
THE HISTORICAL EVOLUTION OF THE INTERNATIONAL REFUGEE LAW AND THE UNHCR

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ABSTRACT

The past decade has seen the upsurge in the refugee crisis throughout the globe. Refugee crisis is the forceful displacement of people from their country due to lack of a political solution. It arises due to several factors such as internal conflicts, wars, climate crisis, human rights violations and so on. Whatever may be the cause, the result is the loss of home, loss of livelihood, separation from families, deprivation of nationality and death in extreme cases. The victims are forced to move from their country to other countries-usually through illegal means-and be dependant on the host country for their survival. More often than not their basic civil liberties and humanitarian standards of survival are not met with. The history is replete with such incidents starting from Russian Refugee Crisis to German Refugee Crisis to Rohingya Refugee Crisis of the present. This article is an attempt to trace the historical evolution of the International Refugee Law in response to the refugee plight through different timelines. It highlights the role of several agencies in dealing with the crisis as and when it unfolded, leading to the formation of a legal framework on Refugee Crisis. The article underlines the development of the Refugee Convention, the evolving definition of 'Refugees' and the establishment of the UNHCR as a body for addressing the catastrophe.

Keywords: Refugee Crisis, Historical Evolution, Refugee Convention, UNHCR

I. INTRODUCTION

The evolution of International Refugee Law can be divided into two phases that is, League of Nations (1921-1946), which was established after World War I (1914-1918) and the phase of United Nations (1946 onwards). Both the phases have seen significant rise in the number of people seeking refuge in other countries. There was no legal document that governed situations of these kinds and the 'humanitarian' aspect was critically lacking. It was only during the Russian Refugee crisis in 1920 that some developments started taking place for the protection of thousands of refugees. The paper would cover the historical evolution and development of the International Refugee Law and would also deal with United Nations High Commissioner for Refugees.

The historical evolution of the international refugee law can be broadly framed in the following timeline manner:

- I. First international agency dealing with refugees, the High Commission for Refugees, established by the League of Nations under the direction of Fridtjof Nansen on June 27, 1921.
- II. In 1924 the International Labor Organization assumed responsibility for material assistance, but five years later returned this function to the High Commission.
- III. The Nansen International Office for Refugees was established after Nansen's death in May, 1930 and later the High Commission for Refugees was abolished. Thereafter, the League Secretariat assumed responsibility for the protection of the refugees, and that for material assistance was vested in the Nansen International Office for Refugees, an autonomous body under the authority of the League.

III.1 Adoption by fourteen countries of the Refugee Convention of 1933 is one of the notable accomplishments of the Nansen Office.

III.2 The problem of German refugees after National Socialism came to power in Germany became so acute in 1933 that the League established a High Commission for Refugees coming from Germany.

IV. UN Resolution 1946 and the ECOSOC Resolution for Special Committee on Refugee and Displaced Persons

V. UNRWA (for Palestinian People)

VI. International Refugee Organization (IRO)

VII. UNHCR

II. RUSSIAN REFUGEE CRISIS AND THE HIGH COMMISSION FOR RUSSIAN REFUGEES

Civil War broke out in Russia between the Bolsheviks and everyone else. As the war progressed, it was realized that the Bolsheviks would succeed. This led to huge outflow of citizens from Russia. While many were peasant farmers who were caught in the crossfire, but unlike many refugee crises, we see a lot of elites, both Civil and Military classes, fled Russia.¹ These people spread across the world and came to be known as the White Emigres. One of the scholars Haochen Wang describes the situation as “appearance of an unexpected arrival of an odd fleet, or more specifically, a motley collection of warships, mail ships, tugs, and icebreakers”². The arrival of thousands of displaced population at Constantinople turned out to be a burden on its political, logistical and financial set up. The international organizations such as International Committee of the Red Cross (ICRC), Save the Children Union etc were concerned about the poor living conditions of the people living at Refugee Camps. Ultimately, pressure was put on League of Nations to solve the problem, which could have been done at international level only. League of Nations created a High Commission for Russian Refugees (HCR), whose purpose was to fathom the refugee problem

¹ Jack Horan, White Emigres: A Look at the Russian Refugee Crisis of the 1920s *available at* <https://challengingborders.files.wordpress.com/2016/12/horan-russian-refugee-crisis.pdf>, *last accessed* 13/12/2023.

