UNHCR's Shifting Frames in the Social Construction of Disabled Refugees: Two Case Studies on the Organization's Work During the World Refugee Year (1959–1960) and the International Year of Disabled Persons (1981)

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Abstract

This article analyzes UNHCR's understanding of disabled refugees during the 1959–1960 World Refugee Year (WRY) and the 1981 International Year of Disabled Persons (IYDP) and, specifically, how this understanding is intertwined with the international-protection activities that were undertaken on their behalf during both years. This analysis is based on archival material on the two years from the UNHCR archives in Geneva. The article finds that UNHCR's engagement with disabled refugees during the two UN observances is characterized by the economic rationale of self-sufficiency and the humanitarian rationale of vulnerability – depending on what was perceived as the best-selling frame in light of the political climate at the time. Both cases therefore highlight the political nature of classifications and frames for the international protection of disabled refugees and expose how the international protection of disabled refugees is not static but, instead, remains repeatedly reconstructed.

Keywords

UNHCR – international protection – self-sufficiency – vulnerability – political framing – disability – social constructivism

1 Introduction

As the introduction to this special issue suggests, international years and other so-called UN observances can function as diplomatic tools to set agendas, to advocate and to promote particular understandings of international norms. Against this background, this article analyzes UNHCR's understanding of disabled refugees during the 1959–1960 World Refugee Year (WRY) and the 1981 International Year of Disabled Persons (IYDP) and, specifically, how this understanding is intertwined with the international-protection activities that were undertaken on their behalf during both years.¹

The concept of international protection constitutes the central element of the global refugee regime. It can be understood both as a narrow legal concept that primarily focuses on refugees in accordance with Article 1(a)(2) of the 1951 Convention Relating to the Status of Refugees (the Refugee Convention) and as a broader policy notion that includes other types of forced migrants as well as solutions other than refugee status.² This article understands international protection as a broad international norm that is grounded in the “unwillingness or inability of the country of origin to ensure the protection of its own citizens” that subsequently makes international protection necessary.³ Hence, the norm transcends mere refugee status to also include the provision of different types of assistance and the search for durable solutions such as resettlement. Equal access to such protection and assistance remains an important point of concern with regard to disabled refugees since not all disabilities are easily identified when assessing international-protection needs.⁴ This potential failure to adequately identify disabilities can, for instance, result in procedural disadvantages which might subsequently lead to unjust decisions about whether or not to grant protection and other forms of assistance.⁵ Reviewing how disabled refugees were understood at crucial points in the recent history

1 The author acknowledges the support of the ERC Consolidator Grant Rethinking Disability under grant agreement number 648115. This article primarily refers to “disabled refugees.” However, the term “handicapped refugees” is used in as far as UNHCR itself relied on this terminology in the archival material on which this study builds.

2 Betts, A., and G. Loescher, eds. *Refugees in International Relations* (Oxford: Oxford University Press, 2011), 3.

3 Ibid.

4 See for instance Smith-Khan, L., M. Crock, B. Saul, and R. McCallum. “To ‘Promote, Protect and Ensure’: Overcoming Obstacles to Identifying Disability in Forced Migration.” *Journal of Refugee Studies* 28 (1) (2015), 38–68.

5 On the importance of procedural safeguards see for instance Flegar, V., and M. Veys. “De Europese verplichting voor procedurele waarborgen in de asielprocedure en de Nederlandse

of their international protection can help us view this problem of access and inclusion in a different light since specific policy concepts like disabled refugee, refugee with disability or handicapped refugee “replicate the professional, bureaucratic and political values which create them.”⁶

This study adopts a social-constructivist lens that analyzes how UNHCR understood, framed and acted to provide international protection to disabled refugees during the WRY and the IYDP. For the purpose of this article, international organizations are therefore understood as embedded in a contradictory international environment of often conflicting principles and values which results in policies that often “mirror and reproduce those contradictions.”⁷ The social-constructivist approach is aimed at uncovering “the social content of the organization – its culture, its legitimacy concerns, dominant norms that govern behavior and shape interests, and the relationship of these to a larger normative and cultural environment.”⁸ As such, the study focuses on processes rather than outcomes.

International organizations are increasingly recognized as having considerable autonomy, agency and influence in the international arena.⁹ Hence, they can function as “norm entrepreneurs” that develop their own modes of existence beyond mere state preferences or “bureaucratic self-interest.”¹⁰ In so doing, they shape their own “regimes of truth” and therefore influence the perception of particular issues, such as international protection.¹¹ Finnemore and Barnett identify three mechanisms through which international organizations can “use their authority, knowledge, and rules to regulate and constitute the world,” namely through 1) classifying the world by “creating categories of problems, actors, and actions”; 2) fixing “meanings in the social world” and

implementatie vanuit kwetsbaarheidsperspectief.” *Journaal Vreemdelingenrecht* 11 (2) (2017), 28–49.

6 Zetter, R. “Labelling Refugees: Forming and Transforming a Bureaucratic Identity.” *Journal of Refugee Studies* 4 (1) (1991), 44.

7 Barnett, M., and M. Finnemore. *Rules for the World: International Organizations in Global Politics* (Ithaca: Cornell University Press, 2004) 37–38.

8 Barnett, M., and M. Finnemore. “The Politics, Power, and Pathologies of International Organizations.” *International Organization* 53 (4) (1999), 706.

9 See for instance Oestreich, J. *Power and Principle: Human Rights Programming in International Organizations* (Washington D.C.: Georgetown University Press, 2007), 3.

10 Ibid.

11 See, e.g., Rittberger, V., and A. Zangl. *International Organization: Polity, Politics and Policies* (London: Palgrave Macmillan, 2006), 116, 203. The notion of “regimes of truth” is taken from Foucault, M. *Discipline and Punish* (Paris: Gallimard, 1975), 23, 30.

