOR REFUGEES, 7 December 1977.

[132] TNA, FCO40/1099/w997, Secret TELNO 1343 from Jay to FCO, 5 June 1979.

[133] Jaeger's retirement started in February, when he was replaced by the Lebanese Michel Moussalli. See AAD, 1979GENEVA00806, PERSONNEL CHANGES IN

CONCLUSION

The Indochinese case concludes the three major resettlement movements of the 1970s, but in fact also preceded the two others. The refugee problem in Vietnam even emerged before the creation of the Office of the United Nations High Commissioner for Refugees. All senior UNHCR officials, who had started in the 1950s, had "grown up" with the question whether people crossing borders in Indochina during the wars could be regarded as refugees under UNHCR's mandate or not. Consistently, the answer to that question had been no. Even though in legal terms, there were excellent reasons to consider various Indochinese groups to be refugees, politically the issue was too sensitive. In the early years, when the conflict was in full force, UNHCR did not want to choose a side, out of fear of burning its bridges with the party that would eventually emerge victorious. However, as the Office interests for and its operations in the Third World changed over the course of the 1960s, UNHCR officials started to regard Indochina, or more precisely Vietnam, as an opportunity. Good relations with *all* powers in Vietnam, including the communists, were a way of gaining credibility not only in the developing world, but also in the communist world. Vietnam could help UNHCR achieve its long-term goal of becoming an agency with global reach.

However, as UNHCR expanded its humanitarian activities in Vietnam, it lost sight of its mission. Jana Lipman has recently rightly observed that many people in Indochina and Vietnam never attained refugee status. Yet, I disagree with her assumption that "UNHCR worked admirably" to raise funds and resettle refugees.[134] UNHCR worked hard in Vietnam, without doubt, but it did not always have the best interest of the displaced in mind. Vietnam served another purpose for UNHCR, namely to become the most powerful agency within the UN system. I believe it achieved that goal. Under Poul Hartling UNHCR's budget quintupled, from $103 million in 1977 to $500 million in 1980.[135] There was so much money that the staff did not even know what to spend it on. Gil Loescher mentions an anecdote of a cantina in a Laos refugee

UNHCR EFFECTIVE JANUARY 15, F.J. HOMANN-HERIMBERG BECAME DIRECTOR OF ADMINISTRATION, REPLACING P.M. MOUSSALI, 17 January 1979.

[134] Lipman, *In Camps*, 21.

[135] Loescher, *The UNHCR and World Politics*, 202.

camp that was serving Peking duck for lunch, just to deplete their cash reserves.[136] Due to this donor funding increase, numbers of staff more than doubled, from 350 in the early 1970s to 900 in 1980.[137] Loescher asserts that thanks to this rise in money and personnel "UNHCR began to give greater priority to material assistance than to protection".[138] This chapter shows that it was also the other way around. UNHCR started prioritizing humanitarian aid over refugee protection, leaving so many people behind in camps that by 1979 serious increases in funds were necessary to provide care. The Americans, who saw the treatment of the refugees as the cornerstone to their moral recovery after the Vietnam war, provided the majority of these funds. This trend only multiplied when the US gained greater influence with the election of the new High Commissioner Poul Hartling, the election of a new American Deputy High Commissioner, and the retirement of one of the staunches and most influential supporters of the Vietnamese communist government, Director of Protection Gilbert Jaeger.

[136] Interview with Zia Rizvi, cited in Loescher, 240 n.2.
[137] Jérôme Elie and Jussi M Hanhimäki, "UNHCR and Decolonization in Africa: Expansion and Emancipation, 1950s to 1970s," *Archiv Für Sozialgeschichte*, 2008, 75.
[138] Loescher, *The UNHCR and World Politics*, 202.

Part III

On Internationalization

5

The Politics of Dispersal

The Internationalization of the Ugandan Asian Crisis

In November 1972, the last Asians affected by Idi Amin's expulsion order left Uganda on planes chartered by the Intergovernmental Committee for European Migration (ICEM).[1] They flew to five temporary refugee camps in Austria, Spain, Italy, Belgium, and Malta, where refugee Zane Lalani's aircraft was headed. Lalani later painstakingly collected all information he could find on the expulsion and published a collection of international press articles, including the official UNHCR report 'How they did it. Resettlement of Asians from Uganda in Europe and North America'.[2] At the moment Lalani left Uganda, however, his own destination remained unknown to him:

> We didn't know where we were going. No idea. I just went up to the flight attendant and I said: "So, where are we going?" And she said: "Malta." "Where?" So she opened up the airline guidebook where you had the map of the world and showed me that it was south of Italy… and all I saw was a couple of tiny little dots.[3]

Indeed, those Asians who became refugees under UNHCR's mandate indeed remained uncertain about their resettlement destination for weeks, months and sometimes even years after the expulsion. Resettlement options were dictated by many factors beyond the will of the expellees. The most important feature

[1] An earlier version of this chapter was published as "The Politics of Dispersal."
[2] Lalani, *Ugandan Asian Expulsion*; Office of the UNHCR, "How They Did It. Resettlement of Asians from Uganda in Europe and North America. Special Report May 1973," in *Ugandan Asian Expulsion: 90 Days & Beyond Through the Eyes of the International Press*, ed. Lalani (Expulsion Publications, 1997), 163–77.
[3] Dolar Vasani, *From Uganda to? The Story of Zane Lalani*, Expulsion @50, 2021.

of their resettlement was the internationalization to over twenty-five countries on all continents.

The Ugandan Asians of undetermined nationality were the first refugees from the Global South who were resettled as a group on a large scale. Although the number of individuals was rather modest compared to, for instance, the Vietnamese later in the decade, the number of states involved was large, even by today's standards (see table 2).[4] Resettlement of non-European and non-white refugees was never an easy endeavor and required especially large advocacy efforts in the white settler societies traditionally associated with the practice.[5] How, then, were so many states persuaded to open their doors so swiftly for the Ugandan Asians?

Country of Permanent Resettlement	UK Passport Holders	Indian Passports Holders	Stateless Asians	Total
United Kingdom	27,000		536	27,536
India	6,000	5,660	1,500	13,160
Canada	4,800		2,160	6,960
United States			1,620	1,620
Pakistan			800	800
Sweden			344	344
The Netherlands			257	257
Austria			226	226
Belgium			168	168
Norway			167	167
New Zealand			80	80
Gulf States			78	78
Iran			10	10
Latin America			10	10
Total	**37,800**	**5,660**	**7,980**	**51,440**

Table 2. Most important resettlement countries and legal identity of the resettled populations in November 1973 (Source: UNHCR 11/2, Box 17 100.GEN.ASI, Folio 242)

[4] In 2020, only 25 countries provided resettlement places: 22 countries more than 10 spots, 9 countries more than 1000, and only one country (Canada) more than 10,000. "UNHCR - RSQ," Resettlement Data Finder, accessed June 2, 2021. For a historic evolution of resettlement places per country see: Zieck, "The 1956 Hungarian Refugee Emergency, an Early and Instructive Case of Resettlement."

[5] Scholars have made this point particularly with regard to Asian, most notably Chinese migrants and refugees, but the same can be said for other groups from the Third World. See: Madokoro, *Elusive Refuge. Chinese Migrants in the Cold War*, 58.

Recent scholarship has primarily focused on the reception of this group in Britain, where the largest number of Ugandan Asians went.[6] This attention, however, has obscured the important observation in older literature that the resettlement was a truly international undertaking.[7] Indeed, out of 51,440 Ugandan Asians, only 53 percent went to the United Kingdom, and all but a few hundred of them possessed UK passports. Remarkably, not all UK passport holders (abbreviated as UKPH in the primary sources) gained access to Britain. Almost 30 per cent went elsewhere, most notably to Canada and India (see Table 2).[8] These numbers contradict the assumption, so prevalent in the

[6] In general, literature on East African Asians and on Ugandan Asians focuses strongly on developments of settlement in the UK: Kushner and Knox, *Refugees in an Age of Genocide*, 1999; Hansen, *Citizenship and Immigration*; Joanna Herbert, "Oral Histories of Ugandan Asians in Britain: Gendered Identities in the Diaspora," *Contemporary South Asia* 17, no. 1 (2009): 21–32; Mamdani, *From Citizen to Refugee*; Hamai, "'Imperial Burden' or 'Jews of Africa'?"; Uche, "The British Government, Idi Amin and the Expulsion of British Asians from Uganda"; Taylor, "Good Citizens?"; Saima Nasar, "We Refugees?: Re-Defining Britain's East African Asians," in *Migrant Britain* (Abingdon: Routledge, 2018); Jordanna Bailkin, *Unsettled: Refugee Camps and the Making of Multicultural Britain* (Oxford: Oxford University Press, 2018).

[7] Anirudha Gupta, "Ugandan Asians, Britain, India and the Commonwealth," *African Affairs* 73 (1974): 312–24; Derek Humphry and Michael Ward, *Passports and Politics* (Harmondsworth, Middlesex: Penguin, 1974); Tandon and Raphael, *The New Position of East Africa's Asians*.

[8] There is some attention for East African and Ugandan Asians in other parts of the world, most notably in Canada. See e.g. Sandeep Kumar Agrawal, "Twice Migrants in Canada: Who Are They and How Do They Perform Economically?," *Journal of International Migration and Integration* 17, no. 3 (2016): 669–86. A lot of this work builds on Parminder Bhachu's term of "twice migrants", which she introduced in 1985. Bhachu, *Twice Migrants: East African Sikh Settlers in Britain*. However, Bhachu herself began to struggle with the term as she recognized that migration patterns of the expellees were often more complex. In her later work, she sought to nuance the concept by adding 'triple' and 'quadruple' to describe the experiences of East African Asians who had re-migrated to other parts of the world upon arrival in Britain. Parminder Bhachu, "New Cultural Forms and Transnational South Asian Women: Culture, Class, and Consumption among British South Asian Women in the Diaspora," in *Nation and Migration: The Politics of Space in the South Asian Diaspora*, ed. Peter van der Veer (Philadelphia: University of Pennsylvania Press, 1995), 222–44; Bhachu, "Twice Migrants and Multiple Migrants." The real problem with the term 'twice migrants' does not lie in the number of migrations of individual members, but in the fact that the concept is fundamentally unfit to describe the migratory patterns of the East African Asians. While the term "twice migrants" grants

historical literature on British migration control, that the Ugandan Asians received a warmer welcome in Britain than their Kenyan counterparts.[9] Instead, the British government applied a "disperse and delay" strategy that aimed to frustrate prospective entrants to such an extent that they "would decide to go elsewhere".[10] Moreover, for the group of stateless Asians who became refugees as described in chapter 2, the UK was never an option.

The exodus of the Asian population from Uganda was hardly a story of a welcoming Britain accepting masses of refugees. Instead, this chapter demonstrates that the internationalization of the resettlement effort, first within the Commonwealth and later through the involvement of the United Nations, UNHCR and the international community, was a conscious policy to disperse Asians as widely as possible. Even more, it formed part of a new political strategy to reduce British postcolonial responsibilities while maintaining a humanitarian reputation. Put differently, the premise was that other countries and the international community as a whole would share Britain's burden in receiving and accommodating these East African Asians. As a result, the British governments put a great deal of effort into convincing the world that these immigrants were not part of a British postcolonial crisis but of an international humanitarian one. This chapter considers the causes and consequences of burden sharing through resettlement, following Astri Suhrke's observation that "hegemonic pressure" determined international collaboration on behalf of refugees in the 1970s.[11] It argues that hegemonic pressure from the American superpower during the Vietnam crisis was not unique, nor original. The British government started experimenting with it already in the late 1960s.

The first part of this chapter considers the effects of the 1968 Commonwealth Immigrants Act within the Commonwealth. It shows how the Kenyan crisis not only provoked a reaction in Britain, but also in India and Uganda. Asians became undesirable in all these locations, and all governments involved tried

---

agency to the East African Asians in determining their destination, it is important to recognize that at critical junctions their choices and agency were denied. See: Cosemans, "Undesirable British East African Asians."

[9] Paul, *Whitewashing Britain*, 182; Hansen, *Citizenship and Immigration*, 179; Hampshire, *Citizenship and Belonging*, 42; Aiyar, *Indians in Kenya. The Politics of Diaspora*, 294.

[10] Shah, *Refugees, Race and the Legal Concept of Asylum in Britain*, 86, 88.

[11] Suhrke, "Burden-Sharing during Refugee Emergencies."

to evade their responsibility. As a result, the British government had to find other solutions. The second part of the chapter thus focuses on British attempts to share the burden of Asian immigration with the Commonwealth and its quest for Commonwealth solidarity during the Kenyan Asian crisis. The third part investigates the actions of the British government following the expulsion of Asians by Idi Amin in 1972, in the first place the British attempts to find resettlement locations in "third countries". The fourth and fifth sections explore how the British tried to involve the United Nations and later UNHCR in their efforts to internationalize the Ugandan Asian crisis. Finally, the sixth part reflects on British and Indian plans to further reduce their responsibility for Asians, not only from East Africa, but from everywhere in the diaspora, to observe that both the British and the Indian government managed to detach themselves from this group that was increasingly seen as a humanitarian problem rather than a postcolonial one.

INDIAN AND UGANDAN REACTIONS TO BRITISH IMMIGRATION RESTRICTIONS

In 1968, the Commonwealth Immigrants Act had installed a system of employment vouchers, to regulate (labor) immigration from the from the so-called New Commonwealth – a term that became fashionable in the 1960s to describe recently decolonized countries with predominantly non-white populations.[12] The act made potential immigrants "queue" before entering the UK, allowing 1,500 heads of households (ca. 6,000 persons) in per year. When the Kenyan Asian crisis occurred, the voucher system appeared to be highly inadequate to deal with rising numbers of Commonwealth immigrants. Asians who arrived in Britain during this period on British (CUKC) passports, were seen by British immigration officers as "returnable", but since they had no other citizenship than the British one, no other country wished to receive them. As a result, they "were shuttled back and forth, refused entry in the countries to which the British immigration authorities tried to send them, and sent back to

[12] This term stood in contrast to the Old Commonwealth, consisting of Canada, Australia, New Zealand, the Irish Free State, Newfoundland and South Africa (prior to leaving the Commonwealth in 1961), also known as the White Dominions. See: Robert Miles, "The Racialization of British Politics," *Political Studies* 38, no. 2 (1990): 277–85.

Britain, where they were refused and put on planes again".[13] In British policymakers' minds, India needed to play a crucial role in absorbing British Asians. However, for the Indians, controlling the entry of East African Asians became as paramount as for the British. As we have seen in chapter 2, the Indian government was instead looking to send more immigrants to Britain and was quite irate about the restrictions imposed by Commonwealth Immigrants Acts of 1962 and 1968.[14]

The Indian government was acutely aware that Britain, and not India, was responsible for the Kenyan Asians under international law. Hence, the Kenyan Asian crisis provided the Indian government with the opportunity to exploit British vulnerabilities. The fact that Britain tried to divert Kenyan CUKCs towards India gave the Indians a strong negotiating advantage regarding their entrance quota under the 1968 Commonwealth Immigrants Act. They further heightened the tension by accusing the British government of racism (both governments had already acceded to the International Convention on the Elimination of All Forms of Racial Discrimination). At the same time, they took similar measures to restrict Kenyan Asians entrance, which meant that another queue would form in Kenya; besides the Asians waiting to go to Britain, there would now also emerge a group waiting to go to India. British policymakers realized that, ultimately, the Indian government regarded Asians in the same light: as undesirable immigrants. The aim for both governments was to keep Asians in Kenya as long as possible, but the optics differed. With growing racial tensions within the UK, the British government could do without accusations of racism from within the Commonwealth.[15]

For the Home Secretary James Callaghan, who was responsible for the drafting of the 1968 act, the question was how to placate the Indian government to secure India's collaboration in resettling Asians without inhibiting Indian highly-skilled immigration to the UK. While the Indian government, in the words of the British high commissioner in New Delhi, John Freeman, "perversely enjoy[ed] belabouring [the UK] in public with yet another stick,

[13] Dummett and Nicol, *Subjects, Citizens*, 203.
[14] TNA FCO50/131/13, Commonwealth Immigration – British High Commissioner to New Delhi John Freeman's visit to United Kingdom, May-June 1967, 5 July 1967; TNA FCO31/496/6, Otton to Croft. Scope for Domestic Action, 9 December 1968.
[15] TNA FCO50/134/12, Freeman to Bowden – The 'Asian Exodus' from Kenya, 4 July 1968.

those who run their affairs […] have shown, in confidence, a slightly greater understanding of our difficulties than might have been expected".[16] He acknowledged that the Indian government, "ha[d] been caught up, disagreeably, in a problem which they argue was not of their own making" and so he urged his superiors in London to show some sympathy towards the Indians' harsh stance. After all, Freeman asked his colleagues to consider the problems of the Asian diaspora for India were potentially even bigger than for the UK, as there were "at least six million Indians overseas in various parts of the world" including outside the Commonwealth.

On February 19, 1968, ten days before the introduction of the Act, High Commissioner Freeman consulted Prime Minister Indira Gandhi directly on the matter. He knew that she would principally disapprove of the Act, but he realized that the degree of disapproval would depend "on the extent to which the Commonwealth Immigrants Act 1968 was (a) discriminatory and (b) repudiated Her Majesty's Government's responsibility for its own citizens". Freeman suggested that Callaghan work towards convincing the Indian government of the second point, as proving that the act was not discriminatory seemed an impossible undertaking.[17] On February 27, the Indian External Affairs Minister, Bali Ram Bhagat, as expected, told Freeman that the Indian government considered the 1968 act discriminatory. A press leak about threats of Indian "retaliations" against British nationals in India heightened the tension. On February 29, Bhagat was due to make a statement in the Lok Sabha (the Indian Lower House) in which – so the British believed – he would announce sanctions against British immigrants to India, including East African Asian UKPH.

A couple of hours before the statement, Freeman received from Callaghan what became known as "Callaghan's assurances": the guarantee that (1) the number of 1,500 quota vouchers for Kenyan Asian UK passport holders was flexible, and (2) the British government could not deny its responsibility to take in its citizens if they were "thrown out of work and out of the country".[18] With this statement, Freeman rushed to the Lok Sabha, just in time to prevent

[16] TNA FCO50/134/12, Freeman to Bowden – The 'Asian Exodus' from Kenya, 4 July 1968. All further quotations in this paragraph come from the same source.
[17] Ibid.
[18] TNA FCO50/134/12, Freeman to Bowden – The 'Asian Exodus' from Kenya, 4 July 1968.

Bhagat from announcing retaliatory measures. These promises softened the Indian attitude. Furthermore, growing protest of lobby groups in India, who condemned the Indian position that denied entrance of "kith and kin" into India encouraged the government to be more lenient in letting Kenyan Asians in. Eventually, the Indian government agreed on the entrance of Asian UK passport holders, though with a maximum of 1,000 heads of households per year.[19]

At the end of April 1968, the Indian high commissioner to Nairobi, Prem Bhatia, began issuing ninety-day "visitors" visas to Asians, despite strong previous objections by his government.[20] In return, the Indian government expected a "reasonable attitude" of the UK government.[21] British officials knew that the Indians needed a "face-saving measure" as much as they did. They solved the issue by agreeing that British Asians who chose to travel to India retained the opportunity to go to Britain at a later stage if they so wished. In order to guarantee this right, the British high commissioners in East Africa would "endorse" Asians' passports, "to certify that the holder of this passport is a citizen of the United Kingdom and Colonies who is entitled to an entry certificate to travel to the United Kingdom". India would then accept Asians for permanent settlement and allow them to apply for Indian citizenship. Accepting Indian citizenship would forfeit British citizenship, after which the Asians ceased to be Britain's responsibility.[22] The "Indian endorsement" divided the responsibilities for UK passport holders and prevented them from becoming trapped in a legal limbo. It was not ideal, neither for Britain, nor for India, but it was a solution with which both could live.[23]

However, the next Asian challenge was already underway. At a press conference on February 26, 1968, Uganda's President Milton Obote expressed anger

[19] TNA FCO31/496/13, Secret memorandum – UK Passport Holders in Kenya and Uganda. n.d.
[20] TNA FCO50/134/5, Freeman to Commonwealth Office – Asian Immigrants from Kenya, 29 April 1968.
[21] TNA FCO50/134/12, Freeman to Bowden – The 'Asian Exodus' from Kenya, 4 July 1968.
[22] TNA FCO50/134/48, Otton to Heddy – Kenyan Asians Travelling to India, 8 July 1968.
[23] Cosemans, "The Politics of Dispersal," 106. It must be remarked, however, that Callaghan's assurances formed the immediate cause for Enoch Powell's Rivers of Blood speech, described in detail in chapter 2.

at not being consulted on the Commonwealth Immigrants Act of 1968. He argued that the principle of the queue would turn Uganda into a refugee camp if only 1,500 heads of household could get a voucher. "Imagine yourself being in their position," Obote said. "A Minister of the Crown tells you openly in your National Parliament that you cannot enter your own country and that you have only a week to go to your own country and after that week you will be held in a refugee camp outside your own country – you will panic and begin to run as quickly as you can afford."[24] He added: "I am not concerned with those Britons of Asian extraction who are either panicking or not panicking. I am only concerned with Uganda being turned into a refugee camp by another parliament and I say 'to Hell with them. I don't accept your authority here'."[25] In the same speech, he announced Uganda's own measures against Asians with British passports.

The 1968 Commonwealth Immigrants Act gave Obote the opportunity to use Asian migration as a weapon against the former colonial power. Political scientist Kelly Greenhill has argued that tightening immigration law in the West has turned forced migration into a potentially powerful weapon for weak states in the Global South with large population surpluses. She saw in Idi Amin's expulsion the aim of direct economic gain (through expropriation of the Asians' assets) as well as the intention of pressuring the UK to halt their downsizing of military economic aid to Uganda.[26] However, when we take into consideration that the migration threat started under Obote's presidency, we actually see very different motives appear.[27] What was really at stake was the power hierarchy between the UK and Uganda on the international scene. Seen through the lens of Third Worldism, the forcible removal of the Asian diaspora served to assert Uganda's international ambitions. Obote was well

[24] TNA FCO 31/496/2, Ministry of Information, Broadcasting, and Tourism Uganda, The President's Press Conference Held in Parliamentary Buildings Kampala, 26 February 1968.
[25] Ibid.
[26] Kelly Greenhill, "Strategic Engineered Migration as a Weapon of War," *Civil Wars* 10, no. 1 (2008): 17; Kelly Greenhill, "When Virtues Become Vices: The Achilles' Heel of Migration Social Policy," in *Handbook on Migration and Social Policy*, ed. Gary P. Freeman and Nikola Mirilovic (Cheltenham: Edward Elgar Pub, 2016), 200.
[27] As we will later see in this chapter, enrichment through expropriation was only a small factor, as Amin's government paid reparations to UNHCR to compensate for the Asians' losses. In the sources that I have seen both the British and Ugandan national archives, the military aid was not a strong argument either.

aware of the boundaries and consequences of international law. The Ugandan constitution was in check with the human rights principles enshrined in the International Bill of Rights,[28] which were being debated at the time Uganda gained its independence.[29] In East Africa, politicians closely followed the protests against British human rights violations relating to freedom of movement, described in chapter 2.[30] Thus, Obote knew that a large immigration of UK passport holders would put great international pressure on the UK. This, more than economic gain, was what Obote (and later Amin) sought. In the event of a large-scale expulsion of Ugandan British Asians, the British government could only lose face: not taking responsibility for the refugees would confirm its weak stance on human rights in the postwar context; taking the refugees in would show its political weakness in a post-imperial world.

After this speech, a nerve-racking period began for the British government as well as for the Ugandan Asians. The Ugandan government did not announce anti-Asian measures immediately, but the threat hung in the air. By July 1968, the FCO had an elaborate understanding of the Ugandan plans through a "well-placed informant".[31] According to that unofficial source, the Ugandan government aspired to reduce its Asian population from 80,000 to 20,000 over the course of five years, only permitting "individuals useful for the Ugandan economy" to remain in the country. As the majority of these Asians were British nationals (though not always citizens) instead of Ugandan ones, the restriction of their presence within Uganda, although the result of long historical processes, fell within Uganda's sovereign power and could not be remedied by international sanctions against the state. Although the legislation,

[28] This term refers to four human rights instruments: the Universal Declaration, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights. The latter three instruments were adopted in 1966 and entered into force since 1976.

[29] Bonee, "Caesar Augustus," 151. See also: TNA FCO31/497/44, Commonwealth Secretariat. Citizenship and Migration. Record of Informal Discussion, 11 January 1969.

[30] TNA FCO 31/496/24, Confidential Draft Brief: Commonwealth Prime Ministers' meeting UK Passport Holders in Kenya and Uganda. For discussion with the representative of Uganda, n.d. (December 1968).

[31] TNA FCO 31/203/15, Confidential Memorandum – U.K. Asians in Uganda, 30/9/1968.

consisting of a Trade Licensing Act and an Immigration Bill, was still in the draft phase, it would be implemented quickly, once ready.[32]

COMMONWEALTH SOLIDARITY?

In order to resolve the Kenyan Asian crisis, Home Secretary James Callaghan primarily sought "Commonwealth solidarity" with the UK, i.e. a form of burden sharing within the Commonwealth.[33] On the one hand, he aimed at persuading the "Old Commonwealth", especially Canada, Australia, and New Zealand, to accept the immigration of Asian UKHP from East Africa. On the other hand, he warned the "New Commonwealth", consisting of migrant-sending countries such as India, Pakistan, Ceylon, Jamaica, Barbados, Trinidad and Tobago, Malta, Cyprus and Mauritius,[34] that a "flood" of East African Asians to Britain would cause a reduction of employment vouchers for the rest of the Commonwealth. Callaghan hoped that this warning would persuade the migrant sending Commonwealth countries to lend "their vigorous co-operation in bringing pressure to bear on Kenya and Uganda to observe the maximum restraint" in expelling Asians.[35] However, it became soon clear that the countries in the New Commonwealth would offer no help to the UK. On the contrary, they sided with the East African leaders in condemning the 1968 Commonwealth Immigrants Act.

During a Commonwealth Secretariat meeting in January 1969, a fierce debate between Callaghan and the foreign ministers of a number of New Commonwealth countries laid bare the different stances. Following a show of support by Pakistan's Yusuf Haroon, to find "ways of relieving the human problem" of the Kenyan Asian British passport holders, Callaghan defended his policies on the ground that restricted immigration was necessary for harmonious race

[32] Ibid.

[33] TNA FCO31/497/44, Commonwealth Secretariat. Citizenship and Migration. Record of Informal Discussion, 11 January 1969.

[34] This list contains the New Commonwealth countries present at the Commonwealth meetings concerning immigration. A full list of Commonwealth countries can be accessed here: "Commonwealth | History, Members, & Facts," Encyclopedia Britannica.

[35] TNA FCO 31/496/24 , Confidential Draft Brief – Commonwealth Prime Ministers' meeting – UKPH in Kenya and Uganda, n.d. (end December 1968).

relations.[36] His Race Relations Acts (from 1965 and 1968) showed that Britain had no racist intentions, Callaghan acclaimed. Tom Mboya, one of Kenya's founding fathers, immediately intervened, disagreeing on the basis of international legal principles. He felt that "Mr. Callaghan did not seem to accept the difference between would-be immigrants and British citizens wishing to return home". By asking Kenya to restrain their freedom to leave, Callaghan was not only asking Kenya to break with human rights law, but also "to assist in implementing a racial policy". Mboya remarked that Callaghan was "not talking about white British citizens returning", while they "presumably also needed schools and community benefits when they returned". The Kenyanisation program that reserved certain jobs and trades for Kenyan citizens was "not racialist" according to him, as citizenship did not depend on color. He agreed with the fact that Britain could restrict immigration, as was its sovereign prerogative, but not that it would "deny its citizens, on the basis of colour, the right to enter Britain".[37]

Callaghan's reply indicates his irritation with international law and with the fact that postcolonial leaders used it to assert power over the former metropole. He dismissed Mboya's point as largely "academic" and accused him of taking "an extremely legalistic view of these problems whereas what they required was a practical, humanistic approach".[38] He sneered that "it was surely more than a coincidence that the Asian United Kingdom citizens had started to use their passports only when the Kenyan government embarked on their recent [Kenyanisation] policies".[39] And he continued, "the Kenya government ought not therefore merely dismiss responsibility with a legal debating point". However, the other New Commonwealth leaders sided with Mboya. Uganda's Foreign Minister Sam Odaka cited the Universal Declaration of Human Rights in claiming that Asian British citizens "must be allowed to enter their own country", in which he was followed by Jacob Namfua of Tanzania. But outside East Africa, Callaghan also faced criticism. Veerasamy Ringadoo from Mauritius called the 1968 act discriminatory against Kenyan

[36] TNA FCO31/497/44, Commonwealth Secretariat. Citizenship and Migration. Record of Informal Discussion, 11 January 1969. All following quotations are from the same source, unless indicated otherwise.
[37] Ibid.
[38] Ibid.
[39] TNA FCO31/497/44, Commonwealth Secretariat. Citizenship and Migration. Record of Informal Discussion, 11 January 1969.

Asians. Andrew Rose from Trinidad and Tobago dismissed the possibility that other countries would lose quota vouchers when the UK would be forced to let in more Kenyan Asians. Indian Foreign Minister Bali Ram Bhagat, who had so strongly reacted against the act at its conception, said that the act might not have been "racist in origin", but that it certainly gave that impression. He indicated that India was willing to help, but that ultimately "the responsibility was solely the British government's". Followed by his Jamaican colleague, Laurence Lindo, he suggested that Britain might engage in bilateral negotiations with countries willing to accept Kenyan Asians for immigration.[40] Burden sharing by resettling Kenyan Asians to willing "third countries" outside the UK was preferable over losing immigration spots for all of the delegates present. This would become the preferred solution, especially when the new and stricter 1971 Immigration Act of Edward Heath's Conservative government could not prevent the expulsion of Asians from Uganda.

SEARCHING "THIRD COUNTRY" SOLUTIONS

When General Idi Amin eventually announced the expulsion of Asians from Uganda, on August 8, 1972, the Foreign and Commonwealth Office and its Secretary, the Conservative Alec Douglas-Home, were better prepared to deal with the expulsion of East African Asians than the previous government had been. Like Callaghan had done in the Kenyan Asian crisis, Douglas-Home first turned to India in the hope that the Indian government would extend the "Indian Endorsement" and absorb a large number of Asian UKPH. However, this time the negotiations with India proved even more difficult. Indira Gandhi, after winning the war with Pakistan over the East Bengal issue, and a spectacular victory in the subsequent general elections of 1971, was at the height of her domestic popularity.[41] Her position was one of strength and knowing that Britain was desperate to secure India's help, she could assert her power over the former colonial superpower.

Hence Gandhi started a diplomatic game in which she tried to avert responsibility over the Ugandan Asian UK passport holders as much as possible. While India started to repatriate all its own passport holders from Uganda, Gandhi

[40] Ibid.

[41] Ramachandra Guha, *India After Gandhi: The History of the World's Largest Democracy*, Reprint (2008), 447.

kept her position on absorbing British Asians deliberately vague. On September 17, 1972, the British High Commissioner in India, Terrence Garvey, was close to a "diplomatic victory": he claimed that he was about to force the Indian government to accept the extension of the Indian endorsement for the Ugandan expellees with British passports.[42] Eventually it turned out that the Indians only gave in after Garvey promised to "reimburse […] any expenditure so incurred, on an actual cost basis".[43] A day later, and forty days after the expulsion order (less than two months before the ninety-day deadline was over), the Indian High Commission in Kampala started to issue visas for Asian UKPH with endorsed passports.[44]

The difficult negotiations with India urged Prime Minister Heath to search for opportunities to resettle UKPH elsewhere, in "third countries", which unlike Britain and India had no formal obligations towards the Asians. Already in the last week of August, FCO Secretary Douglas-Home sent a telegram to British ambassadors in almost fifty countries requesting them to formally raise the question of resettlement with the governments of the countries to which they were posted. The focus lay on the Commonwealth, and on certain countries in Africa and (Latin) America known for their generous refugee policies. The approach towards Europe was hesitant at first and only Sweden and West Germany received requests for resettlement help in the initial stage. Some fifteen countries replied swiftly, mostly saying that they were interested in small numbers of professionals and highly skilled laborers in economic sectors facing shortages.[45] Only Malawi and Canada committed themselves to take more than token numbers of UKPH. Malawian President Hastings Banda was the first to respond. He promised to take in 1,000 to 1,500 Asians with Ugandan documents, either as a temporary relief measure or on a permanent basis.[46] The Canadian Prime Minister Pierre Trudeau offered 3,000 spots, with the

[42] TNA FCO 31/1404/219, Terrence Garvey, Telno. 2226 to FCO, 17 September 1972.
[43] TNA FCO 31/1404/207, Terence Garvey, Telno. 2224 to Ugandan High Commission, 16 September 1972.
[44] TNA FCO 31/1404/219, Terrence Garvey, Telno. 2226 to FCO, 17 September 1972.
[45] TNA , FCO 31/1402/11, Ugandan Asians: "The Diplomatic Defensive", 31 August 1972.
[46] Ibid.

possibility to increase the quota if needed, for both UKPH and stateless Asians.[47]

The early resettlement offers were of crucial importance for Heath's government, because they allowed for a solution that obscured the power struggle between the UK and its former colonial empire. Instead of a British issue, the resettlement turned the Asians' expulsion into a concern of the international community at large. In economic terms, the wide dispersal of the Asians was not in the UK's interest, especially when the total number of Asians in Uganda appeared much lower than FCO had initially feared. Ironically, it now seemed that the pledged quota for Britain could not be filled. Within FCO, the concern was raised that the British High Commissioner in Kampala was issuing entry vouchers "at such a rate that there will be no Asians left to go to Canada, Malawi, India, Argentina, Brazil, etc."[48] On the one hand, Douglas-Home requested his FCO staff to keep an eye on the developments and to send a telegram to Kampala "instructing the High Commission to slow down the rate of issue of entry vouchers to an appropriate flow" if necessary.[49] Yet, on the other hand, he was also apprehensive that only the least "desirable and useful" expellees would be left for the UK, as resettlement countries mostly asked for Asians with special professional skills. Officials started to consider whether they should positively encourage the intake of certain categories of UKPH to the UK "because of current manpower shortages, notwithstanding insiders' decision to divert as many as possible to other countries".[50]

During the international negotiations, the Director of the East Asian Department, Simon Dawbarn, became increasingly afraid that someone would expose the contradictions within the British strategy. He looked first at the Swedish government.[51] The Swedish Prime Minister Olof Palme was renowned for his particular role in the international arena, where he defended humanitarian issues and criticized world leaders' ongoing "colonial practices"

---

[47] Ibid.

[48] TNA FCO 31/1402/63, A.A. Acland, FCO, Letter to PUS M. Le Quesne – Ugandan Asians, 4 September 1972.

[49] Ibid.

[50] TNA FCO 31/1403/183a, Ministerial Committee Immigration and Community Relations (FCO) – Note on Resettlement of Ugandan Asians UKPH outside the UK, 13 September 1972.

[51] TNA FCO 31/1402/9, S.Y. Dawbarn (East Africa Department), Briefs for the Swedish Prime Minister's visit to Peter Unwin, 30 August 1972.

in the Third World.[52] During the ninety days of the expulsion, the FCO carefully monitored the public debate in Sweden. It was particularly upset with Swedish depictions of the Northern Ireland question as a "freedom fight" of the IRA in "a battle to deprive Britain of her last 'colony'" and with the Swedish position on Rhodesia, which favored "Black African attitudes".[53] Swedish criticism of Britain's diplomatic strategy to deal with the Ugandan crisis had the potential to impede the intended international dispersal of Asians.

Initially, the Swedes very firmly refused to take in any Ugandan Asian refugees. They argued that due to problems of climate, language, and the lack of a pre-existing Asian community, the successful integration of UKPH from Uganda was unlikely. The East African department in the FCO found this reason "bogus". In the brief before Deputy Under-Secretary of the FCO Martin Le Quesne's talk with the Swedish Ambassador to the UK, FCO officials said that "It is recommended that we keep the Swedes firmly on the hook. There is no reason why they should not take some Asians. It would be in line with the humanitarian principles they are always professing."[54] From that time onwards, bureaucrats within the FCO dedicated more effort on convincing the Swedish government than any other. This approach proved fruitful when on 4 September, the Swedish government shifted gears and announced in a phone call that it considered taking in 300 Ugandan Asian UKPH.[55]

The turning point, however, came when Douglas-Home sought support in the United States to restore the international power balance in the United Kingdom's favor. On September 14, 1972 Foreign and Commonwealth Secretary Alec Douglas-Home had a meeting with Henry Kissinger, then Assistant to President Nixon for National Security Affairs (NSA) in the former's office. Also present were Permanent Under Secretary of the FCO Dennis Greenhill,

[52] Fernando Camacho Padilla, "Las Relaciones Entre Chile Y Suecia Durante El Primer Gobierno de Olof Palme, 1969-1976," Iberoamericana : América Latina, España, Portugal 7, no. 25 (2007): 65–85.
[53] TNA FCO 31/1402/4, S.Y. Dawbarn , Telno. 374 to FCO – Uganda: Expulsion of Asians, 30 August 1972.
[54] TNA FCO/31/1402/34, FCO, East African Department, Brief for PUS' talk with Swedish Ambassador: 4 September – Ugandan Asians, 3 September 1972 [Emphasis in original].
[55] TNA FCO 31/1402/50, T.L.A. Daunt, Letter to East Africa Department – Ugandan Asians and Sweden, 5 September 1972.

British Ambassador to the United States Lord Cromer (Rowland Baring), and two American National Security Council staff members.[56] Douglas-Home asked Kissinger whether the United States could help with the resettlement of some 50,000 "chaps", which Cromer remarked was "quite a burden". Kissinger replied that he did not think he could do anything that would make a difference, but Douglas-Home insisted that "even 200 would help".[57] Up until that point, the American State Department under Secretary of State under William Rogers had tried to stay out of the matter at the suggestion of American Ambassador Tom Melady, who deplored the expulsion but did not think it was the place of the US to remark on the expulsion.[58] The hands-off approach from the State Department irritated President Nixon, as well as the soft stance of his ambassador, whom he called "a sweet guy, […] but totally African", by which he meant that Melady was too supportive of the African view point on the postcolonial world order.[59]

Nixon and Kissinger wanted to take stronger action against Uganda. On September 22, Kissinger arranged a meeting with Lord Cromer to hand over a letter of support from Nixon to Prime Minister Heath. Cromer told him that his first concern was with "the real British". Kissinger replied: "If you have to consider strong measures, you won't get into trouble with us, to put it

[56] FRUS/1969-1972/E-5/1 doc. 253. Memorandum of Conversation, London, September 14, 1972. [Original file: Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 62, Folder K/062/06/001. Top Secret; Sensitive; Exclusively Eyes Only.]

[57] Ibid.

[58] FRUS/1969-1972/E-5/1 doc. 251, Department of State, Telegram 2625, 25 August 1972 [Original file : NARA, RG 59, Central Files 1970-1973, POL 23-10 Uganda. Confidential. Telegram 2625 From the Embassy in Uganda to the Department of State, Kampala, 25 August 1972]; FRUS/1969-1972/E-5/1 doc. 252, Department of State, Telegram 157288, 28 August 1972. [Original file: NARA, RG 59, Central Files 1970-1973, POL 23-10 Uganda. Confidential. Telegram 157288 From the Department of State to the Embassy in Uganda, Washington, 28 August 1972].

[59] FRUS/1969-1972/E-5/1 doc. 256. Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger), 21 September 1972 [Original file: Nixon Presidential Materials, White House Tapes, 7:42 - 7:43 PM, White House Telephone, Conversation No. 30-17., 7:42-7:43 p.m]. Nixon's informal conversations with Kissinger are so instructive to understand their idea about Africa, its leaders, and its role in the world. In this telephone conversation, for instance, he said, "Do we care when these damn Africans eat 100,000 people? I mean, it's really gone too far. What do you think?" Kissinger replied that he "couldn't agree more".

mildly."[60] With this information, Cromer went back to Heath and Douglas-Home.[61] Meanwhile, a selected group of officials at the East African Department at FCO, headed by Simon Dawbarn, had started to prepare two top secret military operations to evacuate the 7,000 "Belongers" (i.e. white British citizens) from Uganda.[62] When Kissinger was informed about the operation, he and Nixon discussed the possibility of getting NATO involved in the evacuation, with the secret goal of seeing what the Americans could mean, military, to defending British interests in Uganda. Nixon thought that this decision would "reassure the British".[63] The conversation that ensued is worth reproducing in full, because it not only reveals so clearly how the two men looked at Uganda, but also at Africa in general, as weak states where foreign intervention was fully legitimized:

> Nixon: Overt we'll say for the purpose of evacuating Americans and British.
>
> Kissinger: Exactly.
>
> Nixon: Isn't it awful though what these--that this goddamn guy at the head of Uganda, Henry, is an ape.
>
> Kissinger: He's an ape without education.