² Wang, Haochen, Citizens of No State: Daily Life of Shanghai White Russians, 1920s-1930s, (2013) *available at* [http://www.indiana.edu/~psource/PDF/Archive Articles/Fall2013/2013](http://www.indiana.edu/~psource/PDF/Archive%20Articles/Fall2013/2013), *last accessed* 18/12/2023.

through repatriation or naturalisation; to help coordinate relief efforts; to find work for the refugees and to examine legal solutions.³ The main concern of the Russian refugee legal experts was the statelessness of the people, which deprived them of their meaningful rights. Hence they evolved a new category called 'refugee status' which laid the foundations for the legal protection of refugees in the twentieth century.

High Commission for Russian Refugees (HCR)

First international agency dealing with refugees was the High Commission for Refugees (HCR) which was established by the League of Nations under the direction of **Fridtjof Nansen in 1921**. Nansen served as the League's first High Commissioner for Refugees from 1920-1930, helping hundreds of thousands of refugees to return home. His efforts enabled many others to become legal residents and find work in the countries where they had found refuge.⁴ The HCR's primary responsibility was defining the legal status of the refugees. They usually lacked identity certificates or passports, and without which a state's protection behind them could not travel across borders. During this period many infrastructural development projects such as railroad construction, agricultural reconstruction after war and required industrialisation was an opportunity to be seized by both state and stateless population. Providing them with work was both a 'statecraft and humanitarianism'⁵ and required legal documents to travel to different countries so that distinction between a national and immigrant could be made. This led to creation of a new legal category called 'immigrant worker' or 'foreigner' and tightened the passport control restrictions.⁶ It was realized that for social welfare of immigrants, a passport like identity is must and an **Intergovernmental Conference in Geneva** was called in **August 1921** to implore the states to take on this issue individually. Another suggestion was made which was to put Constantinople under the control of League of Nations so that states which do not protect the refugees could be protected by HCR. Ultimately, it was decided that the HCR should develop an internationally accepted identity certificate which would lead to international protection of the immigrants.

³ White, E., The legal status of Russian refugees, 1921-1936, University of England, available at <http://eprints.uwe.ac.uk/33611>, last accessed 13/12/2023.

⁴ Information available at <http://www.unhcr.org/about-fridtjof-nansen.html>

⁵ A. Zolberg, Matters of State: Theorising Migration Policy, The Handbook of International Migration, (1999).

⁶ Katie McElvanney, The Russian Refugee Crisis of the 1920s, December 2015, available at <http://blogs.bl.uk/european/2015/12/the-russian-refugee-crisis-of-the-1920s.html>, last accessed 18/12/2023.

The Nansen Passport and the 1922 Arrangement: Legal Definition of Refugees

The ‘Nansen Passports’ were issued to the people as an internationally recognized identity document. It was not a proper passport but only an identity certificate for an individual valid for a period of one year, issued at the discretion of HCR and state concerned. This arrangement was formalized on 5 July 1922 in the Arrangement with Respect to the Issue of Certificates of Identity to Russian Refugees.⁷ The word ‘Russian’ was used in the documents as the people did not prefer to be called as ‘Refugees’. The word Russian would cover people of all nationalities of the former Russian Empire. **Konstantin Gul’kevich**, the ex-Tsarist diplomat who was based in Geneva and advised the HCR on refugee issues, suggested the phrase “*person of Russian origin who has not acquired another nationality*”.⁸ This phrase began to be used as legal definition of refugees throughout the interwar period and the same definition was adopted in the 1928 and 1933 Refugee Convention. This provided the **legal identity** to the refugees and enabled them to get protection in matters of social welfare. The Nansen Passport gave the refugees some rights which were same as that of citizens:

- Right to be Recognized as Refugees
- The Right of Free Movement
- The Right to Work
- No automatic right to return to country where passport was issued

Nansen passport facilitated employment and helped ascertain how many refugees states had so that it could facilitate their departure elsewhere. The wide adoption of the Nansen Passport could be attributed to the autonomy enjoyed by the state to treat refugees in line with their own interests.

The Armenian, Assyrians and Turkish Refugee Crisis 1923

In 1923, the original mandate of the High Commissioner to cover Russian refugees was extended

⁷ *Supranote 3.*

⁸ Gilbert Jaeger, On the History of International Protection of Refugees, IRRC September 2001 Vol. 83 No 843, available at https://www.icrc.org/ara/assets/files/other/727_738_jaeger.pdf, last accessed 18/12/2023.

to include the Armenian refugees. The High Commission provided both material assistance as well as legal and political protection to refugees. The **legal definition** for Armenian Refugees who were eligible for Nansen passports in 1924 came under the definition “*any person of Armenian origin, formerly a subject of the Ottoman Empire, who does not enjoy the protection of the Turkish Republic and who has not acquired any other nationality.*”⁹ Meanwhile, as the refugee problem broadened, the High Commissioner's mandate was broadened to take in Assyrians, Assyro-Chaldeans, and Turkish refugees in 1928.