3) articulating and diffusing “new norms and rules.”¹² In relying upon these powers of social construction, international organizations can, as Venzke suggests, “create new reference points for legal discourse.”¹³

In focusing on the social construction of policy concepts at the international level, the article fits well with New Diplomatic History’s ambition of “investigating diplomacy as an extension of social interests, forces, and environments.”¹⁴ Moreover, the article seeks to contribute to New Diplomatic History by moving beyond a state-centered approach and investigating how the WRY and the IYDP granted international organizations like UNHCR the possibility to “temporarily attract attention at the UN” to advance specific policy objectives.¹⁵

This article concentrates on UNHCR as the “unparalleled moral authority and a monopoly on legal and protection issues regarding refugees.”¹⁶ Glasman suggests that, throughout UNHCR’s existence “access to refugee aid has been globalized but has also become more and more stratified.”¹⁷ Revealing how UNHCR perceived and acted on behalf of disabled refugees during the WRY and IYDP can therefore be expected to contribute to the discussion about the UN’s norm-setting dynamics and the role UN observances have played and can play in this respect.¹⁸ The WRY and the IYDP serve as two case studies under the assumption that they constituted two clear possibilities for UNHCR to raise awareness about the intertwining of disability and displacement.

The study is based on archival material on the two years from the UNHCR archives in Geneva. The article first analyzes the WRY before focusing on the IYDP. With regard to each of the two years, the analysis proceeds by first providing a general overview of the year and the situation of international protection at the time before elaborating upon UNHCR’s activities and role with regard to disabled refugees. The article concludes with a comparison of UNHCR’s shifting frames on disabled refugees during the two years in light of the political and organizational objectives that appeared dominant in each case.

12 Barnett and Finnemore, “The Politics, Power, and Pathologies of International Organizations,” 699–700.

13 Venzke, I. *How Interpretation Makes International Law: On Semantic Change and Normative Twists* (Oxford: Oxford University Press, 2012), 70.

14 “New Diplomatic History.” <https://newdiplomatichistory.org/> (accessed on August 6, 2019).

15 Introduction to this Special Issue.

16 Loescher, G. “UNHCR’s Origin and Early History: Agency, Influence, and Power in Global Refugee Policy.” *Refuge* 33 (1) (2017), 78.

17 Glasman, J. “Seeing Like a Refugee Agency: A Short History of UNHCR Classifications in Central Africa (1961–2015).” *Journal of Refugee Studies* 30 (2) (2017), 337.

18 Introduction to this Special Issue.

2 The World Refugee Year (1959–1960)

This section concentrates on UNHCR's understanding of the international protection of disabled refugees (or "handicapped refugees" – the common terminology at the time) during the WRY. First, the section provides an overview of the WRY's origin and the situation of refugees at the time before outlining the WRY's objectives and specific focus on handicapped refugees. Subsequently, the section elaborates upon UNHCR's framing of and activities regarding handicapped refugees during the WRY. Lastly, the section reflects upon how UNHCR's WRY work regarding handicapped refugees influenced and was influenced by the political and organizational context at the time.

2.1 *The WRY's Origin and the Situation of Refugees in 1959*

While many other UN observances have been initiated over the past 70 years, the WRY was the first human-centered international year.¹⁹ The WRY took place from 1 June 1959 until 31 May 1960.²⁰ The 1956 Hungarian Revolution had produced a large number of refugees who were still living in camps in Western Europe in 1959.²¹ Due to Cold War considerations, this refugee population constituted a prominent political concern for Western governments.²² Moreover, the lack of solutions for Hungarian refugees contributed to a general sentiment that not only had the Second World War created refugees but that other events could leave people in similarly devastating and uprooted conditions.²³ As such, the plight of Hungarian refugees fueled an increasing sense of urgency to address and 'solve' refugee issues in Europe and beyond.²⁴

The WRY had been encouraged by four British journalists, and the United Kingdom government subsequently played a major role in advocating at the United Nations (UN) for the year's establishment.²⁵ Several authors suggest that, in the aftermath of the Second World War and with the experience of the resulting population displacements in mind, the idea of the WRY in Europe was grounded in a general desire to counteract a perceived "compassion

19 The only previous International Year had been the International Geophysical Year which took place in 1957–1958.

20 Harwood, E. "The World's Refugees: An Urgent Problem." *The World Today*, 15 (11) (1959), 428–29.

21 Gatrell, P. *Free World? The Campaign to Save the World's Refugees, 1956–1963* (Cambridge: Cambridge University Press, 2011), 47.

22 *Ibid.*, 53.

23 *Ibid.*

24 *Ibid.*, 76.

25 Harwood, "The World's Refugees," 428–29.

fatigue" towards refugees at the time.²⁶ Hence, the WRY had a strong moral connotation and its proponents hoped that the year would contribute to dealing with "the most serious moral obligation of this generation."²⁷ These moral sentiments characterized the WRY campaign and activities as well as the media coverage thereof.²⁸

Although the WRY emerged primarily (but not exclusively) as a European affair, the WRY was envisaged as having global reach with assistance programs for refugee populations in Europe as well as in the Middle and Far East.²⁹ Indeed, at the time, refugees were far from being exclusively a European issue. Approximately 2.5 million refugees were generally considered to be in need of assistance or a permanent solution.³⁰ One million of these refugees were displaced Palestinians who fell within the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).³¹ The remaining 1.5 million refugees fell within UNHCR's mandate. In the wake of the WRY, UNHCR identified six refugee populations for which solutions would have to be found: refugees who remained in camps in Europe (with a special focus on handicapped refugees who had been left behind), handicapped refugees outside of camps in Europe, European refugees in China, new refugees in Greece, refugees in Tunisia and Morocco, and Chinese refugees in Hong Kong.³²

However, in terms of UN decision-making, the WRY remained primarily a Western affair and the prominent role of UNHCR was opposed by the Soviet bloc.³³ In spite of a general lack of interest and engagement by communist countries during the WRY, UNHCR was nevertheless perceived as the partner of choice to internationalize the WRY efforts.³⁴ In addition to UNHCR, several other international actors contributed to promoting the WRY internationally. The most prominent of these was the WRY Secretariat, which was one of the main providers (or even the most important provider) of information on UN activities during the WRY. The WRY Secretariat's primary task was to stimulate

26 Ibid., 426–28; Gatrell, *Free World?* 83–84.

27 "World Refugee Year." *Social Service Review* 33 (3) (1959), 301.