---

[60] FRUS/1969-1972/E-5/1 doc. 257. Memorandum of Conversation, Washington, September 22, 1972. [Original File: Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 62, Folder K/062/06/001. Top Secret; Sensitive; Eyes Only].

[61] TNA FCO31/1410/53, Top Secret Letter to Denis Greenhill, 23 September 1972.

[62] FCO31/1410/93, Uganda: FCO Responsibilities in Connection with Operation Zealous, 5 October 1972. Operation Zealous involved an invasion from the Seychelles and was seen as most feasible. The other plan, Operation Toll, required facilities in Kenya to which the British had no longer access. All other records from this file have not yet been disclosed, so it is hard to estimate to which extent the operation took place. Chibuike Uche has uncovered that the UK might also have been involved in an attempted coup against Amin coordinated by Obote supporters from Tanzania. Uche, "The British Government, Idi Amin and the Expulsion of British Asians from Uganda," 832–33.

[63] FRUS/1969-1972/E-5/1 doc. 258. Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger), Camp David, 24 September 1972. [Original file: Nixon Presidential Materials, White House Tapes, Camp David Secretary's Table, Conversation No. 154-7].

Nixon: That's probably no disadvantage. I mean that--

Kissinger: [laughter]

Nixon: I mean, you figure that that asshole that was the head of Ghana had a brilliant education in the United States.

Kissinger: That's right.

Nixon: I mean, so, let's face it--no, no, what I mean is he's, he's--he really is. He's a, he's a prehistoric monster.[64]

From Kissinger's and Nixon's further conversation one sees a deep disdain, even disgust for all African leaders, who were, according to Kissinger "anti-white" and "obsessively liberal".[65] It was time to take back control. As Nixon remarked, "the idea that we're going to stand still on the ground that any African government that […] overthrew a colonial power [and] thereby becomes lily white by our […] standards and thereby beyond criticism is ridiculous".[66] However, it never came to an American or NATO intervention. Instead, Nixon decided that the most immediate action he could take to help regain the British government its authority, was to accept the resettlement of stateless Asians into the United States. On September 29, he gave the Attorney General the task to prepare everything for the admittance of 1,000 Asians to the US.[67] This group was the first one to enter through the Attorney General's parole authority without a direct link to persecution by a communist government.[68] Loescher and Scanlan assert that the resettlement signaled Nixon's and Kissinger's willingness to accommodate their transatlantic ally, but the content of the conversations show that it was more; it was first and foremost a way of affirming the power of the First World in light of a Third World threat. It formed the base of the UK-US collaboration that would be a formative element of international politics in the 1970s.

---

[64] Ibid.
[65] Ibid.
[66] Ibid.
[67] FRUS/1969-1972/E-5/1 doc. 259. Memorandum From Denis Clift of the National Security Council Staff to Richard Kennedy of the National Security Council Staff, Washington, 29 September 1972. [Original File: Nixon Presidential Materials, NSC Files, Box 746, Country Files, Africa, Uganda, Vol. I. Confidential].
[68] Loescher and Scanlan, *Calculated Kindness*, 87.

DEBATE IN THE UNITED NATIONS

From the beginning of the Ugandan Asian crisis, Heath's Cabinet had researched the possibility of intervening internationally by seeking a resolution in the United Nations General Assembly to condemn Amin's actions.[69] However, as we have seen in chapter 2, Geoffrey Rippon, the Chancellor of the Duchy of Lancaster (an official advisor to the British Prime Minister), pleaded against going to the UN prematurely after his visit to East Africa and Uganda. During that visit, he had become aware of the fact that Amin still enjoyed the support of African leaders in the region. Rippon believed that bringing the issue before the General Assembly in the UN would "unite the African block" and put Britain in a particularly awkward position.[70]

On August 22, 1972, the British government adopted a more aggressive approach. British diplomats at the UN started testing the water in the Sub-Commission on Prevention of Discrimination and Protection of Minorities under the Commission on Human Rights, where the representatives spoke in their own name, and not on behalf of their respective nation states.[71] Robert Rhodes James, the British member of the Sub-Commission, submitted the text of a telegram directly addressed to Ugandan President Amin. The text is worth quoting at length:

> The internal affairs of your distinguished country are not a matter for the Sub-Commission, but it does have a particular responsibility in the field of human rights entrusted to it by the United Nations Commission on Human Rights. The Sub-Commission has asked that I communicate to you its serious concern over this situation, and to ask you to give particular attention to the *humanitarian aspects* of the situation arising out of the decision affecting those Asians living in Uganda who do not have Ugandan citizenship. The Sub-Commission has also expressed its

[69] TNA CAB 128/50/41, Conclusions of a Meeting of the Cabinet held at 10 Downing Street on Tuesday, 8 August 1972.
[70] TNA FCO31/1401 (no folio number), Visit of Mr. Rippon to East Africa. Note of a secret meeting at Chequers on 9.30am on Wednesday, 16 August 1972.
[71] UNHCR 11/2, Box 205 100.UGA.ASI Refugees from Asia in Uganda Vol. 1 (1972), Folio 40B, Incoming Cable dispatched from New York, Confidential for (Deputy High Commissioner) Mace, 23 August 1972.

> concern over the decision to require *Asians holding Ugandan citizenship to leave your country* as well. The Sub-Commission, fully aware of the magnificent record of your great country in the field of human rights, is convinced that you will give these matters your most careful personal attention.[72]

Rhodes James was aware that just like in the Kenyan Asian crisis the expulsion of British passport holders from Uganda did not in the strict sense violate any human rights provisions. For instance, Article 13 of the International Covenant on Civil and Political Rights, which provided that "an alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with the law" was not breached, as long as Amin did not expel Asians with Ugandan citizenship. The same holds true for Article 9 of the UDHR against arbitrary exile. It was not certain at that point whether Ugandan citizens of Asian origin would be expelled at all. The Ugandan observer in the Sub-Commission stressed that "all genuine Ugandan citizens, regardless of race, would be allowed to stay in the country."[73] In other words, the expulsion of Ugandan Asians did not exactly fit the mold of human rights abuses that Rhodes James sought to apply. Moreover, several members claimed that the Sub-Commission had no mandate to send telegrams directly to heads of states.[74] Bali Ram Bhagat, the chairman of the session (who we encountered above as the Indian Minister of Foreign Affairs during the Kenyan Asian crisis in 1968) thus never sent the telegram to Amin. That proposal was voted down with fourteen votes against one with six abstentions.[75]

---

[72] Robert Rhodes James, "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights on Its Twenty-Fifth Session, New York, 14 August-1 September 1972" (New York: United Nations Economic and Social Council, September 28, 1972), 22. [Emphasis added]

[73] Rhodes James, 22.

[74] This was true as the Sub-Commission did not consist of official representatives. The fact that they spoke for themselves, as private persons, however, gave Rhodes James the opportunity to raise this point. Raised by an official representative of the government, this text would have stirred enormous commotion.

[75] Robert Rhodes James, 'Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights on

On August 23, just one day after Rhodes James had raised the issue of the Ugandan Asians, the Nigerian commission member Adam Mohammed attacked his British counterpart for his hypocrisy. Instead of accusing the Ugandan government, Mohammed said that "[i]t could be alleged that the United Kingdom was violating human rights principles by selectively applying certain policies for the admittance of persons from countries of the Commonwealth to its territory."[76] Mohammed, like other third world observers, understood that the human rights façade served to hide a battle over the right to in- and exclude certain citizens in the post-imperial world.

However, this skepticism was not shared by the United Nations High Commissioner for Refugees, Sadruddin Khan. Informal notes on the meeting report in the UNHCR archives reveal that his sympathies, and those of his staff, lay rather with the British plea. On the action sheet accompanying the meeting report, Special Assistant to the High Commissioner Pierre Coat, who worked temporarilly in the Ugandan Asian Section, wrote: "H[igh] C[ommissioner]: you may wish to have a look at pp. 2 & 3 (exchange between UK and Uganda). The rest is so much blah." "The rest" involved mainly Mohammed's and others' accusations of British human rights abuses with regard to the right to return. High Commissioner Sadruddin Aga Khan dismissed the discussion as "polite nonsense".[77] Meanwhile, Deputy Director of Protection, former UNHCR Representative to the UK Branch Office, and newly appointed the head of the Ugandan Asian Section John Kelly maintained very close contact

Its Twenty-Fifth Session, New York, 14 August-1 September 1972' (New York: United Nations Economic and Social Council, 28 September 1972).

[76] UNHCR 11/2, Box 205 100.UGA.ASI Refugees from Asia in Uganda Vol. 2 (1972), Folio 48A Report of the Sub-Commission under Commission on Human Rights Resolution 8 (XXIII) (E/CN.4/Sub.2/L.572 (continued), 23 August 1972.

[77] UNHCR 11/2, Box 205 100.UGA.ASI Refugees from Asia in Uganda Vol. 2 (1972), Folio 48A Action Sheet to the Report of the Sub-Commission under Commission on Human Rights Resolution 8 (XXIII) (E/CN.4/Sub.2/L.572 (continued), 11 September 1972. Action sheets within the UNHCR office served to communicate tasks when reports or memoranda were circulated to larger groups of people. They are incredibly interesting source material, as they often reveal personal opinions (including gossip) of the main actors. They are, however, not always easy to interpret, as actors signed them off with their initials, sometimes in barely decipherable handwriting.

with his counterparts in the Foreign and Commonwealth Office's East Africa Department.

A week later, on August 30, 1972, British Minister of State Joseph Godber officially approached UN Secretary General Kurt Waldheim and High Commissioner Prince Sadruddin to discuss "the humanitarian aspects" and to ask assistance "in the solving of this difficult task".[78] Meanwhile, the British government started to prepare its intervention at the upcoming UN General Assembly of September 27. It grew convinced, based on the replies they were receiving from third countries about potential resettlement spots for UKHP, that they had gathered enough international support. Particularly the position of the Swedish government, which was highly regarded for upholding humanitarian principles, was important to reach that conclusion. On September 6, two days after Swedish prime minister Olof Palme had conceded to accepting 300 UKPH, the Cabinet gave the green light to bringing the question of the Ugandan Asians before the next meeting of the General Assembly.[79]

On September 27, Colin Crowe, British Permanent Representative to the UN in the General Assembly, officially raised the issue of the Ugandan Asians in New York. Crowe's letter stated that the situation was "urgent by virtue of the time limit imposed and important because the mass expulsion of a group of people raises matters of principle, which are of concern not only to the governments immediately involved but to the international community as a whole".[80] In several meetings during that day, both Alec Douglas-Home and Uganda's representative Grace Ibingira put forward the UN Charter to defend their country's policies. Douglas-Home altered between invoking human rights and lamenting Britain's limited capacity, as "a small and overcrowded island" to take in a large numbers of expellees. In pure UN language, he appealed to members' "good neighbourliness" to help resettle expellees.[81] Grace Ibingira, instead, referred to the Charter's sections on "self-determina-

[78] TNA FCO 31/1402/48, Translation of a report in "Die Presse" of 31 August 1972, Waldheim promises support to London, 31 August 1972.
[79] TNA CAB 129/164/16, Home Secretary R. Carr, United Kingdom Passport Holders in Uganda - Note to Lord President J. Prior, 6 September 1972.
[80] UN General Assembly, Official Record New York, 1972, Twenty-Seventh Session (A/8794), International implications of the expulsion of the Asian Community from Uganda, Letter dated 26 September 1972 from C.T. Crowe, 27 September 1972.
[81] UN General Assembly, Official Record New York, 1972, Twenty-Seventh Session (A/PV.2042), Statements in General Debate, 2042nd Meeting: 27 September 1972.

tion" stating that, "as a small nation, as a young nation, as an ex-colonial nation, [we] are being bullied by a former imperial Power into submission".[82] Ibingira insisted that the crisis was a bilateral and not an international issue. He remarked that nobody had contemplated bringing the expulsion of Nigerians from Ghana before the UN in 1969, accusing Britain openly of racial bias. Ibingira stated that Britain was merely using the UN "to pacify right wing hardliners such as Enoch Powell" now that the Ugandans passed the "burden" of the Asian community onto the British government.[83] In the discussion that followed, it became clear that Uganda still had some support among UN members. Britain's lack of responsibility towards its own citizens was almost as severely questioned as Amin's mass expulsion.[84]

Unsurprisingly, the most critical stances against Uganda's expulsion came from members deeply involved in the matter, particularly India and Malawi. Both stressed the humanitarian aspect of the problem and asserted that the crisis was a concern to humanity at large. The Malawian diplomat Albert Banda linked the Ugandan Asian question with Africa's position in the world. He remarked that, at a time when African countries gained a strong position in the UN against racism and colonialism in issues such as South African Apartheid, the Rhodesian conflict, and the brutal decolonization of the Portuguese colonies, it was crucial that African countries not be "accused of double standards".[85] India was much more concerned with its own responsibilities towards the Asian diaspora. It was as important for India as it was for Britain that other countries would step in to help carry the burden. India's representative, Swaran Singh, stated that all help from other countries was welcome as "India, for its part, is doing all it can".[86] Unlike in the 1960s, when the Indian

[82] UN General Assembly, Official Record New York, 1972, Twenty-Seventh Session (A/PV.2043), Statements in General Debate, 2043rd Meeting: 27 September 1972.
[83] UN General Assembly, Official Record New York, 1972, Twenty-Seventh Session (A/BUR/SR.203), Statements in General Committee, 203rd Meeting: 28 September 1972..
[84] UN General Assembly, Official Record New York, 1972, Twenty-Seventh Session (A/PV.2042), 2042nd Meeting, 27 September 1972; Ibid. (A/PV.2043), 2043rd Meeting, 27 September 1972; Ibid. (A/BUR/SR.203), 203rd Meeting: 28 September 1972.
[85] UN General Assembly, Official Record New York, 1972, Twenty-Seventh Session (A/PV.2063), Statements in General Debate, 2063rd Meeting, 11 October 1972.
[86] UN General Assembly, Official Record New York, 1972, Twenty-Seventh Session (A/PV.2042), 2051st Meeting, 3 October 1972.

government had severely opposed the British strategy of dispersal, which was in the first place geared towards resettling UKPH in India, now the Indians adopted the British strategy and sought a greater internationalization of the resettlement effort. Despite this support for the British approach, the debates in the General Assembly never even led to a vote on a resolution.

INVOLVING UNHCR IN THE RESETTLEMENT EFFORT

Without succeeding to condemn the Ugandan government for human rights abuses on an international forum, the British government resorted to its original plan of international dispersal. To that end, it steered the UNHCR into the direction of a large-scale international resettlement operation. On October 3, 1972, Deputy High Commissioner of the UNHCR and Director of Operations Charles Mace flew to London to discuss the issue with Assistant Under-Secretary of the FCO, Charles Scott. Scott immediately made clear that the British government had no responsibility for the stateless Asians. He urged Mace to search for countries that could serve as 'transit areas' for the stateless Asian refugees. Mace replied that

> the UNHCR was anxious to avoid publicity for these discussions and hoped that news of his visit to London would not leak. It was important that the Ugandans should not be given any grounds for the allegation that the Secretary-General and the UNHCR were acting at British behest.[87]

It is, however, hard to deny that UNHCR followed the blueprint set out by the FCO. Two days after Mace's visit, on October 5, 1972, Head of the Ugandan Asian Unit John Kelly and UNHCR's Regional Representative to the UK Warren Pinegar went to London for a meeting with FCO's head of the East Africa Department Simon Dawbarn. Their task was to inquire "the possibility of the issuance of identity certificates by the United Kingdom authorities to stateless Asians wishing to leave Uganda".[88] Dawbarn immediately stonewalled their request as "the upper echelons of the government felt strongly

[87] TNA FCO31/1406/490, Alec Douglas-Home, Telno 771 Stateless Asians in Uganda, 3 October 1972.
[88] UNHCR 11/2, Box 1281 641.UGA Expulsion and Deportation – Uganda [Vol. 2] 1972, Folio 77, Note for the File, Meeting at Foreign/Commonwealth Office concerning Ugandan Asians, 5 October 1972.

that the UK should not in any way be identified with this group who, they feel, are the responsibility of the Uganda Government".[89] As we have seen in chapter 2, Kelly and Pinegar were eager to get UNHCR involved, particularly because they sensed that the British had ample contacts with other international organizations, such as the Intergovernmental Committee of European Migration (ICEM) and the International Committee of the Red Cross (ICRC). Kelly, with his experience in East Pakistan in 1971, where UNHCR had acted as the "focal point" of the humanitarian operation, must have sensed the importance of the moment for the UNHCR to establish itself further as the main authority in humanitarian (refugee) questions in the Global South.

From then onwards, things moved quickly, as Dawbarn informed Kelly and Pinegar that everything had already been set in place for a major resettlement operation. ICEM Director John Thomas had already installed an office in Kampala to process applications of British Asians wanting to migrate to Latin America. If necessary, ICEM could also move the stateless on nominal rolls, as had been the case for Hungarian refugees in the 1950s and Czechoslovaks in the 1960s. Furthermore, the FCO had prepared a list of all countries that "had responded to the British request to receive Ugandan Asians." Kelly and Pinegar were instructed to handle the list with utmost confidentiality, but to contact the countries with favorable responses as soon as possible.[90] He suggested arranging a meeting between UNHCR, ICEM, and ICRC in Geneva shortly to further flesh out the operation, which would from then onwards develop under UNHCR's leadership.

In order to retain its credibility as an "apolitical" humanitarian organization, UNHCR only became involved in the resettlement of the approximately 8,000 Asians of undetermined origin (see chapter 2 and also table 2 above). Hence, the international refugee organization temporized until the major resettlement efforts by the UK and India had been completed. Apart from the 7,000 white "belongers", the UK eventually granted access to just over 27,000 Asian UK passport holders. The Indian government resettled all Indian passport holders and eventually also some 1,500 British Asians, including 200 former British Protected Persons (BPPs) who were now stateless. Canada sent its own

[89] Ibid.

[90] UNHCR 11/2, Box 1281 641.UGA Expulsion and Deportation – Uganda [Vol. 2] 1972, Folio 77, Note for the File, Meeting at Foreign/Commonwealth Office concerning Ugandan Asians, 5 October 1972.

mission directly to Kampala and resettled about 2,000 Asians, both British passport holders and stateless. In the last week of October, three weeks before Amin's deadline, about 6,000 people remained in Uganda, who were "not covered by any existing scheme".[91]

The first task was to get them out of Uganda, in order to be able to give them refugee status. By October 27, the UNHCR Ugandan Asian Section had found seven countries willing to provide transit facilities. Of these seven, the UNHCR immediately started sending refugees to Austria, Belgium, Italy, Spain, and Malta. It ultimately did not need to use the offers from the two other countries, namely Greece and Morocco. By the time of the deadline, on November 8, 1972, all but a few of the approximately 6,000 stateless Asians had left Kampala for the temporary refugee camps in Europe. The 1,000 stateless Asians and their dependents (1,617 persons in total, see table 3) who had been selected to go to the United States, transited through Italy. The approximately 4,300 others had to await resettlement offers from other countries. Their permanent resettlement was only a question of a couple of weeks, in some cases months (only in Italy, some fifty people remained in a transit camp until 1975).[92] It was in this moment of permanent resettlement that Ugandan Asians were truly internationally dispersed (see table 3). Importantly, by and large, they went to the countries with which Britain had made arrangements in the first phase of the expulsion. Although the numbers of Asians travelling to countries outside the white settler states that traditionally engaged in resettlement efforts never exceeded a few hundred persons, their resettlement was important as it served as a precedent for further collaboration between the British government, UNHCR and the "third countries" that agreed to take Ugandan Asians, as we will see in subsequent chapters.

[91] UNHCR 11/2, Box 205 100.UGA.ASI Refugees from Asia in Uganda Vol. 3 (1972), folio 94B, Strictly Confidential, Asians in Uganda, 21 October 1972.

[92] Office of the UNHCR, "How They Did It. Resettlement of Asians from Uganda in Europe and North America. Special Report May 1973," in *Ugandan Asian Expulsion: 90 Days & Beyond Through the Eyes of the International Press*, ed. Lalani (1997), 164.

Countries	Resettled from Kampala	Resettled from Europe	Total Resettled	Accepted and awaiting movement	Awaiting decision	Grand Total
Abu Dhabi	-	33	33	-	-	33
Australia	-	20	20	-	-	20
Austria	-	228	228	-	-	228
Belgium	-	168	168	-	-	168
Canada	1,370	762	2,132	3	7	2,142*
Denmark	16	87	103	9	-	112
Dubai	-	45	45	-	-	45
India	208	14	222	-	-	222
Japan	-	1	1	-	-	1
Middle East	-	2	2	-	-	2
Kenya	-	6	6	-	-	6
Latin Am.	-	9	9	-	-	9
Netherlands	-	257	257	-	-	257
New Zealand	-	75	75	7	-	82
Norway	-	165	165	-	-	165
Pakistan	-	1	1	-	-	1
Sweden	-	341	341	21	1	363
Switzerland	190	33	223	-	-	223
UK	-	527	527	-	-	527
US	-	1,617	1,617	2	5	1,624
Total	**1,784**	**4,391**	**6,175**	**42**	**13**	**6,630**

Table 3. Uganda Asians of Undetermined Nationality Resettled by the UNHCR on April 4, 1973 (UNHCR 11/2, Box 17 100.GEN.ASI, Folio 265)

PLANS TO REDUCE RESPONSIBILITIES FOR ASIANS IN THE FUTURE

That the dispersal of Ugandan Asians was only the beginning for the British in trying to detach themselves from their colonial nationals by involving the international community becomes visible when looking at the contingency plans Heath's Cabinet started drafting immediately *after* the Ugandan Asian crisis. One day after Amin's deadline, on November 9, 1972, Foreign Secretary Alec Douglas-Home and Home Secretary Robert Carr presented their vision to the Cabinet. They agreed that, in order to ultimately avoid the recurrence of such a crisis, Britain's Nationality Bill needed an update that

would forever divorce the status of British citizens and former colonial subjects. Both the 1968 and the 1971 Acts had caused a crisis rather than prevented one. The Cabinet recognized now that, "[t]here was a risk that UKPHs would be tempted to try to enter this country in considerable numbers during the passages of [a new] Bill."[93]

In December, Douglas-Home and Carr envisioned what would become the first of a series of contingency plans concerned with Asian diasporic migration. They roughly estimated that, after the Kenyan and Ugandan exoduses, there were still 250,000 UKPH without innate connection to the UK left in the New Commonwealth countries, including but not limited to the remaining East African Asians. More than half of this number lived in Malaysia and Singapore, but these countries were not a primary concern. UKPH in these countries had "never shown any wish" to migrate to the UK and the governments of both countries were more cooperative. Of greater concern was the situation in East Africa that had occupied British policymakers for so long. They believed that Kenya remained the riskiest country, as a thorough expulsion like in Uganda had never occurred and many Asians remained put. Though the Cabinet did not believe that another expulsion would soon follow, it stressed that the situation was dependent on leadership and could easily turn, as it had done in Amin's case, if a more radical leader would take over.[94] As a solution, Douglas-Home and Carr placed the responsibility with the international community:

> Suggestions have been made that we ought to bring forward legislation to alter our nationality law so as to alleviate the difficulties with which we could be faced. Our nationality law is in need of bringing up to date and we shall proceed with the review of it which is already in hand. But *the real answer lies in co-operation with other governments.*"[95]

[93] TNA CAB128/53/20, Conclusions of a meeting of the Cabinet held at 10 Downing Street at 10.30am, 9 November 197.
[94] TNA CAB129/166/18, Alec Douglas-Home and Robert Carr, Note – Mass expulsion on the Ugandan model, 6 December 1972.
[95] TNA CAB129/166/18, Alec Douglas-Home and Robert Carr, Note – Mass expulsion on the Ugandan model, 6 December 1972. [Emphasis added]

As long as the obsession with expulsion endured (at least until the installation of the new Labour government under Harold Wilson in 1974, but even beyond), the British government did everything to prevent Ugandan UKPH in "third countries" from migrating to Britain. This applied especially to the large group in India. UKPH in India soon found out that the "Indian Endorsement" ceased to do what it promised: grant them easy access to the UK. Not even a year after the expulsion, the Home Office suspended the special arrangements for Asian UKPH from India. Officials at the Migration and Visa Department clarified that, "[i]n the future, therefore, Ugandan Asians applying for entry to the United Kingdom should be considered as either Commonwealth citizens or aliens as appropriate".[96]

There was, however, still a substantial group pressing to come to the UK, namely stateless members of split families, whose relatives were resettled to Britain as UK passport holders. Asians in Uganda had often adopted citizenship strategies that involved parts of the family to adopt Ugandan citizenship, while other parts retained their British passports. During the expulsion, these families were separated. There was a strong gender and age component to the complication. In the 1970s, the "head of household" was defined as male, unless women were single, divorced or widowed, which prevented "British women married to non-British men from ever settling in Britain".[97] The wives and underaged children of male UKPH could relatively easily join their husbands and fathers in the UK, especially after the Labour government came to power in 1974. For men, adult children and other adult relatives (such as grandparents), it was nearly impossible to reunite with their UKPH female family members.[98] This remained the case throughout the 1980s and even the 1990s.[99] The explicit goal was to persuade UKPH wives and relatives to join their male head of household in a third country, as to further reduce the numbers of Ugandan Asians in the UK.

---

[96] TNA FCO 50/445/62, Migration and Visa Department, Circular to Foreign and Commonwealth Office – Ugandan Asians not holding United Kingdom passports, 25 June 1973.

[97] Jacqueline Bhabha and Sue Shutter, *Women's Movement* (Oakhill: Trentham Books Ltd, 1994), 41.

[98] UNHCR 11/2, Box 17 100.GEN.ASI Refugees from Asia General, Vol. 2 (1974), Folio 262, John Kelly, Telegram to all UNHCR Representatives and Correspondents – Uganda Asians/United Kingdom, 9 April 1974.

[99] Shah, *Refugees, Race and the Legal Concept of Asylum in Britain*, 82–83.

The Indian government, too, devised a strategy to further disperse East African Asians. Indira Gandhi's measures to reduce Asian immigration can be seen in the context of her obsession with population control, which became important during the Emergency between 1975 and 1977.[100] Her government designed repatriation schemes that put non-Indian passport holders at a disadvantage. Concretely, she excluded all non-Indian nationals from the repatriation schemes that the Indian government had designed for its own nationals. Non-Indian nationals were not allowed to take up government employment, did not receive Indian welfare support, and were not eligible for the special resettlement housing projects in Gujarat.[101] As such, the Indian government made it utterly unappealing for UKPH and stateless Asians – whom the Indian government regarded as the responsibility of the UK government and UNHCR respectively – to remain in India, even less so for their relatives to join them.[102]

Stateless Asians in India discovered furthermore that they had received less financial support through UNHCR, compared to their counterparts that had been resettled through the European temporary refugee camps. In the aftermath of the expulsion, UNHCR had managed to strike a deal with Idi Amin regarding the compensation of Ugandan Asians' lost assets. In total, Amin paid 5 million pounds in reparations.[103] In 1977, after several desperate requests from stateless refugees in India, the chief of UNHCR's Assets Record Unit, Miss Perviz Mitha, discovered that the original guidelines of the UNHCR only foresaw financial compensation for those with relatives in Europe.[104] All others were thus deprived of both Indian repatriation provisions *and* Ugandan compensations channeled through UNHCR. After realizing this, UNHCR started to provide funds for some stateless Asians stranded in

[100] Connelly, *Fatal Misconception*, 222.

[101] UNHCR 11/2, Box 98 100.IND.ASI Asian Refugees in India Vol. 1 (1976-1977), Folio 353, Letter from Satyam Patel to Otto Gobius (UNHCR), Assistance for housing project of Uganda repatriates in Gujarat State, India, 23 December 1976.

[102] TNA FCO 50/461/1, Margaret Owen, Stranded in India – A report prepared for the Co-ordinating Committee for the Welfare of Evacuees from Uganda, 14 November 1973.

[103] UNHCR 36, Collected Staff Narratives, Interview with John Kelly, 1 April 1998.

[104] UNHCR 11/2, Box 98, 100.IND.ASI Refugees in India, Vol. 2 (1977-1980), Folio 375, Perviz Mitha, Ugandan Asians in India: Guidelines of 17 May 1973, 17 May 1977.

India.[105] However, by that time, stateless Asians in India preferred leaving to staying. With the door to Britain still firmly shut for male Ugandan Asians, the UNHCR eventually persuaded the US and Canada to take in more Asians from India.[106] India, like Britain, had thus effectively reduced the number of people for which to take responsibility.

CONCLUSION

The internationalization of the Ugandan Asian crisis had important repercussions for both the British (and to a lesser extent the Indian) government and the international refugee regime. Ugandan Asians of undetermined origin became the first group that UNHCR resettled from the Global South, due to extensive British lobbying towards that end. The importance of British "diplomatic defensive" lay in convincing the world that the expulsion of colonial diasporic Asians was not a postcolonial problem, but a matter of international humanitarian concern. Of all options, British policymakers considered dispersal the easiest path. Solidarity with the former colonial metropole was low, as many, particularly in the New Commonwealth countries in the Third World, sympathized with the East African leaders. Their arguments, based on newly emerging international human rights law, could count on much acclaim among African, Caribbean, and Asian leaders. In the Western world, especially in the UK itself and in the US, the assertions of East African power caused contempt. British policymakers such as the Labour Home Secretary James Callaghan and the Conservative FCO Secretary Alec Douglas-Home, but also Henry Kissinger and Richard Nixon in the US, sought to re-establish the UK's, and by extension the West's power by undermining these African leaders. Their task was facilitated by the brutal behavior of Uganda's president Idi Amin, but had, in fact, a longer history. Amin's approach, however, helped to legitimated the involvement of the United Nations and ultimately UNHCR.

The internationalization of the Ugandan Asian refugee problem was Britain's ultimate means to sever its inconvenient ties with the former Empire. The entire operation was cloaked in the guise of humanitarian language, but for

[105] UNHCR 11/2, Box 98, 100.IND.ASI Asian Refugees in India, Vol. 1 (1976-1977), Folio 347, A.J. Scordialos, Letter to J.D. Patel, 14 September 1976.
[106] UNHCR 11/2, Box 17, 100.GEN.ASI Refugees from Asia General, Vol. 1 (1973-1974), Folio 248, Perviz Mitha, Report of mission to Canada and New York, 4 February 1974.

British policymakers the goal was always to suppress the numbers of potential non-white British immigrants who entered the country with British passports. In the Ugandan Asian crisis, the UK could not escape its responsibility towards its circa 27,000 citizens, but it very effectively managed to divert the Ugandan Asians whose citizenship status was debatable. As such, the British government succeeded in changing the discourse, turning the Ugandan Asians in refugees, whereas the Kenyans were still regarded as citizens. That both crises could occur had everything to do with the decision, described in chapter 1, not to change British citizenship law, but instead tighten its immigration criteria. It was no coincidence that it was Margaret Thatcher who would eventually change the British Nationality Act in 1981, stripping Commonwealth citizens effectively of their citizenship and not merely of their right to enter.[107] Thatcher followed in the footsteps of her neoliberal predecessor, Enoch Powell, whose "Rivers of Blood" speech resonated throughout the 1970s – and one might argue even today, as the current Home Secretary Priti Patel, herself of Ugandan Asian origin, applies the same principles on migrants and refugees, only in an even harsher form.

The politics of dispersal, in which refugees were traded with third parties (often especially because of their skills and labor market value), laid the basis for a refugee policy modeled on neoliberal principles much earlier than is usually assumed.[108] The implications for refugees became apparent in the two following crises resolved through UNHCR resettlement, in Chile and Vietnam.

[107] Hansen, *Citizenship and Immigration*, ch.9.

[108] Hande Sözer, "Humanitarianism with a Neo-Liberal Face: Vulnerability Intervention as Vulnerability Redistribution," *Journal of Ethnic and Migration Studies* 46, no. 11 (2020): 2163–80.

6

Gestures of International Solidarity

The Difficult Quest for Resettlement from Chile

In July 1976, a group of sixty Chilean refugees hosted in the Chelita Hotel in Buenos Aires started a hunger strike to raise awareness for their cause. They sent a letter to the embassies of the Federal Republic of Germany, Italy, Great Britain, the Netherlands, Sweden, Switzerland, France, Norway, Denmark, Romania, Venezuela, and Hungary, including a copy to UNHCR, saying:

> From our arrival to this date, one to three years have elapsed in some cases, subsequently and for reasons beyond our control and due to the inability to settle or obtain Argentine documents, we reached the final conclusion that our only solution is the possible resettlement in the country that you so worthily represent.[1]

After they had crossed the border, they found that protection under the 1951 Convention of Geneva in Argentina was limited and resettlement processing slow. Following the coup of 1976 that ousted President Isabel (Martínez de) Perón and brought Lieutenant General Jorge Rafael Videla to power, their life increasingly came under threat. Anxious and tired of waiting, they addressed the embassies directly requesting resettlement places out of "the desire to be able to feel once again useful human beings to a society that understands us

[1] UNHCR 11/2, Box 48 100.ARG.GEN Refugees in Argentina General [Vol. 3] (1976-1977), Folio 83, Handwritten letter of 10 July 1976 attached to Memorandum no. 156, Refugees approach to Embassies, Buenos Aires 13 July 1976. In Spanish, the quote reads: "De nuestra llegada a la fecha [h]a transcurrido de uno a tres años en algunas casos, posteriormente y por razones ajenas a nuestra voluntad y debido a la no posibilidad de radicarnos ni obtener documentos Argentinos llegamos a la conclusión finnal [sic] que nuestra única solución es la posible ubicación en el país que Ud. tan dignamente representa."

and that more readily delivers the necessary elements to rebuild our homes".[2] The Hotel Chelita hunger strike was one of the first of a series that occurred in neighboring Latin American countries with large Chilean exile communities. Their desperate protest shows that despite the formation of a large Chilean diaspora after the coup, many Chilean nationals struggled with securing resettlement.

This is remarkable as the resettlement from Chile could also be, and has been, portrayed as one of UNHCR's largest successes.[3] Between 1973 and 1980, UNHCR resettled 23,293 refugees from Chile, comprising of 2,298 foreigners in Chile under UNHCR's mandate and 20,995 Chilean nationals, from Chile, Peru, Argentina and a small number of other countries. UNHCR managed to secure resettlement spots in over forty-five countries, on all continents and across the Cold War divide (see table 4).[4]

Departure / Arrival	Chile			Argentina	Peru	Other	Total
	Foreign Refug.	Chilean Refug.	Total	Chilean Refug.	Chilean Refug.	Chilean Refug.	
Western Europe							12,152
Sweden	612	964	1,576	**2,006**	168	117	3,867
France	401	849	**1,250**	882	50	181	2,363
UK	7	347	354	**754**	252	2	1,362
Switzerland	146	230	**376**	347	78	72	873
Netherlands	111	77	188	**539**	6	135	868
FRG	288	182	**470**	136	10	2	618
Austria	37	152	189	**213**	0	0	402
Belgium	35	144	**179**	149	18	55	401
Denmark	23	75	98	**171**	15	108	392

[2] UNHCR 11/2, Box 48 100.ARG.GEN Refugees in Argentina General [Vol. 3] (1976-1977), Folio 83, Handwritten letter of 10 July 1976 attached to Memorandum no. 156, Refugees approach to Embassies, Buenos Aires 13 July 1976. In Spanish, the quote reads: "un deseo de poder sentirnos nuevamente seres humanos útiles a una sociedad que nos comprenda y más entregue los elementos necesarios para reconstruir nuestros hogares".

[3] UNHCR, *The State of the World's Refugees, 2000*, 126–27.

[4] UNHCR 11/2, Box 19 100.GEN.CHL Refugees from Chile General (1973-1983), Folio 39, Chilean refugees in the EEC, ANNEX 2: Office of the United Nations High Commissioner for Refugees – Resettlement and Voluntary Repatriation of Refugees from Latin America (from September 1973 to 31 March 1980), 19 June 1980.

Italy	19	289	**308**	25	4	3	340
Norway	24	60	84	**175**	42	13	314
Spain	1	68	69	49	9	20	147
Finland	29	12	**41**	6	**41**	0	88
Luxemburg	0	6	6	8	**39**	0	53
Portugal	5	1	6	30	3	0	39
Ireland	0	20	**20**	5	0	0	25
North America							4,000
Canada	103	185	288	**2,680**	306	18	3,292
US	18	31	49	**531**	108	20	708
Latin America							3,757
Argentina	161	1,209	**1,370**	0	9	0	1,379
Cuba	106	40	146	281	**297**	2	726
Mexico	11	588	**599**	88	5	10	702
Venezuela	4	235	**239**	62	17	9	327
Panama	16	152	**168**	1	7	5	181
Peru	20	91	**111**	8	0	0	119
Costa Rica	6	75	**81**	8	12	0	101
Colombia	0	80	**80**	8	10	2	100
Ecuador	0	38	38	1	**54**	4	97
Paraguay	0	0	0	**11**	0	0	11
Bolivia	0	4	**4**	0	3	0	7
Brazil	0	0	0	**7**	0	0	7
Eastern Europe							1,950
Romania	9	296	305	**484**	380	0	1,169
Hungary	0	52	52	13	**268**	0	333
GDR	17	143	**160**	52	107	0	319
USSR	0	40	**40**	19	4	0	63
Yugoslavia	0	31	**31**	1	0	0	32
Czechoslovakia	4	0	4	22	0	0	26
Poland	0	0	0	5	3	0	8
Oceania							1,212
Australia	69	53	122	262	**442**	0	826
New Zealand	2	46	48	**220**	118	0	386
Africa							150
Algeria	12	11	23	**101**	3	0	127
Mozambique	0	0	0	0	**23**	0	23
Asia							25
PRChina	0	5	5	**8**	5	0	18

Israel	0	0	0	**7**	0	0	7
Others	2	28	30	16	**42**	0	**88**
TOTAL	2298	6909	9,207	10,391	2917	778	23,293

Table 4. Number of refugees resettled after the 1973 coup from Chile, Argentina, Peru, and a rest group that was resettled after 1978 from a small number of other countries. "Foreigners" from Chile means UNHCR Mandate refugees who resided in Chile. "Chileans" means those resettled through family reunion programs directly from Chile. The receiving continents are ordered according to the number of resettled refugees, from high to low, and the same principle is repeated for the countries within each continental group. For each country, the number in bold indicates from which country the largest group of persons were resettled. (Source: UNHCR 11/2, Box 19 100.GEN.CHL, Folio 39)

Table 4 shows that Sweden was the country that resettled most refugees and received the most foreign refugees under UNHCR's mandate. The largest group of Chileans came through Argentina, and were later joined by family members coming directly from Chile. The majority of UNHCR Mandate refugees went to Western Europe and Latin America. For Latin America, family reunion with those who had arrived through diplomatic asylum was an important factor in UNHCR's activities there. This was also the case for the Eastern European countries and the Soviet Union, although many high profile politicians from Allende's circle also fled to the East by their own means. The countries who joined the resettlement effort in a later stage, after the resettlement of Mandate refugees (through UNHCR) and from the embassies (through ICEM) had been completed, mostly received Chileans from Argentina, as was the case for Canada, the United States, and the United Kingdom. Australia and New Zealand were important for the resettlement from Peru. From all the communist countries, Romania received the largest number of refugees, followed by Cuba. The six countries that resettled more than one thousand refugees under UNHCR auspices were (in this order): Sweden, Canada, France, Argentina, the United Kingdom, and Romania. The Chilean refugee resettlement marked the first and only moment that UNHCR worked actively with countries on both sides of the Cold War divide.[5] The question thus is how the organization managed to do this, not only to engage so many countries, but also to bring together into one effort countries with such diametrically opposed strategic aims.

Historical literature that concentrates on the formation of the international Chilean diaspora is often not very precise on resettlement and the role of

[5] From here on, "Chilean" is used as shorthand for all these refugees, regardless of their nationality.