III. INTERNATIONAL LABOUR ORGANIZATION 1924 AND THE 1926 ARRANGEMENT

The Nansen Office retained the responsibility of the legal, financial and political aspects of the refugees and the administrative work was transferred to the International Labour Organization (ILO) in 1924. Along with this, the advocates for the refugees were discussing the hurdles in implementation of the 1922 Arrangement and the ways in which the states were circumventing the mandate of the Nansen Passport. They pointed many problems with the current arrangement:

- Limiting the handing out of the Nansen Passports
- Demanding expensive notarized documents
- Demanding statements from Soviet Embassy
- Forced repatriation
- Refusal to accept the Nansen Passport at all

To solve the above problems another **Intergovernmental Conference in Geneva** was summoned on 10 May 1926. The purpose was to re-discuss the issuance of the Nansen Passport and who would be entitled to it. It was desired and recommended that refugees should have greater rights

⁹ Nicole M. Campos, Historical Trauma and Refugee Reception: Armenians and Syrian-Armenian Co-Ethnics, (2016), Master's Theses 205, available at <https://repository.usfca.edu/cgi/viewcontent.cgi?referer=https://www.google.co.in/&httpsredir=1&article=1260&context=thes>, last accessed 19/12/2023.

to entry, exit and transit visas and children should be included on their parents' passports. Further, a **Nansen stamp** was also introduced, in which refugees paid a small sum which went into a fund for loans to refugees to set up businesses and facilitate their emigration. **The definition for the Russians was also expanded** to "*any person of Russian origin, who does not enjoy, or has ceased to enjoy, the protection of the government of the Union of Soviet Socialist Republics and has not taken any other nationality.*"¹⁰

The ILO made only one attempt at direct intervention in trying to find employment for Armenian refugees displaced by persecution in 1924. However, by 1929, it had found jobs for only 50,000, and was compelled to pass the task back to the League of Nations. In this, the ILO failed, and it never tried again.

IV. THE NANSEN INTERNATIONAL OFFICE FOR REFUGEES 1930

The Nansen International Office for Refugees, authorized by the League of Nations in 1930, began active operations on April 1, 1931. This office was the successor of the first international agency dealing with refugees, the High Commission for Refugees (HCR).¹¹ Its methods of helping refugees included both material and administrative assistance. In eight years of its service, the office was instrumental in giving loans to promote self-help among refugees. It also assisted immigrants in securing documents such as work and residence permits. Another notable service of the office was to protect refugees from expulsion and other such injustices.¹² However, due to increase in number of refugees owing to German Refugee Crisis in 1933, the office was combined with High Commission for German Refugees to formulate the Office of the High Commissioner for All Refugees under League of Nations Protection.

IV.1 The Nansen Office and Refugee Convention 1933

¹⁰ *Supranote 3* at pg. 15.

¹¹ Information available at https://www.nobelprize.org/nobel_prizes/peace/laureates/1938/nansen-history.html

¹² Vincent Chetail, Fridtjof Nansen and the International Protection of Refugees : An Introduction, Refugee Survey Quarterly (2003), available at <https://doi.org/10.1093/rsq/22.4.1>, last accessed 19/12/2023.

A **new Arrangement of 30 June 1928** gave the Nansen Office the authority to perform consular functions in individual countries for refugees, such as certifying their identity and civil status, attesting to their character, and recommending them to government and educational authorities. This was the basis of Refugee Convention 1933. **The 1928 Arrangement** had opened the door for further protection of the refugees by establishing an Intergovernmental Advisory Commission on Refugees consisting of representatives of 14 states to work towards the 1933 Convention as the Nansen Office was set to dissolve in 1938. The Convention was set to better the Nansen certificate system in the way that it restricted the abuses in the practice of expulsion of refugees. It also secured the freedom of access to the law courts for refugees, and provided them with most favourable treatment in respect of social life. Furthermore, it exempted refugees from the rule of reciprocity and recommended for the optional institution of refugee committees in every country. Lastly, it secured various modifications of the measures that restricted employment opportunities of the refugees.¹³