28 Gatrell, *Free World?* 76.

29 Ibid., 77.

30 Harwood, "The World's Refugees," 426.

31 United Nations, *World Refugee Year Newsletter 21: The Refugee Companion*, (Geneva: United Nations, 1960), 10.

32 United Nations, *World Refugee Year: To Clear Refugee Camps in Europe*, (Geneva: United Nations, 1959).

33 Gatrell, *Free World?*, 90.

34 Ibid., 77–78, 137.

governments to participate in the WRY and, throughout the year, “to serve as co-ordinating and information centre for the world wide operation of the Year.”³⁵ Information campaigns involved the publishing of regular newsletters, illustrated pamphlets, visual media and radio programs.³⁶ The WRY Secretariat was headed by the Frenchman Claude de Kémoularia as Special Representative for the WRY and was staffed with a small number of employees on loan from other UN agencies.³⁷ Most of the WRY Secretariat’s material specifically refers to UNHCR activities and is likely to have been influenced by or drafted in collaboration with UNHCR, an important factor to keep in mind when focusing on UNHCR’s role during the WRY. Two other important international contributors to the WRY were the International Committee on the WRY which represented 80 voluntary and non-governmental organizations and the Intergovernmental Committee for European Migration (the predecessor of the International Organization for Migration).³⁸ However, since this study is concerned with the representation of disabled refugees by the UN and UNHCR specifically, their work is not further discussed in this article.

2.2 *The WRY’s Objectives and the Focus on Handicapped Refugees*

The primary goal of the WRY was to raise funds and awareness for the cause of refugees.³⁹ In addition, the year should provide relief and long-term solutions to those who were still living in camps in Europe.⁴⁰ It was also hoped that the year would increase the visibility of UNHCR and encourage countries to sign the 1951 Refugee Convention.⁴¹

In addition to these general objectives of the international community, UNHCR had more specific goals during the WRY and identified six refugee populations of particular concern (see above). It is remarkable that two of these six priorities for UNHCR during the WRY concerned handicapped refugees. No other group of refugees seems to have been identified in a similarly prominent manner right from the start of the WRY. Handicapped refugees appear to have been the only “special issue” group, apart from (to a lesser extent) children, that received such specific and explicit attention in the international arena during the WRY.

35 United Nations, *World Refugee Year Newsletter* 21, 3.

36 Ibid., 3–4.

37 Ibid., 3.

38 Ibid., 12.

39 Harwood, “The World’s Refugees,” 426–28.

40 Ibid., 430.

41 University of Nottingham, *Briefing Paper 7: World Refugee Year, 1959–60* (Nottingham: University of Nottingham, 2012).

This attention to handicapped refugees is not surprising considering the situation in 1959. According to the WRY Secretariat, there were an estimated 45,000 handicapped refugees in Europe, of which 10,000 were living in camps.⁴² The resettlement efforts in the years prior to the WRY had led to the “creaming off” of the population of refugee camps.⁴³ The refugees that were left behind in the camps in Europe were thus primarily “the old and handicapped.”⁴⁴ The situation of handicapped refugees in Europe at the time was thus described as the result of a “skimming process” in which the healthy and skilled refugees had been able to emigrate while disabled, elderly and economically inactive refugees had been left behind.⁴⁵ This process had led to a protracted encampment situation in which some refugees had been waiting for resettlement for more than ten years. The hopelessness of this situation is also reflected in the title of one of the WRY Secretariat’s brochures dealing specifically with the situation of handicapped refugees at the time: “The Long Wait.”⁴⁶

The WRY Secretariat hoped to achieve two primary goals through attention for handicapped refugees during the WRY: raise funds for their integration in society (for which it was estimated that US\$ 3.5 million would be required) and encourage states to relax their laws and regulations to facilitate emigration solutions.⁴⁷ UNHCR’s plans for handicapped refugees revolved around similar objectives: to raise additional funds for their rehabilitation and integration, to open up new opportunities for emigration and to generally improve the position of handicapped refugees.⁴⁸ In particular, the agency sought to contribute to finding durable solutions for the left-behind and forgotten refugees in Europe by removing “obstacles in the way of refugee travel,” working towards liberalizing the admission restrictions for refugees and breaking down “the old idea that the refugee is a burden on those who take him in.”⁴⁹ Hence, generating funds, raising awareness and creating resettlement opportunities for handicapped refugees were some of the primary international-protection efforts of UNHCR during the WRY.

42 United Nations, *World Refugee Year: The Long Wait – World Refugee Year and the Handicapped* (Geneva: United Nations, 1959).

43 Wand, S. “World Refugee Year.” *The British Medical Journal* 1 (5172) (1960), 563.

44 Ibid.

45 United Nations, *World Refugee Year: Welcome Overseas – Emigration may help to solve some refugee problems* (Geneva: United Nations, 1959), 8.

46 United Nations, *World Refugee Year: The Long Wait*, 1.

47 Ibid.

48 UNHCR, *After World Refugee Year Major Problems Still Require International Action* (Geneva: UNHCR, 1960).

49 Ibid.

2.3 *UNHCR's Framing of and Activities Regarding Handicapped Refugees during the WRY*

By the end of the 1950s UNHCR was still a primarily European organization, but the agency expanded into the developing world during the 1960s.⁵⁰ UNHCR's institutional structure and its initial dependency on the UN General Assembly meant that, prior to and partly during the WRY, the organization was largely dependent on donor governments – first and foremost the United States.⁵¹ Yet, the aftermath of the 1956 Hungary refugee crisis and the 1957 UNHCR assistance to Algerian refugees led the UN General Assembly to authorize UNHCR in 1959 to, from then on, decide freely which groups to assist without the need to continuously consult with the UN General Assembly.⁵² Hence, although, initially, the Cold War certainly had its grip on UNHCR, this influence became less prominent after the WRY.⁵³ Developments such as the 1961 erection of the Berlin wall put a halt on large numbers of refugees from Eastern Europe and made the United States lose interest in UNHCR's activities.⁵⁴ In addition, the wave of decolonization during the 1960s meant that new member states from Africa and Asia slowly joined the UN General Assembly which, in due course, allowed a different (and less United States-centered) attention to refugee issues and UNHCR's work.⁵⁵