UNHCR.[6] The most authoritative scholars on the Chilean diaspora, Mario Sznajder and Luis Roniger, for instance draw a very detailed world map of the places where Chileans ended up, but do not specify exactly how they got there.[7] Studies of Chileans in the most popular countries, such as Sweden, France, Canada, and Australia, are often very well informed about the proportion of Chileans that arrived with UNHCR's aid versus by their own means.[8] However, when describing the specific situation of Chileans in a host country, many authors remain deliberately vague about the status of these refugees.[9] The research on Chile has predominantly focused not on settlement processes but on forms of "international solidarity" with Chilean President Allende's social democratic project and with his supporters in exile. Quite some scholars have attempted to give agency to exiles and refugees themselves in how these left-wing solidarity movements were constructed, which has contributed to our understanding of political activism in exile.[10] Other authors have focused on the role of civil society in convincing states to accept Chilean refugees, particularly in the United Kingdom and United States, which were initially not inclined to get involved in the resettlement effort.[11] However, neither give

[6] Bolzman, "De l'exil à la diaspora"; Roniger et al., *Exile, Diaspora, and Return*.

[7] Sznajder and Roniger, *The Politics of Exile in Latin America*, 208.

[8] Yolanda Cieters, *Chilenen in ballingschap: het migratieproces, de opvang en de integratie van Chileense ballingen in België (1973-1980)* (Brussels: VUB press, 2002), 225–27; Fernando Camacho Padilla, *Una Vida Para Chile= Ett Liv För Chile: La Solidaridad y La Comunidad Chilena En Suecia, 1970-2010= Solidariteten Med Chiles Folk Och Chilenare i Sverige 1970-2010* (Santiago: LOM Impresiones, 2011), 68–70; Nicolas Prognon, "France: Welcoming Chilean Exiles, a Mark of the Resonance of the Unidad Popular in French Society?," in *European Solidarity with Chile, 1970s-1980s*, ed. Kim Christiaens, Idesbald Goddeeris, and Magaly Rodriguez Garcia (Ixelles: Peter Lang, 2014), 198; Suha Diab, "Fear and (In)Security: The Canadian Government's Response to the Chilean Refugees," *Refuge: Canada's Journal on Refugees* 31, no. 2 (2015): 57–58; Neumann, *Across the Seas*, 219.

[9] Examples are Calandra, "Exile and Diaspora in an Atypical Context"; Jadwiga E. Pieper Mooney, "East Germany: Chilean Exile and the Politics of Solidarity in the Cold War," in *European Solidarity with Chile, 1970s-1980s*, ed. Kim Christiaens, Idesbald Goddeeris, and Magaly Rodriguez Garcia (Ixelles: Peter Lang, 2014), 275–99; Miorelli and Piersanti, "Staying Alive."

[10] Kim Christiaens, Idesbald Goddeeris, and Magaly Rodriguez Garcia, *European Solidarity with Chile, 1970s-1980s* (Ixelles: Peter Lang, 2014).

[11] Calandra, "Exile and Diaspora in an Atypical Context"; Alejandra Serpente, "Diasporic Chilean and Argentinean Narratives in the UK: The Traces of Second

good explanations for the reasons why international solidary sometimes faltered. I propose to look into that question by concentrating on resettlement as a form of burden sharing.

Isolating resettlement from the rest of Chilean exile cannot give an accurate picture of how the Chilean diaspora developed, but it does shed a light on international diplomacy regarding Chile and the Chilean refugees. When in December 1973 UN High Commissioner for Refugees Sadruddin Aga Khan sent a letter to a large group of countries to express his "deep appreciation for this gesture of international solidarity", he meant "the prompt response of the international community" that had resulted in "firm offers […] to accept 1,380 refugees" and more loosely defined promises to process "applications for admissions without specification of quota" by twenty countries.[12] Concentrating on resettlement allows for an understanding of how relations between UNHCR, the powerful countries, resettlement states, and, last but not least, Chile emerged and evolved. While the dispersal of Ugandan Asians had clearly been driven by British political concerns (which Astri Suhrke called "hegemonic pressure"), the realities of the Chilean dispersal were more multifaceted. Latin American traditions of asylum and communist ideological similarities motivated many countries to engage in the permanent resettlement of Chilean refugees, as we can discern from table 4. However, in this chapter, I propose that in order to understand the internationalization of the Chilean resettlement, we also need to look at scarcity of resettlement places. The Hotel Chelita refugees were no exception in a history of "international solidarity" (in both senses of the word, that of the left-wing activists and that of states engaged in burden sharing). They epitomized the difficulties UNHCR encountered throughout the 1970s to find sufficient resettlement spots. To understand this scarcity, it is again necessary to look at the position of the powerful states, this time the United Kingdom as well as the United States.

In this chapter I turn first to some of the incentives that can explain the wide dispersal of Chilean refugees. Second, the chapter investigates how the British Conservative government sought to evade its responsibility for the Chilean refugees in the period between September 1973 and the elections in March

Generation Postmemory" (Ph.D. Dissertation, London, University College London, 2014); Miorelli and Piersanti, "Staying Alive."

[12] TNA, FCO7/2422/155, Telno HCR 4080 From Sadruddin Khan to FCO, 19 December 1973.

1974. Third, I look at the US bureaucracy behind the resettlement in this early period, to understand why the US only resettled 17 foreign refugees from Chile despite repeated Congressional advocacy on the Chileans behalf. Fourth, the chapter considers the shift in policy in the UK and the US in 1974 and 1975 respectively to see whether there really was a greater willingness to provide shelter for Chilean refugees. Finally, this chapter reflects on the eventual resettlement of Chileans in a communist country, Romania, from 1975 onwards, to see if this expansion of the UNHCR's geographical range helped to bridge the protection gap Chileans, like the ones in Hotel Chelita, experienced.

INCENTIVES FOR INTERNATIONAL RESETTLEMENT

The presence of Chilean dissidents in a great number of embassies in Santiago formed a first incentive for countries to get involved in the resettlement effort. In theory, Chileans had a clear preference for Latin American embassies, most notably Argentina, Mexico, Venezuela and Colombia, as they knew these countries were obliged to grant them diplomatic asylum under the Caracas Convention on Diplomatic Asylum of 1954.[13] However, the brutality of the *carabinieros* and the military forces, made that theoretical preference vanish quickly, and desperate Chileans and foreigners sought asylum in the Western European embassies, as well, particularly the French, Swedish and Italian.[14] The British and American ambassadors refused to allow any Chileans inside their compounds.[15] Initially, the Danish, West-German, and Australian diplomats took the same decision, but eventually they could not resist the persistent requests of refugees (and domestic pressure) and accepted refugees,

[13] Esponda Fernández, "La tradición latinoamericana de asilo y la protección internacional de los refugiados."

[14] Various European diplomats wrote memoirs about their time in Chile: Tomaso De Vergottini, *Miguel Claro 1359: recuerdos de un diplomático italiano en Chile, 1973-1975* (Santiago: Editorial Atena, 1991); Roland Husson, *Nos duele Chile* (Santiago: Editorial Cuarto Propio, 2010); Piero De Masi, *Santiago. 1 de Febrero de 1973-27 de Enero de 1974* (Santiago: Pehuén, 2014).

[15] Camacho Padilla, "Los Asilados de Las Embajadas de Europa Occidental En Chile Tras El Golpe Militar y Sus Consecuencias Diplomáticas."CL MMDH, 00000632-000031-000019, Fondo Insunza Sergio, International Commission of Enquiry into the Crimes of the Military Junta in Chile, Déclaration faite par le juge, William H. Booth le 11 juin 1974 devant le Sous-comité sur les organisations et mouvements internationaux et le Sous-comité des affaires inter-américaines, 11 June 1974.

which isolated the British and American diplomats from their Western counterparts.[16] The contrast was largest with Sweden, whose Ambassador Harald Edelstam became one of the major protectors of refugees, resulting in his expulsion from Chile in December 1973 and the interruption of Chilean-Swedish diplomatic relations. Except for the Cuban embassy, which had been taken over by Edelstam when the Cuban diplomatic delegation was evicted by Pinochet, no other communist country hosted significant numbers of asylees.[17] The embassies of Hungary and Bulgaria were managed by the Austrians and received seventeen asylees in total.[18] Other communist countries, such as the Soviet Union, the German Democratic Republic, and Poland withdrew their diplomatic representations before they received any asylum seekers.[19] However, many high profile members of Allende's entourage actively sought entrance to the communist countries and as such initiated a movement towards them, especially when UNHCR became responsible for the reunion with their family members (see chapter 3).[20]

In the United States, there was substantial pressure to admit Chileans (including foreign refugees) as parolees, especially by Senator Edward Kennedy, as we have seen in chapter 3. But it did not remain with Kennedy alone. Two weeks after the coup, Democratic Representative and Jesuit priest Robert Drinan from Massachusetts introduced a bill in the House of Representatives that linked repression in Chile to immigration to the United States. He asked for special immigrant visas to be issued for "aliens in distress", particularly "citizens of Chile who are seeking to enter the United States to avoid persecu-

[16] TNA, FCO7/2423/17, Confidential telegram 421 from Abassador Secondé to the FCO, MP's letters and other correspondence regarding refugees in Chile, 30 October 1973.
[17] Camacho Padilla, "Los Asilados de Las Embajadas de Europa Occidental En Chile Tras El Golpe Militar y Sus Consecuencias Diplomáticas."
[18] CL MMDH, 00000632-000031-000018, Fondo Insunza Sergio, International Commission of Enquiry into the Crimes of the Military Junta in Chile, Aide Memoire by Heinrich Dürmayer, 24 June 1974.
[19] Camacho Padilla, "Los Asilados de Las Embajadas de Europa Occidental En Chile Tras El Golpe Militar y Sus Consecuencias Diplomáticas."
[20] Harmer, "Fractious Allies," 122; Tanya Harmer, "The View from Havana: Chilean Exiles in Cuba and Early Resistance to Chile's Dictatorship, 1973–1977," *Hispanic American Historical Review* 96, no. 1 (2016): 109–46; Tanya Harmer, *Beatriz Allende: A Revolutionary Life in Cold War Latin America* (Chapel Hill, US: The University of North Carolina Press, 2020).

tion".[21] Drinan explicitly referred to Senator Scoop Jackson's congressional actions for Soviet Jews' right to emigrate, of which he was a strong supporter.[22] His aim to admit left-wing dissidents from Chile into the US was quite a stretch from Jackson's amendment. After all, Jews' freedom to emigrate from the Soviet Union did not imply their automatic immigration to the US (in 1973, out of 13,022 émigrés only 1.6% did *not* go to Israel).[23] Moreover, even if these Soviet Jews were paroled into the US, they remained closely aligned to traditional refugees in American law, namely fugitives from "Communist or Communist-dominated lands".[24] While the Nixon Administration had exhibited a greater openness towards non-communist refugees by receiving a little over 1,100 stateless Ugandan Asians (to help out the British government, as we have seen in chapter 4), it drew the line at Chilean communists. Unsurprisingly, the bill never proceeded beyond its introduction and died out.[25]

Nevertheless, Kissinger and Nixon saw resettling refugees as one of the few things to let off steam from the human rights attacks against Chile. As the American ambassador to Chile, Nathaniel Davis, remarked, for the US to consider receiving refugees from Chile "would be concrete demonstration of our own commitment to and concern for human rights in [the] current Chilean situation."[26] They knew that for the Chilean authorities the right to leave was intrinsically linked to the "right to asylum", meaning the right to seek and be granted asylum elsewhere.[27] In Chilean official communication, therefore, the

---

[21] NARA I, RG233, Box 1.99, Congressional Record — Extensions of Remarks E 6043 (September 25, 1973), H.R. 10525 A bill for the relief of certain distressed aliens.

[22] Keys, *Reclaiming American Virtue*, 121.

[23] Laurie P. Salitan, *Politics and Nationality in Contemporary Soviet-Jewish Emigration, 1968-89* (New York: Springer, 1992), 34.

[24] Until the Refugee Act of 1980, the United States did not adhere to the international refugee definition. The Immigration and Nationality Act (INA) of 1965 installed quota for the so-called "seventh preference", or refugees fleeing communist persecution. See Loescher and Scanlan, *Calculated Kindness*, 87.

[25] Robert F. Drinan, "Actions - H.R.10525 - 93rd Congress (1973-1974): A Bill for the Relief of Certain Distressed Aliens.," webpage, September 25, 1973, 1973/1974.

[26] AAD, 1973SANTIA05273, UNHCR APPEAL TO US TO ADMIT REFUGEES FROM CHILE, From Davis to Kissinger, 28 September 1973. Emphasis added.

[27] For an explicit instance, see AHMRE, Fondo Países 80, Embachile Francia Oficios Secretos 1974, Oficio Confidencial RI No. 111 from Chilean Ambassador to France Fernando Duran to Ismail Huerta, 12 July 1974: "respeto al derecho de asilo – para

right to asylum and the right to leave were used interchangeably but not in an inconsequential manner. The Chilean expectation was that other countries, particularly their Western allies, had to pay their dues (admitting refugees) so that Chile could fulfil its human rights obligations (granting the right to leave). The conservative pro-junta Chilean newspaper *El Mercurio* suggested outright that Edward Kennedy's amendment of October 2, mentioned in chapter 3, implicated that "the amendment urges Nixon to allow Chilean exiles to seek asylum in the United States".[28] In other words, Chile's success to uphold its human rights obligations *vis-à-vis* the right to leave depended on whether enough resettlement spots could be found to receive those refugees who had been forced to leave. Yet, for American leaders admitting Chilean communists remained a bridge too far.[29] For the American government resettlement was a good idea, as long as the refugees would go *elsewhere*. At the end of the first phase, in February 1974, the US had approved only 17 cases for resettlement.[30]

When we solely focus on the Chilean refugees, we risk losing sight of what Nixon and Kissinger's real objective was in Chile: an economic transformation away from Allende's socialist Third World model. To that end, one issue in particular became more important than all others, namely the rescheduling of Chilean debt. Historian Claudia Kedar has shown how Pinochet himself "asked the US government for favorable votes for Chile in the

---

salir al exterior". As we have already seen, in the Latin American context the Convention on Political Asylum of Montevideo of 1953 was a more important point of reference than the 1966 ICCPR, which did not include a clause on asylum. Historian Klaus Neumann has aptly pointed out the difference between the right *of* asylum, i.e. the right of states to grant and deny asylum, and the right *to* asylum, as an active prerogative of refugees to "seek, enjoy, and be granted asylum". Klaus Neumann, "The Right to Asylum: A Hidden History," in *History, Historians and the Immigration Debate: Going Back to Where We Came From*, ed. Eureka Henrich and Julian M. Simpson (Cham: Springer International Publishing, 2019), 192.

[28] El Mercurio, *Chile en el Exterior*, 3 October 1973. In the original Spanish text, the quote reads: "Además, la enmienda insta a Nixon que se permite a los exilados Chilenos que busquen asilo en los Estados Unidos."

[29] Loescher and Scanlan, *Calculated Kindness*, 95–96; Girard, "Disillusionment in Action," 7.

[30] AAD, 1974STATE025560, Future policy on refugees in/from Chile, from Kenneth Rush to American Embassies in Geneva and Santiago, 7 February 1974; AAD, 174LONDON03743, LABOR GOVERNMENT POLICY TOWARDS CHILE, 25 March 1974.

Executive Boards of the International Monetary Fund (IMF), the World Bank, and the Inter-American Development Bank (IDB)".[31] Already in the fall of 1973, Chile's debt problems were discussed in the so-called Paris Club. This was a platform of sixteen European countries and the US government for discussing the rescheduling or reducing the burden of debtors, particularly in the Third World.[32] In the first year after the coup, Chilean ambassadors in the countries of the Paris Club started to notice that these countries' willingness to reduce Chilean debt was inversely related to the importance they attached to human rights in Chile, but more particularly to refugees' rights to leave. Countries such as the German Federal Republic, Belgium, the Netherlands, and Switzerland conditioned their position on debt on Chile's position towards its refugees.[33] The United States also noted that the most critical countries were the ones that were accepting most refugees for resettlement. Nevertheless, in February 1974, under great pressure of the United States and the United Kingdom, an agreement was reached to reschedule Chilean debt.[34]

In the first months after the coup, Nixon's government worked closely with Edward Heath's conservative government in the UK.[35] They were Chile's strongest allies on the economic front, and they had similar perspectives on refugees. Both had refused to allow asylum seekers into their Santiago embassies.[36] For the UK government to "risk admitting terrorists", as one British civil servant put it, was as unthinkable as letting communists resettle in the

[31] Claudia Kedar, "The International Monetary Fund and the Chilean Chicago Boys, 1973–7: Cold Ties between Warm Ideological Partners," *Journal of Contemporary History* 54, no. 1 (2019): 190.

[32] Claudia Kedar, "Economic Neutrality during the Cold War: The World Bank, the United States, and Pinochet's Chile, 1973–1977," *Cold War History* 18, no. 2 (2018): 149–67; Kedar, "The International Monetary Fund and the Chilean Chicago Boys, 1973–7."

[33] AHMRE, Fondo Países EEUU 175, Cifrado de EMBACHILE Washington Telex 1046, 29 November 1973; AHMRE, Fondo Países GER 92, Aerograma 326/35, Bad Godesberg, 10 July 1974; AHMRE, Fondo Países BEL 24, Oficio Estrictamente Confidencial GM 283/9, 1 July 1974; Ibid. Confidencial RI 329/15, Bruselas, 12 July 1974.

[34] AAD, 1974LONDON02192, PARIS CLUB MEETING ON CHILE DEBT, 19 February 1974.

[35] Ibid.

[36] TNA, FCO7/2423/17, Confidential telegram 421 from Abassador Secondé to the FCO, MP's letters and other correspondence regarding refugees in Chile, 30 October 1973.

United States.[37] When in March 1974 a Labour government under Prime Minister Harold Wilson was sworn in, Nixon and Kissinger wondered if that all was going to change.

Scholars have often emphasized the rupture caused by the Labour government regarding the British attitude towards Chile, focusing particularly on the increased intake of refugees and the interruption of the British arms trade to Chile.[38] The shift behind the scenes was, at least initially, more moderate, because of the strong influence civil servants in Britain had on policy making. This was most clearly seen in the debt issue. In the Paris Club, the Americans predominantly dealt with the British administration, not with the government. The British negotiator was Joan Kelley, Assistant Secretary to Her Majesty's Treasury.[39] She was assistant to the second most influential civil servant in Her Majesty's civil service after the Cabinet Secretary, Permanent Secretary to the Treasury Sir Douglas Wass (later that year replaced by Sir Douglas Allen).[40] Kelley was a staunch and influential defender of Chilean debt rescheduling.[41] At the first meeting of the Paris Club after the British elections, on March 25, the American embassy staff in London did not expect any problems. They wrote to Kissinger, "[i]f Kelley has any influence in the matter, [the] UK position on Chile[an] debt rescheduling will not [repeat not] change".[42]

On March 25, a staff member of the American Embassy in London indeed wrote to Kissinger that they had received word that the new British government would continue its support for the Paris Club Agreement.[43] A change in the British arms trade policy would also take more time. The government and

[37] TNA FCO7/2421/4a, Telegram of J.M. Hunter (Latin American Department) to British Ambassador Reginald (Reggie) Secondé, 28 September 1973.
[38] Livingstone, *Britain and the Dictatorships of Argentina and Chile, 1973–82*.
[39] AAD, 1974LONDON02192, PARIS CLUB MEETING ON CHILE DEBT, 19 February 1974. This source stems from before the British elections.
[40] Dennis Kavanagh, "Sir Douglas Wass Obituary," *The Guardian*, January 5, 2017, sec. Politics.
[41] AAD, 1974LONDON03056, CHILE: DEBT RESCHEDULING, UK POSITION, 11 March 1974.
[42] Ibid.
[43] Ibid. Only in June did the issue shift to the ministerial level and became debt rescheduling conditioned on Chile's adherence to human rights for British policy-makers. AAD, 1974LONDON08077, CHILE DEBT TALKS, 27 June 1974.

the civil servants in the FCO were deeply divided over the arms trade. The American embassy staffer reported a "general official unease at the prospect of having to adopt an antagonistic policy as a result of strong Labor antipathy to the current regime".[44] FCO officials asked their American counterparts to plea with Pinochet to be "realistic and moderate" in his reaction if and when the UK government decided to retract its arms trade agreements. The most immediate change was that the British government wanted to make a symbolic stance against Pinochet by adopting "a more flexible policy on Chilean refugees" – the Conservative government had up until that point accepted only 101 refugees for resettlement. Yet, at the same time, the British stance on asylum in its embassy in Santiago did not change. Their embassy remained firmly shut for potential refugees. The more liberal approach towards refugees was something the Americans could accept, especially as it took off pressure for them to relieve Pinochet from his "burden". Overall, they were "satisfied that the worst had been avoided".[45]

In recent years, historians have investigated why states with strong Pinochet-sympathies, such as the US and UK, became more lenient toward receive refugees over the years. Due to the low figures in the first phase (17 resettlement cases to the US, 101 to the UK), the literature on Chilean refugee resettlement to the US and the UK usually starts with the later phases of the refugee resettlement: in 1975 in the US, when Senator Edward Kennedy finally succeeded in obtaining approval for a larger parole program for Chilean refugees and from March 1974 in the UK, when Labour took power and the government under Harold Wilson took a stronger stance against Pinochet's regime.[46] Limiting our view to the instances in which the US and the UK admitted Chilean refugees, as most authors have done, however, obscures an important part of the story: in the first months after the coup, both Washington and London sought to take the pressure off their Andean ally by supporting UNHCR and by actively searching for resettlement spots *outside*

[44] AAD, 1974LONDON03743, LABOR GOVERNMENT POLICY TOWARDS CHILE, 25 March 1974. All further information and quotations in this paragraph are from the same source.
[45] Ibid.
[46] Calandra, "Exile and Diaspora in an Atypical Context"; Livingstone, *Britain and the Dictatorships of Argentina and Chile, 1973–82*; Miorelli and Piersanti, "Staying Alive."

their own states. The two following sections focus on the British and American strategies towards resettlements in the first months after the coup.

EVADING RESPONSIBILITY: BRITISH BACKCHANNEL DIPLOMACY

A landmark moment during the first months after the Chilean coup was UNHCR's annual Executive Committee (ExCom) meeting, which took place (as usual) in mid-October and allowed its members to review funds and programs, to approve the budget, and, last but not least, to authorize the High Commissioner to make appeals to the international community.[47] In 1973, the ExCom meeting was consumed by the recent occurrences in Chile where UNHCR had just opened a branch office. High Commissioner Sadruddin Khan was not only after an ExCom approval for a new resettlement appeal; he attempted to gain permission to directly put pressure on Pinochet regarding the fate of the foreign refugees in Chile. It was eventually the Norwegian ambassador Edvard Hambro who brought up the idea during the general debate to send a new telegram to the junta, following the one of September 13 that had opened the doors for UNHCR to set up its operation in Chile. The British delegation was dismayed by this proposal, but kept quiet. Quickly after the meeting, Eric Callway of the UK Mission to Geneva found out from his Swedish colleague that the idea for the telegram originated with Sadruddin himself, who had "put up Ambassador Hambro to make this suggestion".[48]

[47] In 1973, the ExCom consisted of 31 members, both signatories and non-signatories to the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees. By year of admission, these members were, from 1951 onwards Australia, Austria, Belgium, Brazil, Denmark, France, Germany, the Holy See, Israel, Italy, Switzerland, Turkey, the United Kingdom, the United States, and Venezuela, joined in 1955 by Colombia, Greece, Iran, the Netherlands, Norway, and Canada as of 1957. In 1958, the ExCom was reformed to become the Executive Committee of the High Commissioner's Programme, as we know it today. China, Sweden, Tunisia, and Yugoslavia joined that same year, supplemented with Algeria, Lebanon, Madagaskar, Nigeria and Tanzania in 1963, and Uganda in 1967. See: United Nations High Commissioner for Refugees, 'ExCom Membership by Date of Admission of Members', UNHCR.

[48] TNA, FCO7/2421/7, UNHCR Executive Committee: Chile, memo from Eric Callway (UK Mission Geneva) to Richard Hand Esq. (UN Department), 12 October 1973.

Callway realized that Sadruddin's ambitions to transform UNHCR practices in the Global South were at odds with British foreign policy objectives in Chile. Callway discussed the matter with UNHCR's Deputy Director of Protection John Kelly, who had always been close to the British administration and even more so in his capacity as head of the Uganda Asian Unit. Kelly, in what appears a stunning act of disloyalty towards his superior, warned that the telegram set a dangerous precedent and "thought it might be possible to kill the telegram proposal".[49] According to Kelly, the British and some other members had to speak out against it to avoid this approach from becoming a standard in the future.[50] There are several possible explanations for Kelly's behavior that can only be deducted from circumstantial evidence, yet are worth mentioning. First, Kelly was susceptible to British pressure, as we have seen in the chapters on the resettlement of Ugandan Asians. Second, as a jurist and drafter of several "good offices" resolutions, Kelly would have known that the proposed telegram extended far beyond the High Commissioner's mandate. Third, there is a chance that Kelly simply did not want the Chilean case to overshadow his work with the Ugandan Asians. This might have been the start of a competition for influence within the UNHCR Office between him and Gilbert Jaeger, who was responsible for Chile. As we have seen in chapter 4, Jaeger eventually cut off Kelly's ambition to become Director of Protection in 1977, when he assumed that position himself, despite his lack of a legal background, and Kelly was demoted to Regional Representative in the Middle East.[51] But in 1973 that was still in the future; what most mattered then was that the British felt supported by Kelly to counteract the telegram.

---

[49] Ibid.

[50] Ibid.

[51] UNHCR 36, Collected Staff Narratives, Interview with John Kelly, 1 April 1998; UNHCR 36, Collected Staff Narratives, Dr. Gilbert Jaeger, Interview 2, 20 April 1998. Jaeger recounted in his interview: "I was covering anything under the sun, to the extent that after the – in Chile in September 1973, I got involved in Latin America, and became specialized in Latin America including protection matters in Latin America. And that was in fact a step towards my final work in the High Commissioner's Office, which was Director of Protection.
Interviewer Brian Deschamps: That must have been quite an exciting and – am I say – a flattering… not promotion but appointment, to be appointed Director of Protection.
Gilbert Jaeger: Yes, it was.
BD: because you did not have the normal...

The British delegation, however, did not want to attack the telegram proposal outright. With the Ugandan Asian expulsion fresh in their minds, they realized that the UK government might come to rely on UNHCR again in refugee situations caused by the unwinding of empire.[52] It was thus of the utmost importance not to lose their humanitarian reputation in the ExCom and in front of the High Commissioner by taking an antagonistic position. Hence began an intense weekend of "corridor lobbying" in which Callway attempted to persuade his Canadian and Australian peers, as well as his French and West-German colleagues, to undermine the proposal in Britain's stead. While none of them were keen to support the telegram, neither did they want to oppose the High Commissioner directly. Eventually, London confirmed that the UK Mission in Geneva should let the matter pass, as long as the telegram did not contain "expressions of concern" about the junta's human rights violations regarding torture, detention and disappearances.[53]

Although the UK Mission did not manage to swipe the telegram off the table, Counsellor Anne Warburton (who later became the UK's first female ambassador) skillfully smothered it by suggesting a text that was as vague and bland as to render the telegram meaningless. In the end it merely stated that the ExCom hoped for continued collaboration between the Chilean government and UNHCR, to "promote rapid solutions for these refugees, taking fully into account their need for protection and assistance." Callway remarked that the final text was "not bad", and was happy that the UK Mission had come across as cooperative with the High Commissioner's initiative, but meanwhile he feared that "the Committee could well be faced with similar, even trickier,

GJ: No, I did not have the normal title to do it. And this created problem. Particularly with my friend Jack Kelly, who eventually put up [with it] —but not with pleasure.
BD: He was what by this time?
GJ: He was...
BD: The Deputy of protection?
GJ: Not with me, no. He was given another duty, he was not my deputy. No, this would have been an impossible situation.

[52] TNA, FCO7/2422/159, Hugh Carless (Latin America Department) to Duncan Watson (Deputy Under-Secretary of State, Foreign and Commonwealth Office), 27 November 1973.

[53] TNA, FCO7/2421/7, UNHCR Executive Committee: Chile, memo from Eric Callway (UK Mission Geneva) to Richard Hand Esq. (UN Department), 12 October 1973.

proposals for sending telegrams in the future".[54] Callway's apprehensions reflected the British government's fears that UNHCR would become too forceful in demanding actions regarding refugee populations from the Global South that resembled foreign intervention, or at least meddling in states' internal affairs.[55] To that end, British diplomats used their well-probed method of involving their own international networks: first the (Old) Commonwealth and second the members of the European Economic Community (EEC), to which their country had acceded on January 1, 1973.

Immediately after the ExCom meeting, on October 22, 1973, the High Commissioner sent out the official appeal to countries for resettlement places, to which both the British and American governments replied slowly compared to other countries, which had already before the appeal pledged quota (often based on the numbers of refugees in their respective embassies in Santiago) and started the resettlement movements.[56] Foreign and Commonwealth Secretary Alec Douglas-Home postponed his answer as he wanted to learn first about the position of other European countries.[57] Hence, he awaited the recommendations of the EEC Working Group on Latin America, which held its first meeting on October 29 in Copenhagen. When it became clear that the EEC was not aiming for a concerted approach and that "each member would be replying to the appeal from the UNHCR on the basis of their own decision", the UK government notified UNHCR that it would consider refugees based on their individual merit.[58] In Santiago, British Ambassador Reginald 'Reggie' Secondé felt relieved. His isolated position, as the only European ambassador without refugees in his residence, had immensely increased his feeling of insecurity. He feared a personal attack, including kidnapping and even murder, for the refusal of British authorities to grant asylum to refu-

[54] TNA, FCO7/2421/17, UNHCR Executive Committee: Refugees in Chile, Callway to Hand, 16 October 1973.
[55] The Americans had a similar fear for UNHCR intervention in Haiti, for instance. See AAD, 1974STATE025560, FUTURE POLICY ON REFUGEES IN/FROM CHILE, 7 February 1974.
[56] TNA, FCO7/2423/with 75, Attachments, Telegram High Commissioner for Refugees to various embassies, 22 October 1973.
[57] TNA, FCO7/2423/20, From Foreign and Commonwealth Secretary Alec Douglas-Home, Telno 797 to Paris, Bonn, The Hague, Copenhagen, Rome, Brussels, info Santiago, UKMIS Geneva, UKDEL Brussels, 23 October 1973.
[58] TNA, FCO7/2423/18, Telno 228 to Santiago from Alec Douglas-Home, 30 October 1973.

gees.[59] Civil servants within the Latin American Department of the Foreign and Commonwealth Office asked whether they could "without changing our policies – present our actions in a light which has the effect of showing that we are more concerned about the Chilean refugee problem than our detractors allege?"[60]

Humanitarian appearance was key, as the British administration fully realized how fragile their postcolonial position was with regard to the potential large-scale immigration of non-white British citizens to the UK. In the minds of British policymakers and diplomats, it was better not to lose the support of UNHCR at this delicate moment in the unwinding of British overseas territories. In a clever move, the British government decided to send an immigration officer to Santiago. The advantages of this approach were fourfold. First, the immigration officer would increase the safety of the British ambassador in Santiago. Second, the involvement of an immigration officer would give the impression that the UK was bringing its policies "in line with that of other community governments".[61] Third, it would show to the opposition that UK officials were "doing our bit", while it helped to convince critics that the immigration officer would "be helping to apply the strictest vetting standards" for access to the UK as to prevent the entrance of "terrorists". Fourth, and most importantly, the immigration officer epitomized "a gesture to the UNHCR". To make clear the Foreign and Commonwealth Office's real intentions, the civil servant added: "In this connection the UNHCR has in the past been helpful to us over Ugandan Asians and we may well need his help again on future occasions".[62]

[59] TNA, FCO7/2423/17, Confidential telegram 421 from Ambassador Secondé to the FCO, MP's letters and other correspondence regarding refugees in Chile, 30 October 1973.
[60] TNA, FCO7/2422/159, Hugh Carless (Latin America Department) to Duncan Watson (Deputy Under-Secretary of State, Foreign and Commonwealth Office), 27 November 1973.
[61] TNA, FCO7/2422/159, Hugh Carless (Latin America Department) to Duncan Watson (Deputy Under-Secretary of State, Foreign and Commonwealth Office), 27 November 1973, also for the following quotations.
[62] Ibid.

STATE-CENTERED DIVERSION: AMERICAN ADMINISTRATIVE THRESHOLDS

The Americans took an approach that was more self-contained and less dependent on the international community. To the High Commissioner's official appeal of October 22, 1973, Henry Kissinger replied that the US government was "prepared to give sympathetic consideration on an individual case by case basis to applications referred to [our] embassy by UNHCR" but only "to those who qualify under applicable US immigration requirements".[63] Although UNHCR was willing to accommodate US policy, it hoped that some twenty-five to thirty special cases would be considered for US immigration.[64] Speed was of the essence, as the mandate of CONAR and UNHCR for the foreign refugees in Chile was bound to end at the end of December 1973.

Well aware of these time constraints, the State Department purposefully set up a time-consuming bureaucratic procedure to admit refugees from Chile. This process consisted of three additional steps after UNHCR had referred a case. First, a local security check conducted by the embassy in Santiago was needed to assure that refugees where not ineligible due to "terrorist activity" in their country of origin or in Chile. Second, the embassy would send the application to Washington for an "Eagle Name Check", in which the CIA and the National Security Council ran the name in their databases to check for past offences.[65] Third, the American embassy in Santiago would inquire with the

[63] AAD, 1973STATE215663, RESETTLEMENT OPPORTUNITIES FOR ALIEN REFUGEES IN CHILE, Kissinger to Davis, 1 November 1973.

[64] AAD, 1973GENEVA05831, RESETTLEMENT OPPORTUNITIES FOR ALIEN REFUGEES IN CHILE, Bassin to Kissinger, 2 November 1973.

[65] The Chilean case was one of the first times that the Eagle Name Check was applied on a larger scale, but the measure was not installed with the Chileans in mind. In fact, its first application stems from April 1973 and was used against immigrants from Eastern Europe, that would previously have passed under the "seventh amendment". It confirms Lisa Hassan's observation that the Nixon Administration was more concerned with foreign policy objectives than anything else, and even extended their scrutiny to "communist refugees" during the years of détente. Lisa Hassan, "Deterrence Measures and the Preservation of Asylum in the United Kingdom and United States," *Journal of Refugee Studies* 13, no. 2 (2000): 190. The telegram in which the Eagle Name Check procedure was first explained has not yet been released, but it is referred to in AAD, 1973STATE237139, RESETTLEMENT OF REFUGEES, Kissinger to Davis, 4 December 1973.

US embassy in the applicant's country of origin whether the person under scrutiny really had "a well-founded fear of persecution" according to the refugee definition in the 1951 Convention and 1967 Protocol Relating to the Status of Refugees. Deputy Secretary of State Kenneth Rush remarked that this last step was "a key factor and indeed [the] principal one which will form [the] basis for decision" – even though persecution had not thus far been a major factor in the admittance of (communist) refugees into the US. Only if these three requirements had been satisfied, the embassy could submit an application for immigrant visa (Form FS-510) for each applicant for consideration by the Immigration and Naturalization Service, the House Subcommittee for Immigration, and ultimately the Attorney-General.[66]

Asked by an embassy official named Thomson about the possible delays this process might entail and the possibility to process visa applications while refugees were waiting in transit (as had happened for the Ugandan Asians, who *en route* to the US transited through Italy), Rush replied that the United States government's "willingness [to] consider parole [for] non-Chileans will not extend to those who depart from Chile for a third country".[67] Thompson suggested that the checks by UNHCR on refugee status were already quite thorough on the matter of persecution. He asked Rush whether it was possible to skip the step, as he already had the guarantee from UNHCR that they were capable of delivering statements on persecution.[68] The answer was a plain and simple no: the department "responded that [the US government] would be unwilling to consider parole for non-Chileans who depart Chile for [a] third country".[69] Hence, the embassy was effectively forced to repeat UNHCR's work of eligibility determination, despite the fact that UNHCR had referred these foreigners and testified their refugee status under its mandate.

The American embassy in Santiago immediately took to work by sending out a series of telegrams to the American embassies in Buenos Aires, La Paz,

[66] AAD, 1973STATE218599, n/a, Rush to Santiago, 6 November 1973.
[67] AAD, 1973SANTIA05390, RESETTLEMENT OPPORTUNITIES FOR ALIEN REFUGEES, Thompson to State, 2 November 1973. Answer in AAD, 1973STATE218599, n/a, Rush to Santiago, 6 November 1973.
[68] AAD, 1973SANTIA05447, RESETTLEMENT OF REFUGEES, Thompson to Rush, 7 November 1973.
[69] AAD, 1973SANTIA05654, TRAVEL OF REFUGEES TO THIRD COUNTRIES FOR SCA/VO AND INS -- ATTN RYDER FORBES, Thompson to State, 16 November 1973.

Montevideo, and Brasilia to inquire if these foreign refugees effectively faced persecution in their countries of origin. All these requests were met by formulaic responses, claiming in more or less the same words that there was "no sufficient basis" to assume that the "subject person would suffer persecution on account of race, religion or political beliefs" if they returned to their country of origin.[70] Even if refugees met the requirement of persecution, the American embassy in Santiago found itself often "unable to make a favorable recommendation for parole" as they thought the candidates did not fit American immigration criteria.[71] When Thompson reported the statistics in mid-December 1973 (only two weeks before the deadline set by the Chilean government to vacate the safe havens), as few as fourteen applications had been favorably recommended to the Department of State and four had been submitted for a Security Advisor opinion.[72] The tardiness of the decisions incentivized refugees to choose to go to other destinations by themselves.[73] Given how the procedure was set up as slow and cumbersome as possible, this appears to have been the purpose from the start.

However, for US Secretary of State Henry Kissinger it was as important to uphold the appearance of American humanitarian intentions in the eyes of UNHCR as for his British counterpart, Alec Douglas-Home. Kissinger thought that UNHCR had granted refugee status to too many persons by

[70] For privacy reasons, in the following references for the telegrams with title 'REFUGEE STATUS' I am omitting the names of the "subject persons" and simply stating to their document numbers and dates. The great uniformity of these sources suggest that either the embassies copied each other, or were instructed to use certain formulas by the State Department. I have, however, not found evidence of the latter even though their active involvement in the construction of these answers would not have surprise me. AAD, 1973BUENOS08533, 21 November 1973; 1973BUENOS08551, 21 November 1973; 1973LAPAZ07000, 21 November 1973; 1973MONTEV03463, 28 November 1973; 1973BRASIL08216, 4 December 1973; 1973BUENOS08827, 5 December 1973; 1973MONTEV03569, 6 December 1973; 1973BUENOS08964, 11 December 1973; 1973MADRID07324, 12 December 1973.

[71] AAD, 1973SANTIA05872, 30 November 1973; 1973SANTIA05878, 30 November 1973; 1973SANTIA05882, 30 November 1973; 1973SANTIA05887, 1 December 1973; 1973SANTIA06731, 1 December 1973; 1973SANTIA 06161, 17 December 1973; 1973SANTIA06173, 17 December 1973.

[72] AAD, 1973SANTIA06134, REFUGEES: APPLICATIONS FOR PAROLE STATUS, from Thompson to State, 14 December 1973.

[73] AAD, 1973SANTIA05873, 30 November 1973; 1973SANTIA06063, 11 December 1973.

"liberally applying as standard Article 1 of the Convention Relating to Refugees".[74] Nevertheless, he warned the embassy in Santiago that it ought to "avoid possible charges" that the United States were "not cooperating with UNHCR" by reputing their decisions.[75] In cases where differences existed between the embassy and UNHCR over the "validity of refugee status" he advised the embassy to let the State Department and the Immigration and Naturalization Service (INS) "decide whether [to] approve [an] applicant for parole".[76] Yet, at the same time, the State Department needed some successful resettlement cases to the US to show its goodwill in exchange for UNHCR's continued efforts to resettle the rejected applicants in other countries.

The solution was found in resettling from Chile some Eastern European families who had arrived from the Displaced Persons camps in the 1960s on ICEM chartered flights. In 1972, the Allende government had officially recognized them as refugees in Chile under the 1951 Convention as well, and as such they were refugees under UNHCR's mandate after the 1973 coup. The coup gave them an opportunity to relocate to the United States. The cable exchanges between the American embassy in Santiago and the Department of State show that at least two Eastern European families (a total of 17 refugees) were resettled this way. The embassy recommended their resettlement explicitly because they were anticommunist.[77] One family was admitted for resettlement despite the fact that UNHCR had not yet decided on the veracity of their refugee claim.[78] These cases were clearly window dressing. Ten days before the deadline, Deputy Secretary of State Rush advised Ambassador Davis "to wait to inform UNHCR of [the negative] decision in these cases until it is possible to also inform them of one or more cases where we are able to take positive action".[79]

[74] AAD, 1973STATE234213, RESETTLEMENT OF REFUGEES, 29 November 1973.
[75] Ibid.
[76] Ibid.
[77] AAD, 1973SANTIA06162, 17 December 1973.
[78] AAD, 1973SANTIA06177, 17 December 1973.
[79] AAD, 1973STATE249015, RESETTLEMENT OF REFUGEES, 21 December 1973.