Features of the 1933 Refugee Convention:

- First binding multilateral instrument offering protection to refugees
- Guaranteed their political and civil rights
- Limited state's right to expel refugees through principle of non-refoulment
- created voluntary system of human rights protection and supervision
- empowered Nansen Office to intervene in cases of expulsion of refugees

IV.2 The German Refugee Crisis 1933

The problem of German refugees after National Socialism came to power in Germany became so acute in 1933 that the League established a High Commission for Refugees Coming from Germany. The Commission's mandate was later broadened to take in both Austrian and Sudetenland refugees and was scheduled to be dissolved simultaneously with the Nansen Office

¹³ *Supranote* 3 at pg. 21.

in 1938. Meanwhile, **1936 International Agreement for refugees from Nazi Germany** gave its definition of Refugees. It defined refugees as “*persons who were deprived of the protection of the German state*”. It crucially left it to the responsibility of the individual state where asylum was being requested to determine who was eligible for this refugee status.¹⁴ Also, it was not an individual designation based on fear of political persecution, as it would become after the Second World War. After this both the commission and Nansen Office was combined to give way to League’s Office of the High Commissioner for All Refugees.

V. UN RESOLUTION 1946 AND THE ECOSOC RESOLUTION FOR SPECIAL COMMITTEE ON REFUGEES AND DISPLACED PERSONS

The refugee problem was included as a priority item on the agenda of the first session of the General Assembly, in 1946. The action required was to be taken considering the following aspects:¹⁵

- the refugee problem has taken a shape of an international issue in its scope and character
- no refugees or displaced persons, having the valid objection in returning to their country of origin should be compelled to return
- an international body should be established which would specifically concern itself with the future of such refugees and displaced persons
- the main task would be to encourage and assist in early return of refugees to their countries

The General Assembly adopted a resolution on 12 February 1946 referring the question of refugees and displaced persons to the Economic and Social Council. Pursuant to these problematic aspects,

¹⁴ Laura Barnett, Global Governance and the Evolution of the International Refugee Regime, Working Paper Series (UNHCR) on New Issues in Refugee Research (Feb. 2002), available at <http://archives.cerium.ca/IMG/pdf/Barnett.pdf>, last accessed 19/12/2023.

¹⁵ Resolution of 3 October 1946 (document E/236) E/RES/18 (III)

the Economic and Social Council adopted resolution on 16 February 1946 establishing a Special Committee on Refugees and Displaced Persons in order to carry out a thorough examination of the problem and to make a report on it. The Committee recommended:

- Constitution of the International Refugee Organization
- Establishment of an *ad hoc* Committee on Finances to revise the administrative budget proposed by the Committee on Finances of the International Refugee Organization
- That the genuine refugees and displaced persons should be protected in their rights and legitimate interests and they should receive care and assistance
- Urged members of the United Nations to give the most favourable consideration to receiving each into its territory at the earliest possible time and so far as may be practicable for permanent resettlement.

VI. UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINIAN REFUGEES IN THE NEAR EAST (UNRWA)

UNRWA was established by UN through a General Assembly Resolution¹⁶ in order to carry out direct relief and works programmes for Palestine refugees after the Arab-Israeli conflict in 1948 which began its operations on 1 May 1950. In the absence of a solution to the Palestine refugee problem, the General Assembly has repeatedly renewed UNRWA's mandate, most recently extending it until 30 June 2017.¹⁷ The services provided by the agency encompass aspects such as education, health care, relief and social services, camp infrastructure and improvement, microfinance and emergency assistance, including in times of armed conflict. The agency has made substantial contribution to the welfare and human development of four generations of Palestine refugees. The **legal definition** of Palestinian refugees is taken to be “*persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.*” UNRWA does not itself

¹⁶ General Assembly Resolution 302 (IV) of 8 December 1949.

¹⁷UNRWA, Who Are We, Information available at <https://www.unrwa.org/who-we-are> last accessed 19/12/2023.

run camps and has no police powers or administrative role. Its role is restricted to provision of services in the refugee camps.