The High Commissioners heading UNHCR during the WRY had been recruited from within the UN system (until the end of 1959 Auguste Lindt and from 1960 onwards Felix Schnyder – both from Switzerland), but they were independent from the UN Secretary General and reported directly to the UN General Assembly.⁵⁶ The rest of UNHCR's staff at the time consisted of a small and tight-knit group of employees and the decision-making structure was hierarchical, which granted the respective High Commissioners and senior staff a large influence on UNHCR's policies.⁵⁷

As mentioned above, one of the major efforts of UNHCR during the WRY revolved around handicapped refugees and the perceived urgency of having to clear the camps in Europe in which handicapped refugees had remained stuck for several years. As far as the archival material reveals, UNHCR's efforts

50 Loescher, "UNHCR's Origin and Early History," 81.

51 Ibid.

52 Ibid.

53 Ibid.

54 Ibid.

55 Ibid., 80.

56 Ibid., 79.

57 Ibid.

regarding handicapped refugees during the WRY were directed externally and did not involve any internal awareness-raising on this issue. The situation of handicapped refugees was framed as “[a]t the heart of the High Commissioner’s Camp Clearance Programme”⁵⁸ and the provision of solutions to these European handicapped refugees was thought of as the “cornerstone” of the camp clearance efforts during the WRY.⁵⁹

As part of these efforts, UNHCR tried to encourage countries to admit handicapped refugees by emphasizing the contributions they could make to their host society despite their handicap. As such, the WRY brochures which focused on UNHCR’s resettlement and camp clearance efforts in Europe emphasized that in many cases that were perceived as difficult to resettle, “the breadwinner is able to work” and “even where the breadwinner himself is handicapped in some way, he may work most effectively, and the family can contribute to the productive wealth of the [resettlement] country.”⁶⁰ Along similar lines, the WRY brochures highlighted that “refugees bring more than just their skill and training to the new country” and that “many of these handicapped persons are persons of moral stature and ability to utilize their resources in a way that benefits themselves as well as the receiving country.”⁶¹ Specific groups of handicapped refugees, such as elderly and chronically ill refugees, unmarried mothers and refugees who had been suffering from tuberculosis (TB) were depicted as “hard-working,” “thrifty,” “self-supporting” and as potentially “useful members of society.”⁶² In addition, the brochures provided examples of how “even the oldest and most recalcitrant may contrive to do useful work.”⁶³

These examples of the framing of handicapped refugees during the WRY suggest that disability was presented as a minor inconvenience so as to underline that handicapped refugees would not be a burden for the receiving society. As such, handicapped refugees were portrayed as self-sufficient workers and potential contributors to the societies (and economies) that would take them in. Being “‘technically’ unfit” due to “traces of former TB infection, limps, missing fingers due to an accident” was presented as a minor issue that did “not prevent a man from being a good carpenter or a skillful draughtsman.”⁶⁴

58 United Nations, *World Refugee Year: The Long Wait*, 2.

59 Ibid., 8.

60 United Nations, *World Refugee Year: Welcome Overseas*, 4; and United Nations, *World Refugee Year: The Long Wait*, 2.

61 United Nations, *World Refugee Year: Welcome Overseas*, 7.

62 United Nations, *World Refugee Year: The Long Wait*, 5–7.

63 Ibid., 5.

64 United Nations, *World Refugee Year: The Long Wait*, 4, 7.

The pictures in the respective brochures told a similar story and, rather than showing any disabilities, presented refugees as self-sufficient laborers by showing them at their work or in happy anticipation of their new life after resettlement.⁶⁵ Two pictures exemplify this conclusion: both represented healthy, able-bodied persons who had been resettled and were able to fully participate in society despite their disability. One of these pictures, for instance, shows a “draughtsman” at work whose “limp from childhood” remains hidden from sight. The picture’s subtitle, indicating that he was rejected for emigration because of his limp, almost suggests indignation in light of the fact that he is clearly able to nevertheless work in his profession.⁶⁶ Another picture shows a happy family with a strong, able-to-work-looking husband, which again hides any form of impairment despite the picture’s subtitle “New Zealand helps handicapped refugees.”⁶⁷

Yet, despite this prominent emphasis on empowerment and self-sufficiency, the framing of handicapped refugees in Europe during the WRY simultaneously exhibits some references to their vulnerability and need for protection.⁶⁸ As such, the resettlement of handicapped refugees to New Zealand, for instance, was heralded as “humanitarian action,” “investment in human dignity” and “a great drama of human rescue.”⁶⁹ In addition, handicapped refugees were perceived as victims of their environment: as people whose “morale has not stood the terrible test of the years,” as “residue of broken people who must have care for the rest of their days” or as the “unfortunates.”⁷⁰ Along similar lines, the WRY brochures underlined that “it is not their fault that they have had to spend idle years in camps.”⁷¹ In particular, refugees with mental-health issues were re-framed as victims of the depressing effects of the long and idle time they had to spend in the camps.⁷² All these references suggest that handicapped refugees were simultaneously framed as victims in need of benevolent assistance and as having little ability to change their situation without help.

This combination of a focus on both self-reliance-focused empowerment and benevolent humanitarianism also becomes apparent in UNHCR’s

65 Ibid., 4–5.

66 United Nations, *World Refugee Year: The Long Wait*, 4.

67 United Nations, *World Refugee Year: New Zealand Helps Handicapped Refugees* (Geneva: United Nations, 1959), 1.

68 For similar observations in a different context compare for instance Glasman, “Seeing Like a Refugee Agency,” 337–362.

69 United Nations, *World Refugee Year: New Zealand Helps Handicapped Refugees*.

70 United Nations, *World Refugee Year: The Long Wait*, 8.

71 Ibid., 2, 5.

72 Ibid., 4.

classifications of handicapped refugees during the WRY. UNHCR distinguished handicapped refugees that had to be resettled into four categories:

- “Those who will have to go into institutions, and for whom the changes of rehabilitation are slender. This includes cases of chronic sickness, and extreme old age.”⁷³
- “Refugees who cannot be rehabilitated, but do not require placement in institutions. These are principally the aged able to look after themselves, and certain post-TB patients.”⁷⁴
- “Physically handicapped refugees who can be rehabilitated.”⁷⁵
- “Socially handicapped cases. Many of those can be rehabilitated. They include unmarried mothers, large families with insufficient income, alcoholics (frequently due to the camp environment) and certain unruly elements due to the same cause.”⁷⁶

The first of these four categories seems to reflect a focus on vulnerability and need for assistance due to bodily impairments. Yet, the other three categories emphasize self-sufficiency and rehabilitation possibilities. What is particularly noteworthy in this classification is the notion of “socially handicapped cases,” which suggests a broad and contextualized understanding of disability that is not necessarily exclusively linked to bodily impairment but can also arise from external socio-economic factors.