A CHANGE IN POLICY, OR NOT?

By the beginning of December 1973, the resettlement of foreign refugees from Chile to other countries was in full swing, but it was clear that the deadline imposed by the Chilean government could not be met. Of the approximately 3,000 refugees who had sought the help of CONAR, only slightly over one thousand had left Chile by this time. Thompson reported that CONAR's executive secretary had complained that the Latin American countries "have been just 'pure talk', while the Western European nations – particularly Sweden, Austria, Switzerland, and France – had been more forthcoming".[80] Also according to Thompson, the socialist countries (except for East Germany) had been unwilling to accept any refugees, and only twenty refugees had expressed interest in going to Cuba. For him, West Germany acted as the "great savior" since it had promised to accept 1,300 foreign refugees. The Dutch had offered transit places for those remaining after the deadline, which UNHCR would accept in Thompson's estimation, even though he also thought the Chilean junta would extend the deadline (which eventually happened, as we have seen in chapter 3). A report from Inter-American Commission for Human Rights shows that the Latin American countries in the first three months after the coup hosted 3,111 individuals – both refugees under UNHCR's auspices and asylees under ICEM's – including 902 persons in Argentina, 805 in Mexico, 436 in Panama, 374 in Cuba, 249 in Venezuela, 189 in Peru and 156 in Colombia. In Western Europe, France received 854 foreign refugees, Sweden 649, the Federal Republic of Germany 594, Italy 228, the Netherlands 201, Spain 192 and Austria 152. The USSR resettled 263 foreign refugees under UNHCR's mandate.[81]

By the end of January 1974, Thompson felt that "UNHCR official's attitude [was] highly optimistic and reflective of [the] generalized UN feeling that [the] organization had largely fulfilled its task in Chile".[82] There were still

[80] AAD, 1973SANTIA05899, REFUGEE AFFAIRS, 3 December 1974, also for the following quotations.
[81] Comisión Interamericana de Derechos Humanos, Informe sobre la situación de los Derechos Humanos en Chile. Comisión Interamericana de Derechos Humanos, Organización de los Estados Americanos, 1974. Quoted in Smith, "Una perspectiva," 13.
[82] AAD, 1974SANTIA00410, REFUGEE AFFAIRS: CURRENT SITUATION AND NEXT STEPS, 25 January 1974.

some foreign refugees left in Chile, but Sadruddin had launched a new and seemingly last appeal for resettlement places. In it he expressed his "deep appreciation for this gesture of international solidarity" that the international community had already displayed.[83]

Yet again, the British and American governments managed to avoid resettling refugees. FCO Secretary Douglas-Home defended his negative reply to the High Commissioner's request by saying that Her Majesty's Government was "in no position to accept refugees from Chile while having to turn away Commonwealth Citizens [i.e. the Ugandan Asians]".[84] In the American case, Sadruddin sent his Deputy High Commissioner, the American Charles Mace, to convince Kissinger to elevate the resettlement effort, but without much avail. The Secretary of State replied that "while there is no limit as to the number of cases the US is willing to accept, dependent upon their meeting the established criteria, we nonetheless urge that only those cases representing bona fide refugees be recommended to the Department for favorable action".[85] Deputy State Secretary Rush noted that their delaying strategy had worked. Of the twenty-five cases admitted to the United States, only 17 had accepted the offer and eight had chosen to go elsewhere, as other offers had come in before the US approvals.[86]

Unlike in Uganda, however, where the resettlement of the delineated group of stateless Asians let to the closure of the case, in Chile the resettlement of the foreign refugees was not the end of the matter, as we have seen in chapter 3. The situation remained dire for many Chilean refugees. In March 1974, the full extent of the junta's human rights abuses started to come to light, when Luis Reque of the Inter-American Commission leaked his findings. Amnesty International published its results in September 1974.[87] The reports testified

[83] TNA, FCO7/244/155, Telno HCR 4080 From Sadruddin Khan to the FCO, 19 December 1973.

[84] TNA, FCO7/244/with 155, Reply to HC's telegram, 3 January 1974. The quote about the Commonwealth citizens was repeated several times, first internally then also in public: TNA, FCO7/2423/with 75, Telno 228 to Santiago. Chile: Refugees, 7 November 1973; TNA, FCO7/2423/75, Answer to the Parliamentary Question of MP Frank Allaun, 20 November 1973.

[85] AAD, 1974STATE025560, FUTURE POLICY ON REFUGEES IN/FROM CHILE, 7 February 1974.

[86] Ibid.

[87] Kelly, *Sovereign Emergencies*, 143; Amnesty International, *Chile*.

to the continued persecution of left-wing Chileans. Early on in 1974, UNHCR recognized that its task would not be over soon in Chile and that Chileans wanting to leave would fall under their mandate as soon as they had left Chile. Even though UNHCR could not act on the Chileans' behalf as long as they remained in Chile, they did search resettlement spots for them in third countries.[88]

Shifts in political leadership in the UK and the US, as well as continued pressure from refugee advocates – politicians as well as civil society actors – eventually led to the greater admittance of Chilean refugees into these countries.[89] After their return to power in March 1974, the Labour Cabinet, and particularly Minister of Overseas Development Judith Hart, reallocated development aid funds towards resettling Chilean refugees in the UK and established the Joint Working Group for the resettlement of Chilean refugees in the United Kingdom.[90] In total, the Labour government approved the resettlement of approximately 3,000 Chilean refugees between 1974 and 1979.[91] In the United States, the Watergate scandal replaced Richard Nixon with Gerald Ford, while Kissinger remained Secretary of State. In June 1975, after nearly two years of unabated advocacy on behalf of the Chilean refugees by Senator Edward Kennedy and his bystanders and only after the initiation of the evacuee program for Vietnamese 'refugees',[92] the State Department finally approved a Special Parole Program for Chilean Refugees.[93]

What is often overlooked by scholars who focus on the Chilean resettlement programs alone, is that these programs in the UK and the US remained tiny and were conducted reluctantly. In fact, already in 1975 Labour started looking to reduce the intake of Chilean refugees. First, it did so by excluding "economic refugees", which it defined as people "under no threat of death or

[88] UNHCR 11/2, Box 19 100.GEN.CHL Refugees from Chile General (1973-1983), Folio 5, Incoming cable dispatched from New York No. YZ 438, 13 November 1973.
[89] Calandra, "Exile and Diaspora in an Atypical Context"; Miorelli and Piersanti, "Staying Alive."
[90] Calandra, "Exile and Diaspora in an Atypical Context," 223.
[91] Livingstone, *Britain and the Dictatorships of Argentina and Chile, 1973–82*, 40.
[92] See chapter 4 for a critical evaluation of the refugee status of these Vietnamese evacuees/escapees/refugees.
[93] Calandra, "Exile and Diaspora in an Atypical Context," 312. See also: NARA I, RG233, Box1.99, Opening Statement by Senator Edward M. Kennedy at the Hearing of the Senate Refugee Subcommittee of the Chile Parole Program, 2 October 1975.

imprisonment but finding it difficult to get work or promotion by reason of their political allegiance".[94] Civil servants in the Home Office discussed whether it was in the UK's best interest to inform UNHCR of this decision or simply postpone the granting of visas to such lengths that applicants would prefer to go elsewhere, or as they called it "let applications lapse".[95] It was argued that this proposal was

> a sensible way of cutting down the numbers while continuing to meet our international obligations and to admit the strongest claimants (our share of political detainees, people with ties with the UK, and the compassionate cases). But I doubt whether it is necessary to say anything to [the] public or UNHCR: we should still be looking at applications sympathetically on their merits: it is not really a change of policy.[96]

In reality, however, it was a significant "change of policy" and the Home Office – as usual – did what it could to maintain its humanitarian appearance and avoid criticism.

The American Chilean resettlement program started off slowly and congressional pressure on the executive branch remained necessary to keep president Ford accountable. Only by the end of it, in March 1977, the foreseen 400 spots for Chilean heads of households had been filled. Together with almost 700 dependents, they formed a group of 1,100 Chileans who resettled into the United States during this time.[97] By that time, the US Attorney General had paroled 146,300 Vietnamese and Cambodians into the United States.[98] Replying to a question by Edward Kennedy as to why the parole program suffered so many delays, Leonard Walentynowiez, who was an administrator

[94] TNA, HO376/195/44, Immigration: Foreign Nationals. Refugees from Chile: Limitation on Future Acceptance, 22 January 1975.
[95] Ibid.
[96] Ibid.
[97] NARA I, RG233, Box1.99, Chilean Detainees/Refugees, Letter from Julio J. Arias (Director of the Visa Office) to Arthur P. Endres, Jr. (House Committee of the Judiciary), 31 March 1977.
[98] Comptroller General, "The Indochinese Exodus: A Humanitarian Dilemma," Report To The Congress of the United States of America, 1979, 49; Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997."

at the State Department, wrote that "[i]t is the Department's continuing policy and effort to *internationalize* the acceptance and care of refugees".[99]

EXPANDING EASTWARDS TO BRIDGE THE PROTECTION GAP

Contrary to the common narrative of solidarity with the Chileans and the increased efforts by the UK and US after 1974 and 1975, finding sufficient resettlement places remained a real challenge for UNHCR, especially as the (needs of the) Chilean refugee population expanded. On May 10, 1974, UNHCR launched a new appeal, particularly geared towards Venezuela, but also to the rest of the world for larger resettlement quotas. At that time, Peru and Argentina, which had provided temporary asylum under UNHCR auspices to 3,000 and 9,000 Chilean refugees respectively, started to press the High Commissioner urgently to find permanent resettlement spots.[100] The pressure only rose when in December 1974 Pinochet's government adopted Supreme Decree Law 504, which converted the sentences of detainees into forced exile. This *extrañamiento* or "release *cum* expulsion" program occurred at the same time as pressure started mounting on Chileans to leave Argentina (see chapter 3).[101] With the death of President Juan Domingo Perón and the take-over by his wife Isabel Martínez de Perón in July 1974, the situation rapidly worsened in Argentina. Increasingly, Chilean refugees in Argentina were imprisoned, murdered, or kidnapped.[102]

In March 1976, following the coup of General Jorge Rafael Videla Redondo, refugees' predicament in Argentina deteriorated even further while the willingness of the international community to support UNHCR's resettlement efforts continued to decline.[103] Thinking that the worst had passed, Western

[99] NARA I, RG233, Box1.99, Letter from Leonard F. Walentynowiez (Departement of State, Administrator, Bureau of Security and Consular Affairs) to Senator Kennedy, 13 November 1975 [Emphasis added].
[100] United Nations Archives and Record Center, New York (hereafter UNARC), Series 0911, Box 4, File 5, Aide Memoire, 1 July 1974.
[101] UNHCR 11/2, Box 1275 641.CHL Expulsion and Deportation from Chile (1974-1984), Folio 10, Letter from G. Kaselli to the Finnish Ministry of Foreign Affairs, 17 January 1975.
[102] Roniger Luis, "Escape, Deportation, and Exile: The Contours of Institutionalized Exclusion," in *Exile, Diaspora, and Return* (New York: Oxford University Press, 2018), 15.
[103] Roniger et al., *Exile, Diaspora, and Return*, 115.

European and Latin American countries had sought to end their engagement with the Chilean resettlement program.[104] UNHCR was not optimistic that the US government would consider another parole program for Chileans, but hoped that the Americans could at least weigh in to put pressure on Buenos Aires not to expel or mistreat the Chilean refugees on its soil.[105] In the UK, the best the Labour government thought it could do was to "make at least a token offer at some stage" to "help [the] High Commissioner to obtain favourable responses from other countries" – again with the aim at internationalization, especially within the EEC.[106] It was in this context that UNHCR in Argentina reverted to the strategy of dividing refugees into political refugees and "economic migrants" as demonstrated in chapter 3. Yet, even this division could not prevent the fact that there remained many Chileans in Argentina who were recognized as refugees under UNHCR's mandate. Hence, UNHCR once again – pressed by hunger strikes and large scale protests in Argentina such as the one in Hotel Chelita mentioned at the beginning of this chapter – had to appeal to the international community.

For the Chilean refugees, UNHCR had worked with a quota system that originated from the British negotiations with third countries during the Ugandan Asian crisis. As we have seen in chapter 5, the UK asked other countries, particularly in the Commonwealth, to pledge certain numbers of places that could then be filled (mostly after a selection procedure conducted by ICEM, which would match resettlement candidates with third country spots). This approach had also worked well for Chile, especially in Western Europe, where countries

[104] TNA, HO376/196, Wendy Tyndale, Visit to Chile and Argentina for the Joint Working Group for the Resettlement of Refugees from Chile in the United Kingdom, 6-9 July 1975; UNHCR 11/2, Box 1275 Box 1275 641.CHL Expulsion and Deportation from Chile (1974-1984), Folio 14, Release and Expulsion of Detainees in Chile, 7 February 1975; Ibid., Folio 21, Memorandum from Guy Prim (Americas, Iberia and Oceania Section) to Charles Mace (Deputy High Commissioner), Acceptance of Latin American refugees by the USA, 10 September 1975; Ibid., Folio 22, Interoffice Memorandum From Virendra Dayal (Regional Representative UNHCR at the UN in New York), Acceptance of Latin American refugees by the USA, 17 September 1975.

[105] UNHCR 11/2, Box 1275 641.CHL Expulsion and Deportation from Chile (1974-1984), Folio 23, Incoming cable from NY, HCRNY/246, 15 October 1975.

[106] TNA, HO376/195/92, P.L. Taylor to Renton, Refugees from Argentina, 23 June 1976; HO376/195/95, Refugees from Argentina, 28 June 1976.

like Sweden pledged new quotas regularly.[107] By the mid-1970s, however, UNHCR officials believed that Chilean refugees were seriously "handicapped by the quota system whereby resettlement in other countries for reasons of principle is barred when the quota is filled".[108] For this reason they sought expansion of the resettlement area and started to send people into uncharted territory: Romania.[109]

Already in April 1975, Romania became the second largest receiver of Chileans from Argentina, after Canada and before the UK.[110] Unlike the Western countries, Romania was offering an unlimited number of resettlement places and it was processing refugees quickly. The UNHCR-assisted resettlement of Chilean exiles to Nicolae Ceauşescu's state constituted the first major collaboration of the international refugee organization with an Eastern European country, the assistance to Hungarians in Yugoslavia notwithstanding.[111] Ceauşescu, who ruled the country between 1965 and 1989, increasingly chose his own political trajectory, which led to a deteriorating relationship with the Soviet Union.[112] In the West, however, Ceauşescu's standing grew, as long as

[107] In October 1973, Sweden had pledged a quota of 200, then raised it to 600 and in January 1974, raised it to 700, and it would continue to do so. Camacho Padilla, *Una Vida Para Chile= Ett Liv För Chile*, 68. In other countries, the process was similar. The UK and the US never pledged quotas. In principle they had no limit, but in practice, they did not want to be held accountable for a number pledged in advance.

[108] UNHCR 11/2, Box 164 100.ROM.CHL Chilean refugees in Romania, Folio 2, Note for the file, Chileans expelled from Romania to East Germany, 22 October 1974.

[109] I wish to thank my student, Robbe Himpe, who through his excellent bachelor paper better helped me to understand Romania's relevance. We describe the case in greater detail in "Chileans Ex Romania. UNHCR's Reactions towards Chileans' 'Second Escape' from Romania," *Journal of Refugee Studies*, Forthcoming.

[110] TNA, HO376/196, Wendy Tyndale, Visit to Chile and Argentina for the Joint Working Group for the Resettlement of Refugees from Chile in the United Kingdom, 6-9 July 1975.

[111] UNHCR, *The State of the World's Refugees, 2000*, 127; Miserez, *Prince Sadruddin Aga Khan*, 85–87.

[112] Although recent scholarship situates Romania's shift away from the Soviet Union somewhat earlier, in 1963, with the Romanian opposition towards Mongolia's accession to the Warsaw Pact, it is clear that under Ceaușescu's rule the split deepened. Elena Dragomir, "Romania Blocks Mongolia's Accession to the Warsaw Treaty Organization: The Roots of Romania's Involvement in the Sino-Soviet Dispute," in *Warsaw Pact Intervention in the Third World: Aid and Influence in the Cold War*, ed. Philip E. Muehlenbeck and Natalia Telepneva (London: I.B. Tauris, 2018), 223–48.

his human rights abuses remained unknown. After the Six Days War in 1967, for instance, he was the only member of the Warsaw Pact to maintain diplomatic relations with Israel.[113] In 1968, he had condemned the Soviet invasion in Czechoslovakia. US President Richard Nixon rewarded Romania's course of action with an official state visit in 1969.[114] Moreover, in the early 1970s, the country gained access to several international economic organizations, including the IMF and the World Bank, which elevated its position in the international community.[115]

With regard to the reception of Chilean refugees, Romania also steered its own course. Between 1973 and 1977, more than 1,500 Chilean refugees and refugees *ex* Chile arrived in Romania, making it the largest receiver in the European communist bloc.[116] Of the communist countries, only Cuba had accepted larger numbers (approximately 2,000 refugees, including asylees and resettled refugees). Eastern Germany with 400 and Hungary with 80 lagged far behind. In other communist states, such as the Soviet Union, Czechoslovakia, Poland, and Yugoslavia, UNHCR officials could only guess the numbers as they resulted more from spontaneous asylum movements instead of organized resettlement efforts.[117]

Despite Romania's generous offer to provide shelter to Latin American and Chilean left-wing Pinochet opponents and initial enthusiasm for resettlement in communist Romania, the reality caught up with the refugees, as they realized that Romania was far removed from the socialist utopia they had imagined. Early in October 1974, UNHCR received news that Chileans were trying to escape their new country of refuge. The first case concerned a Chilean who had exchanged Romania for Switzerland. The man had first fled Chile to Argentina, where he received a laissez-passer to certify that he was

---

[113] Philip E. Muehlenbeck and Natalia Telepneva, eds., *Warsaw Pact Intervention in the Third World: Aid and Influence in the Cold War* (London: I.B. Tauris, 2018), 101–7.

[114] Paschalis Pechlivanis, "Between Détente and Differentiation: Nixon's Visit to Bucharest in August 1969," *Cold War History* 17, no. 3 (2017): 241–58.

[115] Dennis Deletant, *Romania under Communism: Paradox and Degeneration* (London ; New York: Routledge, 2018).

[116] UNHCR 11/2, Box 164 100.ROM.CHL Refugees from Chile in Romania 1975-1979, folio 29a, Report on Mission To Romania, 7 July 1977.

[117] UNHCR 11/2, Box 164 100.ROM.CHL, Folio 1, Note for the File (Confidential), 5 November 1974.

under the mandate of UNHCR. However, since Argentina had opted for the geographical limitation to European refugees when it acceded to the Convention in 1961, it was not legally obliged to issue a Convention Travel Document (CTD). Consequently, the Argentinian document did not give the refugee the right to return to Argentina, which was typical CTDs.[118] It was unclear at that time whether Romania had issued the man with an aliens passport, but in any case, these passports were not recognized by many countries in the capitalist world. On his way to Switzerland, the man had therefore picked up a Chilean passport issued by the Chilean consul in Belgrade.

The first concern of UNHCR officials was that the man had "no complaints against Rumania [sic] relevant in connection with the 1951 Convention."[119] According to Adjunct-Chief of the Europe Section Carsten Brink-Petersen, the man had not fled Romania due to *well-founded fear of persecution*, but rather escaped for economic reasons, to better provide for his family in Chile from the richer countries in Western Europe. This stance was crucial to avoid alienating Romania by suggesting that it was creating refugees, which would cause "embarrassment for the first asylum country".[120] Yet, according to Brink-Petersen, the man had also not been "accorded fully-fledged international protection". The lack of a proper travel document meant that the refugees in this situation had "never found a 'country of first asylum' to which they have the right to return". Therefore, these refugees were "bound to stay in the country of asylum and ha[d] less 'freedom of movement' than normal refugees".[121]

By 1977, some 450 or almost three quarters of the Chileans resettled there had fled Romania.[122] Despite their significant numbers, UNHCR officials

[118] UNHCR 11/2, Box 48, 100.ARG.CHL, Rapport Amnesty International. Argentina, just like Italy, acceded to the Protocol without lifting its restriction.
[119] UNHCR 11/2, Box 164 100.ROM.CHL, Folio 0, International Protection of Chilean Refugees, 22 October 1974, also for subsequent quotations.
[120] UNHCR 11/2, Box 164 100.ROM.CHL, Folio 46, Chileans ex Romania, 19 June 1979.
[121] UNHCR 11/2, Box 164 100.ROM.CHL, Folio 0, International Protection of Chilean Refugees, 22 October 1974.
[122] UNHCR 11/2, Box 164 100.ROM.CHL, Folio 29a, Report on Mission to Romania, 7 July 1977.

consciously decided not to intervene on behalf of Chileans *ex* Romania.[123] Instead, they tried to persuade Romania to accede to the Refugee Convention, to avoid the situation of the lack of refugee travel documentation in the future. Meanwhile, Chilean refugees were advised that they would lose their (chances at official) refugee status if they applied for Chilean passports.[124] Most countries that received Chileans from Romania – apart from Switzerland predominantly West Germany, Belgium, and Sweden – did indeed not grant refugee status but allowed them to stay for humanitarian reasons. This humanitarian status had similar provisions as the regular refugee status, but did not include all refugee rights, most notably the issuance of a Convention Travel Document (CTD).[125]

The consequences for the refugees themselves were massive. By not having an internationally recognized legal status in Western Europe, the protection they received was void, most particularly with regard to freedom of movement. The lack of CTDs effectively stripped them of the right to travel internationally. The situation became painfully urgent when in the fall of 1977 refugees and UNHCR officials learned about the L-passports, issued by Chilean consuls to the diaspora that explicitly prevented Chileans from returning to Chile.[126] If their passport could not grant them protection in any country, and they were prohibited – by virtue of having resettled to Romania first – from obtaining refugee status in any other country, which options remained for them? In May 1978, a group of desperate refugees traveled to the UNHCR headquarters to discuss "the problem that result[ed] from refugee status not being granted to them".[127] At the headquarters, however, the representatives

[123] UNHCR 11/2, Box 164 100.ROM.CHL, Folio 1, Note for the File (Confidential), 5 November 1974.
[124] UNHCR 11/2, Box 164 100.ROM.CHL, Note for the File, Travel Documents for Chilean Refugees in Romania, 30 April 1976.
[125] UNHCR 11/2, Box 180 100.SWI.CHL, Folio 10, Chilean refugees coming from Romania, 25 October 1979.
[126] UNHCR 11/2, Box 51 100.AUS.CHL, Folio 2, Chilean Refugees in Austria – Revocation of Refugee Status, 4 October 1977; UNHCR 11/2, Box 157 100.PER.CHL, Folio 11, Call jo n H .E. Mr. Francisco Buines Sanfuentes, Ambassador of Chile to Peru, 11 November 1977; UNHCR 11/2, Box 253 110.CHL Programming Chile (1977-1980), Folio 9, Report of UNHCR activities in Chile 1978, 9 February 1979.
[127] UNHCR 11/2, Box 87 100.GRF.CHL, Folio 24, Chileans ex Romania, 22 May 1978.

of the group were turned down and referred back to the UNHCR Branch Office in West Berlin with the advice to try to convince the German government to grant refugee status nevertheless.[128] There are, however, no traces in the sources that this effectively occurred. Most likely, the refugees were left to fend for themselves, without legal protection and probably without valid documentation. The resettlement opportunity to Romania proved devoid of protection for a large part of them.

CONCLUSION

The internationalization of the Chilean resettlement effort was not clearly driven by a single actor. Unlike in the Ugandan Asian case, there were many preconditions, such as Latin American asylum law, the phenomenon of seeking refuge in embassies, and the communist connections, that set the internationalization into motion. However, it is important to note that both the United States and the United Kingdom actively sought internationalization, because they recognized the importance of resettlement for Pinochet's human rights reputation but did not want to receive refugees themselves. Even in periods that they did open their borders for Chilean refugees, they did so reluctantly, always seeking ways out of taking their responsibility towards the Chilean refugees. Their "hegemonic" strategies differed and also evolved over time. While the British government sought to employ its connections in the UNHCR Office and hid behind the argument that they were overburdened by the reception of Ugandan Asians, the American government devised a more bureaucratic procedure. When in 1974 the British and in 1975 the Americans, under pressure of their public opinion, allowed more Chileans in, this was only temporary and bleak in comparison to the efforts of other European and Latin American countries.

The US and UK were Pinochet's greatest allies in his economic reforms that, from 1975 onwards, provoked even more Chileans to leave the country. These victims of the Chilean neoliberal experiments added to the great number of refugees that got stuck in the region of origin, most notably Argentina. Due to the volatile political situation, working in Argentina had always been a challenge for UNHCR and the rising numbers of Chileans added to the burden.

[128] UNHCR 11/2, Box 87 100.GRF.CHL, Folio 24, Chileans ex Romania, 22 May 1978.

Argentina, however, was not very successful in convincing the world to share in its burden, like Austria had done in 1956 when the Hungarians arrived in large numbers. This was partly because the impunity in Argentina against refugees caused disgust rather than sympathy, but also because the newly arriving Chileans could be branded as "economic migrants" rather than refugees. As such they did not deserve international protection, which allowed the international community to disengage with their plea. Nevertheless, Argentina still hosted substantial groups of recognized refugees. As they themselves started to raise their voices, other solutions needed to be found.

By sending the Chileans to Romania, it appeared at first like UNHCR achieved a dual goal. The seemingly endless number of resettlement spots filled a protection gap for Chileans in Argentina unable to leave for other countries. At the same time, the measure provided UNHCR with an opportunity to expand its geographical scope beyond the Iron Curtain. Romania was the first communist country with which UNHCR started the procedure to adopt the 1951 Convention Relating to the Status of Refugees. The attempt eventually failed, but the involvement of the UNHCR with Chileans *ex* Romania provides us with a unique insight in UNHCR's global ambitions in the 1970s, towards Latin America as well as towards the communist world. The desire to keep Romania on board, however, made UNHCR officials refrain from criticizing the Romanians, even when Chileans started to leave the country in droves. As a result, refugees' rights and protection came under threat. The case of the Chileans *ex* Romania shows how the UNHCR's expansion worked in practice, but also how these developments came at the expense of refugees. Their uncertain legal status, caused by a refugee regime that rested on states' accession and adherence to international conventions, made refugees particularly vulnerable to political considerations, even after they had supposedly received international assistance.

7

The Internationalization of the Refugee Problem?

Limiting the Right to Leave Vietnam

In 1979, Judith Kumin joined UNHCR to become head of the resettlement section responsible for implementing the Orderly Departure Program (ODP) from Vietnam. In the 1980s, she combined her job with scholarly research on the topic, to assess whether orderly departure was a humanitarian alternative to other forms of refugee protection.[1] In 2008, at the end of her long career at UNHCR, where she also functioned as head of the refugee operation in the former Yugoslavia in the 1990s, spokesperson for the High Commissioner, Director for Europe, and Regional Representative in Brussels,[2] Kumin observed that the ODP had been "the only time" that UNHCR "extended its assistance on a large scale to help persons to leave their country of origin".[3] The ODP thus differed from the three regular "durable solutions" – local integration, voluntary repatriation, and third country resettlement – because it went beyond the specific provision in UNHCR's mandate and the 1951 Refugee Convention that refugees had to be outside their country of origin or habitual residence to qualify for refugee protection.

In an important article from 2008, Kumin reflected on the reasons for this unique occurrence, wondering whether it had been a mere Cold War anomaly or a crucial innovation that would have the potential to set a precedent for future humanitarian interventions. She never really answered that question but

[1] Judith Kumin, "Orderly Departure from Vietnam: A Humanitarian Alternative?" (Doctoral, Medford, MA, Tufts University Fletcher School of Law and Diplomacy, 1987).

[2] Upon her retirement from UNHCR in 2012, she took up various positions as visiting or assistant professor. "Professor Kumin Brings International Immigration Policy Close to Home in New Politics & Society Class," UNH Today, January 19, 2016.

[3] Kumin, "Orderly Departure from Vietnam," 105.

concluded that "a fortuitous convergence of events, interests and personalities" caused the transportation of over 650,000 people directly from Vietnam to over thirty countries between 1979 and 1997.[4] Despite this impressive number, however, she made a remarkable observation about the humanitarian character of the ODP, saying that

> Many in UNHCR felt deeply uncomfortable with what seemed to be *an agreement to limit a basic human right*: the right to leave one's country. The same organization which had declared in its Universal Declaration of Human Rights that 'everyone has the right to leave any country, including its own', was now *sponsoring a moratorium on departures*.[5]

At the moment the ODP started, approximately 562,000 Indochinese had already left Southeast Asia. Circa 130,000 Vietnamese and Cambodians were directly evacuated to the United States in 1975-1976 as parolees (i.e. people granted an exceptional entry without the appropriate visas); 235,000 ethnic Chinese fled over land to the People's Republic of China in 1978-1979; and 197,000 people were resettled from camps in countries of first asylum, predominantly Thailand, Malaysia, Indonesia, Singapore, the Philippines, and Hong Kong. Of this latter group, approximately 180,000 people went to just four countries: the United States, France, Canada, and Australia.[6] Due to UNHCR's reluctance to grant refugee status, as we have seen in chapter 4, the majority of these people were not refugees in a legal sense. Less than one third, approximately 155,000 people, qualified for refugee status and were resettled under UNHCR's auspices.[7] A smaller group was resettled by ICEM as immigrants, predominantly to France that admitted Indochinese based on connections with the former colonial authorities, knowledge of the French language, and employability rather than their fear of persecution.[8] Nevertheless, in the refugee camps scattered across Southeast Asia, a backlog of

[4] Kumin, 105, 117.
[5] Kumin, 116 [Emphasis added].
[6] Robinson, *Terms of Refuge*, 52.
[7] UNHCR 11/2, Box 128, 100.MLS.SRV Refugees from the Socialist Republic of Vietnam in Malaysia [Vol. 3] 1978-1979, Folio 235, UNHCR Activities in relation to Indo-Chinese refugees and displaced persons since 1975, Statistics of Indo-Chinese Refugees and Displaced Persons – Cumulative Permanent Solutions: Boat and Non-Boat People, 28 February 1979.
[8] Akoka, "France: Boat People Brough by Plane."

350,000 Indochinese awaiting resettlement had built up. The international community, apart from the four large resettlement states, only very reluctantly engaged in burden sharing (see table 5).[9]

Resettlement States	*Boat People*	*Land People*	*Total*	*Percentage*
US	28,277	39,702	67,979	43.659
France	3,393	43,981	47,374	30.426
Australia	11,986	5,352	17,338	11.135
Canada	2,316	8,586	10,902	7.002
FRG	1,903	1,089	2,992	1.922
Malaysia	8	1,578	1,586	1.019
Switzerland	560	827	1,387	0.891
UK	781	528	1,309	0.841
Belgium	87	1,128	1,215	0.780
Norway	776	90	866	0.556
New Zealand	445	259	704	0.452
Others	80	534	614	0.394
Denmark	104	300	404	0.259
Netherlands	155	173	328	0.211
Italy	24	227	251	0.161
Hong Kong	108	121	229	0.147
Israel	168	0	168	0.108
Japan	41	10	51	0.033
Luxemburg	6	0	6	0.004
Total	51,218	104,485	155,703	100.000

Table 5. UNHCR resettlement of Indochinese who had reached the countries of first asylum by boat of over land before February 28, 1979 (Source: UNHCR 11/2, Box 128, Folio 235)

The ODP is generally seen as a positive example of refugee resettlement and burden sharing. Not only did it ensure the direct resettlement from Vietnam of hundreds of thousands of people and thus prevented the dangerous escape routes on rickety boats that had caused thousands to drown, it also facilitated the resettlement of over one million Indochinese from regional camps in the following twenty years.[10] Both Astri Suhrke and Alexander Betts have used

[9] Robinson, *Terms of Refuge*, 52.

[10] Kumin, "Orderly Departure from Vietnam," 105. See also: Irial Glynn, *Asylum Policy, Boat People and Political Discourse: Boats, Votes and Asylum in Australia and Italy* (London: Palgrave Macmillan, 2016), 19; Madokoro, *Elusive Refuge.*

the ODP (and its successor the Comprehensive Plan of Action, CPA) as examples of how the international community can effectively work together – either because of hegemonic pressure or linked interests.[11] Even critical scholars, such as Yến Lê Espiritu and her student Ayako Sahara, who studied the power relations shaped through humanitarianism and resettlement, have not fundamentally questioned the validity of the ODP.[12] Human rights historians are on the same page. Carl Bon Tempo, for instance, has studied how the Carter administration from 1977 onwards employed Vietnamese human rights violations to legitimize new and ever increasing parole programs to admit Vietnamese refugees.[13] According to him, the Vietnamese resettlement programs signaled the shift from refugees as European anticommunists to refugees as victims of human rights abuses.[14]

How can the prevailing story of successful resettlement coexist with the uneasy feeling of Kumin and her fellow UNHCR colleagues about the denial of a fundamental human right? How did UNHCR, as the institution defending refugees, end up banning a fundamental part of the right to mobility, namely the right to leave, and contribute to make this a new, and no longer questioned paradigm in refugee law? The answer is relatively straightforward, but also largely forgotten.[15] The major objective – besides preventing people from drowning – was to rebuild trust in the countries of first resettlement by clearing the camps. In order to do so, Western states had to be persuaded to provide

---

Chinese Migrants in the Cold War, 197; Eve Lester, "Australian Responses to Refugee Journeys. Matters of Perspectives and Contexts," in *Refugee Journeys: Histories of Resettlement, Representation and Resistance*, ed. Jordana Silverstein and Rachel Stevens (Canberra: ANU Press, 2021), 39–40; Taylor et al., "Introduction," 12. Jana Lipman, who recently studied the effect of the ODP on the camps in the countries of first asylum, was more critical as she noted that the program was "a highly bureaucratic and fickle process", but she did not critize the existence of the program an sich either. See Lipman, *In Camps*, 21.

[11] Suhrke, "Burden-Sharing during Refugee Emergencies"; Betts, *Protection by Persuasion*.

[12] Espiritu, "Toward a Critical Refugee Study"; Sahara, "Globalized Humanitarianism."

[13] Carl J. Bon Tempo, *Americans at the Gate. The United States and Refugees during the Cold War, Americans at the Gate* (Princeton: Princeton University Press, 2008), 148–62.

[14] Tempo, 5.

[15] A notable exception among the more recent literature is Davies, "Saving Refugees or Saving Borders?"

more resettlement spots. However, the premise on which all of this rested was that the exodus from Vietnam would stop.[16] "Orderly" departure first and foremost meant "reduced" departure. This is clearly visible in the numbers. In 1997, when the ODP ended, almost two million (1,954,170) Indochinese had been resettled under UNHCR auspices. Only one third, or 638,900 of these approximately two million people, had come directly from Vietnam through the ODP; 1,315,270 were resettled from the countries of first resettlement.[17] But it becomes even clearer when we look at what happened immediately after the agreement of the ODP. Between 1979 and 1981, the number of resettled refugees jumped from 155,703 to 1,075,358.[18] In other words, by 1981 more than half (55 per cent) of all Indochinese refugees had already been resettled. Knowing that in the first ten years of the ODP, the program was not popular, and that just over 125,000 people left Vietnam, we can discern that most people resettled between 1979 and 1981 came from refugee camps in the region of first asylum.[19] The real breakthrough of the ODP happened only after 1989, when a new conference installed a new aspect to the program called the Comprehensive Plan of Action (CPA). The CPA did not only stem the exodus, it also actively promoted repatriation.[20] In the last ten years, almost all emigration from Vietnam happened through the ODP/CPA. The ODP had thus very effectively deprived the Vietnamese from their chance to leave their own country by means of their own choosing.

---

[16] Barry Stein, "The Geneva Conferences and the Indochinese Refugee Crisis," *The International Migration Review* 13, no. 4 (1979): 722; Robinson, *Terms of Refuge*, 145; Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 197.

[17] Numbers are based on my own calculations based on Appendix 2: Cumulative Indochinese Resettlement Statistics, 1975-1997 in Robinson, *Terms of Refuge*, 295.

[18] The first number comes from UNHCR 11/2, Box 128, 100.MLS.SRV Refugees from the Socialist Republic of Vietnam in Malaysia [Vol. 3] 1978-1979, Folio 235, UNHCR Activities in relation to Indo-Chinese refugees and displaced persons since 1975, Statistics of Indo-Chinese Refugees and Displaced Persons – Cumulative Permanent Solutions: Boat and Non-Boat People, 28 February 1979. The second number stems from UNHCR 11/2, Box 208, 100.USA.ICH Refugees from Indochina in the United States of America, Folio 10a, Refugee Problems in South East Asia. Departures to U.S. and Third Countries, April 1975 to end of Report Month, 31 July 1981.

[19] Kumin, "Orderly Departure from Vietnam," 105.

[20] W. Courtland Robinson, "The Comprehensive Plan of Action for Indochinese Refugees, 1989–1997: Sharing the Burden and Passing the Buck," *Journal of Refugee Studies* 17, no. 3 (2004): 319–33.

This chapter focuses on the reasons and mechanisms behind the reduction of emigration from Vietnam. It argues that this became a viable option because the internationalization from the countries of first asylum was not successful. These countries were in the first place the ASEAN countries (the Association of Southeast Asian Nations) consisting of Singapore, Malaysia, Indonesia, Thailand, and the Philippines, and the British Crown Colony Hong Kong, but also, and very importantly, the United States (particularly its island military bases in the Pacific Ocean, on Guam and Wake). From the very start of the exodus, in the spring of 1975, Washington and London sought the internationalization of their refugee problem. The United States tried unsuccessfully to resettle its own evacuees who had already landed on American soil. The United Kingdom, which through its colony considered itself a Pacific power, was more successful in securing aid from the international community, including UNHCR, for the resettlement from Indochinese in Hong Kong. For the United States, resettlement in itself became a token of humanitarian leadership. For Great Britain, the priority always remained to disperse refugees as widely as possible or, more precisely, prevent them from coming to the British isles. This chapter will show how British pressure from 1978 onwards affected American perceptions of freedom of movement. As the structure of the UNHCR leadership changed, the shift in American ideas also seeped through in the organization, preparing it for its eventual moratorium on departures from Vietnam.

The chapter is organized in four chronological parts. It first studies the internationalization effort that accompanied the American evacuation in 1975. It then investigates the role of Hong Kong between May 1975 and December 1978. Thirdly, it zooms in on an important, but largely forgotten conference, where the ideas about limiting freedom of movement took shape, namely the UNHCR Conference on Indochinese Refugees of December 1978. In the last part, the chapter considers the events between the 1978 Conference and the more famous UN Conference on Indochinese Refugees held in Geneva in July 1979, where the ODP emerged as the international standard to deal with the Indochinese refugees from then onwards.

THE 1975 EVACUATION: A MORAL OBLIGATION OR A HUMANITARIAN BURDEN?

The evacuation of approximately 132,000 Cambodians and Vietnamese in 1975 had a profound impact on American self-perception, as it served to "remake the Vietnam War into a just and successful war".[21] Henry Kissinger remarked in his memoirs that the evacuation had been a "moral obligation" towards their allies.[22] However, to the officials at the American State Department, the evacuees were also a "burden", which they hoped to share with all countries in the American sphere of influence.[23] The literature on the 1975 evacuation is vast – according to critical scholar Espiritu, "the 1975 cohort, as state-sponsored refugees, may be the most studied arrival cohort in US immigration history".[24] However, the aspect of this early attempt at burden sharing has not yet received sufficient attention.

