The Policies of UNHCR in Central and Eastern Europe

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Introduction
Before giving a brief description of the UNHCR’s policies in Central and Eastern Europe — the main purpose of this essay — I want to start by painting the image of a refugee. Although one may object that this is like learning to ride a bicycle without actually being in possession of one, we should at least bear in mind that a refugee or displaced person is an individual exposed to a traumatic experience characterized by a loss of personal possessions, security and, as is often the case, dignity. Millions of human beings suffer the humiliation, perils and consequences of enforced flight. Persecuted on the grounds of race, religion, nationality or political opinion, denied their natural right to enjoy life in surroundings familiar to them, individuals often seek safety elsewhere.

It was the experience of the Second World War and the atrocities perpetrated during its course that prompted the international community to concerted action in respect of human rights in general, and refugees in particular. An additional impetus for the creation of the United Nations High Commissioner for Refugees (UNHCR) was the problem of those fleeing the imposition of communism or of the millions of displaced persons refusing to return to countries under Soviet domination.

The fact that refugees constitute a distinctly vulnerable category of persons who lack the protection of their country of origin and are thus in need of, or are outrightly dependent on systematic international protection, led to the creation of the UNHCR, one of the subsidiary organs of the General Assembly entrusted with providing international protection and seeking permanent solutions for refugee problems (voluntary repatriation, integration or resettlement).2

It is not my intention to trace here the history of the UNHCR from the first High Commissioner of the League of Nations, the eminent Norwegian explorer, humanist and diplomat Dr. Frijdhof Nansen appointed in 1921, 1921.

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1. This article is based on a paper presented to the Netherlands Helsinki Committee course on International Human Rights Protection and Domestic Legal Systems for Officials from Romania, The Hague, The Netherlands, 29 January 1993. The opinions presented in this article reflect the views of the author and not necessarily those of the UNHCR.
2. Constituted according to Article 22 of the UN Charter; the nature of its activities are to be entirely non-political, humanitarian and social. For the creation of UNHCR refer to General Assembly Resolution 428 (5), dated 14 December 1950, by which the Statute of the Office of the UNHCR was adopted; the new organization commenced operation on 1 January 1951. As of 31 December 1992 111 States had acceded to the 1951 Convention, 112 to its Protocol and 115 to one of the two.
through the work of the United Nations Relief and Rehabilitation Administration, the International Refugee Organization and the first UNHCR mandate in 1951. Much as it may be meaningful to a better understanding of the tasks facing the present High Commissioner, Mrs. Sadako Ogata, such an excursion would go beyond the scope of the present article.

It is rather ironic that an organization which was initially created in 1951 for the ‘temporary’ period of three years and which another nine years later supervised the dismantling of the last post World War II refugee camps in Europe, has seen its mandate repeatedly extended, most recently to 31 December 1998.\(^3\)

UNHCR’s efforts to extend protection, provide assistance or to seek solutions for some 18 million refugees throughout the world have, of course, their limits. Humanitarianism is not a foolproof antidote, let alone a cure for political problems. Another relevant fact is that while most needy refugees and displaced persons find themselves in some of the poorest countries of the world, the funds necessary to arrange for relief are not unlimited. Yet, the unprecedented demands on UNHCR have been matched by record high voluntary contributions on which the organization is totally dependent (in fact only a small proportion of UNHCR’s administrative costs are financed from the regular budget of the United Nations). Nevertheless, even with a billion dollar budget scores of human beings, entire generations, have grown up and linger in camps, with hopes of repatriation dashed by continued threats of persecution, bloodshed or other conditions precluding any return in safety and dignity.\(^4\)

New World Order

Some four decades after UNHCR’s establishment the world has emerged from the perhaps predictable, but self-destructing stability of the cold war. Of course, the demise of totalitarian systems is not an end in itself, nor is the process very straightforward or transparent. What is obvious is that a new order must replace the prevailing disorder. One characteristic of this new order is the gradual edging away from the classical interpretation of state sovereignty. A restrictive interpretation of article 2, paragraph 7 of the UN Charter has become outdated.

It is true that hitherto the State has been largely free to treat its citizens as it chooses. What happened within its borders was in principle nobody else’s business. By contrast, today the list of States which remain unconcerned by allegations that internationally adopted human rights standards have been disregarded has shrunk as quickly as the list of those which attempt to portray

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4. In the past year a million Somali refugees have fled to neighbouring countries (over 400,000 are in Kenya), 1,5 million refugees fled from Mozambique into Malawi and Zimbabwe, hundreds of thousands poured out from Myanmar; internal strife affects or threatens entire regions of the former Soviet Union. Where a return is possible, UNHCR facilitates repatriation. UNHCR pursues repatriation operations to Afghanistan, Cambodia, Ethiopia, Iraq, and South Africa.