Overall, UNHCR’s framing and activities regarding handicapped refugees during the WRY appear dominated by a desire to highlight and focus on the economic value of refugees. Yet, this focus is also infused with some attention to bodily impairment and vulnerability.⁷⁷

2.4 *Contextualizing UNHCR’s WRY Work Regarding Handicapped Refugees*

Despite UNHCR’s efforts to raise awareness about handicapped refugees during the WRY, only a small number of countries answered the organization’s call for resettlement and other forms of assistance. One country that was particularly prominently covered in its efforts to resettle handicapped refugees was

73 Ibid., 2.

74 Ibid.

75 Ibid.

76 Ibid.

77 See Glasman, “Seeing Like a Refugee Agency,” 337–362.

New Zealand. The country's initiative to resettle 50 refugee families in which at least one person was considered "handicapped" was presented as a success story, and New Zealand officials were quoted in the WRY brochures as stating that "no immigrants have resettled so swiftly or willingly as these refugees."⁷⁸ Yet, despite the broad and encouraging coverage of these resettlement efforts, few other countries were willing to resettle handicapped refugees. Australia initially accepted 20 refugee families with a handicapped family member and later raised this number to 200 families.⁷⁹ Other countries that became involved in more limited resettlement efforts of handicapped refugees during the WRY included Canada, Norway and Sweden.⁸⁰

Despite this limited response to UNHCR's advocacy efforts to resettle handicapped refugees, UNHCR concluded in its evaluation of the WRY's impact that the "[c]oncept of the 'unemigrable' refugee is gradually disappearing."⁸¹ The number of handicapped refugees living in camps in Europe had been reduced and the number of ratifications of the 1951 Refugee Convention increased in the years subsequent to the WRY.⁸² Yet, it remains questionable whether and to what extent this was due to UNHCR's efforts during the WRY. As Gatrell holds in a more general evaluation of the WRY, the interest in refugees in most countries could not be sustained, was superficial and remained without any long-term commitment.⁸³ Thus, the direct effects of UNHCR's WRY activities in general and, specifically, for handicapped refugees remain somewhat contested.

Nevertheless, mutual influences between the political context, organizational objectives and the framing of handicapped refugees remain. UNHCR's activities and framing of disability and displacement during the WRY emphasized the economic value of handicapped refugees while simultaneously seeking to foster feelings of moral responsibility and solidarity through underlining their vulnerability. This combination reflects the international political context at the time, and UNHCR's approach can be understood as a result of the organization's desire to navigate and benefit from some of these international dynamics: countries sought to benefit from the WRY on those refugee issues that were in their national interest.⁸⁴ Hence, it is likely that UNHCR tried to

78 Ibid., 3.

79 Browne, P. *The Longest Journey: Resettling Refugees from Africa* (Sydney: University of New South Wales Press, 2006), 19.

80 United Nations, *World Refugee Year: Welcome Overseas – Emigration may help to solve some refugee problems* (Geneva: United Nations, 1959).

81 UNHCR, *After World Refugee Year Major Problems Still Require International Action*, n.d. [1960], UNHCR Archive, Geneva.

82 Ibid.

83 Gatrell, *Free World?* 138–139

84 Ibid., 138–139.

fashion the issue in accord with the national interests of countries who could contribute to the solution of the problem. The situation of handicapped refugees was perceived as an issue that required an urgent solution and the above analysis reveals that UNHCR's activities on handicapped refugees were focused on promoting the issue primarily among states and at the international level. Given the relatively protracted situation of those handicapped refugees, UNHCR sought alternative ways to promote the cause of handicapped refugees. In light of the post-war labor shortages during the 1950s and early 1960s, an emphasis on the economic value of handicapped refugees likely seemed useful for refashioning the refugee issue along national-interest lines. Additionally, the general moral undertone of the WRY provided UNHCR with the possibility to appeal to sentiments of benevolence and compassion to further the humanitarian plight of handicapped refugees.

This conclusion relates to the potential use of UN observances as diplomatic tools: While one should always be careful about generalizing from specific cases, UNHCR's WRY experience suggests that the UN observances function as useful diplomatic tools only when the international climate is favorable and international actors are aware of, able and willing to promote the issue the observance seeks to address. A small group of journalists was able to push for the abstract idea of the WRY and the year as such brought much renewed attention to the refugee issue. However, UNHCR's advocacy efforts regarding handicapped refugees were unable to produce large commitments and concrete actions by states. In essence, UN observances might therefore only be as effective as the extent to which different national and international actors are willing to engage with the specific issue. Nevertheless, without the WRY it might have been more difficult for UNHCR to advocate on behalf of the handicapped refugees that had been left behind in Europe. Indeed, the WRY might have sharpened UNHCR's perception of the need for a new frame for international-protection issues. It promoted the understanding of refugees beyond mere legal considerations of international protection and contributed to a more complex understanding of their plight along lines of both empowerment and vulnerability.⁸⁵

3 The International Year of Disabled Persons (1981)

Since the IYDP did not focus directly on refugees, this section is structured slightly differently than the previous section on the WRY. The section first

85 See Glasman, "Seeing Like a Refugee Agency," 337–362.

describes the situation of refugees and the role of UNHCR immediately prior to and during the 1981 IYDP. The section then outlines the IYDP's origin, its objectives and the (lack of) attention to disabled / handicapped refugees (both terms were used interchangeably during the IYDP). Subsequently, the section elaborates upon UNHCR's framing and activities regarding the international protection of disabled refugees during the IYDP. Lastly, the section reflects upon how UNHCR's IYDP work regarding disabled refugees influenced and was influenced by the political and organizational context at the time.