The large numbers of resettled Indochinese to the United States presented an anomaly in the long history of anti-Asian immigration policy in the white settler colonies, which is often seen as an exceptional moment in the Cold War at a time of American imperial decline.[25] However, an aspect we ought not to forget is that the resettlement movement fitted in with a pattern of intense advocacy for refugee resettlement from Democrats, both at the progressive and conservative end of the spectrum. Most notably, Senator Jackson's pleas on behalf of the Soviet Jews and Senator Kennedy's work to resettle refugees from Chile, as we have analyzed in chapter 6, set the tone in the first half of the 1970s. With regard to refugees, both camps rallied around the human right of freedom of movement, particularly the right to leave. The first ever appeal for evacuation from Vietnam, more precisely from the harbor city of Danang, was also formulated in these terms. On March 30, when the National Libera-

[21] Espiritu, "The 'We-Win-Even-When-We-Lose' Syndrome," 329.
[22] Henry Kissinger, *Ending the Vietnam War: A History of America's Involvement in and Extrication from the Vietnam War* (New York: Touchstone, 2003), 535.
[23] AAD, 1975STATE097854, RESETTLEMENT OF VIETNAMEEE REFUGEES FOR CHIEFS OF MISSION FROM AMBASSADOR L.DEAN BROWN, 27 April 1975.
[24] Espiritu, "Toward a Critical Refugee Study," 411.
[25] Madokoro, *Elusive Refuge. Chinese Migrants in the Cold War*, 187. For a comprehensive history of anti-Asian immigration policy, see: McKeown, *Melancholy Order*.

tion Front of South Vietnam (NLF) were about to capture Danang, US Ambassador Graham Martin in Saigon wrote to Secretary of State Henry Kissinger:

> One of the most basic human rights is the right to freedom of movement (Universal Declaration of Human Rights, article 13). This right to freedom of movement is especially precious when the movement is an expression of such obviously sincere and deeply held horror at the prospect of living under North Vietnamese domination. *We assume such congressional concern over human rights is truly universal and not selective*, and *that freedom of South Vietnamese to choose where they wish to live is just as important, as matter of universal principle, as we have made matter of freedom of Soviet Jews to emigrate to Israel*.[26]

Martin is remembered as a staunch opponent to the swift evacuation of American personnel from Saigon, as he feared that it would undermine South Vietnamese morale.[27] However, with regard to the Vietnamese, he defended their right to leave as absolute. His Deputy, Wolfgang Lehman, got into a bitter fight with the UNHCR Representatives in Vientiane, who argued that letting Vietnamese leave the newly occupied territories did have too many "political connotations" that prevented them from getting involved.[28] In line with what we have seen in chapter 4, they worked hard not to offend the Vietnamese communists. Lehman's sharp-worded reply was that "the UN charter on human rights, in fact, included very specific provisions on freedom of movement", implying that UNHCR indeed had an obligation towards the Vietnamese "refugees".[29] Eventually, the US embassy, together with a private airline company owner arranged the evacuation without support of the international community. The operation turned out to be a catastrophic under-

[26] AAD, 1975SAIGON03772, FURTHER GVN MESSAGE TO WALDHEIM ON REFUGEE CRISIS, 30 March 1975 [Emphasis added].
[27] Matthew M. Aid, *The Secret Sentry: The Untold History of the National Security Agency* (New York: Bloomsbury Publishing, 2009), 125–26.
[28] AAD, 1975SAIGON04783 UNHCR EMERGENCY PROGRAM, 11 April 1975.
[29] A term that was heavily contested within UNHCR, as we have seen. AAD, 1975SAIGON04783 UNHCR EMERGENCY PROGRAM, 11 April 1975.

taking, with people clinging to the wings of aircrafts and drowning after falling off overloaded barges.[30]

The chaos in Danang formed the turning point in the American thinking about the evacuation from South Vietnam and Cambodia, where a communist victory was also imminent. On April 5, President Ford decided to step up his the effort towards "high risk" Indochinese.[31] The same day, Acting Secretary Robert Ingersoll wrote a memo to Attorney General Edward Levi to authorize their resettlement through a special parole program.[32] While opinions in Congress were mixed on the possibility of an evacuation, on April 9, a group of twenty important senators, including Kennedy, urged the president to avoid a Danang like situation in Saigon.[33] Kissinger and Ford tried to buy time by requesting Congress to approve a new package of military and humanitarian aid to South Vietnam. We know now that both men were hoping the request would not be granted, but they needed to give the impression to the Vietnamese that they would continue their support, in order to allow the evacuation to take place in an orderly fashion.[34] In the following days, Kennedy augmented the pressure on the American government, requesting daily updates on the

[30] Loescher and Scanlan, *Calculated Kindness*, 105; Ian W. Shaw, *Operation Babylift: The Incredible Story of the Inspiring Australian Women Who Rescued Hundreds of Orphans at the End of the Vietnam War* (Hachette Australia, 2019), 8–10. I am grateful for my student Maxime Liesenborghs, who pointed out the importance of the Danang moment in his insightful bachelorpaper "De Leeuw Tegen de Prins."

[31] Gerald R. Ford, *A Time to Heal: The Autobiography of Gerald R. Ford* (New York: Harper & Row, 1979), 246; Loescher and Scanlan, *Calculated Kindness*, 105.

[32] Gerald R. Ford Library, Folder "Indochinese Refugees – Parole authority (1)", Box 10, Theodore C. Marrs Files, Classified letter from Robert S. Ingersoll, Acting Secretary, to Edward Levi, Attorney General, 5 April 1975. Cited in Amanda Demmer, "The Last Chapter of the Vietnam War: Normalization, Nongovernmental Actors and the Politics of Human Rights, 1975-1995" (Ph.D. Dissertation, New Hampshire, University of New Hampshire, 2017), 39.

[33] Gerald R. Ford Library, Folder "Refugees—Indochina: General (2)," Box 58, Philip W. Buchen Files, Letter from 20 Senators to the President, April 9, 1975. Cited in Demmer, 41.

[34] Kissinger, *Ending the Vietnam War*, 535–38; Jussi M. Hanhimaki, *The Flawed Architect: Henry Kissinger and American Foreign Policy*, *The Flawed Architect* (Oxford: Oxford University Press, 2004), 393.

evacuation.[35] On April 18, Attorney General Levi finally approved the parole of 130,000 persons, the so-called Vi-Cam program.[36]

For Kissinger, 132,000 was the absolute maximum of Indochinese people the US could accept.[37] In fact, he even thought that these spots would not be filled, because by the end of April, only 45,000 Vietnamese had been identified as high risk. Kissinger believed that there was "no way the total number" of evacuees could "go much beyond 50,000".[38] As a precaution, however, he had already taken measures to internationalize the effort. On April 26, American diplomats in Geneva reached out to UNHCR, ICEM, and ICRC to request the international resettlement of Vietnamese and Cambodians from the American staging centers on Guam and from the military bases on the American mainland, Ford Chaffee in Arkansas, Camp Pendleton in California, Eglin Air Force Base in Florida, and Indiantown Gap in Pennsylvania.[39] The next day, Director of the Inter-Agency Taskforce for Indochinese Refugees (IAFT), Dean Brown, sent a telegram to all American embassies with the plea to "urge all countries to share the burden by accepting a certain number of refugees into their own countries".[40] Although it was clear to all that the United States would "take the major burden", the State Department was hoping that each country would accept at least 100 evacuees.[41]

---

[35] FRUS/1969-1976/X, doc. 243. Minutes of Washington Special Actions Group Meeting, 19 April 1975. [Original File: Ford Library, National Security Adviser, NSC Meetings File, Box 1, Chronological File. Top Secret; Sensitive].

[36] Comptroller General, "The Indochinese Exodus: A Humanitarian Dilemma," 46; Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 186.

[37] When he heard Kennedy was pressing for 200,000 resettlement spots, he said: "Kennedy should have no objection. He's very reasonable. I know him well. I'll call him and explain." FRUS/1969-1976/X, doc. 243. Minutes of Washington Special Actions Group Meeting, 19 April 1975. Kennedy had studied under Kissinger at Harvard, see: Miserez, *Prince Sadruddin Aga Khan*, 18.

[38] FRUS/1969-1976/X, doc. 276. Memorandum for the Record, 29 April 1975. [Original File: Ford Library, National Security Adviser, Memoranda of Conversations, Box 11, Chronological File. Confidential].

[39] UNHCR 11/2, Box 32 100.GEN.SRV Refugees from the Socialist Republic of Vietnam – General [Vol. 1] 1968-1977, Folio 102, Incoming Cable 395 dispatched from New York, Meeting Henry Kissinger – Kurt Waldheim, 26 April 1975; AAD, 1975STATE097854, RESETTLEMENT OF VIETNAMEEE [sic] REFUGEES FOR CHIEFS OF MISSION FROM AMBASSADOR L.DEAN BROWN, 27 April 1975.

[40] Ibid.

[41] Ibid.

This early American internationalization effort strongly resembled the bilateral negotiations of the British government to disperse Ugandan Asian British passport holders, which Kissinger had experienced firsthand, as we have seen in chapter 2. Not coincidentally, the British FCO was among the first to be approached.[42] On April 28, Assistant Under-Secretary for Foreign and Commonwealth Affairs, Donald Hawley wrote to Mr. T. Fitzgerald Esq., one of the most experienced civil servants in the Home Office, who had prepared the Ugandan Asian and the Chilean refugee resettlement from within the Immigration and Nationality Department.[43] He explained that the US government "hoped that the bulk of countries with whom they had good relations would agree to accept at least 100 Vietnamese", but that in the case of the United Kingdom, "they hoped we could take substantially more".[44] On April 29, Fitzgerald approved taking 100 Vietnamese, on top of 118 Vietnamese already in the UK, mostly children which were brought to the UK in the Daily Mail Babylift.[45] However, Fitzgerald argued,

> So far as refugees sponsored by the Americans are concerned, we are not under any kind of an obligation to accept them, and we are not a country of immigration, and we have our own obligations to admit substantial numbers of UKPH, and of the dependants [sic] of Commonwealth citizens, in the years immediately ahead.[46]

---

[42] Strangely enough, in the American AAD database, there is a reference to the report of that conversation (1975LONDON06393), but the actual document seems to be erased. Luckily, there was also a report of the conversation in the British archives.

[43] See for instance TNA, FCO31/1404/274, Agreement with Indian Home Office on Admission of Uganda-Asian UKPH, Scott to Fitzgerald, 20 September 1972; TNA, HO394/277, Refugees from Chile, MacDowall to Fitzgerald, 24 March 1975.

[44] TNA, HO376/197/15, Letter from Hawley to Fitzgerald, 28 April 1975.

[45] TNA, HO376/197/16, Immigration Refugees from Vietnam, Fitzgerald to Woodfield, 29 April 1975. On the near abduction of these Vietnamese children, see Becky Taylor, "'Don't Just Look for a New Pet': The Vietnamese Airlift, Child Refugees and the Dangers of Toxic Humanitarianism," *Patterns of Prejudice* 52, no. 2–3 (2018): 195–209.

[46] TNA, HA/376/197/16, Immigration Refugees from Vietnam, Fitzgerald to Woodfield, 29 April 1975; AAD, 1975LONDON06676, RESETTLEMENT OF VIETNAMESE REFUGEES, 2 May 1975. On the near abduction of these Vietnamese children, see Taylor. "'Don't Just Look for a New Pet'".

The similarities with the British approach in 1972 were also not lost on UN High Commissioner for Refugees Sadruddin Aga Khan. On April 29, when he made known to the United States that he and his Office were unwilling to engage in the resettlement movement, he said that "the situation was analogous to that of Uganda Asians who were evacuated to Britain a couple of years ago" and remarked that the UK had been unsuccessful in its attempt "to internationalize the resettlement of the 27,000 Ugandan [Asian UK passport holders]".[47] As had been the case in the UK, Sadruddin emphasized that "it would be difficult for other countries to consider these people as anything other than a US responsibility."[48] Instead, he made clear that UNHCR would not get engaged in any activities on behalf of Vietnamese that were already on American soil.[49]

UNHCR's refusal to help resettled Vietnamese and Cambodians from the US to third countries did not keep the State Department from pursuing the matter further. By the end of May 1975, Kissinger had received answers from some eighty-five missions on all continents of which some twenty countries had indicated interest in resettling Indochinese from the American reception centers.[50] They became all the more important, because Kissinger had been wrong on the total number of potential evacuees. As soon as Saigon had fallen, people had started leaving Vietnam in small boats. Most of them were intercepted by American Marines and taken to Guam, from where they were prepared for resettlement under the Vi-Cam program. Eventually, all spots (and even some more) of the Attorney General's parole program would be filled.[51]

The positive replies were symbolically important, just as they had been for the British in the Ugandan Asian case, as they indicated the potential of using other countries – also in the Global South – as a reservoir for unwanted immigration caused by imperial losses, either due to decolonization (as in the case of the UK) or due to the fiasco in Vietnam (in the case of the US). The United

[47] AAD, 1975GENEVA03025, PARTICIPATION IN INDOCHINA REFUGEE RESETTLEMENT, 29 April 1975.
[48] Ibid.
[49] AAD, 1975STATE117195, SUMMARY REFUGEE RESETTLEMENT PROGRAMS, 20 May 1975.
[50] Ibid.
[51] Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 168.

States felt most supported by Canada, which proposed resettling 3,000 people, with 2,000 "from the US flow".[52] Australia publicly announced that it was willing to accept some Indochinese refugees as migrants in certain restricted categories. [53] The State Department was in constant contact with France, but they had their own program and did not consider taking in Indochinese off American hands, unless the people concerned had a strong desire to go to France.[54] Though they thought the UK could do more, they were pleased that the UK had responded so swiftly and that it was willing to receive an additional 100 evacuees from the American centers. But the UK provided support in other ways, too. Among the first positive replies were a number of smaller New Commonwealth countries, such as Singapore, Barbados, Dominica, St. Vincent, St. Lucia, and Granada, which all showed interest in the resettlement of small numbers of highly-skilled workers and thus indicated the potential of Indochinese refugees to function as labor migrants.[55] However, in the clearest indication of this strategy, it should be of no surprise that British officials tried to persuade President Banda from Malawi during his trip to London to take a substantial share of Indochinese from America.[56] They explicitly referred to the large and influential offer he had done in the early days of the UK's search for resettlement places for the Ugandan Asians.[57] During the Ugandan Asian crisis, indeed, Banda's offer to resettle 1,500 Asians had kickstarted the British dispersal campaign (see chapter 4).[58].

---

[52] AAD, 1975STATE104005, RESETTLEMENT OF VIETNAMESE REFUGEES: SUMMARY OF RESPONSES TO BILATERAL APPROACH, 6 May 1975.
[53] Ibid.
[54] Ibid.
[55] AAD, 1975STATE117195, SUMMARY REFUGEE RESETTLEMENT PROGRAMS, 20 May 1975. Other countries that showed early interest in high skilled workers were Morocco, Gabon, Korea, Taiwan, the Philippines, Costa Rica, Nicaragua, Ecuador, Paraguay.
[56] Robinson was very surprised to find that a bilingual American-Vietnamese newspaper at Fort Indiantown Gap, "at one point ran a headline on its front page, 'And Why Not Malawi?' […] accompanied by a map of Africa and a long description of how well suited Malawi, given its climate, was for Vietnamese." Robinson, *Terms of Refuge*, 127.
[57] AAD, 1975BLANTY00576, RESETTLEMENT OF VIETNAMESE REFUGEES, 13 May 1975.
[58] Cosemans, "The Politics of Dispersal," 109.

Unlike the British, who looked first at their own backyard, namely the Commonwealth, the United States considered the entire non-communist world as a potential site for internationalization, unless countries had expressed strong support for the Vietnamese communist regime (such as Burundi, Tanzania and Upper Volta – now Botswana).[59] In these cases, US ambassadors anticipated strong resistance against their plea, which could undermine the entire undertaking. Chile, on the other side of the spectrum, was "in principle happy" to receive refugees from Vietnam, as this tarnished the Vietnamese Communist governments' reputation. The ambassador had to turn down this offer because he feared that sending Vietnamese to Chile in its state of economic disarray would harm the reputation of the internationalization.[60]

One group of countries was notably absent in terms of positive replies and participation in the internationalization effort: the nations with a strong reputation for humanitarian action, which were at that time still occupied with the massive resettlement of Chileans. Particularly Western European states (notably Sweden, Denmark, West Germany, Austria, Belgium, and Italy) and New Zealand, but also countries that aspired for strong leadership positions in the Third World or the Non-Aligned Movement (especially Mexico and Peru, but also Iran) indicated that their involvement required an official appeal by UNHCR.[61] They needed the international organization to cloak the American request in a humanitarian guise before committing to international resettlement publicly, in order not to lose their reputation.[62]

Since UNHCR remained uncooperative, Kissinger decided to initiate the internationalization effort with the support of ICEM alone. John Thomas, the director of ICEM, quickly responded favorably. ICEM's mandate was not limited to refugees and it was, as a migration agency, closely aligned with

[59] AAD, 1975BUJUMB00302, 1975DARES01407, 1975OUAGAD01102, RESETTLEMENT OF VIETNAMESE REFUGEES, 9 May 1975.
[60] AAD, 1975SANTIA03042, RESETTLEMENT OF VIETNAMESE REFUGEES, 30 April 1975.
[61] AAD, 1975LIMA03487, RESETTLEMENT OF VIETNAMESE REFUGEES, 29 April 1975; AAD, 1975MEXICO03732, RESETTLEMENT OF VIETNAMESE REFUGEES, 30 April 1975.
[62] AAD, 1975COPENHAGEN01489, RESETTLEMENT OF VIETNAMESE REFUGEES, 22 May 1975 is the strongest example, but the same applied to all countries mentioned.

American foreign policy interests.[63] By May 20, 1975, ICEM had 1,800 Vietnamese and Cambodians registered to go to nineteen countries.[64] Eventually, 1,000 of them effectively left, mostly to Canada, where they could be recognized as refugees under the 1951 Convention by the Canadian government.[65] However, almost as soon as it had started, the resettlement from the American bases came to a halt. Severely understaffed, ICEM was at the same time conducting a major operation in Chile that depleted its resources.[66] Most importantly, the Vietnamese and Cambodians already in the United States were unwilling to leave. Even if countries such as Uruguay eventually offered substantial numbers of resettlement spots, there was no demand to fill them.[67]

Refugee expert Gil Loescher has claimed that Sadruddin managed to act relatively independent from the United States. [68] The 1975 moment shows that he sometimes also actively resisted American pressure. Sadruddin's refusal of UNHCR involvement in the internationalization Indochinese refugees from American territory denied placing the humanitarian label on the operation. This was a problem, as UNHCR's apparently "purely humanitarian and non-political" stance lent credibility to states that wanted to gain prestige through their own humanitarian efforts. Not only did it prevent small states in the West and the Non-Aligned Movement with great humanitarian aspirations from becoming involved in the burden sharing, it also was an active denial to legitimize America's actions. In the 1970s, humanitarianism replaced the civilizing mission inherent in "imperial formations", as Laura Ann Stoler has argued.[69] With decolonization (almost) complete, "humanitarianism" became

---

[63] Bradley, *The International Organization for Migration*, chap. 1.

[64] AAD, 1975STATE117195, SUMMARY REFUGEE RESETTLEMENT PROGRAMS, 20 May 1975.

[65] AAD, 1975STATE117195, SUMMARY REFUGEE RESETTLEMENT PROGRAMS, 20 May 1975. The arrangement resembled that of the Chilean nationals leaving Chile. ICEM transported refugees to third countries that could then grant refugee status under UNHCR's mandate. See: Ferguson et al., "Refugees," 65–70.

[66] AAD, 1975STATE242449, RESETTLEMENT OF VIETNAMESE AND CAMBODIAN REFUGEES FROM US TO LATIN AMERICA, 10 October 1975.

[67] AAD, 1975MONTEV03534, RESETTLEMENT OF VIETNAMESE REFUGEES, 15 October 1975.

[68] Loescher, *The UNHCR and World Politics*, 201. The same was the case for his refusal to grant all people leaving Indochina blanket refugee status, as we have seen in chapter 3.

[69] Stoler, "On Degrees of Imperial Sovereignty."

the new aspirational standard, replacing the discredited concept of "civilization" from the colonial age.[70] This had been most certainly the case for the British and the dispersal of the Ugandan Asians, but also for the Americans after Vietnam.[71]

Although the American press recuperated and scholars afterwards interpreted the evacuation as a strategy to "reclaim American virtue", to borrow Barbara Keys' phrase, to Kissinger and his global team of ambassadors, the sharing of the burden was equally important.[72] The failed attempt to internationalize the evacuation of 1975 frustrated American diplomats, especially as they saw that UNHCR did get involved in the internationalization of other groups, first from Hong Kong (as we will see in the next section), but in October 1975 also from Thailand. David Popper, who was at that time US Ambassador in Chile and hence involved in the resettlement of the first group of Chilean parolees to the US (see chapter 6), observed that "UNHCR's initiative to resettle Cambodians from Thailand, rather than Vietnamese from [the] US as had been [the] original idea, changes our operating framework".[73] Throughout the entire Ford presidency, the State Department tried, without success, to further internationalize their responsibility for Indochinese.[74]

THE CENTRAL ROLE OF THE BRITISH CROWN COLONY HONG KONG

Within a week of the British approval to accept 100 Vietnamese from the American staging centers, the British stance towards the Indochinese crisis fundamentally changed due to the arrival of a large refugee ship in the British Crown Colony Hong Kong. On May 4, 1975, a large Danish freighter, the Clara Maersk, brought 3,743 "self-evacuated" refugees to shore.[75] The current

[70] Stur, "'Hiding Behind the Humanitarian Label,'" 228.
[71] She has argued that the civilizing mission was as much part of American imperialism as it was of British colonialism. Sahara, "Globalized Humanitarianism," 98–100.
[72] Espiritu, "The 'We-Win-Even-When-We-Lose' Syndrome"; Sahara, "Globalized Humanitarianism"; Keys, *Reclaiming American Virtue*.
[73] AAD, 1975SANTIA06972, RESETTLEMENT OF VIETNAMESE AND CAMBODIAN REFUGEES, 16 October 1975.
[74] Examples can be found, *inter alia*, in AAD, 1976KUALA04928, 27 August 1976; 1976GENEVA07401, 22 September 1976.
[75] Robinson, *Terms of Refuge*, 23.

historiography stresses the animosity between Great Britain and Hong Kong in the dealings with the Indochinese refugees, but these studies have only considered the later period from 1978 onwards and thus failed to see how the Colonial government in Hong Kong and the British government intensely collaborated in the internationalization of the resettlement of Indochinese from Hong Kong.[76] The "pearl of the East" was one of the last gems in the British Crown, which deserved primary attention.[77] Even before the Clara Maersk docked in the harbor, Hong Kong Governor Murray MacLehose asked the British Foreign and Commonwealth Office (FCO) to support the colony by "persuading other countries to accept as many as possible of them" or, in other words, by internationalizing the issue.[78] MacLehose himself contacted the US and Canadian missions in Hong Kong with the request to resettle the Indochinese aboard the Clara Maersk. Both missions promised cooperation, but the US Consul General Charles Cross told MacLehose in confidence that the US Immigration Department – under pressure of Congressional protest against a large-scale refugee effort – wanted to prevent more people being sent to Guam.[79] For British Home Officer James Callaghan the internationalization from Hong Kong became immediately more urgent than his promise to resettle 100 Vietnamese from the United States.[80]

Hong Kong had one of the longest standing refugee problems in the world, since it had become a refuge for Chinese fleeing the People's Republic in 1949. In 1956, Gilbert Jaeger, the UNHCR official whom we have met as Director of Assistance central to the Chilean resettlement program and Direc-

[76] Kwok Bun Chan, "Hong Kong's Response to the Vietnamese Refugees: A Study in Humanitarianism, Ambivalence and Hostility," *Southeast Asian Journal of Social Science; Singapore* 18, no. 1 (1990): 94–110; Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 194; Taylor, "'Our Most Foreign Refugees': Refugees from Vietnam in Britain."

[77] The term "pearl of the East" comes from Enbao Wang, *Hong Kong, 1997: The Politics of Transition* (Boulder: Lynne Rienner Pub, 1995), 1. Cited in Abby S. Whitlock, "Setting the Sun on the British Empire: British Economic Interests and the Decolonization of Hong Kong," *James Blair Historical Review* 9, no. 2 (2019): 28.

[78] TNA, FCO40/651/30, Telegram Number 428 from MacLehose to FCO, 3 May 1975.

[79] TNA, FCO40/651/38, Telegram Number 436 from MacLehose to FCO, 5 May 1975.

[80] TNA, HO376/197/25, Flash Telno. 151, Vietnam: Meeting of the nine ambassadors, from Callaghan to Dublin, 5 May 1975.

tor of Protection from 1977 until his retirement in February 1979 (see chapters 2 and 3), had conducted a large-scale investigation into the potential refugee status for Hoa in Hong Kong and had come to the conclusion that they were entitled to UNHCR protection under its mandate. However, under great pressure from the British government, the British officials in the UNHCR Office did not concur and a special program for Chinese refugees in Hong Kong never materialized.[81] Nevertheless, UNHCR inherited the responsibility of over roughly 20,000 European refugees who had fled China to Hong Kong from the International Refugee Organization (IRO).[82] Together with ICEM it ran a joint office in the British colony that only closed its doors in 1973.[83] As Laura Madokoro has shown, Chinese refugees in Hong Kong remained an extremely sensitive issue.[84]

Hong Kong assumed a special place in British imperial imagination. Not only was it a major port and a hub for British maritime interests, British high officials in the 1970s saw themselves as a "Pacific power" through their Crown Colony.[85] The real extent of that power is visible in the degree to which Great Britain managed to assert its will on the world to share the burden in its Hong Kong refugee problem. While the Americans were unsuccessful in securing the cooperation of UNHCR to launch an appeal for international resettlement at their behest, British officials in London saw international resettlement as their only option to avoid problems in Hong Kong between the new Asian refugees and the Hoa, who were forcefully returned to China at that time. Their aim was to prevent Hong Kong from having to accept these refugees as permanent settlers *and* that the UK would become responsible for their resettlement. The British government used its proven method of putting pressure on Sadruddin Khan and on UN Secretary General Kurt Waldheim to

[81] UNHCR 36, Collected Staff Narratives, Dr. Gilbert Jaeger, Interviews 1, 15 April 1998.
[82] Ibid.
[83] TNA, FCO40/1100/1046A, Intergovernmental Committee for European Migration, Aide Memoire, 7 June 1979.
[84] Laura Madokoro has in great detail described how the Western states refused resettlement options and other forms of protection to Chinese refugees. Madokoro, *Elusive Refuge. Chinese Migrants in the Cold War*.
[85] Taylor, "'Our Most Foreign Refugees': Refugees from Vietnam in Britain," 114.

employ the UN to resolve the issue.[86] Already on May 5, 1975, the High Commissioner sent out an international appeal to resettle the self-evacuees like the ones on the Clara Maersk from Hong Kong and Southeast Asia. At first, however, he himself kept a distance, which meant that the Clara Maersk passengers were resettled without getting refugee status under UNHCR's mandate.[87]

The British internationalization strategy was more effective than the American one. Courtland Robinson has claimed that UNHCR issued the May 5 appeal "at the urging of the United States", but he did not say for which refugee group.[88] In fact, the American government did this "urging" at British behest.[89] As we already saw in the introduction, the US Consul General Cross worried that taking fewer refugees than France and Canada "would subject [the] US to […] angry reactions from the HKG and the UK" and would jeopardize American internationalization efforts in the area.[90] As a result of UNHCR's appeal, fourteen countries immediately offered resettlement spots, with the highest offers again coming from Canada and France. The US Immi-

[86] How this exactly worked is not clear from the sources that I have gathered and COVID-19 prevented a last trip to the British archives that was planned for 2020. However, it is clear from documents dating somewhat later (1976) that FCO still had intensive contacts with John Kelly, the former UNHCR Representative in London and then Deputy Director for Protection, who had also been instrumental in the dispersal of the Ugandan Asians (chapter 2) and in the British diplomatic approach towards the refugees from Chile (chapter 6). TNA, HO376/197/158, Telno. 207, Bottomley to FCO, Vietnamese Refugees, 15 July 1976. Kelly intervened on the UK's behalf when another large freighter, the Ava, arrived at the shores of Hong Kong. The document states: "We have spoken to Kelly at the UNHCR along the lines of your TUR. […] Kelly *would see what the UNHCR could do* to encourage the Burmese to accept these people, though he was not optimistic" [Emphasis added].

[87] Robinson, *Terms of Refuge*, 24.

[88] Robinson, 24.

[89] The British civil service believed that they, together with the Americans had been instrumental in the internationalization of the refugee resettlement from Hong Kong. For a summary of the occurrences from the British perspective, see TNA, FCO58/1456/67, UNHCR Consultations on Indo-Chinese refugees, Geneva 11-12 December, 1978, Annex G: Brief Description of UK involvement in the "Boat Refugee" problem, 5 December 1978. American sources corroborated this stance: AAD, 1975HONGK06209, VIETNAMESE REFUGEES IN HONG KONG,4 June 1975.

[90] AAD, 1975HONGK06209, VIETNAMESE REFUGEES IN HONG KONG,4 June 1975.

gration Department eventually took 2,486 Indochinese from the Clara Maersk, Canada 349, France 347, Australia 210, Denmark 100, Austria 62, West Germany 30, Belgium 24, Italy 2 and New Zealand, Switzerland and Taiwan each one person. The UK did not accept any Clara Maersk passengers until 1978, Hong Kong was able to reduce its intake to 95 and the UK received only 35 Clara Maersk passengers as late as 1978.[91] What is important for our purposes here, is to note how UK, US, as well as UNHCR officials alike still considered the UK a major power in the region.

While for the United States, the resettlement of the "boat people" was starting to become a token of humanitarian leadership itself, as Cross's telegram indicates, the British Labour government continued to restrict intake of Indochinese refugees. In 1976, after the unification of the two Vietnams, an increasing number of people started to leave Vietnam in small boats. Malaysia and Thailand, where the majority of these small boats arrived, started to push back the boats to the high seas.[92] Sadruddin made an appeal to the traditional countries of immigration to offer resettlement places in exchange for the "liberal implementation" of the Brussels Convention on Assistance and Salvage at Sea of 1910 that obliged captains to rescue persons on vessels in distress and that urged governments at first ports of call to allow the rescued passengers to disembark.[93] He also launched a resettlement appeal to which the Americans responded favorably, while the British resettled no-one.[94] This only changed in September 1978, when the MV Wellpark, a large Scottish-owned vessel, rescued boat people in distress in the South China Sea. After this rescue, the consensus grew that the country under which flag a ship flew would become responsible for the resettlement of the rescued. Under this principle, the British Labour government felt obliged to finally increase its resettlement effort, after years of keeping the Indochinese refugees at bay.[95]

---

[91] TNA, FCO15/2314/231, Refugees from Vietnam in Hong Kong, 7 September 1978.
[92] UNHCR, *The State of the World's Refugees, 2000*, 102.
[93] AAD, 1976GENEVA05673, INDOCHINESE REFUGEES - BOAT CASES, 16 July 1976.
[94] AAD, 1976KUALA04928, VIETNAMESE REFUGEE FAMILY, AND OTHER BOAT CASES: MALAYSIAN SITUATION WORSENS, 27 August 1976.
[95] Taylor, "'Our Most Foreign Refugees': Refugees from Vietnam in Britain," 114–16. See also TNA, FCO15/2315/281, UNHCR Consultations on Indo-China, 11-12 December, 1 November 1978.

However, already in 1978, the situation changed again due to the increased animosity between Vietnam and the PRC over Vietnam's military actions in Cambodia.[96] These political developments generated new large population displacement. In 1978, Vietnam was the first communist government ever to request and received UNHCR's good offices for assisting the Cambodian refugees that resulted from the border war. The war also raised the animosity between Vietnam and the PRC. In mid-1978, the Vietnamese government started expelling Hoa, officially because their "capitalist" activities as traders and business owners threatened the communist cause. In August 1978, 160,000 Hoa had entered China and by February of the next year, their number had already risen to 260,000.[97] But Hoa also started to leave Vietnam oversea in large rickety cargo vessels that transported thousands of refugees at the time. As Hong Kong was geographically closer to the northern ports from where the Hoa left, it was the first port these vessels would encounter. While after the arrival of the Clara Maersk, Hong Kong had barely received any Indochinese boat people – only 191 in 1976 and 1,007 in 1977 – the arrivals rose dramatically to over 9,000 in 1978 and over 17,000 in the spring of 1979.[98]

The British and Hong Kong authorities were extremely alarmed by the situation. In October 1978, as the first ship, the Southern Cross, was on its way to Hong Kong, British officials in Hong Kong discovered that the Hoa did not simply leave their country, but that they were smuggled out by human traffickers for exuberant sums of money: "between 8-12 taels of gold (approximately £700 - £1000) […] by each refugee for the voyage".[99] In November, it became apparent that the Vietnamese government itself was behind the scheme. Vietnamese officials received payments of bribes at different embarkation points, while Hoa "racketeers" from Singapore, Hong Kong and Taiwan organized the transport of the persecuted Hoa from Vietnam.[100] This fact is by now well known in the literature, but not how it

[96] Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 190.
[97] Chan, 190.
[98] Chan, 194.
[99] TNA, FCO15/2314/250, "Refugees on the 'Southern Cross', letter from British Ambassador to Vietnam, John Margretson to Murray (A M) Simons Esq, South East Asian Division, FCO, 6 October 1978.
[100] Kushner and Knox, *Refugees in an Age of Genocide*, 1999, 309; Robinson, *Terms of Refuge*, 31; Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 196;

was discovered. It was the UK's unofficial representative in Ho Chi Minh City (former Saigon), Samuel (Sammy) Lena-Maideen,[101] who discovered the conspiracy by accident, because "the office in which all the arrangements were made […] was situated next door to the house of a friend of [him]."[102] Upon learning about it, the Hong Kong and British authorities immediately started to look for solutions behind the scenes.[103]

For the FCO, it was clear that the only viable option was to "intervene with the Vietnamese to ask them to clamp down on the exodus".[104] David Owen, Secretary of State for Foreign and Commonwealth Affairs in James Callaghan's Labour Cabinet, however, could not do so himself. In January 1978, he had published his book on human rights, in which he proclaimed to follow President Carter's lead on the adoption of human rights as a leading foreign policy principle.[105] He was "unwilling" to suspend Vietnamese right to leave, as it would leave him vulnerable for criticism that he himself was breaching human rights principles.[106] Instead, he proposed to "continue to make it clear to them that their human rights record (with thousands fleeing the country every month and many losing their lives doing so) is abhorrent to us", just like the British had done after Amin's expulsion. He therefore proposed raising the issue at the upcoming UNHCR Conference on Indo-Chinese Refugees, which

---

Luise Druke, "Vietnamese Boat People in Singapore - Creation of the Disembarkation Resettlement Offer (DISERO) Contributed to Rescue at Sea of over 67,000," in *Innovations in Refugee Protection: A Compendium of UNHCR's 60 Years- Including Case Studies on IT Communities, Vietnamese Boatpeople, Chilean Exile and Namibian Repatriation* (Frankfurt am Main and New York: Peter Lang, 2014), 204.

[101] According to American sources, Lena-Maideen ws the "quasi-official self-appointed British consular officer" in Vietnam. AAD, 1976HONGK13646, CANADIAN COMMENTS ON RECENT IMMIGRATION TALKS WITH SRV AND UNHCR REPRESENTATIVE`S VIEWS ON MIA`S, 23 November 1976.

[102] TNA, FCO15/2314/250, "Refugees on the 'Southern Cross', letter from British Ambassador to Vietnam, John Margretson to Murray (A M) Simons Esq, South East Asian Division, FCO, 6 October 1978."

[103] TNA, FCO15/2314/260, TELNO 1229 from Hong Kong Governor MacLehose to FCO, 24 October 1978.

[104] TNA, FCO15/2315/319, TELNO 840 from Owen to MacLehose, 9 November 1978.

[105] David Owen, *Human Rights* (London: J. Cape, 1978).

[106] TNA, FCO15/2315/319, TELNO 840 from Owen to MacLehose, 9 November 1978. All further quotations and information in this paragraph stems from the same source.

was planned for 11 and 12 December 1978, and where Vietnam would be invited as host to the Cambodian refugees.

Owen's most important objective at the conference, however, was to convince other governments to pressure Vietnam into putting a moratorium on the exodus.[107] He believed it was possible to keep the UK out of it, for the Southern Cross never reached Hong Kong. Neither did the second ship called the Hai Hong. They stranded in Indonesia and Malaysia respectively, which had entered into a severe clash with UNHCR when they refused to let the refugees disembark if UNHCR could not guarantee their resettlement in third countries.[108] Owen counted on these countries with a less humanitarian reputation to plea for the suspense of freedom of movement entirely. What we see at work here is what Ayako Sahara has identified as the maintenance of the "power hierarchy […] between the First and the Third World".[109] In common analyses of the Vietnamese resettlement movement, even in Becky Taylor's most recent article from 2021, the strategy of the UK – at least before Margaret Thatcher assumed power in 1979 – is completely overlooked.[110]

In terms of upholding its humanitarian guise and wielding influence to maintain imperial hierarchies, however, the UK appeared more powerful than the United States. This is best visible in the stance of US Ambassador to the European office of the United Nations in Geneva William van den Heuvel, who completely agreed with Owen. He argued that "such a mass exodus of any people is *ipso facto* evidence of a pattern of gross and persistent violation of human rights".[111] Then, he suggested that the US itself had to call a halt to the departures. He acknowledged that he "was among those who strongly urged the US to accept this humanitarian obligation" of resettlement for the Soviet Jews, the Cubans and the Chileans, but asked now

[107] Ibid.
[108] Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 194–95.
[109] Sahara, "Globalized Humanitarianism," 171; See also Lipman, *In Camps*, 55.
[110] Taylor does devote attention to the fact that it was Margaret Thatcher who called for a second conference in 1979. Taylor, "'Our Most Foreign Refugees': Refugees from Vietnam in Britain," 117.
[111] AAD, 1978GENEVA17863, From US Mission Geneva (William Van den Heuvel) To Secretary of State Washington DC, "INDOCHINESE REFUGEES", 21 November 1978.

> At what point does the US say that it can do no more? Is it when we have received 250,000 Vietnamese refugees, or 500,000, or one million, or is there any number that will limit our obligation?"[112]

This was indeed a remarkable shift in his thinking, as he had always been a strong proponent of freedom of movements and resettlement since the 1950s and belonged to the inner circle of Senator Edward Kennedy.[113] It was clear that freedom of movement had also lost its appeal to American policymakers, as it became increasingly clear that they could hardly share the burden of a refugee stream for which they could not deny responsibility.

THE DECEMBER 1978 UNHCR CONFERENCE ON INDOCHINESE REFUGEES

Historians have unjustly overlooked the UNHCR Conference on Indochinese Refugees of 11 and 12 December 1978, because it yielded less visible results than the larger UN Conference on Indochinese Refugees held in Geneva in July 1979. However, for ideas about freedom of movement, the importance of the 1978 Conference can be hardly overstated. The British took the lead as the arrival of the Huey Fong, another large ship with at least 3,000 Vietnamese Hoa on board, in Hong Kong loomed large over the relationship between London and the colonial government.[114]

The persistent image that the UK did not take much action until Margaret Thatcher came to office is incorrect.[115] The preparations of the conference show how Callaghan and Owen started to prepare the minds to "restrain the flow" from Vietnam.[116] First, they decided that they would not pledge any spots for the Vietnamese recent arrivals, with the argument that the British government was already overburdened due to their "responsibilities for refu-

[112] AAD, 1978GENEVA17863, From US Mission Geneva (William Van den Heuvel) To Secretary of State Washington DC, "INDOCHINESE REFUGEES", 21 November 1978.
[113] "William J. Vanden Heuvel Oral History (2005) | Miller Center," October 27, 2016.
[114] TNA, FCO15/2315/318, TELNO 1286 from Hong Kong Governor MacLehose to FCO, 8 November 1978.
[115] Taylor, "'Our Most Foreign Refugees': Refugees from Vietnam in Britain," 117.
[116] TNA, FCO15/2316/359, Consultations with the Americans and the Canadians, 4-6 December, 7 December 1978 [Emphasis added].

gees and prospective immigrants from other parts of the world: [the] many thousands from Uganda and Latin America, [and] a continuing inflow of the relatives of existing immigrant families [from the New Commonwealth]".[117] Then, Deputy Under-Secretary of State in the FCO Hugh Cortazzi, discussed the matter with the American and Canadian delegations, where he remarked:

> No one had an answer to the basic dilemma of how to *restrain the flow* without infringing the essential humanitarian/*human rights principle of freedom of movement*. We should press home our views on human rights abuses in Vietnam, but it would be counterproductive to cause a confrontation at the Geneva conference.[118]

They eventually agreed that questioning the Vietnamese refugees' right to leave was not the task of the West. Instead, the Canadian delegation wondered "how far the ASEAN countries, in particular Indonesia, could be induced to bring home to the Vietnamese that their present policies were undermining their current efforts to achieve rapprochement with ASEAN.[119]

Since the start of their campaign to push back refugee boats to the high seas in 1976, the ASEAN countries had frequently and deliberately ignored international conventions as none of them were signatories to the 1951 Refugee Convention nor the conventions regarding the laws of the seas. What is more, not adhering to international humanitarian standards was their strategy of choice for securing resettlement places in third countries and aid from UNHCR and the Western states.[120] Jana Lipman has argued that "[u]ltimately, Southeast Asian and Hong Kong leaders succeeded in pushing the UNHCR and resettlement countries to take their version of humanitarianism seriously, even as Vietnamese diasporic activists targeted them for failing to protect human rights".[121] But this view is only partly correct. The British, Americans, and Canadians clearly sought to use the ASEAN countries as a front to push

---

[117] TNA, FCO15/2316/356, UNHCR Consultations on Indo-Chinese Refugees – Geneva 11-12 December, 1 December 1978.
[118] TNA, FCO15/2316/359, Consultations with the Americans and the Canadians, 4-6 December, 7 December 1978 [Emphasis added].
[119] TNA, FCO15/2316/359, Consultations with the Americans and the Canadians, 4-6 December, 7 December 1978.
[120] Davies, "Saving Refugees or Saving Borders?"
[121] Lipman, *In Camps*, 10.

its own agenda. As "less humanitarian" states, the ASEAN countries could say what for the powerful states was impossible to say. Contrary to Lipman's view, the power hierarchy between the formerly colonized and the colonizers remained firmly in place.