3.1 *The Situation of Refugees and the Role of UNHCR in 1981*

The late 1970s and early 1980s saw an intensification of the Cold War and a shift in the bipolar structures of the conflict.⁸⁶ This resulted in the internal wars in the global South becoming increasingly globalized, and conflicts in Indochina, Afghanistan and different parts of Africa forced a large number of people to flee their countries.⁸⁷ Most of these persons remained trapped in refugee camps for much of the next decade.⁸⁸ As global mobility increased, more and more of these refugees made their way to Western countries, thereby leading to a perceived asylum crisis that put UNHCR into direct conflict with Western governments.⁸⁹ Although UNHCR's annual budget doubled every year from 1978 to 1980, the agency's position as the principal authority on refugee issues became increasingly threatened by these developments.⁹⁰

UNHCR had increasingly become unable to act: for most refugees the possibility of return was beyond reach since the situations in the countries of origin remained volatile or the countries did not want to welcome back refugees.⁹¹ The relationship between the Soviet Union and the United States was frozen, which made the search for other solutions equally challenging. In addition, most of UNHCR's donors were Western countries who were primarily interested in supporting anti-communist refugees.⁹² Hence, Loescher suggests that, for Western governments, supporting UNHCR became primarily an alibi to hide their lack of commitment to actual conflict resolution and painted over the failure of the international community to identify adequate alternatives

86 Loescher, G. *The UNHCR and World Politics: A Perilous Path* (Oxford: Oxford University Press, 2001), 12.

87 Ibid.

88 Ibid., 13–14.

89 Ibid., 13.

90 Ibid.

91 Ibid.

92 Ibid., 12–13.

to the prolonged and discouraging encampment of refugees.⁹³ UNHCR's budget expansion had thus primarily been due to a political stalemate that forced UNHCR to focus on expensive programs that were aimed at basic assistance and contributed to the maintenance, rather than any resolution, of protracted situations.⁹⁴

In addition, while UNHCR had maintained a certain monopoly on information and expertise regarding refugees, the 1980s marked a turning point in this respect as other actors as well as other sources of information on refugee issues became increasingly prominent.⁹⁵ Additionally, UNHCR had to defend itself against fierce criticism of its engagement in militarized refugee camps and had difficulties in maintaining a humanitarian and impartial stance.⁹⁶

Hence, the political stalemate combined with a generally reactive rather than proactive approach weakened UNHCR's power position during the 1980s. UNHCR became increasingly associated with expensive long-term humanitarian relief, and the diverging aims of UNHCR and its donor countries meant that UNHCR fought for, but ultimately lost, its position as principal actor and authority on European asylum and refugee policy.⁹⁷

3.2 *The IYDP's Origin, Objectives and the Limited Attention to Refugees*

The IYDP developed separately from the above-described refugee issues, and UNHCR's involvement during the year remained limited. Unlike the WRY, the IYDP had not been the idea of a small group of national activists but had developed out of the international community's desire to implement the UN General Assembly's 1975 Declaration on the Rights of Disabled Persons.⁹⁸ As such, the IYDP was proclaimed by the UN General Assembly in 1976 and propagated the central theme of "full participation and equality."⁹⁹

The UN General Assembly resolution proclaiming the IYDP referred to persons with disabilities as having the right "to participate fully in the social life and development of their societies and to enjoy living conditions equal to those of other citizens."¹⁰⁰ To realize this right, the resolution mentioned five principal objectives: to help disabled persons adjust in society, to promote full

93 Ibid., 13.

94 Ibid.

95 Ibid., 6.

96 Ibid., 12–13.

97 Ibid., 13.

98 Gutestam, M. "International Year of Disabled Persons: Seeking self-reliance." *UN Chronicle* (June 1991), 76–77.

99 United Nations, General Assembly Resolution A/RES/31/123 (December 16, 1976).

100 Ibid.

integration through “proper assistance, training, care and guidance” as well as “opportunities for suitable work,” to encourage research on disability issues, to educate and inform the public about disability rights and to promote prevention and rehabilitation measures.¹⁰¹ No specific groups of disabled persons were mentioned and no explicit attention was paid to disabled refugees.

As far as the role of UN agencies during the IYDP was concerned, the World Health Organization (WHO) took the lead and devised a large array of activities and measures to promote the year. These included technical contributions such as the formulation of policies and manuals as well as support to the IYDP secretariat and the facilitation of collaboration with other UN agencies. Moreover, WHO paid specific attention to disability in its general programs related to issues such as family health, mental health and non-communicable diseases.¹⁰² Once more, however, no specific attention was paid to refugees and/or to (any collaboration with) UNHCR.

3.3 *UNHCR's Framing and Activities Regarding Disabled Refugees During the IYDP*

UNHCR's archival material on the IYDP is scarce – thereby reflecting the agency's limited engagement with the IYDP and the limited attention to disabled refugees during the year. A letter from the Chief of UNHCR's Fund Raising Section to the Deputy Director of the External Affairs Division even explicitly advised that “UNHCR's involvement should be very limited – less than what we did for the Women's Decade” and fundraising should merely aim at “perhaps some temporary help in collecting appropriate data from the Regional Sections or the field.”¹⁰³ Another letter to the Deputy Director of External Affairs similarly emphasizes that “UNHCR has a programme for the disabled,” thereby implying that little additional action would be required.¹⁰⁴

Simultaneously, however, the same letter suggests that the IYDP provides an opportunity for UNHCR to promote this program for disabled refugees and “a climate in which one can facilitate the education of the public as to the value of and necessity for such a programme.”¹⁰⁵ Moreover, the letter calls for some

¹⁰¹ Ibid.

¹⁰² World Health Organization. “WHO's Cooperative Activities within the United Nations System for Disability Prevention and Rehabilitation.” *World Health Assembly* 31 (1981).

¹⁰³ UNHCR, Letter to the Deputy Director of External Affairs titled “Fund Raising Involvement in IYDP 1981,” September 19, 1980, UNHCR Archive, Geneva.

¹⁰⁴ Underlined in original. UNHCR, Letter to the Deputy Director of External Affairs titled “Public Information plans for IYDP, 1981,” September 30, 1980, UNHCR Archive, Geneva.

¹⁰⁵ Ibid.

fundraising on the issue and suggests that the IYDP could facilitate advocacy to persuade the public, governments and other agencies to resettle “hardship cases.”¹⁰⁶ This suggestion, which was subsequently implemented during the IYDP, recalls UNHCR’s activities during the WRY and similarly reflects UNHCR’s apparent attempt to use the observance to push for resettlement.