Hong Kong was not an ASEAN country and contrary to them, as a British colony, it was bound to adhere to the international conventions which the UK had ratified, such as the principle of the "first port of call" for disembarking people rescued at sea.[122] Hong Kong was not bound by the 1951 Refugee Convention, but openly breaching it would have harmed its reputation along with the British. Hence, Hong Kong leaders were caught between a rock and a hard place. On the one hand, they had to uphold humanitarian standards necessary to maintain British moral prestige. On the other hand, they rightly assumed that the ASEAN countries would "regard Hong Kong as a stalking horse for 'advanced' countries, which they often criticize for being unwilling to give sufficient practical expression to their humanitarian ideals". Moreover, now that the majority of refugees from Vietnam were Hoa, they had a hard time explaining why Hong Kong showed lenience for Chinese refugees from Vietnam while for decades it had forcefully returned refugees from Mao's China.[123] Therefore, in the days before the December 1978 Conference, Governor MacLehose decided to make a stance against both the British and the ASEAN governments. He knew that the Huey Fong was about to arrive in Hong Kong at any time. He decided to "play it long" as Indonesia and Malaysia had done with the Hai Hong and the Southern Cross, and to only land refugees against a guaranteed resettlement place elsewhere. Secretly, he requested the Labour government to finally consider resettling considerable numbers of Indochinese refugees to help Hong Kong maintain its humanitarian reputation.[124]

---

[122] TNA, FCO40/997/332, TELNO 1400 from MacLehose to FCO, 6 December 1978. All further quotes in this paragraph are from the same source unless indicated otherwise.

[123] Leonard Davis, *Hong Kong and the Asylum-Seekers from Vietnam* (Basingstoke, Hampshire; New York: Palgrave Macmillan, 1991), 2; Chan, "Hong Kong's Response to the Vietnamese Refugees," 98–101; Madokoro, *Elusive Refuge. Chinese Migrants in the Cold War*, 193.

[124] TNA, FCO40/997/332, TELNO 1400 from MacLehose to FCO, 6 December 1978. See also: AAD, 1976GENEVA05673, INDOCHINESE REFUGEES - BOAT CASES, 16 July 1976.

The Americans closely followed this development and tried to influence British decision making before the UNHCR Conference of 11 and 12 December. On December 8, the American Secretary of State Cyrus Vance consulted the British Home Secretary Roy Jenkins about a potential British promise to resettle 1,500 refugees – 500 from Hong Kong, Thailand, and Malaysia each.[125] Vance hoped that the British delegation could announce a large resettlement offer at the conference to advance the American internationalization effort, but his hope was frustrated. The UK's first aim, as we have seen throughout the decade, was to control immigration tightly. Hong Kong had again revealed itself as a weak spot in their border policy.

Now that the pressure to resettle from Hong Kong mounted, limiting the outflow from Vietnam became even more paramount for the British government. The British delegation to the 1978 UNHCR Conference was instructed to "try to establish acknowledgement of the Vietnamese Government's basic culpability in the problems raised by this unconcluded wave of refugees".[126] They ought not to take the lead in criticizing Vietnam or pleading for the reduction of Vietnamese refugees' freedom to leave, but if ASEAN delegations made a move, the British delegation "should join in". It is unclear from the sources whether British officials reached out to the Malaysian delegation before the conference, but they were delighted when Malaysian Minister of Home Affairs Ghazali Shafie openly attacked the Vietnamese Government at the Conference. It gave the British Deputy Foreign Minister Evan Luard the perfect opportunity to implore the Vietnamese involvement in the racketeering schedule and the *de facto* expulsion of its Hoa minority. The first opening towards forcing the Vietnamese to stem the exodus had been made.

The conference is remembered as a failure, with only 5,000 new resettlement places (of which the British pledged none) and just 12 million dollars of new financial contributions to UNHCR.[127] For the British Permanent Representative to the United Nations Organizations James Murray, however, the conference was a success. He wrote to the FCO that "[a]fter some prompting of

[125] TNA, FCO15/2316/379, UNHCR Consultations on Indo-Chinese refugees, Geneva 11-12 December 1978, 8 December 1978.
[126] TNA, FCO16/2316/406 TELNO 1046 "UNHCR Consultations on Refugees in Southeast Asia", 14 December 1978. All further quotes in this paragraph are from the same source.
[127] Kumin, "Orderly Departure from Vietnam," 113.

myself, […] the High Commissioner agreed that another important feature of the consultations was the idea of a more orderly flow of refugees from Vietnam".[128] Moreover, Murray was pleased with the fact that Poul Hartling promised that he or his Deputy would go to Vietnam in early 1979 to discuss the modalities under which the Vietnamese government could control the exodus.[129]

STOPPING THE FLOW FROM VIETNAM

Ten days after the 1978 UNHCR Conference, on December 23, 1978, the long-anticipated Huey Fong arrived in Hong Kong with 3,318 passengers on board. As planned, the Hong Kong Government stalled the disembarkation and tried to persuade the captain to continue its journey for several weeks. UNHCR sent a letter to convince Governor MacLehose to let the refugees land. In his answer, MacLehose emphasized the fact that the Huey Fong was part of an "organised racket for transhipping [sic] large numbers of illegal immigrants", not refugees – a characterization that would stick.[130] Meanwhile, British Representative to the UN James Murray put pressure on the High Commissioner for Refugees. The FCO wanted the UNHCR to encourage the Vietnamese government to "cooperate over an orderly outflow of people".[131]

By this time, UNHCR's leadership had entirely changed. The Danish Poul Hartling had replaced Sadruddin Aga Khan on January 1, 1976. The American Dale De Haan replaced his co-national Charles Mace on June 21, 1978.[132] Initially, however, Poul Hartling refused to accept the British line of reasoning and insisted in public that "[t]he numbers involved in Southeast Asia are not

[128] TNA, FCO16/2316/406 TELNO 1046 "UNHCR Consultations on Refugees in Southeast Asia", 14 December 1978.
[129] Ibid. See also Kumin, "Orderly Departure from Vietnam," 113.
[130] TNA, FCO40/1088/139, "Huey Fong: Appeal from the UNHCR", 9 January 1979. Judith Kumin spoke of "clandestine flight", as if she was unaware of the *contradictio in terminis* inherent in this word combination. Kumin, 117. Almost all subsequent literature repeats the idea that the boat people on the large vessels were illegal migrants.
[131] TNA, FCO40/1091/390A, TELNO73 from British Ambassador to Vietnam Margretson to FCO, 16 February 1979.
[132] NARA II, P780124-1374, Appointment as Deputy UN High Commissioner for Refugees, 21 June 1978.

unmanageable".[133] In private, however, he explained to James Bottomley, the British Permanent Representative to the United Nations in Geneva, that it was "outside his mandate to try to stop or slow the flow".[134] Nevertheless, Hartling assured Bottomley that his Deputy, Dale De Haan, would visit Vietnam between February 26 and March 3. Officially, he was to discuss a plan for family reunification, but off the record the High Commissioner confessed to a British diplomat that this plan might result in a more regulated departure schedule.[135]

By the time De Haan was set to leave for Vietnam, the crisis in Hong Kong had deepened. After the Huey Fong, the Skyluck arrived on February 7, 1979 with 2,651 Vietnamese on board. This time, the Hong Kong government managed to stall their landing for months until June 29.[136] Meanwhile, small boats, predominantly filled with Hoa from the north, continued to arrive, leading to greater resentment among the Hong Kong population about Hong Kong's "humane approach or alleged softness", which not only stood in strong contrast to that of the other countries in the region, but also to the colony's own approach towards "illegal immigrants" from the People's Republic.[137] The situation became even more complex as some Chinese from Vietnam arrived in Hong Kong after spending some time in the PRC. This resulted in articulate protests, especially from Hong Kong's Legislative Council, where mainly local (Chinese) policymakers were seated.[138] Hong Kong's colonial officials had little hope that De Haan's approach towards Vietnam would work, but he agreed that "the proof of this pudding will be in the eating".[139]

---

[133] Quoted in Robinson, *Terms of Refuge*, 51.

[134] TNA, FCO40/1088/172, "Vietnamese Refugees Huey Fong, 16 January 1979.

[135] TNA, FCO40/1091/390A, TELNO73 from British Ambassador to Vietnam Margretson to FCO, 16 February 1979.

[136] Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 195.

[137] TNA, FCO 40/1093/508, Letter from Hong Kong to Lord Goronwy-Roberts, FCO, 19 March 1979. This protest was mainly organized by the representatives in the Office of the Unofficial Members of the Executive and Legislative Councils (UMELCO – an organ established in 1963 to lodge complaints against the Hong Kong Government) and the Hong Kong public. See also Chan, "Hong Kong's Response to the Vietnamese Refugees."

[138] TNA, FCO 40/1093/508, Letter from Hong Kong to Lord Goronwy-Roberts, FCO, 19 March 1979.

[139] TNA, FCO 40/1093/503, L.M. Davies (HK Secretary for Security) to Robin McLaren (FCO), 19 March 1979.

While the British government and the UNHCR were working behind the scenes to reduce the exodus from Vietnam, President Carter took the bold decision to double the United States resettlement effort in February 1979. Amidst a lot of public and congressional protest, he raised the monthly intake from 7,000 to 14,000 refugees from the camps in the ASEAN countries and Hong Kong.[140] This seems counterintuitive except when one considers that since 1977 the Carter Administration believe that by paroling in large numbers, they could convince other states to follow their example.[141] For that purpose, Carter appointed Richard (Dick) Clark – a former Democratic Senator from Iowa who lost his reelection in 1979 – as Ambassador at Large and United States Coordinator for Refugee Affairs. It was his explicit task to find resettlement spots outside the United States.[142] Clark took up his appointment energetically, traveling to the countries of first asylum and connecting with potential resettlement states, especially the UK.[143]

When Margaret Thatcher entered office on May 5, 1979, she urgently sought a way out of the stalemate. Resettlement was not an option for her; she firmly followed the path of her Labour predecessors in trying to eradicate the Vietnamese right to leave their country. Her newly appointed minister of Foreign and Commonwealth Affairs, Peter Blaker, put forward a proposition to the American Deputy Secretary of State Warren Christopher. He asked his American colleague to put pressure on "the Soviets to intervene with the Vietnamese to regulate the flow of refugees out of Vietnam."[144] To touch upon this "delicate subject" was almost cynical, as Blaker knew that his request contradicted US actions in favor of Jews leaving the Soviet Union for the US at that exact same time. Yet, he thought it worthwhile as he assumed the

[140] For the influence of the press on the public opinion, see Loescher and Scanlan, *Calculated Kindness*, chap. 7. I wish to thank my student Hannah Grondelaers for the excellent analysis of the American press after the Carter's expansion of the parole programs in "Give Me Your Tired, Your Poor – Your Vietnamese Refugees?" (Undergraduate Thesis, Leuven, KU Leuven, 2020).

[141] AAD, 1977BANGKO22323, INTERNATIONALIZATION OF THE INDOCHINESE REFUGEE PROGRAM, 30 September 1977.

[142] Chan, "Politics and the Indochinese Refugee Exodus, 1975-1997," 198.

[143] TNA, FCO 40/1093/508, Letter from Hong Kong to Lord Goronwy-Roberts, FCO, 19 March 1979.

[144] AAD, 1979STATE139202, THE ACTING SECRETARY`S MEETING WITH MR PETER BLAKER, MINISTER OF STATE, FCO, MAY 29, 1979 (SECRET), 31 May 1979. The quotes and information in this paragraph are all from the same source.

Soviets would have the most impact on their Vietnamese allies. Christopher's reply reveals the continued American adherence to the principle of freedom of movement, even though he acknowledged that the Vietnamese government was enriching itself from the departures. Voicing this dilemma to Cyrus Vance, he said that

> we found [the British] request difficult and would have to reflect carefully before responding. The memories of Nazi Germany and the fate of the Jews are still very fresh in the United States. We do not doubt that the Vietnamese are conniving to encourage people to leave and profiting from their departure – our intelligence confirms that of Britain. But for us to ask the Vietnamese *not to let people leave who want to leave is another matter*. [145]

Indeed, Blaker's question completely turned around the narrative that had dominated American resettlement policy during the 1970s. Given Christopher's objection and the general Cold War imperatives that remained at the heart of American resettlement programs, it seemed unlikely that the Americans would follow the British suggestion to annul the right to leave of those fleeing the Vietnamese communist regime. Yet, Ambassador Clark had already started to realize that resettlement offers beyond the Carter's parole program would not materialize and he knew that the ASEAN countries had come to the same conclusion. During a meeting with the delegations of the UK, France, the Federal Republic of Germany, Japan, Bolivia, and Columbia in Geneva on May 21, 1979, Clark wondered "whether in the absence of any other solution it was not time to exert pressure on Vietnam" to stop the departures entirely.[146]

These were the circumstances in which Margaret Thatcher took up a more prominent role in the Indochinese refugee question. Becky Taylor has pointed out that her approach was twofold: on the one hand, she started to claim Hong Kong's efforts towards the 80,000 Vietnamese in their camps as her own. On the other hand, she asked other countries to help "carry" the UK's burden.[147] However, I want to stress that there was, in fact, great continuity in her dealings with Hong Kong. The most important difference between the Labour

[145] Ibid. [Emphasis added].
[146] TNA, FCO40/1095/691, TELNO 158 from James Murray, 21 May 1979.
[147] Taylor, "'Our Most Foreign Refugees': Refugees from Vietnam in Britain," 117.

government and Thatcher's was that she took the initiative to demand an international conference, *knowing that there was a momentum to halt to Vietnamese exodus for good*. The idea emerged after receiving an appeal for resettlement places, which UN Secretary General Kurt Waldheim had sent to fifty-two governments on May 25. She ordered Assistant Under-Secretary of the FCO Donald Murray to draft a request for an international conference.[148]

The British objectives appear crystal clear from these drafts and the comments from FCO officials. The message had to be "deliberately worded to enable us to tell Dr. Waldheim separately but in confidence that we expect a conference to deal with both aspects of the problem: pressure on Vietnam and action to resettle the refugees now flooding into South East Asia."[149] The newly appointed UK Permanent Representative to the United Nations, Anthony Parsons, made the point even more pungently. According to him, "[t]he short term object of such a conference would be to bring the Vietnamese under pressure to call a halt to the current expulsions. The longer term object would be, at best, to persuade them to stop altogether; at worst, to produce a regulated flow."[150] On May 31, the telegram was ready to send out. It stated that a conference was needed, as "[t]he British people are appalled by the human misery being caused".[151] Behind the screens, FCO officials immediately made clear that the real purpose of the conference was to control and contain the Vietnamese outflow.[152]

However, by that time the situation in Vietnam had drastically changed. On May 30, 1979, Deputy High Commissioner De Haan signed a Memorandum of Understanding on Legal Emigration with the Vietnamese government that did exactly that.[153] De Haan had much experience in American refugee matters, and intimate knowledge of Vietnam, which he had visited several times between March 1973 and August 1978 as part of Senator Kennedy's

[148] TNA, FCO40/1097/822, Secretary-General's Appeal, 25 May 1979.
[149] TNA, FCO40/1097/835, Message to the Prime Minister from the UN Secretary-General, 30 May 1979.
[150] TNA, FCO40/1097/841, From AD Parsons to DF Murray, Refugees from Vietnam, 30 May 1979.
[151] TNA, FCO40/1097/829, Message to the Prime Minister from the UN Secretary-General: Indochinese Refugees, 25 May 1979. See also TNA, FCO40/1097/835, Message to the Prime Minister from the UN Secretary-General, 30 May 1979.
[152] TNA, FCO40/1097/857, Telegram Number 225 of 31 May 1979.
[153] Kumin, "Orderly Departure from Vietnam," 106.

delegation.[154] During the debates of the Memorandum, the Vietnamese government suggested at first that it could permit 10,000 people to leave per month in exchange for resettlement offers.[155] But De Haan did not have these resettlement spots and saw that approach as unworkable. Instead, he proposed to repeat the conditions of the Memorandum he had negotiated with Cuba in 1965.[156] The Cuban agreement allowed Cubans to migrate directly to the United States for family reunion or out of a strong desire to leave their country of origin for political reasons. The system was based on two lists: a Cuban one and an American one. Only the people who appeared on both lists had the right to leave. All the rest lost that right, and it fell upon the Cuban authorities to keep them within Cuba's borders.[157] De Haan counted on Vietnamese familiarity with the approach, as Vu Hoang, the Director of Consular Affairs at the Vietnamese Foreign Ministry, had been Ambassador to Cuba at the time of the agreement.[158] Officially, the Memorandum guaranteed the right to leave through an "Orderly Departure Program". In reality, however, "orderly departure" meant halting departures, but in the United States no one dared to say that out loud. Contrary to the Cuban case, however, the United States no longer wanted to carry almost the entire burden of the refugee resettlement. Without resettlement states, however, there would be no "departure" at all.

Between the signing of the Memorandum of Understanding with Vietnam of May 1979 and the UN Conference of July 1979, intense negotiations between the British and the Americans took place on resettlement.[159] Once more Ambassador Dick Clark asserted that it was the British government's responsibility to take more refugees, particularly from Hong Kong. To prepare solid arguments against Clark's pleas, Hong Kong and British authorities worked together to prepare statistical material to support the claim that the UK was already overburdened with immigrants "as a result of Britain's own historical

[154] Kumin, 112–13.
[155] TNA, FCO40/1095/691, TELNO 158 from James Murray, British Ambassador to the UN, 21 May 1979.
[156] Kumin, "Orderly Departure from Vietnam," 114.
[157] "Cuba and United States: Agreement on Refugees," *International Legal Materials* 4, no. 6 (1965): 1118–27.
[158] Kumin, "Orderly Departure from Vietnam," 114.
[159] TNA, FCO40/1099/w997 TELNO 1343 from Jay to FCO, 5 June 1979.

links".[160] When the State Department tried to pressure the British Government into taking more refugees, the British fenced it off by referring to their good records with the Ugandan Asian British passport holders, which were now conveniently called "refugees" instead of "immigrants".[161] It is interesting to see how this narrative stuck. Legal scholar Nadine El-Enany has recently made the important observation that Britain as "a young nation-state, but an old imperial power" has defined and constituted its borders by keeping "the spoils of empire" from the (formerly) colonized by restricting their entrance.[162] She noted that "the refugee category was […] invoked by an administration wishing to frame its actions towards the Ugandan Asians as charitable and humanitarian, rather than in terms of legal or reparative obligation."[163]

The aim to maintain humanitarian prestige was also linked to blaming the state in the Global South for the refugee movement. Discussion between the British FCO and the American State Department, despite their completely different starting points, agreed on one thing: that the Vietnamese government should be accused of its human rights abuses and the exodus. To Waldheim, the US delegation to the UN conveyed that "the UK and US concur such a conference should not evade the political and social policies of the SRV that have aggravated the refugee problem in Indochina".[164] When this message reached the Vietnamese authorities, they were furious. Representative Van Lau denied that Vietnam had engaged in "in a policy of forced emigration". He declared that the assertion "constituted interference in the internal affairs of a sovereign nation", which was "unacceptable".[165] But by that time, the discourse was set: Vietnam was cast as a human rights violator, the US and the UK as humanitarian saviors.

---

[160] TNA, FCO40/1101/1146, Record of a meeting in Mr. Warren Christopher's room, Department of State, Monday, 18 June 1979.
[161] TNA, FCO40/1101/1146, Record of a meeting in Mr. Warren Christopher's room, Department of State, Monday, 18 June 1979.
[162] El-Enany, *Bordering Britain*, 3.
[163] El-Enany, 124.
[164] AAD, 1979USUNN02558, DISCUSSIONS WITH SYG WALDHEIM ON BRITISH PROPOSAL - FOR CONFERENCE ON INDOCHINESE REFUGEES, 16 June 1979.
[165] AAD, 1979USUNN02790, INDOCHINESE REFUGEES: DEMARCHE TO GSRV PERMREP, 29 June 1979.

Eventually, the UN Meeting on Refugees and Displaced Persons in South East Asia, held in Geneva on 21 and 22 July 1979, resulted in an agreement with Vietnam in which controlling the outflow was tied to guarantees of first asylum in South East Asia and resettlement offers in the West. Ironically, however, just like had been the case during the Ugandan Asian crisis for the last Conservative Government before Thatcher's under Edward Heath, Thatcher eventually ended up accepting more refugees than her Labour predecessors had done. In an attempt to persuade other countries to pledge more resettlement offers, to appease the increasingly vocal Legislative Council in Hong Kong, and to please the United States, the British Government committed to take on 10,000 refugees from Indochina, mostly from Hong Kong.[166] This was in stark contrast to the UK's lack of commitment during the December 1978 UNHCR Conference and the meagre 1,500 resettlement places that Owen could guarantee from the Home Office in January 1979, of which only 500 were reserved for Hong Kong. American Ambassador William Van Den Heuvel, who had been the first to question the American unconditional vow to resettle all Indochinese refugees in his report on the July Conference, remarked laconically: "The British [delegation], headed by Lord Carrington, performed reasonably well considering the pressures back home."[167] However, this was the only and last concession the British government made. After 1979, the UK accepted barely any refugees from Indochina.[168]

CONCLUSION

This chapter has shown how the failed attempts to effectively internationalize the Indochinese crisis had a direct impact on ideas about freedom of movement. The American resettlement effort was most certainly a way to reclaim humanitarian leadership, but it was never done wholeheartedly, not even in 1975, when Kissinger tried to resettle Indochinese people already on American soil. British ideas about reducing freedom of movement, probed during

[166] TNA, FCO 40/1104/1334, TELEGRAM NUMBER 177, Personal for High Commissioner from Murray, 10 July 1979.
[167] AAD, 1979GENEVA12416, PRELIMINARY ASSESSMENT OF GENEVA REFUGEE MEETING, 23 July 1979.
[168] Taylor, "'Our Most Foreign Refugees': Refugees from Vietnam in Britain," 118–19.

the Ugandan Asian crisis, started to influence American thinking from 1978 onwards, when more Vietnamese arrived in Hong Kong. Both the Labour and Conservative governments put relentless pressure on all possible actors, from the US State Department to the UN Secretary-General, to stop the exodus. Instead of leaving when they wanted, Vietnamese now had to queue and wait for the permission to leave – something that depended on a resettlement country's offer to enter. In fact, this system resembled the measures of immigration control in place in the UK since the 1960s. The insertion of British-style immigration control measures in the Indochinese resettlement effort was seemingly far removed from US Cold War and post-Vietnam War rhetoric that hinged on discrediting communists by advocating for their citizens the right to leave, as had happened with the Soviet Jews. Yet, at the same time the ODP was modeled on an American program first tested in Cuba.

What differed this time was the fact that the ODP was an international agreement, negotiated by an official representative of UNHCR. Instead of limiting immigration to one country (like was the case for Commonwealth immigrants to the UK) or regulating the flow between two countries (Cuba and the US), the ODP for Indochinese Refugees restricted access to the *entire international community*. In effect, without resettlement offers, Vietnamese (and Cambodians, who later got their own orderly departure program) could not leave. Their movement was controlled by the same government that supposedly persecuted them. I write "supposedly" on purpose, because, as we have seen in chapter 4, for all ODP candidates refugee status was *prima facie* or presupposed. In other words, after all these years of working with the Vietnamese communist government, in 1979, UNHCR finally agreed that the Vietnamese population deserved refugee status and thus feared persecution, but in order to get it, they needed to wait, under the control of their persecutors, before they could leave.

The ODP effectively limited Vietnamese refugees' freedom of movement, as Judith Kumin and her colleagues feared, because the entire world was restricted terrain to them. As we have seen in the introduction of this chapter, the resettlement that followed from the ODP was actually small, compared to the entire exodus from Vietnam. Moreover, the top five countries that engaged in ODP resettlement remained exactly the same as before 1979, although France, Canada and Australia lost relative importance, since the US took a 72 per cent share of all the ODP resettlement cases instead of a 44 per cent share in 1979, before the installation of the program. In other words, the ODP made

the United States less effective in dispersing the Indochinese refugees as it offered by far the largest share of ODP resettlement places. The contrast to what the UK did with the Ugandan Asians, or both the US and the UK with the Chilean refugees is stark. The tables thus tell a very different tale than the common success story of burden sharing by Astri Suhrke for instance. Moreover, the impact of the ODP on the numbers of internationalization was negligible. As such, 638,900 is of course a large number of people, especially in comparison to the two earlier resettlement cases described in this thesis, but the ODP only made a tiny difference regarding the distribution of the numbers.

Countries of Resettlement	Vietnamese	Cambodian	Total	Percentage
US	458367	2507	460874	72.136
Canada	60285	4670	64955	10.167
Australia	46711	1296	48007	7.514
France	19264	4234	23498	3.678
FRG	12067	124	12191	1.908
UK	4842	108	4950	0.775
Norway	3998	50	4048	0.634
Sweden	3079	195	3274	0.512
Belgium	3106	151	3257	0.510
Others	2815	268	3083	0.483
New Zealand	1140	1469	2609	0.408
Denmark	2298	20	2318	0.363
Netherlands	1980	58	2038	0.319
Japan	1757	162	1919	0.300
Switzerland	1064	79	1143	0.179
Finland	736	0	736	0.115
TOTAL	**623509**	**15391**	**638900**	**100**

Table 6. Refugees resettled through the Orderly Departure Program between 1979 and 1997, with the resettlement countries ordered from largest to smallest in percentage of total reception (Source: Courtland Robinson, *Terms of Refuge*)

The moral implications of the ODP, however, were large. Through the ODP, the American and British governments managed to control immigration without losing their humanitarian currency. Even more, the resettlement movement augmented their international humanitarian standing and helped them to reclaim moral leadership after a decade of superpower decline. In the process, the countries in the Global South were pushed back to the lower ranks

of international power hierarchy, with the refugee generating country at the bottom and the countries of first asylum just above that. Last but not least, the ODP had the most detrimental effect on UNHCR, which as an international agency in the UN system had actively and knowingly breached legally binding human rights law. Was freedom of movement dead and had UNHCR killed it?

Conclusion

Trying to understand the conditions of micro-control and macro-control/

Trying to understand the perpetual flux of everything/

Trying to avoid tipping over the edge/

Trying to avoid tipping into insanity.

Behrouz Boochani, 2018

Refugee scholars regularly ask what we can learn about resettlement in the 1970s that might be replicable today.[1] Being an international historian, I would say they would be better off asking which effects the internationalization of resettlement had from the 1970s until today. Studying resettlement as a liminal concept helps to historicize the very categories that we usually take for granted in defining difference, in this case refugees' legal status and mobility within the international system of nation states. This thesis has aimed to show how refugee resettlement in the 1970s changed and structured the refugee regime and the world ever since. This inquiry is not a gratuitous task. In a refugee regime that is pushing people over the edge to the point of "tipping into insanity", Behrouz Boochani's words, we need to understand how we arrived here.[2] How did a Kurdish journalist like Boochani end up illegally detained on the remote Papua New Guinean island of Manus for so-called "off-shore processing" after arriving in Austrialia by boat? How did we come to the Agreement on Transfer and Resettlement – signed between the governments of Australia and Malaysia in 2011, but later annulled as the Australian

[1] For an excellent summary review, see: Hashimoto, "Refugee Resettlement as an Alternative to Asylum."

[2] Boochani, *No Friend but the Mountains*, 208.

Court ruled it unlawful – which allowed for the trade of "unauthorized" asylum seekers who had reached Australia by boat for "authorized" refugees who agreed to wait in line in Malaysia? What about the EU-Turkey Statement of 2016 that ultimately materialized, despite the same unlawful proposition to swap "illegal" boat arrivals in the EU for "legal" refugees in Turkey? How did we accept pushbacks of refugee boats, not in the South China Sea, but in the Mediterranean and the North Sea? How did we end up with millions of Afghans in protracted refugee situations mostly in Pakistan, Iran, and Turkey, without proper resettlement opportunities, despite the recent Taliban takeover and the American parole program for evacuees?

I propose that at least part of the answer to this puzzle lies in the assault on freedom of movement ingrained in the Orderly Departure Program of 1979. If the internationalization of resettlement in the 1970s served to uphold a posture of moral superiority, today there is not even willingness to pretend to sustain humanitarian ideals, because after 1979 humanitarianism was no longer necessary to reclaim power on the global stage. If a UN agency could without consequence openly breach human rights law, why would states not do the same thing? States already had extensive mandates to control human mobility in the international system. The infringements that were made by new international law from 1948 onwards and became binding in the 1950s and 1960s were small. They only entailed the right of people to leave any country, including their own, and to return to their own country, and the guarantee of states not to return people to where they feared persecution (*non-refoulement*). People did not gain the right to be admitted elsewhere: both immigration and refugee recognition remained strong prerogatives of the states. Yet, the powerful states fought these small infringements ferociously while the weaker states understood and used them as a contestation of the power hierarchy. The Ugandan and Vietnamese leaders in particular consciously provoked mobility crises that could not but appeal to British and American moral responsibilities in the aftermath of empire.

The Orderly Departure Program of 1979 and its moratorium on departures formed the culmination of a decades-long debate about freedom of movement in resettlement situations. Since its conception in 1948, Article 13.2 of the Universal Declaration of Human Rights, according to which "[e]veryone has the right to leave any country, including his own, and to return to his country", had become an important point of controversy, from the plea for emigration

of Jews from the Soviet Union by American Democrats in Congress (chapter 3), over the British denial of some Ugandan Asians' right to return to the country that had issued their passports (chapter 2 and 5), to the Chilean junta's defense of its poor human rights record by propagating their adherence to the right to leave (chapter 3). In Indochina, before American politicians, diplomats, and media used the large-scale resettlement to restore the United States' moral reputation, they undertook several efforts to limit their country's responsibility for resettlement. So did the British in Hong Kong. Because the techniques of internationalization or burden sharing among a large group of states, which were tested in the Ugandan Asian and Chilean crises, yielded unsatisfactory results, stopping the outflow became the most desired outcome. I assert that the ODP needs to be understood as the successful achievement of the US and the UK to render their obligations under human rights law obsolete. The help of the major UN agency involved in human mobility was thereby indispensable.

Unsurprisingly in hindsight, both the United Kingdom and the United States changed their immigration and refugee laws considerably immediately after 1979. In 1981, the British government under Thatcher finally changed the Nationality Act from 1948 that had made them so vulnerable to immigration pressure from the Commonwealth. A year earlier, the American government at last adopted a Refugee Act based on international refugee law instead of their own anti-communist definition of refugees. These changes resulted from what policymakers, but more importantly civil servants, had learned behind the scenes over the course of the 1970s. While other histories that focus on a single national context emphasize the shifts brought about by changing governments, it is clear that the machinery behind the state – not only the administration, but also the diplomatic corps – was a great factor of stability. The installation of the ODP in 1979 made clear that the refugee regime had fundamentally changed to their advantage. Changes that previously seemed impossible because they could have caused considerable criticism, either because they breached the right of freedom of movement (in the British case) or opened the door too widely (in the American case), were now logical. UNHCR had shown itself a trustworthy guardian of British and American borders.

The effect of the assault on freedom of movement was devastating. Without even an incentive to pretend to be humanitarian, chances of resettlement

slimmed down to virtual annihilation. While the moral leaders of the world, first and foremost the United States, maintained resettlement programs, these efforts never entailed the same kind of obligation or urgency. Resettlement in the 1970s was a humanitarian guise for political problems, but at least large groups of people, who would have otherwise been unwanted immigrants, benefitted from it. Resettlement after 1979 returned to its utilitarian origins: in the traditional resettlement countries, programs again concentrated much more on the value of certain immigrants for the economy. Humanitarian needs continued to play a role, as international resettlement under the auspices of UNHCR became increasingly geared towards vulnerability. In practice, however, this mainly meant that ever smaller numbers of people qualified for resettlement. Being a refugee now is often connected to immobility – the prospect of spending a life in camps.[3]

But freedom of movement, resettlement, and the refugees in protracted camp situations were not the only victims of this assault. The biggest loser was perhaps the Global South, that throughout the 1970s emerged as a new geopolitical entity. Leaders in the Third World sought to increase their political and economic sovereignty after decolonization. However, they lost their credibility, or rather Western leaders worked hard to legitimize these efforts by accusing Third World leaders of human rights abuses. A caveat is necessary here: I by no means wish to suggest that there were no human rights abuses in the Third World and that all accusations were false. Nevertheless, an important act of construction rested behind the charges as well. This becomes visible when comparing the three case studies and observing how the rhetoric about human rights violations in the United Kingdom and the United States worked completely different for the Ugandan and Vietnamese leaders than for Pinochet in Chile.

In all three cases, the political leaders of the refugee generating countries received criticism for human rights abuses at different fora within the UN. In the case of Uganda and Vietnam, the allegations came from the British side. In Uganda, it was the British representative himself who sought a resolution in the UN General Assembly of September 1972, while in Vietnam, the British delegation lobbied hard for others to bring up Vietnamese human rights

[3] Liisa H. Malkki, "Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization," *Cultural Anthropology* 11, no. 3 (1996): 377–404.

violations during the UNHCR Conference on Indochinese Refugees of December 1978. In the Ugandan case, the British strategy backfired, as its representative received almost as much criticism for the British immigration restrictions that were deemed racist. In the Vietnamese case, the entire argument hinged on the Vietnamese government's alleged participation in the racketeering scheme that led to the exodus of the ethnic Chinese Vietnamese. Coincidentally or not, the information about Vietnamese government participation in human trafficking came from one source, the British unofficial representative in South Vietnam, Sammy Lena-Maideen. Only much later, American intelligence corroborated the facts, even though the sources remain silent as to how the Americans obtained this information. The Vietnamese, moreover, always denied it, and it is important here to note that I did not find a single trace in the Vietnamese archives of the bribery and extortion of which the Vietnamese government was accused. Further research is needed, as many Vietnamese files remain closed, but the Vietnamese are declassifying material at a substantial pace, which looks promising for the near future.

Whether these indictments were true or not is actually not so important, when we compare them to the British and American stances regarding Pinochet. In the case of Pinochet's Chile, there was an entire commission at the UN dedicated to its human rights violations, which were well-documented both by UN and independent human rights organizations. Both the American and British governments worked hard to counteract charges against their ally. Pinochet was important to them, as he was experimenting with turning back Third Worldist economic reforms through the work of the *Chicagos*, the neoliberal Chilean economists, which had been educated at the Department of Economics of the University of Chicago under the guidance of the famous neoliberal thinker Milton Friedman. While in Uganda and Vietnam, the British and Americans threatened with human rights charges in order to force Amin and the Vietnamese communists to stop the exodus. In Chile they promoted third country resettlement, because granting freedom to leave Chile could defuse the relentless attacks by human rights activists. Chile was altogether a very different case than Uganda and Vietnam, because the motivations for internationalization were more multifaceted. However, it holds an important key to understanding resettlement during the 1970s, because it was in the internationalization of the refugees from Chile that British and American interests

converged. As we have seen, during the resettlement of the Chileans, the Americans copied British strategies of internationalization and vice versa.

It is against the background of the Chilean case that we can see how much the Ugandan Asians and the Vietnamese resembled one another. In Vietnam, the American State Department tried to replicate what the British Foreign and Commonwealth Office had done in case of the Ugandan Asians. They agreed to accept for resettlement the group of people that was commonly seen by the international community as their responsibility – in the case of the UK their Asian Citizens of the United Kingdom and Colonies (CUKCs), in the case of the US their high risk personnel in Vietnam and Cambodia. In exchange, they expected international solidarity to resettle the rest of the groups. When High Commissioner Sadruddin Aga Khan learned about the American plans for the Vietnamese, he warned the American government that the British had not been successful when they tried to disperse their 27,000 passport holders. Strictly speaking, Sadruddin was right. The UK had, despite all its efforts, received the majority of all Asians in Uganda. Equally, the Americans hardly managed to attract any meaningful international solidarity in resettling large numbers of refugees. However, I would like to argue that both the UK and the US *were successful* – not in avoiding responsibility for as many immigrants/refugees as they would have liked, but in changing the discourse. The fact that they managed to have groups of people recognized as refugees under UNHCR's mandate, in "grey areas" of refugee law, was already a big win. The fact that all Vietnamese in the United States and the British Ugandan Asians (i.e. the CUKC) are still today seen as refugees in Britain is a testimony to that. The refugee label gave legitimacy to the immigration and served as humanitarian currency that confirmed the hierarchy between Global North and Global South.

UNHCR's expansionist approach in the 1970s played an important role in the growth of resettlement programs from the Global South. Refugee expert Gil Loescher has argued that it was precisely these global ambitions that caused UNHCR to loosen its "legalistic position" in the early 1970s, in favor of "rescuing human rights victims through overseas resettlement programmes".[4] However, until the late 1970s, legalistic discussions were extremely prevalent within UNHCR circles. On the one hand, UNHCR officials constantly had to

[4] Loescher, *The UNHCR and World Politics*, 145, 165.

consider how far they could push their mandate without breaching their own legal framework. This was the case when they unofficially recognized the Ugandan Asians and Chilean nationals as refugees before they had even crossed the border. On the other hand, UNHCR's legal framework was used to legitimize why Vietnamese escaping in small boats experienced such difficulties in attaining refugee status – according to UNHCR officials because fear of persecution could not be presupposed from the Vietnamese government. Under Sadruddin's leadership, between January 1966 and December 1977, UNHCR officials interpreted their mandate in line with reformist ideas today known as Third Worldism. At least their aim was to use UNHCR's mandate in such a way as not to offend Third World leaders, who were seeking greater political and economic independence from the West. UNHCR was at times so concerned with its reputation in the Third and Second (communist) World that it lost sight of its priority, protecting refugees.

Nevertheless, the "old generation" of UNHCR officials, who had joined the Office in the early 1950s and who had often themselves partaken in the conceptualization and production of refugee law and the refugee regime, was always prudent when crossing the boundaries of UNHCR's mandate. The desire to expand was strong, but the law was never abandoned completely. In 1978-1979, a major shift took place at the UNHCR Office. Not only did Sadruddin leave his post unexpectedly in the middle of his term, an entire generation of officials exited all at once. John Kelly lost his job as Deputy Director of Protection when Gilbert Jaeger in his stead became the Director of Protection in 1977. Zia Rizvi, who had been Sadruddin's right hand, left the Office together with him at the end of 1977. They were replaced by a new generation that lacked the historical institutional knowledge that had characterized the workings of UNHCR up until that point. Moreover, the new leadership was decisively more America friendly. In January 1978, the Danish former Prime Minister, whom the American Ambassador in Copenhagen called "a great friend of the Americans" became High Commissioner. His Deputy was Senator Ted Kennedy's former Head of Staff Dale De Haan, who was appointed by Hartling in June of the same year after repeated requests from the American State Department to replace the American Charles Mace with another American national. Before De Haan arrived, one of the most powerful figures at the Office, Director of Protection Gilbert Jaeger got his retirement. With Jaeger gone, the strongest opponent of granting refugee

status to Vietnamese escapees was out of the way. Under these new circumstances, Dale De Haan managed to negotiate the Orderly Departure Program in May 1979. Whether this new approach resulted from a lack of experience or American and British pressure, or (most likely) a combination of both does not matter much as the result remained the same. Rather than simply protecting human rights victims, UNHCR limited a basic human right, namely the right to leave.