Nevertheless, UNHCR’s media engagement regarding disabled refugees during the IYDP remained limited. The two primary achievements in this respect appear to have been the co-production and financing of two films that focused on or included disabled refugees: the film “Trois Pas hors de Frontières” produced by Radio Television Suisse Romandie included “the problem of the socially and culturally handicapped refugee.”¹⁰⁷ The second film, an Academy Award-nominated short-film documentary called “It’s the Same World,” was co-produced with UNICEF and focused on persons with disabilities who seek full participation and equality across the globe.¹⁰⁸

In addition to these awareness-raising activities, UNHCR primarily sought to integrate attention for disabled refugees into its already existing activities.¹⁰⁹ As such, some additional funds were raised for already planned or implemented field projects for disabled refugees in several countries. In Thailand, UNHCR implemented a “Handicap Processing Centre” in order to improve assistance for handicapped refugees and to focus on assisting them to attain “self-reliance.”¹¹⁰ A similar center had been set up by UNHCR in Malaysia immediately prior to the IYDP but was nevertheless mentioned by UNHCR’s Deputy High Commissioner as one of UNHCR’s achievements during the IYDP.¹¹¹ In addition, UNHCR emphasized its work on the provision of medical and social services for disabled refugees in Tanzania as an IYDP achievement although these efforts had also already been planned before, and were unrelated to, the IYDP.¹¹² Lastly, UNHCR initiated or made plans for psychiatric assistance projects for refugees in Spain, Venezuela and Belgium, which UNHCR’s Deputy High Commissioner equally presented as one of UNHCR’s activities for the IYDP.¹¹³ Although these

106 Ibid.

107 UNHCR, Letter to the UNHCR Committee on Contracts titled “TV-Film Coproduction with RADIO TELEVISION SUISSE ROMANIE,” October 27, 1981, UNHCR Archive, Geneva.

108 UNICEF, Letter to UNHCR New York, April 6, 1981, UNHCR Archive, Geneva.

109 UNHCR, “Draft speech of the Deputy High Commissioner at the Plenary Session of General Assembly on IYDP,” n.d., UNHCR Archive, Geneva.

110 Ibid.

111 Ibid.

112 Ibid.

113 Ibid.

activities were discussed at length by the Deputy High Commissioner in his speech to the UN General Assembly at the end of the IYDP, they seem to have been part of UNHCR's mainstream activities rather than specific IYDP-related work.

An arguably more directly related UNHCR activity that grew out of the IYDP was UNHCR's endeavor to conduct surveys among its own field offices in order to establish the "number and needs" of disabled refugees.¹¹⁴ This revealed the difficulties experienced by asylum-receiving countries in identifying disabled refugees and led UNHCR to develop an identification mechanism for this purpose.¹¹⁵

In general, the IYDP also seems to have facilitated UNHCR's increasing focus on and acknowledgement of mental disabilities, trauma and "psychological stress" among refugees as potentially relevant to the agency's international-protection efforts.¹¹⁶ What might have been most remarkable about UNHCR's engagement during the IYDP was therefore the inclusive statement with which the UNHCR Deputy High Commissioner opened his speech to the UN General Assembly at the end of the IYDP, namely that UNHCR "considers all refugees as handicapped in the sense that they suffer from the disability of fear, of persecution, of homelessness, of want, of uncertainty about their future. Among those, the refugees who suffer from a mental or physical disability are the victims of an added handicap."¹¹⁷ On this basis, the Deputy High Commissioner underlined UNHCR's understanding of all refugees as equally in need of international protection but simultaneously emphasized a "special responsibility towards those refugees who suffer from a disability of physical or mental nature."¹¹⁸

This inclusive statement underlining the vulnerability of all refugees is particularly remarkable: it suggests that UNHCR did not feel a particular urgency to single out disabled refugees but, instead, reframed the IYDP to emphasize the suffering of all refugees. In addition, UNHCR's understanding of disability along the lines of mental health, trauma and the body in general seems to reflect an emphasis on vulnerability, compassion and humanitarianism. Yet, in light of the IYDP's central notion of "full participation and equality," UNHCR also paid some, albeit limited, attention to the need to work towards the self-reliance of disabled refugees.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

3.4 *Contextualizing UNHCR's IYDP Work Regarding Disabled Refugees*

The fact that UNHCR considered all refugees as disabled due to their uprootedness is a remarkable statement in relation to access to, and inclusivity of, international protection. Yet, UNHCR's success regarding its resettlement appeal for disabled refugees during the IYDP remained questionable: although the Deputy High Commissioner suggests that some countries responded to UNHCR'S call to resettle disabled refugees, the exact numbers or countries remain unknown.¹¹⁹ It is equally unclear to what extent any such resettlement efforts were beyond what countries had already agreed on doing as part of the 1974 "Ten-or-more"-appeal.¹²⁰ Yet, at the closure of the IYDP, UNHCR pledged to remain committed to continue searching for durable solutions for disabled refugees.¹²¹

The relevance of UNHCR's work during the IYDP with regard to disabled refugees likely did not lie in these resettlement efforts. Instead, the Deputy High Commissioner emphasized the year's influence upon UNHCR itself. As such, it seems that the IYDP had contributed to an increased sensitivity for "the special needs and problems of disabled refugees" within the organization.¹²² The Deputy High Commissioner's speech to the UN General Assembly suggests that the IYDP brought new issues into the spotlight and "created awareness and recognition of the fact that given the opportunity and needed assistance the disabled can attain self-sufficiency, participate effectively in community life and instead of living a life of dependency can contribute to the well-being of their own selves, their families and their communities."¹²³ The findings that the IYDP stimulated UNHCR to conduct surveys about the gravity of the issue among its field offices and revealed the need to develop an internal identification mechanism for disability underline this conclusion.

The general lack of awareness about the link between disability and displacement at the time is also reflected in the absence of any reference to refugees in the World Programme of Action concerning Disabled Persons that was devised at the end of the IYDP to further the year's achievements.¹²⁴ A few years later, however, the refugee issue seems to have caught on: the 1988 implementation document to the World Programme of Action concerning Disabled Persons does refer to disabled refugees and holds that UN member states should

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ United Nations, General Assembly Resolution A/RES/37/52, December 3, 1982.

“develop services and facilities to promote the rehabilitation and equalization of opportunities of disabled women, elderly disabled persons, mentally ill and other mentally impaired persons, multiple disabled persons, disabled refugees and disabled migrants.”¹²⁵

In light of UNHCR’s increasingly challenged position and political lockdown at the time it is not surprising that the agency’s activities regarding disabled refugees during the IYDP remained limited.¹²⁶ UNHCR received the Nobel Peace Prize in the same year as the IYDP and there existed momentum for the cause of disabled persons. However, the international community’s willingness to engage in refugee issues as such remained limited at the time. In addition, it is likely that the new mobility of “‘jet age’ refugees” allowed only the able-bodied to move to places beyond their neighboring countries.¹²⁷ Advocacy for disabled refugees might therefore have remained somewhat under the radar for UNHCR during the IYDP.

Although internal voices initially considered the IYDP as an opportunity to create external visibility for UNHCR’s disability-related programs and for the resettlement of disabled refugees, the agency’s actual commitment to this effect seems to have remained limited in the end. It appears that, rather than having been used by UNHCR as a diplomatic tool to advance the cause of disabled refugees, it was the IYDP which raised awareness about the plight of disabled refugees within UNHCR in the first place. Without the IYDP, UNHCR might not have become aware of the relevance of disability issues for its own work at the time.

4 Comparing UNHCR’s Engagement with Disability and Displacement During the Two Years

This article sought to shed light on UNHCR’s understanding of disabled refugees during the WRY and the IYDP and, specifically, on how this understanding is intertwined with the international-protection activities that were undertaken on their behalf during the two years. The above analysis suggests that UNHCR prominently engaged to raise awareness and act on behalf of disabled refugees during the WRY (albeit with limited success) but only felt this need to a very limited extent during the IYDP.

¹²⁵ United Nations, General Assembly Resolution A/RES/43/98, December 8, 1988.

¹²⁶ See also section 3.1 above.

¹²⁷ Loescher, *The UNHCR and World Politics*, 13.

UNHCR's engagement with disabled refugees during the two UN observances reveals the framing of disabled refugees both along the lines of the economic rationale of self-sufficiency and along the lines of the humanitarian rationale of vulnerability.¹²⁸ UNHCR's framing and activities regarding handicapped refugees during the WRY were dominated by a desire to highlight and focus on the economic value of disabled refugees. Yet, UNHCR's framing equally paid some, albeit limited, attention to the bodily impairment and basic needs of handicapped refugees – thereby emphasizing their vulnerability. This suggests an attempt to present refugee issues along what was perceived as best-selling frames during the WRY: the economically valuable refugee worker that could combat labor shortages and the innocent victim of the environment in need of selfless, compassionate assistance. UNHCR's engagement in the IYDP tells a slightly different story: UNHCR was reluctant to even engage in the year and seemed less aware of the potentially different protection needs of disabled refugees. As such, UNHCR's activities during the year had little success in promoting the cause of disabled refugees externally to UNHCR. Nevertheless, the IYDP seems to at least have contributed to some awareness-raising within UNHCR about disabled refugees. Interestingly, UNHCR did not single out disabled refugees during the IYDP but instead framed all refugees as being disabled due to their uprootedness. Rather than trying to “normalize” disabled refugees by emphasizing their economic value (as had been the case during the WRY), UNHCR therefore emphasized the opposite: the difficulties of refugees, their vulnerability and their difference.

This difference in UNHCR's approach during the WRY and the IYDP can best be understood in light of the institutional and political climate during the two years: despite the alleged neutrality of UNHCR as humanitarian actor, the organization is “at constant risk of being viewed as political.”¹²⁹ Hence, as Barnett suggests, “[n]o single factor, not money and not identity, completely explains the emerging pattern” of the policies of humanitarian agencies like UNHCR at a specific point in time.¹³⁰ Nevertheless, UNHCR's framing of and actions for disabled refugees reflect how the agency had to constantly balance long-term policy goals against the need to respond to recent events and crises: while during the WRY the urgency of recent events prevailed and encouraged UNHCR to advocate on behalf of disabled refugees, UNHCR's limited engagement during the IYDP reflects the agency's threatened international position, which made

128 See Glasman, “Seeing Like a Refugee Agency,” 337–362.

129 Barnett, *M. Empire of Humanity* (Ithaca: Cornell University Press, 2011), 149.

130 *Ibid.*, 139.

UNHCR reluctant to prominently engage with the issue. While in 1959 there was some momentum for resettling handicapped refugees from Europe to other Western countries, the opposite was the case in 1981 when Western countries were reluctant to take on refugees from other parts of the world – thereby forcing UNHCR into a political check-mate. Additionally, UNHCR was the primary UN agency responsible for advocating for refugees in 1959 – thereby making the organization a logical main actor at the UN during the WRY. During the IYDP in 1981, on the other hand, UNHCR did not automatically have such a direct link with the issue of the observance and the role of the main actor at the UN was taken on by the WHO instead.

Both cases reveal the political nature of classifications and frames for the international protection of disabled refugees. Disabled refugees were framed (and used) differently at different points in time – depending on the political and organizational objectives dominant at the time. Self-sufficiency, basic needs and vulnerability arguments were thus employed as political tools to advocate for and advance UNHCR's organizational interests and agenda in (what was perceived as) the most effective manner at the time.¹³¹

Hence, the international protection of disabled refugees is not static but, instead, remains repeatedly reconstructed. This is important to keep in mind since, as Zetter holds, the classification of refugees usually entails a process “in which stereotyped identities are translated into bureaucratically assumed needs” thereby providing these classifications with “a selective, materialist meaning.”¹³² In order to ensure the adequate, effective and inclusive protection of and assistance to disabled refugees one therefore has to be aware of the political origin of any such classifications, pay specific attention to marginalized voices and adopt a nuanced approach to international protection. Understanding that different frames of disabled refugees exist, have shifted and sometimes gone hand-in-hand with each other in the past can increase our awareness of the limitations of any one-size-fits-all approach to bureaucratic classifications and policy labels.

131 See Glasman, “Seeing Like a Refugee Agency,” 337–362.

132 Zetter, “Labelling Refugees,” 39.