This intervention had a profound impact, not just on the Vietnamese, but on mobility from the Global South in general. Scholars have often tried to explain the shift towards a neoliberal refugee regime by the vastly expanding numbers of refugees in the "jet age", when people could arrive in Western countries by plane and jump the stage of first asylum in their own region.[5] Today, we know that access to aviation was not the main factor of increasing refugee flows to the West. All across the world, people are still predominantly walking and rowing to their safety. Perhaps, the "jet age" only benefited the resettled refugees of the 1970s in a substantial way. Resettled refugees who arrived by plane to the West thereafter became a tiny trickle compared to those crossing borders by their own – far more meagre – means. The fact, however, that UNHCR itself suspended the right to leave strengthened Western nations in their conviction that control of their borders and human mobility was solely their own privilege. The right to freedom of movement was one of the most important rights for Third World leaders in renegotiating the power hierarchy in the postcolonial world, as it provided them with a powerful weapon against immigration averse countries in the Global North. As soon as freedom of movement lost its absolute value, human rights could become the policy tool we know today, which could serve to control governments in the Global South but no longer put pressure on the Global North.

[5] Matthew J. Gibney, *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees* (Cambridge UK, and New York: Cambridge University Press, 2004).

Bibliography

Primary Sources

Archival Sources

Australia

National Archives of Australia, Canberra
- Correspondence Files
  - A 446: Department of Immigration

Chile

Archivo Documental de Fundación de Ayuda Social de las Iglesias Cristianas de Chile, online
- Fondo FASIC, http://fasic.cl/wp/cedoc/

Archivo Histórico del Ministerio de Relaciones Exteriores, Santiago
- Fondo Organismos Internacionales
  - 608: Naciones Unidas 1973
  - 623: CIME 1973
  - 640: Naciones Unidas 1974
  - 692: ACNUR-CIME, 1975
- Fondo Países
  - 24: Bélgica 1974
  - 27: Bélgica 1975
  - 92: República Federal de Alemania 1974
  - 175: Estados Unidos 1973

Archivo Nacional de la Administración, Santiago
- Ministerio del Interior, Decretos

Museo de la Memoria y de Derechos Humanos, Santiago
- Fondo Museo de la Memoria y los Derechos Humanos
- Fondo Insunza Sergio

Biblioteca Nacional de Chile, Santiago
- Newspapers: El Mercurio

Vietnam

Trung tâm Lưu trữ quốc gia II / National Archive Center No. 2, Ho Chi Minh City
- Phủ Tổng thống Đệ nhị Cộng hòa / The President of the Second Republic

Trung tâm Lưu trữ quốc gia III / National Archive Center No. 3, Hanoi
- Ủy ban Kế hoạch Nhà nước - Mục lục 1 (Giai đoạn 1955-1995) / State Planning Committee - Table of Contents 1 (Period 1955-1995)
- Phủ Thủ tướng - Mục lục 3 (1954-1985) / Prime Minister - Table of Contents 3 (1954-1985)

Uganda

Uganda National Records Centre and Archives, Entebbe
- Collection Office of the President – Confidential
- Chief Secretary's Office – Confidential

United Kingdom

The National Archives, Kew, London
- Cabinet
  - CAB 128: Minutes (CM and CC Series)
  - CAB 129: Memoranda (CP and C Series)
- Home Office
  - HO 344: Commonwealth Immigration (BSI and CWI Symbol Series) Files
  - HO 376: Chilean refugees
  - HO 394: Immigration (IMG Symbol Series) Files
- Records of the Foreign and Commonwealth Office
  - FCO 7: American and Latin American Departments: Registered Files (A and AL Series)
  - FCO 15: South East Asian Department: Registered Files (D and FA Series)
  - FCO 31: East Africa Departments: Registered Files (P and JE Series)
  - FCO 40: Hong Kong Departments: Registered Files, Hong Kong, British Honduras, British Indian Ocean Territories and the Seychelles (HW and HK Series)

FCO 47: Consular Department: Registered Files (K, KO and GK Series)
FCO 50: Migration and Visa Department and predecessor: Registered Files (GM and GV Series)
FCO 58: United Nations (Political) Department: Registered Files (UP, UL and UN Series)
Records of the Prime Minister's Office
PREM 19: Correspondence and Papers, 1979-1997

United States

National Archives and Record Administration I, Washington DC
Record Group 233, Records of the U.S. House of Representatives
Box 1.99, Refugee Files Chile
Box 1.25, 95th Congress Committee on the Judiciary, Indochina Task Force
National Archives and Record Administration II, College Park, Maryland
Record Group 59, Central Foreign Policy Files, 1973–1979, P-Reels
National Archives and Record Administration, Access to Archival Database, online
Record Group 59, Central Foreign Policy Files, 1973–1979, https://aad.archives.gov/aad/series-list.jsp?cat=WR43
Foreign Relations of the United States, online
FRUS, 1969-1976, Volume E-5, Part 1, Documents on Africa, 1969–1972, https://history.state.gov/historicaldocuments/frus1969-76ve05p1
FRUS, 1969–1976, Volume X, Vietnam, January 1973–July 1975, https://history.state.gov/historicaldocuments/frus1969-76v10

International Organizations

Archives of the United Nations High Commissioner for Refugees, Geneva, Switzerland
Fonds 11 Records of the Central Registry, Series 2 Classified Subject Files 1971-1984
Fonds 36: Collected Staff Narratives
United Nations Archives and Record Center, New York
Series 0911: United Nations High Commission for Refugees (UNHCR)

International Legal instruments

Convention relating to the Status of Refugees, opened for signature 28 July 1951, 189 UNTS 137 and entered into force 22 April 1954

Convention relating to the Status of Stateless Persons, adopted on 28 September 1954 by a Conference of Plenipotentiaries convened by Economic and Social Council resolution 526 A (XVII) of 26 April 1954

International Convention on the Elimination of All Forms of Racial Discrimination, adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965, entry into force 4 January 1969, in accordance with Article 19

International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49

International Covenant on Economic, Social and Cultural Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, in accordance with article 27

Protocol relating to the Status of Refugees, approved by the Economic and Social Council in resolution 1186 (XLI) of 18 November 1966 and taken note of by the General Assembly in resolution 2198 (XXI) of 16 December 1966, opened for accession by the Secretary-General, and entry into force 4 October 1967, in accordance with article VIII

Protocol 4 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain Rights and Freedoms other than those already included in the Convention and in the First Protocol thereto, 16 September 1963, ETS 46

Statute of the Office of the United Nations High Commissioner for Refugees, adopted by the General Assembly on 14 December 1950 as Annex to Resolution 428 (V)

Universal Declaration of Human Rights, General Assembly Resolution 217A (III), UN General Assembly Official Records, Third Session, 183rd plenary meeting, UN Doc A/810 (10 December 1948)

Memoirs, Interviews, Speeches, Oral Histories and Collated Documents

Alibhai-Brown, Yasmin. *No Place like Home*. London: Virago Press, 1995.

Boochani, Behrouz. *No Friend but the Mountains: Writing from Manus Prison*. Translated by Omid Tofighian. Sydney: Picador, 2018.
De Masi, Piero. *Santiago. 1 de Febrero de 1973-27 de Enero de 1974*. Santiago: Pehuén, 2014.
De Vergottini, Tomaso. *Miguel Claro 1359: recuerdos de un diplomático italiano en Chile, 1973-1975*. Santiago: Editorial Atena, 1991.

Ford, Gerald R. *A Time to Heal: The Autobiography of Gerald R. Ford*. New York: Harper & Row, 1979.
Frenz, Helmut. *Mi Vida Chilena*. Santiago: Lom, 2006.
Husson, Roland. *Nos duele Chile*. Santiago: Editorial Cuarto Propio, 2010.
Hutt, William H. *The Economics of the Colour Bar*. Londen: Andre Deutsch, 1964.
Kissinger, Henry. *Ending the Vietnam War: A History of America's Involvement in and Extrication from the Vietnam War*. New York: Touchstone, 2003.
Nguyen, Kien. *The Unwanted: A Memoir of Childhood*. New York: Back Bay Books, 2008.
Nguyen, Viet Thanh. *The Refugees*. New York: Corsair, 2017.
———. *The Sympathizer: A Novel*. New York: Corsair, 2015.
Owen, David. *Human Rights*. London: J. Cape, 1978.
Powell, Enoch. "How Money Works for Integration: The Economics of the Colour Bar by W.H. Hutt." *The Sunday Times*. June 14, 1964.
Powell, J. Enoch. "Rivers of Blood Speech." Presented at the Conservative Association meeting, Birmingham, April 20, 1968.
Vasani, Dolar. *From Uganda to ? - The Story of Zane Lalani*. Vol. 1. Expulsion @50 Podcast, 2021. https://www.youtube.com/watch?v=omgdEjwVlFg.
"William J. Vanden Heuvel Oral History (2005) | Miller Center," October 27, 2016. https://millercenter.org/the-presidency/presidential-oral-histories/william-j-vanden-heuvel-oral-history-2005.

Reports and other legal documents

Amnesty International, ed. *Chile: An Amnesty International Report*. London: Amnesty International Publications, 1974.

"Cuba and United States: Agreement on Refugees." *International Legal Materials* 4, no. 6 (1965): 1118–27.

Drinan, Robert F. "Actions - H.R.10525 - 93rd Congress (1973-1974): A Bill for the Relief of Certain Distressed Aliens." Webpage, September 25, 1973. 1973/1974. https://www.congress.gov/bill/93rd-congress/house-bill/10525/actions.

East African Asians v United Kingdom - 4403/70 [1973] ECHR 2 (European Court of Human Rights December 14, 1973).

"Helsinki Final Act, 1975. Reunification of Families Divided by International Borders." Accessed February 10, 2021. https://hetq.am/en/article/79823.

Office of the UNHCR. "How They Did It. Resettlement of Asians from Uganda in Europe and North America. Special Report May 1973." In *Ugandan Asian Expulsion: 90 Days & Beyond Through the Eyes of the International Press*, edited by Lalani, 163–77. Tampa: Expulsion Publications, 1997.

Office of the United Nations High Commissioner for Refugees. *El Refugio: Refugees from Chile*. United Nations High Commissioner for Refugees, 1975.

Press Articles (online)

"Afghan Resettlement Raises the Question: Who Is Coming to the U.S.?" *Washington Post*. Accessed September 6, 2021. https://www.washingtonpost.com/politics/afghan-evacuees-resettle-us/2021/09/05/a78b2538-0c2f-11ec-aea1-42a8138f132a_story.html.

"EU Must Resettle Afghan Refugees to Manage Migration Crisis | View," September 3, 2021. https://www.euronews.com/2021/09/03/why-resettlement-is-the-eu-s-best-option-to-deal-with-the-afghanistan-crisis-view.

Jackson, Henry M. "First, Human Détente." *The New York Times*, September 9, 1973, sec. Archives. https://www.nytimes.com/1973/09/09/archives/first-human-detente.html.

Secondary Sources

Agrawal, Sandeep Kumar. "Twice Migrants in Canada: Who Are They and How Do They Perform Economically?" *Journal of International Migration and Integration* 17, no. 3 (2016): 669–86. https://doi.org/10.1007/s12134-015-0428-y.

Ahmadi, Parvin, Iman Gholampour, and Mahmoud Tabandeh. "Cluster-Based Sparse Topical Coding for Topic Mining and Document Clustering." *Advances in Data Analysis and Classification* 12, no. 3 (September 2018): 537–58. https://doi.org/10.1007/s11634-017-0280-3.

Aid, Matthew M. *The Secret Sentry: The Untold History of the National Security Agency*. New York: Bloomsbury Publishing, 2009.

Aiyar, Sana. *Indians in Kenya. The Politics of Diaspora*. Cambridge, MA: Harvard University Press, 2015.

Akoka, Karen. "France: Boat People Brough by Plane." In *When Boat People Were Resettled, 1975–1983: A Comparative History of European and Israeli Responses to the South-East Asian Refugee Crisis*, edited by Becky Taylor, Karen Akoka, Marcel Berlinghoff, and Shira Havkin, 47–77. Palgrave Studies in Migration History. Cham: Palgrave Macmillan, 2021. https://doi.org/10.1007/978-3-030-64224-2.

Albert, Matthew. "Prima Facie Determination of Refugee Legal Status: An Overview of Its Legal Foundation." *RSC Working Paper Series* 55 (2010).

Aldrighi, Clara, and Guillermo Waksman. *Tupamaros exiliados en el Chile de Allende: 1970-1973*. Montevideo: Mastergraf, 2015.

Aleinikoff, T. Alexander. "State-Centered Refugee Law: From Resettlement to Containment Refugees and Asylum." *Immigration and Nationality Law Review* 14 (1992): 186–204.

Allen, David, and Matthew Connelly. "Diplomatic History after the Big Bang: Using Computational Methods to Explore the Infinite Archive." In *Explaining the History of American Foreign Relations*, edited by Frank Costigliola and Michael J. Hogan, 3th edition., 74–101. Cambridge, MA: Cambridge University Press, 2016.

Amrith, Sunil S. *Migration and Diaspora in Modern Asia*. New Approaches to Asian History. New York: Cambridge University Press, 2011.

Anders, Jake, Simon Burgess, and Jonathan Portes. “The Long-Term Outcomes of Refugees: Tracking the Progress of the East African Asians.” *Journal of Refugee Studies* 34, no. 2 (2021): 1967–98. https://doi.org/10.1093/jrs/feaa078.

Angell, Alan, and Susan Carstairs. “The Exile Question in Chilean Politics.” *Third World Quarterly* 9, no. 1 (1987): 148–67.

Anghie, Anthony. “Inequality, Human Rights, and the New International Economic Order.” *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 10, no. 3 (2019): 429–42.

Arendt, Hannah. *The Origins of Totalitarianism*. Florida: Harcourt Brace, 1973.

Arrate, Jorge. *Exilio: Textos de Denuncia y Esperanza*. Santiago: Ediciones Documentas, 1987.

Bailkin, Jordanna. *Unsettled: Refugee Camps and the Making of Multicultural Britain*. Oxford: Oxford University Press, 2018.

Barnett, Laura. “Global Governance and the Evolution of the International Refugee Regime.” *International Journal of Refugee Law* 14, no. 2–3 (2002): 238–62. https://doi.org/10.1093/ijrl/14.2_and_3.238.

Barnett, Michael. “Humanitarianism with a Sovereign Face: UNHCR in the Global Undertow.” *The International Migration Review* 35, no. 1 (2001): 244–77.

Barron, Alexander T. J., Jenny Huang, Rebecca L. Spang, and Simon DeDeo. “Individuals, Institutions, and Innovation in the Debates of the French Revolution.” *Proceedings of the National Academy of Sciences* 115, no. 18 (2018): 4607–12. https://doi.org/10.1073/pnas.1717729115.

Bartrop, Paul R. *The Evian Conference of 1938 and the Jewish Refugee Crisis*. The Holocaust and Its Contexts. Cham: Springer International Publishing; Palgrave Macmillan, 2018.

Barutciski, Mikhael. “The Reinforcement of Non-Admission Policies and the Subversion of UNHCR: Displacement and Internal Assistance in Bosnia-Herzegovina (1992–94).” *International Journal of Refugee Law* 8, no. 1–2 (1996): 49–110. https://doi.org/10.1093/ijrl/8.1-2.49.

Bashford, Alison, and Jane McAdam. “The Right to Asylum: Britain’s 1905 Aliens Act and the Evolution of Refugee Law.” *Law and History*

Review 32, no. 2 (2014): 309–50. https://doi.org/10.1017/S0738248014000029.

Ben-Nun, Gilad. *Seeking Asylum in Israel: Refugees and the History of Migration Law*. London New York: I.B.Tauris, 2017.

———. "The British–Jewish Roots of Non-Refoulement and Its True Meaning for the Drafters of the 1951 Refugee Convention." *Journal of Refugee Studies* 28, no. 1 (2015): 93–117. https://doi.org/10.1093/jrs/feu021.

———. "The Israeli Roots of Article 3 and Article 6 of the 1951 Refugee Convention." *Journal of Refugee Studies* 27, no. 1 (2014): 101–25.

Bessa, Thais. "From Political Instrument to Protection Tool? Resettlement of Refugees and North-South Relations." *Refuge: Canada's Journal on Refugees* 26, no. 1 (2009): 91–100.

Betts, Alexander. *Protection by Persuasion: International Cooperation in the Refugee Regime*. Ithaca: Cornell University Press, 2009.

Betts, Alexander, and Gil Loescher. *Refugees in International Relations*. Oxford: Oxford University Press, 2011.

Bhabha, Homi K. *The Location of Culture*. Psychology Press, 1994.

Bhabha, Jacqueline, and Sue Shutter. *Women's Movement*. Oakhill: Trentham Books Ltd, 1994.

Bhachu, Parminder. "New Cultural Forms and Transnational South Asian Women: Culture, Class, and Consumption among British South Asian Women in the Diaspora." In *Nation and Migration: The Politics of Space in the South Asian Diaspora*, edited by Peter van der Veer, 222–44. Philadelphia: University of Pennsylvania Press, 1995.

———. "Twice Migrants and Multiple Migrants." In *The Wiley Blackwell Encyclopedia of Race, Ethnicity, and Nationalism*. Hoboken, NJ: John Wiley & Sons, 2015. https://doi.org/10.1002/9781118663202.wberen661.

———. *Twice Migrants: East African Sikh Settlers in Britain*. London and New York: Tavistock Publications, 1985.

Bhushan, Kul. "A British Asian Leader for Many Causes: Praful Patel | India Empire." Accessed October 15, 2020. https://www.indiaempire.com/article/101/a_british_asian_leader_for_many_causes_praful_patel.

Blei, David M. “Probabilistic Topic Models.” *Communications of the ACM* 55, no. 4 (2012): 77–84. https://doi.org/10.1145/2133806.2133826.

Bloxham, Donald. “The Great Unweaving: Forced Population Movement in Europe, 1875-1949.” Edited by Richard Bessel and Claudia B. Haake. *Removing Peoples: Forced Removal in the Modern World*, 2009, 167–208.

Bolzman, Claudio. “De l’exil à la diaspora : l’exemple de la migration chilienne.” *Autrepart* 22, no. 2 (2002): 91–107.

Bonee, John L. “Caesar Augustus and the Flight of the Asians: The International Legal Implications of the Asian Expulsion from Uganda during 1972.” *International Lawyer* 8, no. 1 (1974): 136–59.

Bradley, Megan. *The International Organization for Migration : Challenges, Commitments, Complexities*. Routledge, 2020. https://doi.org/10.4324/9781315744896.

———. “The International Organization for Migration (IOM): Gaining Power in the Forced Migration Regime.” *Refuge: Canada’s Journal on Refugees* 33, no. 1 (2017): 97–106.

Brah, Avtar. *Cartographies of Diaspora: Contesting Identities*. London and New York: Routledge, 1996.

Bright, Rachel. “Migration, Naturalisation, and the ‘British’ World, c.1900-1920.” *History of Global Arms Transfer* 10 (2020): 27–44.

Caestecker, Frank, and Lieselotte Luyckx. “Hoe de Belgische Mijnindustrie Een Nieuw Thuis Aan Vluchtelingen-Mijnwerkers Aanbood (1947-1951).” *Belgisch Tijdschrift Voor Filologie En Geschiedenis/Revue Belge de Philologie et d’Histoire* 4 (2019): 1299.

Caestecker, Frank, and Bob Moore, eds. *Refugees from Nazi Germany and the Liberal European States*. New York: Berghahn Books, 2010.

Caestecker, Frank, and Dirk Vanheule. “Een Geïnstitutionaliseerd Vluchtelingenbeleid in Volle Beweging (1944-2010).” *Belgisch Tijdschrift Voor Nieuwste Geschiedenis/Revue Belge de Histoire Contemporaine* 40, no. 3 (2010): 449–88.

Calandra, Benedetta. “Exile and Diaspora in an Atypical Context: Chileans and Argentineans in the United States (1973–2005).” *Bulletin of Latin American Research* 32, no. 3 (2013): 311–24. https://doi.org/10.1111/blar.12000.

Camacho Padilla, Fernando. “Los Asilados de Las Embajadas de Europa Occidental En Chile Tras El Golpe Militar y Sus Consecuencias

Diplomáticas: El Caso de Suecia." *Revista Europea de Estudios Latinoamericanos y Del Caribe / European Review of Latin American and Caribbean Studies* 81 (2006): 21–41.

———. *Una Vida Para Chile= Ett Liv För Chile: La Solidaridad y La Comunidad Chilena En Suecia, 1970-2010= Solidariteten Med Chiles Folk Och Chilenare i Sverige 1970-2010*. Santiago: LOM Impresiones, 2011.

Caplan, Nathan, John. K. Whitmore, and Quang L. Bui. *The Boat People and Achievement in America: A Study of Family Life, Hard Work, and Cultural Values*. Ann Arbor: University of Michigan Press, 1989.

Casella, Alexander. *Breaking the Rules: Working for the UN Can Be Fun. And It Can Also Do Some Good Provided One Is Ready to Lie, Fib, Obfuscate and Break All the Rules*. CreateSpace, 2011.

Casola, Natalia Laura. "Una escala peligrosa. Los refugiados chilenos en Buenos Aires durante el tercer gobierno peronista (1973 - 1976)," 2017. https://ri.conicet.gov.ar/handle/11336/78344.

Cassigoli, Rossana. "Sobre la presencia nazi en Chile." *Acta Sociológica* 61 (2013): 157–77. https://doi.org/10.1016/S0186-6028(13)70994-0.

Chan, Kwok Bun. "Hong Kong's Response to the Vietnamese Refugees: A Study in Humanitarianism, Ambivalence and Hostility." *Southeast Asian Journal of Social Science; Singapore* 18, no. 1 (1990): 94–110.

Chan, Kwok Bun, and David Loveridge. "Refugees 'in Transit': Vietnamese in a Refugee Camp in Hong Kong." *The International Migration Review* 21, no. 3 (1987): 745–59. https://doi.org/10.2307/2546620.

Chan, Sucheng. "Politics and the Indochinese Refugee Exodus, 1975-1997." In *Remapping Asian American History*, edited by Sucheng Chan, 171–222. Walnut Creek: Rowman Altamira, 2003.

Chetail, Vincent. "Are Refugee Rights Human Rights? An Unorthodox Questioning of the Relations between Refugee Law and Human Rights Law." In *Human Rights and Immigration*, edited by Ruth Rubio-Marín. Oxford and New York: Oxford University Press, 2014.

———. "Fridtjof Nansen and the International Protection of Refugees: An Introduction." *Refugee Survey Quarterly* 22, no. 1 (2003): 1–6.

Chimni, B. S. “From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems.” *Refugee Survey Quarterly* 23, no. 3 (2004): 55–73. https://doi.org/10.1093/rsq/23.3.55.

———. “The Birth of a ‘Discipline’: From Refugee to Forced Migration Studies.” *Journal of Refugee Studies* 22, no. 1 (2009): 11–29. https://doi.org/10.1093/jrs/fen051.

Christiaens, Kim, Idesbald Goddeeris, and Magaly Rodriguez Garcia. *European Solidarity with Chile, 1970s-1980s*. Ixelles: Peter Lang, 2014.

Cieters, Yolanda. *Chilenen in ballingschap: het migratieproces, de opvang en de integratie van Chileense ballingen in België (1973-1980)*. Brussels: VUB press, 2002.

Cohen, Gerard Daniel. *In War’s Wake. Europe’s Displaced Persons in the Postwar Order*. Oxford Studies in International History. Oxford and New York: Oxford University Press, 2011.

Coles, Gervase J.L. “The Human Rights Approach to the Solution of the Refugee Problem: A Theoretical and Practical Enquiry.” In *Human Rights and the Protection of Refugees Under International Law: Proceedings of a Conference Held in Montreal, November 29-December 2, 1987*, edited by Alan Eric Nash and John Peters Humphrey. South Halifax, N.S: Institute for Research on Public Policy, 1988.

Encyclopedia Britannica. “Commonwealth | History, Members, & Facts.” Accessed June 5, 2021. https://www.britannica.com/topic/Commonwealth-association-of-states.

Comptroller General. “The Indochinese Exodus: A Humanitarian Dilemma.” Report To The Congress of the United States of America, 1979.

Connelly, Matthew. *Fatal Misconception: The Struggle to Control World Population*. Cambridge, MA: Belknap Press of Harvard University Press, 2008.

Corduwener, Jeroen. “Riemen Om de Kin!: Biografie van Mr.Dr. Gerrit Jan van Heuven Goedhart.” Ph.D. Dissertation, University of Groningen, 2011.

Corthorn, Paul. *Enoch Powell: Politics and Ideas in Modern Britain*. Oxford University Press, 2019.

Cosemans, Sara. “Modern Statelessness and the British Imperial Perspective. A Comment on Mira Siegelberg’s Statelessness: A Modern History.” *History of European Ideas* 47, no. 5 (2021): 801–8. https://doi.org/10.1080/01916599.2020.1861834.

———. “The Politics of Dispersal: Turning Ugandan Colonial Subjects into Postcolonial Refugees (1967–76).” *Migration Studies* 6, no. 1 (2018): 99–119. https://doi.org/10.1093/migration/mnx024.

———. “Undesirable British East African Asians. Nationality, Statelessness, and Refugeehood after Empire.” *Immigrants & Minorities*, 2021. https://doi.org/10.1080/02619288.2021.1967752.

Cosemans, Sara, and Robbe Himpe. “Chileans Ex Romania. UNHCR’s Reactions towards Chileans’ ‘Second Escape’ from Romania.” *Journal of Refugee Studies*, Forthcoming.

Crisp, Jeff. “Refugees, Persons of Concern, and People on the Move: The Broadening Boundaries of UNHCR.” *Refuge: Canada’s Journal on Refugees* 76, no. 1 (2009): 73–76.

———. “UNHCR at 70: An Uncertain Future for the International Refugee Regime.” *Global Governance: A Review of Multilateralism and International Organizations* 26, no. 3 (2020): 359–68. https://doi.org/10.1163/19426720-02603004.

Dallanegra Pedraza, Luis. “Latin-America and the Caribbean Countries Participation in the Nonaligned Movement.” In *The Non Aligned World*, 27–51. New Delhi: School of International Studies, Jawaharlal Nehru University, 1984.

Davies, Sara E. “Saving Refugees or Saving Borders? Southeast Asian States and the Indochinese Refugee Crisis.” *Global Change, Peace & Security* 18, no. 1 (2006): 3–24. https://doi.org/10.1080/14781150500453153.

Davis, Leonard. *Hong Kong and the Asylum-Seekers from Vietnam*. Basingstoke, Hampshire; New York: Palgrave Macmillan, 1991.

Deletant, Dennis. *Romania under Communism: Paradox and Degeneration*. London ; New York: Routledge, 2018.

Demmer, Amanda. “The Last Chapter of the Vietnam War: Normalization, Nongovernmental Actors and the Politics of Human Rights, 1975-1995.” Ph.D. Dissertation, University of New Hampshire, 2017. https://scholars.unh.edu/dissertation/153.

Diab, Suha. “Fear and (In)Security: The Canadian Government’s Response to the Chilean Refugees.” *Refuge: Canada’s Journal on Refugees* 31, no. 2 (2015).

Dragomir, Elena. “Romania Blocks Mongolia’s Accession to the Warsaw Treaty Organization: The Roots of Romania’s Involvement in the Sino-Soviet Dispute.” In *Warsaw Pact Intervention in the Third World: Aid and Influence in the Cold War*, edited by Philip E. Muehlenbeck and Natalia Telepneva, 223–48. London: I.B. Tauris, 2018.

Druke, Luise. “Chile: Exile and Return under Dictatorship.” In *Innovations in Refugee Protection: A Compendium of UNHCR’s 60 Years- Including Case Studies on IT Communities, Vietnamese Boatpeople, Chilean Exile and Namibian Repatriation*, 289–389. Frankfurt am Main and New York: Peter Lang, 2014.

———. *Innovations in Refugee Protection: A Compendium of UNHCR’s 60 Years- Including Case Studies on IT Communities, Vietnamese Boatpeople, Chilean Exile and Namibian Repatriation*. Frankfurt am Main and New York: Peter Lang, 2014.

———. “Vietnamese Boat People in Singapore - Creation of the Disembarkation Resettlement Offer (DISERO) Contributed to Rescue at Sea of over 67,000.” In *Innovations in Refugee Protection: A Compendium of UNHCR’s 60 Years- Including Case Studies on IT Communities, Vietnamese Boatpeople, Chilean Exile and Namibian Repatriation*, 193–287. Frankfurt am Main and New York: Peter Lang, 2014.

Ducasse-Rogier, Marianne. *The International Organization for Migration 1951-2001*. Geneva: IOM, 2001.

Dummett, Ann, and Andrew G. L. Nicol. *Subjects, Citizens, Aliens and Others: Nationality and Immigration Law*. London: Weidenfeld and Nicolson, 1990.

Eckel, Jan. “Allende’s Shadow, Leftist Furor, and Human Rights: The Pinochet Dictatorship in International Politics.” In *European Solidarity with Chile, 1970s-1980s*, edited by Kim Christiaens, Idesbald Goddeeris, and Magaly Rodriguez Garcia, 68–94. Ixelles: Peter Lang, 2014.

Einarsen, Terje. “Drafting History of the 1951 Convention and the 1967 Protocol.” In *The 1951 Convention Relating to the Status of*

Refugees and Its 1967 Protocol: A Commentary, edited by A. Zimmermann, 37–73. Oxford and New York: Oxford University Press, 2011.

El-Enany, Nadine. *Bordering Britain: Law, Race and Empire*. Manchester: Manchester University Press, 2020.

Elie, Jérôme. "The Historical Roots of Cooperation between the UN High Commissioner for Refugees and the International Organization for Migration." *Global Governance* 16, no. 3 (2010): 345–60.

Elie, Jérôme B. "IOM from 1951-53: The Creation of PICMME/ICEM." IOM Headquarters, Geneva, 2010. https://www.iom.int/jahia/webdav/shared/shared/mainsite/policy_and_research/wmr2010/IOM-from-1951-53-Creation-of-PICMME-ICEM.pdf.

Elie, Jérôme, and Jussi M Hanhimäki. "UNHCR and Decolonization in Africa: Expansion and Emancipation, 1950s to 1970s." *Archiv Für Sozialgeschichte*, 2008, 53–72.

Ennals, Martin. *UK Citizens of Asian Origin in Kenya: An Independent Survey*. London: Committee on United Kingdom Citizenship, 1968.

Espiritu, Yến Lê. "The 'We-Win-Even-When-We-Lose' Syndrome: U.S. Press Coverage of the Twenty-Fifth Anniversary of the 'Fall of Saigon.'" *American Quarterly* 58, no. 2 (2006): 329–52.

———. "Toward a Critical Refugee Study: The Vietnamese Refugee Subject in US Scholarship." *Journal of Vietnamese Studies* 1, no. 1–2 (2006): 410–33. https://doi.org/10.1525/vs.2006.1.1-2.410.

Esponda Fernández, Jaime. "La tradición latinoamericana de asilo y la protección internacional de los refugiados." In *El asilo y la protección internacional de los refugiados en América Latina: análisis crítico del dualismo "asilo-refugio" a la luz del derecho internacional de los derechos humanos*, edited by Leonardo Franco, 79–125. San José, C.R.: Alto Comisionado de las Naciones Unidas para los Refugiados, 2004.

Ferguson, C. Clyde, Albert P. Blaustein, John F. Thomas, James M. Wilson, Dale de Haan, and Richard Plender. "Refugees: A New Dimension in International Human Rights." *Proceedings of the Annual Meeting (American Society of International Law)* 70 (1976): 58–80.

Frank, Andre Gunder. *Latin America: Underdevelopment Or Revolution: Essays on the Development of Underdevelopment and the Immediate Enemy*. New York: Monthly Review Press, 1969.

Frankum, Ronald Bruce. *Operation Passage to Freedom: The United States Navy in Vietnam, 1954-1955*. Lubbock: Texas Tech University Press, 2007.

Fransman, Laurie, Adrian Berry, and Alison Harvey. *Fransman's British Nationality Law*. Third edition. London: Bloomsbury, 2011.

Galchinsky, Michael. "The American Jewish Committee and the Birth of the Israeli Human Rights Movement." *Journal of Human Rights* 5, no. 3 (2006): 303–21. https://doi.org/10.1080/14754830600812266.

Gao, Yuanjun, Jack Goetz, Rahul Mazumder, and Matthew Connelly. "Mining Events with Declassified Diplomatic Documents." *ArXiv:1712.07319 [Stat]*, 2017. http://arxiv.org/abs/1712.07319.

Garcés, Mario, and Nancy Nicholls. *Para una historia de los derechos humanos en Chile: historia institucional de la Fundación de Ayuda Social de las Iglesias Cristianas FASIC 1975-1991*. LOM Ediciones, 2005.

Garnier, Adele, Liliana Lyra Jubilut, and Kristin Bergtora Sandvik, eds. *Refugee Resettlement: Power, Politics, and Humanitarian Governance*. New York and Oxford: Berghahn Books, 2018.

Garreton Merino, Roberto. "Chile: Exile and Return under Dictatorship. Preface." In *Innovations in Refugee Protection: A Compendium of UNHCR's 60 Years- Including Case Studies on IT Communities, Vietnamese Boatpeople, Chilean Exile and Namibian Repatriation*, 293–95. Frankfurt am Main ; New York: Peter Lang, 2014.

Gatrell, Peter. *A Whole Empire Walking: Refugees in Russia during World War I*. Bloomington: Indiana University Press, 2005.

———. "Raw Material: UNHCR's Individual Case Files as a Historical Source, 1951–75." *History Workshop Journal*, October 4, 2021. https://doi.org/10.1093/hwj/dbab019.

———. "Refugees—What's Wrong with History?" *Journal of Refugee Studies* 30, no. 2 (2017): 170–89. https://doi.org/10.1093/jrs/few013.

———. *The Making of the Modern Refugee*. Oxford and New York: Oxford University Press, 2013.

———. “Western NGOs and Refugee Policy in the Twentieth Century.” *Journal of Migration History* 5, no. 2 (2019): 384–411. https://doi.org/10.1163/23519924-00502008.

Gatrell, Peter, Anindita Ghoshal, Katarzyna Nowak, and Alex Dowdall. “Reckoning with Refugeedom: Refugee Voices in Modern History.” *Social History* 46, no. 1 (January 2, 2021): 70–95. https://doi.org/10.1080/03071022.2021.1850061.

Geraci, Robert. “Pragmatism and Prejudice: Revisiting the Origin of the Pale of Jewish Settlement and Its Historiography.” *The Journal of Modern History* 91, no. 4 (2019): 776–814. https://doi.org/10.1086/706046.

Ghai, Dharam P., and Yash P. Ghai. *Portrait of a Minority. Asians in East Africa.* Nairobi: Oxford University Press, 1970.

Gibney, Matthew J. *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees*. Cambridge UK, and New York: Cambridge University Press, 2004.

Gilbert, Jorge. *Edgardo Enríquez Frödden, Testimonio de Un Destierro*. Santiago: Mosquito Editores, 1992.

Gilroy, Paul. *There Ain’t No Black in the Union Jack: The Cultural Politics of Race and Nation*. London and New York: Routledge, 2002.

Girard, Gabrielle. “Disillusionment in Action: The Origins and Outcomes of US Solidarity with Chilean Refugees.” *Ezra’s Archives* 5, no. 1 (2015).

Glendon, Mary Ann. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. 1st edition. New York: Random House Trade Paperbacks, 2002.

Glennerster, Howard. “Ennals, David Hedley, Baron Ennals (1922–1995), Politician.” Oxford Dictionary of National Biography, 2004. https://doi.org/10.1093/ref:odnb/59129.

Glynn, Irial. *Asylum Policy, Boat People and Political Discourse: Boats, Votes and Asylum in Australia and Italy*. London: Palgrave Macmillan, 2016.

Goodwin-Gill, Guy S. *The Refugee in International Law*. Oxford: Clarendon, 1983.

———. “The Right to Leave, the Right to Return and the Question of a Right to Remain.” In *The Problem of Refugees in the Light of Contemporary International Law Issues: Papers Presented at the*

Colloquium Organized by the Graduate Institute of International Studies in Collaboration with the Office of the UNHCR, Geneva, 26 and 27 May, 1994, edited by Vera Gowlland-Debbas, 93–108. Nijhoff Law Specials 12. The Hague: Nijhoff, 1996.

Grant, Philip, Ratan Sebastian, Marc Allassonnière-Tang, and Sara Cosemans. "Topic Modelling on Archive Documents from the 1970s: Global Policies on Refugees." *Digital Scholarship In The Humanities*, 2021. https://doi.org/10.1093/llc/fqab018.

Greenhill, Kelly. "Strategic Engineered Migration as a Weapon of War." *Civil Wars* 10, no. 1 (2008): 6–21. https://doi.org/10.1080/13698240701835425.

———. "Forced Migration as a Coercive Instrument." In *The Use of Force: Military Power and International Politics*, edited by Robert J. Art and Kelly Greenhill, 121–39. Lanham: Rowman & Littlefield, 2015.

———. *Weapons of Mass Migration: Forced Displacement, Coercion, and Foreign Policy*. Ithaca and Londen: Cornell University Press, 2010.

———. "When Virtues Become Vices: The Achilles' Heel of Migration Social Policy." In *Handbook on Migration and Social Policy*, edited by Gary P. Freeman and Nikola Mirilovic, 199–220. Cheltenham: Edward Elgar Pub, 2016.

Gregory, Robert G. *India and East Africa: A History of Race Relations within the British Empire, 1890-1939*. Oxford: Clarendon Press, 1971.

———. *South Asians in East Africa: An Economic and Social History, 1890-1980*. Boulder: Westview Press, 1993.

Grondelaers, Hannah. "Give Me Your Tired, Your Poor – Your Vietnamese Refugees? De Invloed van President Carters Verdubbeling van Vietnamese Vluchtelingenquota in 1979 Op de Voorstelling van Deze Vluchtelingen in Twee Amerikaanse Kranten." Undergraduate Thesis, KU Leuven, 2020.

Gupta, Anirudha. "India and the Asians in East Africa." In *Expulsion of a Minority: Essays on Ugandan Asians*, edited by Michael Twaddle, 125–39. London: Athlone Press, 1975.

———. "Ugandan Asians, Britain, India and the Commonwealth." *African Affairs* 73 (1974): 312–24.

Haake, Claudia Fedora, and Alessandro Santoni. “Geografía Política Del Exilio Chileno: Los Diferentes Rostros de La Solidaridad.” *Perfiles Latinoamericanos* 21, no. 41 (2013): 123–42.

Hägel, Peter, and Pauline Peretz. “States and Transnational Actors: Who’s Influencing Whom? A Case Study in Jewish Diaspora Politics during the Cold War.” *European Journal of International Relations* 11, no. 4 (2005): 467–93. https://doi.org/10.1177/1354066105057893.

Hall, Stuart. “The Great Moving Right Show.” *Marxism Today* 1 (1979): 14–20.

Hamai, Yumiko. “‘Imperial Burden’ or ‘Jews of Africa’?: An Analysis of Political and Media Discourse in the Ugandan Asian Crisis (1972).” *Twentieth Century British History* 22, no. 3 (2011): 415–36. https://doi.org/10.1093/tcbh/hwq059.

Hamlin, Rebecca, and Philip E. Wolgin. “Symbolic Politics and Policy Feedback: The United Nations Protocol Relating to the Status of Refugees and American Refugee Policy in the Cold War.” *International Migration Review* 46, no. 3 (2012): 586–624. https://doi.org/10.1111/j.1747-7379.2012.00898.x.

Hampshire, James. *Citizenship and Belonging: Immigration and the Politics of Demographic Governance in Postwar Britain*. Basingstoke, Hampshire; New York: Palgrave Macmillan, 2005.

Hanhimaki, Jussi M. *The Flawed Architect: Henry Kissinger and American Foreign Policy*. *The Flawed Architect*. Oxford: Oxford University Press, 2004.

Hansen, Randall. *Citizenship and Immigration in Post-War Britain: The Institutional Origins of a Multicultural Nation*. Oxford and New York: Oxford University Press, 2000.

———. “The Kenyan Asians, British Politics, and the Commonwealth Immigrants Act, 1968.” *The Historical Journal* 42, no. 3 (1999): 809–34.

———. “The Politics of Citizenship in 1940s Britain: The British Nationality Act.” *Twentieth Century British History* 10, no. 1 (1999): 67–95. https://doi.org/10.1093/tcbh/10.1.67.

Harmer, Tanya. *Allende’s Chile and the Inter-American Cold War*. Chapel Hill: The University of North Carolina Press, 2011.

———. *Beatriz Allende: A Revolutionary Life in Cold War Latin America*. Chapel Hill, US: The University of North Carolina Press, 2020.
———. "Fractious Allies: Chile, the United States, and the Cold War, 1973–76." *Diplomatic History* 37, no. 1 (2013): 109–43. https://doi.org/10.1093/dh/dhs005.
———. "The View from Havana: Chilean Exiles in Cuba and Early Resistance to Chile's Dictatorship, 1973–1977." *Hispanic American Historical Review* 96, no. 1 (2016): 109–46. https://doi.org/10.1215/00182168-3423904.
Hashimoto, Naoko. "Refugee Resettlement as an Alternative to Asylum." *Refugee Survey Quarterly* 37, no. 2 (2018): 162–86. https://doi.org/10.1093/rsq/hdy004.
Hassan, Lisa. "Deterrence Measures and the Preservation of Asylum in the United Kingdom and United States." *Journal of Refugee Studies* 13, no. 2 (2000): 184–204. https://doi.org/10.1093/jrs/13.2.184.
Hathaway, James C. "Reconceiving Refugee Law as Human Rights Protection." *Journal of Refugee Studies* 4, no. 2 (1991): 113–31. https://doi.org/10.1093/jrs/4.2.113.
Hathaway, James C., and Michelle Foster. *The Law of Refugee Status*. Cambridge: Cambridge University Press, 2014. https://doi.org/10.1017/CBO9780511998300.
Havkin, Shira. "Israel: Asylum Without Refugee Status: Israel's Reception of Vietnamese Exiles." In *When Boat People Were Resettled, 1975–1983: A Comparative History of European and Israeli Responses to the South-East Asian Refugee Crisis*, 177–211. Palgrave Studies in Migration History. Cham: Palgrave Macmillan, 2021. https://doi.org/10.1007/978-3-030-64224-2.
Herbert, Joanna. "Oral Histories of Ugandan Asians in Britain: Gendered Identities in the Diaspora." *Contemporary South Asia* 17, no. 1 (2009): 21–32.
Higgins, Claire. "Status Determination of Indochinese Boat Arrivals: A Balancing Act in Australia." *Journal of Refugee Studies* 30, no. 1 (2017): 89–105.
Hillyard, Paddy. *Suspect Community: People's Experiences of the Prevention of Terrorism Act*. London: Pluto Press, 1993.
Hirsch, Jordan Chandler. "The Gateway: The Soviet Jewry Movement, the Right to Leave, and the Rise of Human Rights on the International

Stage." Undergraduate Thesis, Columbia University, 2010. https://academiccommons.columbia.edu/catalog/ac:126000.

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

———. *The International Refugee Organization, a Specialized Agency of the United Nations: Its History and Work, 1946-1952*. London: Oxford university, 1956.

Humphry, Derek, and Michael Ward. *Passports and Politics*. Harmondsworth, Middlesex: Penguin, 1974.

Hundle, Anneeth Kaur. "Exceptions to the Expulsion: Violence, Security and Community among Ugandan Asians, 1972–79." *Journal of Eastern African Studies* 7, no. 1 (2013): 164–82. https://doi.org/10.1080/17531055.2012.755308.

Huntford, Roland. *Fridtjof Nansen and the unmixing of Greeks and Turks in 1924*. Oslo: Det Norske Videnskaps-Akademi, 1998.

Jackson, Ivor C. "Dr. Fridtjof Nansen a Pioneer in the International Protection of Refugees." *Refugee Survey Quarterly* 22, no. 1 (2003): 7–20. https://doi.org/10.1093/rsq/22.1.7.

———. "Editorial: Paul Weis 1907-1991." *International Journal of Refugee Law* 3, no. 2 (1991): 183–84.

———. "Some International Protection Issues Arising During the 1970s and 1980s with Particular Reference to the Role of the UNHCR Executive Committee." *Refugee Survey Quarterly* 27, no. 1 (2008): 30–39. https://doi.org/10.1093/rsq/hdn014.

———. *The Refugee Concept in Group Situations*. Refugees and Human Rights 3. The Hague: Kluwer law international, 1999.

Jaeger, Gilbert. "On the History of the International Protection of Refugees." *Revue Internationale de La Croix-Rouge/International Review of the Red Cross* 83, no. 843 (2001): 727–38. https://doi.org/10.1017/S1560775500119285.

———. "Refugee Asylum: Policy and Legislative Developments." *The International Migration Review* 15, no. 1/2 (1981): 52–68. https://doi.org/10.2307/2545324.

Janmyr, Maja. "UNHCR and the Syrian Refugee Response: Negotiating Status and Registration in Lebanon." *The International Journal of*

Human Rights 22, no. 3 (2018): 393–419. https://doi.org/10.1080/13642987.2017.1371140.

Jensen, Steven L. B. *The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values*. Human Rights in History. Cambridge, UK and New York: Cambridge University Press, 2016.

Johnsson, Anders B. "Montevideo Treaty on International Penal Law: 1889–1989 - 100 Years of Treaty Making on Asylum Issues." *International Journal of Refugee Law* 1, no. 4 (1989): 554–57. https://doi.org/10.1093/ijrl/1.4.554.

Joppke, Christian. *Immigration and the Nation-State: The United States, Germany and Great Britain*. Oxford and New York: Oxford University Press, 1999.

Kavanagh, Dennis. "Sir Douglas Wass Obituary." *The Guardian*, January 5, 2017, sec. Politics. https://www.theguardian.com/politics/2017/jan/05/sir-douglas-wass-obituary.

Kay, Diana, and Robert Miles. *Refugees Or Migrant Workers? European Volunteer Workers in Britain, 1946-1951*. Routledge, 1992.

Kedar, Claudia. "Economic Neutrality during the Cold War: The World Bank, the United States, and Pinochet's Chile, 1973–1977." *Cold War History* 18, no. 2 (2018): 149–67. https://doi.org/10.1080/14682745.2017.1420056.

———. "The International Monetary Fund and the Chilean Chicago Boys, 1973–7: Cold Ties between Warm Ideological Partners." *Journal of Contemporary History* 54, no. 1 (2019): 179–201. https://doi.org/10.1177/0022009416685895.

Kelly, Gail Paradise. *From Vietnam To America*. Abingdon: Routledge, 1977.

Kelly, Patrick William. *Sovereign Emergencies: Latin America and the Making of Global Human Rights Politics*. Cambridge, United Kingdom; New York: Cambridge University Press, 2018.

———. "The 1973 Chilean Coup and the Origins of Transnational Human Rights Activism." *Journal of Global History* 8, no. 1 (2013): 165–86. https://doi.org/10.1017/S1740022813000090.

Kennedy, Edward M. "Refugee Act of 1980." *The International Migration Review* 15, no. 1/2 (1981): 141–56. https://doi.org/10.2307/2545333.

———. “The Immigration Act of 1965.” *The Annals of the American Academy of Political and Social Science* 367 (1966): 137–49.
Keys, Barbara J. “Congress, Kissinger, and the Origins of Human Rights Diplomacy.” *Diplomatic History* 34, no. 5 (2010): 823–51.
———. *Reclaiming American Virtue: The Human Rights Revolution of the 1970s*. Cambridge, MA: Harvard University Press, 2014.
Khalil Zare, David. “Dubbele Vluchtelingen. De Gevolgen Voor Chileense Vluchtelingen in Argentinië Na de Militaire Dictatuur Eind Jaren 1970.” BA Thesis, KU Leuven, 2020.
Kieser, Hans-Lukas. *Talaat Pasha: Father of Modern Turkey, Architect of Genocide*. Princeton: Princeton University Press, 2018.
Kochenov, Dimitry. “The Right to Leave Any Country Including One’s Own.” In *Issues in International Migration Law*, edited by Richard Plender, 143–77. Brill Nijhoff, 2015.
Korey, William. “From Helsinki: A Salute to Human Rights.” In *A Second Exodus: The American Movement to Free Soviet Jews*, edited by Murray Friedman and Albert D. Chernin, 124–35. Hanover, NH: Brandeis University Press, 1999.
———. “Jackson-Vanik: A ‘Policy of Principle.’” In *A Second Exodus: The American Movement to Free Soviet Jews*, edited by Murray Friedman and Albert D. Chernin, 97–114. Hanover, NH: Brandeis University Press, 1999.
Kotecha, K. C. “The Shortchanged: Uganda Citizenship Laws and How They Were Applied to Its Asian Minority.” *International Lawyer* 9, no. 1 (1975): 1–29.
Krasner, Stephen D. *Sovereignty: Organized Hypocrisy*. Princeton: Princeton University Press, 1999.
Kumin, Judith. “Orderly Departure from Vietnam: A Humanitarian Alternative?” Doctoral, Tufts University Fletcher School of Law and Diplomacy, 1987.
———. “Orderly Departure from Vietnam: Cold War Anomaly or Humanitarian Innovation?” *Refugee Survey Quarterly* 27, no. 1 (2008): 104–17. https://doi.org/10.1093/rsq/hdn009.
Kurlansky, Mark. *Paper: Paging Through History*. New York: W. W. Norton & Company, 2017.

Kushner, Tony R.J., and Katharine Knox. *Refugees in an Age of Genocide: Global, National, and Local Perspectives During the Twentieth Century*. London and Portland, OR: Psychology Press, 1999.

———. *Refugees in an Age of Genocide: Global, National, and Local Perspectives During the Twentieth Century*. London and Portland, OR: Psychology Press, 1999.

Lalani, Zane. *Ugandan Asian Expulsion: 90 Days & Beyond Through the Eyes of the International Press*. Tampa: Expulsion Publications, 1997.

Landman, Todd. "A Most Unlikely Case: Chile, Pinochet and the Advance of Human Rights." *Política. Revista de Ciencia Política* 51, no. 2 (2013): 37–55. https://doi.org/10.5354/rp.v51i2.30155.

Lane, Marie Dresden. "'Who Share Our Concern for These People.' The Resettlement of Unwanted Refugees by the International Refugee Organization." *Social Service Review* 26, no. 3 (1952): 270–83.

Lee, Christopher. "Humanitarian Assistance as Containment: New Codes for a New Order." *RSC Working Paper Series* 72 (2011).

Lester, Anthony. "Preparing and Presenting a Human Rights Brief." *Commonwealth Law Bulletin* 17, no. 3 (1991): 1055–71.

Lester, Eve. "Australian Responses to Refugee Journeys. Matters of Perspectives and Contexts." In *Refugee Journeys: Histories of Resettlement, Representation and Resistance*, edited by Jordana Silverstein and Rachel Stevens, 23–50. Canberra: ANU Press, 2021. https://doi.org/10.22459/RJ.2021.

Levin, Geoffrey P. "Before Soviet Jewry's Happy Ending: The Cold War and America's Long Debate Over Jackson-Vanik, 1976-1989." *Shofar: An Interdisciplinary Journal of Jewish Studies* 33, no. 3 (2015): 63–85. https://doi.org/10.1353/sho.2015.0023.

Liesenborghs, Maxime. "De Leeuw Tegen de Prins. Edward Kennedy, Henry Kissinger En de Oprichting van Een Interagency Task Force Voor Indochinese Vluchtelingen." Undergraduate Thesis, KU Leuven, 2020.

Lipman, Jana K. "'Give Us a Ship': The Vietnamese Repatriate Movement on Guam, 1975." *American Quarterly* 64, no. 1 (2012): 1–31. https://doi.org/10.1353/aq.2012.0007.

———. *In Camps: Vietnamese Refugees, Asylum Seekers, and Repatriates*. Berkeley: University of California Press, 2020.

Livingstone, Grace. *Britain and the Dictatorships of Argentina and Chile, 1973–82*. Security, Conflict and Cooperation in the Contemporary World. Cham: Springer International Publishing; Palgrave Macmillan, 2018.

Loescher, Gil. *The UNHCR and World Politics: A Perilous Path*. Oxford and New York: Oxford University Press, 2001.

Loescher, Gil, Alexander Betts, and James Milner. *The United Nations High Commissioner for Refugees (UNHCR): The Politics and Practice of Refugee Protection into the Twenty-First Century*. London and New York: Routledge, 2008.

Loescher, Gil, and John A. Scanlan. *Calculated Kindness: Refugees and America's Half-Open Door, 1945 to the Present*. New York: Free Press, 1986.

Luhrmann, T. M. *The Good Parsi: The Fate of a Colonial Elite in a Postcolonial Society*. Cambridge, MA: Harvard University Press, 1996.

Luis, Roniger. "Escape, Deportation, and Exile: The Contours of Institutionalized Exclusion." In *Exile, Diaspora, and Return*. New York: Oxford University Press, 2018. https://doi.org/10.1093/oso/9780190693961.003.0002.

Madokoro, Laura. *Elusive Refuge. Chinese Migrants in the Cold War*. Cambridge, MA: Harvard University Press, 2016.

Malkki, Liisa H. "Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization." *Cultural Anthropology* 11, no. 3 (1996): 377–404.

Mamdani, Mahmood. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton: Princeton University Press, 2018.

———. *From Citizen to Refugee: Uganda Asians Come to Britain*. Second Edition. Cape Town, Dakar, Nairobi and Oxford: Pambazuka Press, 2011.

Manby, Bronwen. *Struggles for Citizenship in Africa*. London: Zed Books, 2013.

Mattausch, John. "From Subjects to Citizens: British 'East African Asians.'" *Journal of Ethnic and Migration Studies* 24, no. 1 (1998): 121–41.

McAdam, Jane. “An Intellectual History of Freedom of Movement in International Law: The Right to Leave as a Personal Liberty.” *Melbourne Journal of International Law* 12, no. 1 (2011): 27–56.

McCabe, Jane. *Race, Tea and Colonial Resettlement: Imperial Families, Interrupted*. London: Bloomsbury Academic, 2017.

McKeown, Adam. *Melancholy Order: Asian Migration and the Globalization of Borders*. New York: Columbia University Press, 2008.

Miles, Robert. “The Racialization of British Politics.” *Political Studies* 38, no. 2 (1990): 277–85. https://doi.org/10.1111/j.1467-9248.1990.tb01493.x.

Miles, Robert, and Annie Phizacklea. *White Man’s Country: Racism in British Politics*. London, 1984.

Miorelli, Romina, and Valentina Piersanti. “Staying Alive: 1970s Southern Cone Exiles in the UK.” *Bulletin of Latin American Research* 40, no. 2 (2021): 220–34. https://doi.org/10.1111/blar.13149.

Mireya Vera, Eliana Ortiz. “Exilio y Repatriación. Asistencia Social y Laboral.” In *Exilio 1986-1978*, edited by FASIC, 81–121. Santiago de Chile: Amerinda Ediciones, 1986.

Miserez, Diana. *Prince Sadruddin Aga Khan: Humanitarian and Visionary*. Leicester: The Book Guild Ltd, 2017.

Money, Jeannette. *Fences and Neighbors: The Political Geography of Immigration Control*. Ithaca: Cornell University Press, 1999.

Montupil I., Fernando. *Exilio, derechos humanos y democracia: el exilio chileno en Europa*. Santiago: Caupolicán, 1993.

Morrison, G.S., and Felix Moos. “Halfway to Nowhere: Vietnamese Refugees on Guam.” In *Involuntary Migration And Resettlement: The Problems And Responses Of Dislocated People*, edited by Art Hansen. Routledge, 1982.

Mount, Graeme. *Chile And The Nazis: From Hitler to Pinochet*. Illustrated edition. Montréal ; New York: Black Rose Books, 2002.

Moyn, Samuel. *Not Enough: Human Rights in an Unequal World*. Cambridge, MA: Harvard University Press, 2018.

———. *The Last Utopia: Human Rights in History*. Cambridge, MA: Belknap Press, 2010.

Muehlenbeck, Philip E., and Natalia Telepneva, eds. *Warsaw Pact Intervention in the Third World: Aid and Influence in the Cold War*. London: I.B. Tauris, 2018.

Murphy, H. B. M. "The Resettlement of Jewish Refugees in Israel, with Special Reference to Those Known as Displaced Persons." *Population Studies* 5, no. 2 (November 1, 1951): 153–74. https://doi.org/10.1080/00324728.1951.10414865.

Nagar, Richa. "The South Asian Diaspora in Tanzania: A History Retold." *Comparative Studies of South Asia, Africa and the Middle East* 16, no. 2 (1996): 62–80. https://doi.org/10.1215/1089201X-16-2-62.

Nasar, Saima. "We Refugees?: Re-Defining Britain's East African Asians." In *Migrant Britain*. Abingdon: Routledge, 2018.

Neumann, Klaus. *Across the Seas: Australia's Response to Refugees: A History*. Collingwood: Black Inc., 2015.

———. "Hush-Hushing the Whole Matter: The UNHCR, Australia, and West Papuan Refugees." *Refuge: Canada's Journal on Refugees* 23, no. 1 (2006): 12.

———. "The Right to Asylum: A Hidden History." In *History, Historians and the Immigration Debate: Going Back to Where We Came From*, edited by Eureka Henrich and Julian M. Simpson, 191–208. Cham: Springer International Publishing, 2019. https://doi.org/10.1007/978-3-319-97123-0_11.

Nguyen, Lien-Hang T. *Hanoi's War: An International History of the War for Peace in Vietnam*. Chapel Hill: The University of North Carolina Press, 2012.

Nguyen, Patricia. "Salt | Water: Vietnamese Refugee Passages, Memory, and Statelessness at Sea." *Women's Studies Quarterly; New York* 45, no. 1/2 (2017): 94–111.

Noll, Gregor, and Joanne van Selm. "Rediscovering Resettlement." MPI Insight. Washington, D.C.: Migration Policy Institute, 2003. https://portal.research.lu.se/portal/en/publications/rediscovering-resettlement(29f8f012-2e3e-4e6e-a6b9-fc759890b08c)/export.html.

Norambuena, Carmen, Adriana Palomera, and Ana Lopez. "Brazilians in Chile during the Military Dictatorship: Double Refuge 1973-1975." *História Unisinos* 22, no. 3 (2018): 453–65.

Nyers, Peter. “Emergency or Emerging Identities? Refugees and Transformations in World Order.” *Millennium* 28, no. 1 (1999): 1–26. https://doi.org/10.1177/03058298990280010501.

Ong, Aihwa. *Buddha Is Hiding: Refugees, Citizenship, the New America*. Berkeley: University of California Press, 2003.

Palomera, Adriana, and Carmen Norambuena. “Refugio Y Asilo De Bolivianos Durante La Dictadura Chilena Entre 1973 Y 1975.” *Diálogo Andino*, no. 57 (2018): 133–46.

Parsanoglou, Dimitris, and Yannis Papadopoulos. “Regulating Human Mobility through Networking and Outsourcing: ICEM, IOs and NGOs during the 1950s.” *Journal of Migration History* 5, no. 2 (2019): 332–52. https://doi.org/10.1163/23519924-00502006.

Paul, Kathleen. *Whitewashing Britain: Race and Citizenship in the Postwar Era*. Ithaca: Cornell University Press, 1997.

Pechlivanis, Paschalis. “Between Détente and Differentiation: Nixon’s Visit to Bucharest in August 1969.” *Cold War History* 17, no. 3 (2017): 241–58. https://doi.org/10.1080/14682745.2016.1267144.

Peretz, Pauline. *Let My People Go: The Transnational Politics of Soviet Jewish Emigration During the Cold War*. New Brunswick: Routledge, 2015.

Phillips, Mike, and Trevor Phillips. *Windrush: The Irresistible Rise of Multi-Racial Britain*. London: Harper Collins, 1998.

Pieper Mooney, Jadwiga E. “East Germany: Chilean Exile and the Politics of Solidarity in the Cold War.” In *European Solidarity with Chile, 1970s-1980s*, edited by Kim Christiaens, Idesbald Goddeeris, and Magaly Rodriguez Garcia, 275–99. Ixelles: Peter Lang, 2014.

Plender, Richard. “The Exodus of Asians from East and Central Africa: Some Comparative and International Law Aspects.” *The American Journal of Comparative Law* 19, no. 2 (1971): 287–324. https://doi.org/10.2307/839259.

“Praful Patel.” Accessed October 15, 2020. http://www.asiansfromuganda.org.uk/praful_patel.php.

UNH Today. “Professor Kumin Brings International Immigration Policy Close to Home in New Politics & Society Class,” January 19, 2016. https://www.unh.edu/unhtoday/2016/01/professor-kumin-brings-international-immigration-policy-close-home-new-politics-society.

Prognon, Nicolas. “France: Welcoming Chilean Exiles, a Mark of the Resonance of the Unidad Popular in French Society?” In *European Solidarity with Chile, 1970s-1980s*, edited by Kim Christiaens, Idesbald Goddeeris, and Magaly Rodriguez Garcia, 189–207. Ixelles: Peter Lang, 2014.

Prott, Volker. *The Politics of Self-Determination: Remaking Territories and National Identities in Europe, 1917-1923*. Oxford: Oxford University Press, 2016.

Purseigle, Pierre. “‘A Wave on to Our Shores’: The Exile and Resettlement of Refugees from the Western Front, 1914–1918.” *Contemporary European History* 16, no. 4 (2007): 427–44. https://doi.org/10.1017/S0960777307004109.

Ramírez, Lina Callejas, and Julio Jáuregui Medina. “¿El asilo contra la opresión? Análisis crítico de la evolución del asilo en Chile.” *Derecho y Humanidades*, no. 17 (2011).

Read, James S. “Some Legal Aspects of the Expulsion.” In *Expulsion of a Minority: Essays on Ugandan Asians*, edited by Michael Twaddle, 193–231. London: Athlone Press, 1975.

Rebolledo González, Loreto. *Memorias del Desarraigo: Testimonios de Exilio y Retorno de Hombres y Mujeres de Chile*. Santiago: Catalonia, 2013.

Rebolledo, Loreto. “Memorias del des/exilio.” In *Exiliados, emigrados y retornados: chilenos en América y Europa, 1973-2004, 2006, ISBN 956-284-498-6, págs. 167-192*, 167–92. RIL Editores, 2006. https://dialnet.unirioja.es/servlet/articulo?codigo=6489162.

Reinisch, Jessica. “Old Wine in New Bottles? UNRRA and the Mid-Century World of Refugees.” In *Refugees in Europe, 1919-1959: A Forty Years’ Crisis?*, edited by Matthew Frank and Jessica Reinisch, 147–75. Bloomsbury Publishing, 2017.

Reyna, Véronica. “Demandas de Reparación En La Sociedad Chilena: Experiencia de La Fundación de Ayuda Social de Las Iglesias Cristianas, FASIC.” In *Derechos Humanos y Reparación: Una Discusión Pendiente*, edited by Germán Morales and Elizabeth. Lira. Ciencias Humanas. Sociedad y Derechos Humanos. Santiago: LOM; Universidad Alberto Hurtado, 2005. https://catalog.hathitrust.org/Record/101141436.

Rhodes James, Robert. “Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights on Its Twenty-Fifth Session, New York, 14 August-1 September 1972.” New York: United Nations Economic and Social Council, September 28, 1972.

Risi, Joseph, Amit Sharma, Rohan Shah, Matthew Connelly, and Duncan J. Watts. “Predicting History.” *Nature Human Behaviour*, 2019, 1–7. https://doi.org/10.1038/s41562-019-0620-8.

Robinson, W. Courtland. *Terms of Refuge: The Indochinese Exodus and the International Response*. New York: Zed Books, 1999.

———. “The Comprehensive Plan of Action for Indochinese Refugees, 1989–1997: Sharing the Burden and Passing the Buck.” *Journal of Refugee Studies* 17, no. 3 (2004): 319–33. https://doi.org/10.1093/jrs/17.3.319.

Roe, Glenn, Clovis Gladstone, and Robert Morrissey. “Discourses and Disciplines in the Enlightenment: Topic Modeling the French Encyclopédie.” *Frontiers in Digital Humanities* 2 (2016). https://doi.org/10.3389/fdigh.2015.00008.

Romein, Christel Annemieke, Sara Veldhoen, and Michel de Gruijter. “Dataset: Entangled Histories: Ordinances of the Low Countries,” 2020. http://hdl.handle.net/1854/LU-8649002.

Roniger, Luis, Leonardo Senkman, Saúl Sosnowski, and Mario Sznajder. *Exile, Diaspora, and Return: Changing Cultural Landscapes in Argentina, Chile, Paraguay, and Uruguay*. Oxford: Oxford University Press, 2018.

Roniger, Luis, and Mario Sznajder. *The Legacy of Human-Rights Violations in the Southern Cone: Argentina, Chile, and Uruguay*. Oxford Studies in Democratization. Oxford: Oxford University Press, 1999. https://doi.org/10.1093/acprof:oso/9780198296157.001.0001.

Rumbaut, Rubén G. “Vietnamese, Laotian, and Cambodian Americans.” In *Contemporary Asian America: A Multidisciplinary Reader*, edited by Min Zhou and James V. Gatewood. New York: New York University Press, 2000.

Saavedra, Manuel Bastias. *Sociedad civil en dictadura: Relaciones transnacionales, organizaciones y socialización política en Chile*. Ediciones Universidad Alberto Hurtado, 2013.

Sahara, Ayako. “Globalized Humanitarianism : U.S. Imperial Formation in Asia and the Pacific through the Indochinese Refugee Problem.” Ph.D. Dissertation, The University California San Diego, 2012. https://escholarship.org/uc/item/13r6c5p1#main.

Sajed, Alina. “From the Third World to the Global South.” *E-International Relations* (blog), July 27, 2020. https://www.e-ir.info/2020/07/27/from-the-third-world-to-the-global-south/.

———. “Re-Remembering Third Worldism: An Affirmative Critique of National Liberation in Algeria.” *Middle East Critique* 28, no. 3 (2019): 243–60. https://doi.org/10.1080/19436149.2019.1633056.

Salitan, Laurie P. *Politics and Nationality in Contemporary Soviet-Jewish Emigration, 1968-89*. New York: Springer, 1992.

Scalettaris, Giulia. “Bureaugraphier le HCR : approche empirique et englobante d’une organisation internationale.” *Critique internationale* 88, no. 3 (2020): 153–72.

Schöch, Rüdiger. “UNHCR and the Afghan Refugees in the Early 1980s: Between Humanitarian Action and Cold War Politics.” *Refugee Survey Quarterly* 27, no. 1 (2008): 45–57. https://doi.org/10.1093/rsq/hdn006.

Selm, Joanne van. “The Strategic Use of Resettlement: Changing the Face of Protection?” *Refuge: Canada’s Journal on Refugees*, 2004, 39–48.

Serpente, Alejandra. “Diasporic Chilean and Argentinean Narratives in the UK: The Traces of Second Generation Postmemory.” Ph.D. Dissertation, University College London, 2014.

Shah, Prakash. *Refugees, Race and the Legal Concept of Asylum in Britain*. London and Sydney: Routledge, 2000.

Shaw, Ian W. *Operation Babylift: The Incredible Story of the Inspiring Australian Women Who Rescued Hundreds of Orphans at the End of the Vietnam War*. Hachette Australia, 2019.

Shilliam, Robbie. “Enoch Powell: Britain’s First Neoliberal Politician.” *New Political Economy* 26, no. 2 (2021): 239–49. https://doi.org/10.1080/13563467.2020.1841140.

Short, Phillip. “Plight of the 23,000 Ugandans Made Stateless.” *Times Newspapers Limited*. August 20, 1972.

Siegelberg, Mira L. *Statelessness: A Modern History*. Cambridge, MA: Harvard University Press, 2020.

Skran, Claudena M. *Refugees in Inter-War Europe: The Emergence of a Regime*. Oxford: Clarendon Press, 1995.

Slobodian, Quinn. *Globalists: The End of Empire and the Birth of Neoliberalism*. Cambridge, MA: Harvard University Press, 2018.

Smith, Evan, and Marinella Marmo. *Race, Gender and the Body in British Immigration Control: Subject to Examination*. Migration, Diasporas and Citizenship. Basingstoke, Hampshire; New York: Palgrave Macmillan UK, 2014. https://doi.org/10.1057/9781137280442.

Smith, Yannek E. "Una perspectiva institucional del proceso de asilo para los refugiados y perseguidos políticos en Chile después del Golpe de Estado." Santiago: Museo de la Memoria y de los Derechos Humanos, 2013. http://www.cedocmuseodelamemoria.cl/wp-content/uploads/2013/11/Asilo-en-Chile-despu%C3%A9s-del-Golpe-Revisado.pdf.

Snyder, Sarah B. *Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network*. Cambridge UK, and New York: Cambridge University Press, 2011.

Soguk, Nevzat. *States And Strangers: Refugees And Displacements Of Statecraft*. Minneapolis: University of Minnesota Press, 1999.

Sözer, Hande. "Humanitarianism with a Neo-Liberal Face: Vulnerability Intervention as Vulnerability Redistribution." *Journal of Ethnic and Migration Studies* 46, no. 11 (2020): 2163–80. https://doi.org/10.1080/1369183X.2019.1573661.

Spencer, Ian R. G. *British Immigration Policy since 1939: The Making of Multi-Racial Britain*. New York: Routledge, 1997.

Stein, Barry. "The Geneva Conferences and the Indochinese Refugee Crisis." *The International Migration Review* 13, no. 4 (1979): 716–23. https://doi.org/10.2307/2545184.

Stephanson, Anders. "Cold War Degree Zero." In *Uncertain Empire: American History and the Idea of the Cold War*, edited by Joel Isaac and Duncan Bell, 19–49. Oxford and New York: Oxford University Press, 2012.

Stevens, Dallal. *UK Asylum Law and Policy: Historical and Contemporary Perspectives*. London: Sweet & Maxwell Ltd, 2003.

Stoler, Ann Laura. "On Degrees of Imperial Sovereignty." *Public Culture* 18, no. 1 (2006): 125–46. https://doi.org/10.1215/08992363-18-1-125.

Strien, Daniel van, Kaspar Beelen, Mariona Ardanuy, Kasra Hosseini, Barbara McGillivray, and Giovanni Colavizza. “Assessing the Impact of OCR Quality on Downstream NLP Tasks:” In *Proceedings of the 12th International Conference on Agents and Artificial Intelligence*, 484–96. Valletta, Malta: SCITEPRESS - Science and Technology Publications, 2020. https://doi.org/10.5220/0009169004840496.

Stur, Heather Marie. “‘Hiding Behind the Humanitarian Label’: Refugees, Repatriates, and the Rebuilding of America’s Benevolent Image After the Vietnam War.” *Diplomatic History* 39, no. 2 (2015): 223–44.

Suhrke, Astri. “Burden-Sharing during Refugee Emergencies: The Logic of Collective versus National Action.” *Journal of Refugee Studies* 11, no. 4 (1998): 396–415. https://doi.org/10.1093/jrs/11.4.396.

Sutton, Deborah. “Divided and Uncertain Loyalties. Partition, Indian Sovereignty and Contested Citizenship in East Africa, 1948-1955.” *Interventions* 9, no. 2 (2007): 276–88. https://doi.org/10.1080/13698010701409194.

———. “Imagined Sovereignty and the Indian Subject: Partition and Politics beyond the Nation, 1948–1960.” *Contemporary South Asia* 19, no. 4 (2011): 409–25. https://doi.org/10.1080/09584935.2011.569700.

Swann, Alice. *My Journey from Saigon to Ottawa*. Ottawa: WestBow Press, 2018.

Sznajder, Mario, and Luis Roniger. *The Politics of Exile in Latin America*. Cambridge: Cambridge University Press, 2009. https://doi.org/10.1017/CBO9780511581373.

Tandon, Yashpal, and Arnold Raphael. *The New Position of East Africa’s Asians: Problems of a Displaced Minority*. Revised. Report 16. London: Minority Rights Group, 1978.

Tantardini, Michele, and Juliette Tolay. “Does Performance Matter in Migration Governance? The Case of the 2016 EU-Turkey Statement.” *International Journal of Public Administration* 43, no. 2 (2020): 137–50. https://doi.org/10.1080/01900692.2019.1672189.

Taylor, Becky. “‘Don’t Just Look for a New Pet’: The Vietnamese Airlift, Child Refugees and the Dangers of Toxic Humanitarianism.”

Patterns of Prejudice 52, no. 2–3 (2018): 195–209. https://doi.org/10.1080/0031322X.2018.1433058.

———. "Good Citizens? Ugandan Asians, Volunteers and 'Race' Relations in 1970s Britain." *History Workshop Journal* 85 (2018): 120–41. https://doi.org/10.1093/hwj/dbx055.

———. "'Our Most Foreign Refugees': Refugees from Vietnam in Britain." In *When Boat People Were Resettled, 1975–1983: A Comparative History of European and Israeli Responses to the South-East Asian Refugee Crisis*, edited by Becky Taylor, Karen Akoka, Marcel Berlinghoff, and Shira Havkin, 109–43. Palgrave Studies in Migration History. Cham: Palgrave Macmillan, 2021. https://doi.org/10.1007/978-3-030-64224-2.

Taylor, Becky, Karen Akoka, Marcel Berlinghoff, and Shira Havkin. "Introduction." In *When Boat People Were Resettled, 1975–1983: A Comparative History of European and Israeli Responses to the South-East Asian Refugee Crisis*, edited by Becky Taylor, Karen Akoka, Marcel Berlinghoff, and Shira Havkin, 1–46. Palgrave Studies in Migration History. Cham: Palgrave Macmillan, 2021. https://doi.org/10.1007/978-3-030-64224-2.

———, eds. *When Boat People Were Resettled, 1975–1983: A Comparative History of European and Israeli Responses to the South-East Asian Refugee Crisis*. Palgrave Studies in Migration History. Cham: Palgrave Macmillan, 2021. https://doi.org/10.1007/978-3-030-64224-2.

Tempo, Carl J. Bon. *Americans at the Gate. The United States and Refugees during the Cold War*. *Americans at the Gate*. Princeton: Princeton University Press, 2008. https://www-degruyter-com.kuleuven.e-bronnen.be/document/doi/10.1515/9781400829033/html.

"The History of Resettlement. Celebrating 25 Years of the ATCR." UNHCR, 2019.

Ther, Philipp. *The Outsiders. Refugees in Europe since 1492*. Princeton: Princeton University Press, 2019.

Thomas, Daniel C. *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism.* Princeton: Princeton University Press, 2001.

Thoolen, Hans. “Martin Ennals.” In *Encyclopedia of Human Rights*, edited by David P. Forsythe, 135–38. New York: Oxford University Press, 2009.

Trigt, Paul van. “Voorbij de laatste utopie.” *Tijdschrift voor geschiedenis* 131, no. 2 (2018): 327–40. https://doi.org/10.5117/TVGESCH2018.2.TRIG.

Trinh Van Vinh. “A research on North Vietnamese migration (1954-1957) [Translated from Mandarin].” PhD Dissertation, Beijing Normal University, 2020.

Trinh Vô, Linda. “Vietnamese American Trajectories: Dimensions of Diaspora.” *Amerasia Journal* 29, no. 1 (2003): ix–xviii. https://doi.org/10.17953/amer.29.1.t8kvv26307580520.

Troeller, Gary. “UNHCR Resettlement: Evolution and Future Direction.” *International Journal of Refugee Law* 14, no. 1 (2002): 85–95. https://doi.org/10.1093/ijrl/14.1.85.

Türk, Volker. “Dr Ivor C Jackson: 1928-2014.” *International Journal of Refugee Law* 27, no. 1 (2015): 1–2. https://doi.org/10.1093/ijrl/eev007.

Uche, Chibuike. “The British Government, Idi Amin and the Expulsion of British Asians from Uganda.” *Interventions* 19, no. 6 (2017): 818–36. https://doi.org/10.1080/1369801X.2017.1294099.

UNHCR. *The State of the World’s Refugees, 2000: Fifty Years of Humanitarian Action*. Oxford and New York: Oxford University Press, 2000.

———. “States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol.” UNHCR, 2015. https://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf.

———. “ExCom Membership by Date of Admission of Members.” UNHCR. Accessed July 29, 2021. https://www.unhcr.org/excom/announce/40112e984/excom-membership-date-admission-members.html.

———. “Refworld | 25 Cases of Citizens of the United Kingdom and Colonies v. United Kingdom.” Refworld. Accessed October 3, 2020. /cases,COECOMMHR,3ae6b6581c.html.

———. “States Parties, Including Reservations and Declarations, to the 1951 Refugee Convention.” UNHCR. Accessed October 1, 2021. https://www.unhcr.org/protection/convention/5d9ed32b4/states-

parties-including-reservations-declarations-1951-refugee-convention.html.
———. “The Global Compact on Refugees.” UNHCR, December 17, 2018. https://www.unhcr.org/the-global-compact-on-refugees.html.
———. Resettlement Data Finder. “UNHCR - RSQ.” Accessed June 2, 2021. https://rsq.unhcr.org/en/#X1Ex.
———. “Self-Study Module 1: An Introduction to International Protection. Protecting Persons of Concern to UNHCR.” Refworld, 2005. https://www.refworld.org/docid/4214cb4f2.html.
Vasani, Dolar. “Expulsion@50.” Expulsion @50 Podcast. Accessed October 19, 2021. https://anchor.fm/expulsion50.
Venturas, Lina, ed. *International “Migration Management” in the Early Cold War: The Intergovernmental Committee for European Migration*, 2015.
Vera E., Mireya. “Exilio y Repatriación. Asistencia Social y Laboral.” In *Exilio 1986-1978*, edited by FASIC, 81–121. Santiago de Chile: Amerinda Ediciones, 1986.
Wacker, Elisabeth, Ulrich Becker, and Katharina Crepaz. *Refugees and Forced Migrants in Africa and the EU: Comparative and Multidisciplinary Perspectives on Challenges and Solutions*. Wiesbaden: Springer Viewegin Springer Fachmedien Wiesbaden GmbH, Springer, 2019.
Wang, Enbao. *Hong Kong, 1997: The Politics of Transition*. Boulder: Lynne Rienner Pub, 1995.
Weis, Paul. *Nationality and Statelessness in International Law*. Vol. 28. Library of World Affairs. London: Stevens, 1956.
———. *Nationality and Statelessness in International Law*. 2nd ed. Alphen aan den Rijn: Sijthoff and Noordhoff, 1979.
———. “The Convention Relating to the Status of Stateless Persons.” *International and Comparative Law Quarterly* 10, no. 2 (1961): 255–64.
———. “The International Protection of Refugees.” *The American Journal of International Law* 48, no. 2 (1954): 193–221. https://doi.org/10.2307/2194371.
Weitz, Eric D. “From the Vienna to the Paris System: International Politics and the Entangled Histories of Human Rights, Forced Deportations,

and Civilizing Missions." *The American Historical Review* 113, no. 5 (2008): 1313–43. https://doi.org/10.1086/ahr.113.5.1313.

Westad, Odd Arne. *The Global Cold War: Third World Interventions and the Making of Our Times*. Cambridge UK, and New York: Cambridge University Press, 2005.

Global Centre for the Responsibility to Protect. "What Is R2P?" Accessed October 17, 2021. https://www.globalr2p.org/what-is-r2p/.

Whitlock, Abby S. "Setting the Sun on the British Empire: British Economic Interests and the Decolonization of Hong Kong." *James Blair Historical Review* 9, no. 2 (2019): 17–32.

Wilcocke, Samuel Hull. *Nieuw en volkomen woordenboek der Nederduitsche en Engelsch taalen ...: in twee deelen ...*, 1798.

Wilson III, Ernest J. "Strategies of State Control of the Economy: Nationalization and Indigenization in Africa." *Comparative Politics* 22, no. 4 (1990): 401–19.

Wright, Thomas C. "Chilean Political Exile in Western Europe." In *European Solidarity with Chile, 1970s-1980s*, edited by Kim Christiaens, Idesbald Goddeeris, and Magaly Rodriguez Garcia, 68–94. Ixelles: Peter Lang, 2014.

Wright, Thomas C., and Rody Oñate Zúñiga. "Chilean Political Exile." *Latin American Perspectives* 34, no. 4 (2007): 31–49.

Zetter, Roger. "Refugees and Refugee Studies - A Valedictory Editorial." *Journal of Refugee Studies* 13, no. 4 (2000): 349–55.

Zieck, Marjoleine. "'Quota Refugees': The Dutch Contribution to Global 'burden Sharing' by Means of Resettlement of Refugees." *International Journal of Legal Information* 39, no. 2 (2011): 130–63.

———. "The 1956 Hungarian Refugee Emergency, an Early and Instructive Case of Resettlement." *Amsterdam Law Forum* 5, no. 2 (2013): 45–63.

Zolberg, Aristide R., Astri Suhrke, and Sergio Aguayo. *Escape from Violence: Conflict and the Refugee Crisis in the Developing World*. Oxford: Oxford University Press, 1989.

Credit for the cover goes to Jolien Bammens, who drew the image based on a fragment of a picture by the Ugandan Asian UK-based artist Zarina Bhimji.



Zarina Bhimji, Still from Yellow Patch, Whitechapel Gallery 2011

Source: Salkeld, Richard. "Art & Photography: Zarina Bhimji - Whitechapel Gallery." *Art & Photography (blog)*, 23 January 2012. http://artandphotography-uog.blogspot.com/2012/01/zarina-bhimji-whitechapel-gallery.html.