VII. INTERNATIONAL REFUGEE ORGANIZATION (IRO)

IRO is an intergovernmental organization which was created in 1947, as a specialized agency of the United Nations to deal with the residual problem of refugees, left after World War II. It was the first international agency to deal comprehensively with every aspect of refugee problems namely;

- registration
- determination of status
- repatriation
- resettlement
- legal and political protection of refugees

The Organization continued its activities until 1951. Initially, the main objective of the organization was repatriation but the political developments in post-war Europe shifted the organization's balance towards resettlement. The IRO developed basic standards for dealing with large-scale migration, and showed what could be achieved through a coordinated effort within the framework of an international agency. The primary responsibilities of the IRO in connection with the refugees and displaced persons included repatriation, care and maintenance, legal and political protection, transport and resettlement.¹⁸ In addition, IRO operated an International Tracing Service. In 1952, operations of the IRO were ceased, and it was replaced by the Office of the United Nations High Commissioner for Refugees (UNHCR).

¹⁸ Summary of AG-018-007 International Refugee Organization (IRO), Archives and the Records Management Section, United Nations *available at* https://archives.un.org/sites/archives.un.org/files/files/Finding%20Aids/2015_Finding_Aids/AG-018-007.pdf, *last accessed* 16/12/2023.

VIII. UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)

The Office of the United Nations High Commissioner for Refugees was established on December 14, 1950 by the United Nations General Assembly. The main function of the UNHCR is to lead and manage international actions to resolve the problems of refugees worldwide and to protect them. It's primary function is to look into the well being of refugees around the world and to make sure that every person gets their right to find refuge and seek asylum in any state and the person should also have the right to return home voluntarily, integrate locally or to resettle at a third place. The agency also works for the rights of stateless people and also for the rights of people against detention.¹⁹

The agency was made by the United Nations in the wake of World War 2 in order to protect the rights of millions of European people who lost their homes and got displaced because of the war and many of them were stateless. So, the main intention behind forming the agency was to help these people. It was established on December 14, 1950 by the United Nations General Assembly and it was to complete its work in three years and then disband. The following year, on July 28 the United Nations Convention relating to the status of refugees was adopted and legal foundation for helping refugees and the basic statute for that purpose was adopted. By the year 1956 the UNHCR faced its first emergency when there was an outpouring of refugees from Hungary when the Soviet forces crushed the Hungarian revolution. By then it was clear that the agency need not be disbanded and there will be a continuous need for such an agency and it would never become unnecessary. In 1960's the UNHCR intervened in the refugee problem of Africa because of the decolonization of Africa. Later, in the following two decades the agency also intervened in other refugee crises in Africa, Asia and Latin America.²⁰

The UNHCR has also lately intervened in refugee problems in the Democratic Republic of Congo and Somalia in Africa and has also helped in solving refugee problems in Asia, especially the 30-year-old Afghan refugee problem. Also, it has helped people who have been displaced internally

¹⁹ Office of the Secretary General's Envoy on the Youth, UNHCR, *available at* <http://www.un.org/youthenvoy/2013/09/office-of-the-united-nations-high-commissioner-for-refugees/> *last accessed* 16/12/2023

²⁰ Official Website, UNHCR, <https://www.un.org/ruleoflaw/un-and-the-rule-of-law/united-nations-high-commissioner-for-refugees/> *last accessed* 16/12/2023.

in their countries due to various conflicts and helped them to resettle. Moreover, it has also expanded its role and now plays a very important role in helping stateless people around the world, which is also a continuing process. Statelessness is also a major problem and the people who come under this group of stateless people are often denied very basic rights of health, education, their right to work etc. Because they do not belong to any state and have no citizenship.²¹

Structure of UNHCR

The agency started with a workforce of 34 members and has now reached a workforce of almost 8000 national and international members of staff. It works in 126 countries with staff based in 135 main locations such as regional and branch offices and almost 300 often remote sub offices and field offices. The budget of the agency has also grown from US\$300,000 in its first year to US\$3.59 billion in 2012. The number of people who have been uprooted worldwide is 43 million and the agency deals with 33.9 million people of concern to UNHCR, 14.7 million internally displaced people, 10.5 million refugees, 3.1 million returnees, 3.5 million stateless people, more than 837,000 asylum seekers and more than 1.3 million other people. The agency which was made for a period of three years celebrated its 60th anniversary in 2010 and is likely to continue because it is very unlikely that such humanitarian needs will cease to exist.²²

The agency has also won two Nobel Peace Prizes in 1954 for the work it did in Europe to solve the problem of refugees after World War 2 and the again in 1981 for worldwide assistance to refugees. The mandate of the agency is given under the UNHCR statute and from three years initially, it has been extended “until the refugee problem is solved”. This extension happened in year 2003.

UNHCR and Statelessness

As stated above, the UNHCR has now put its focus on the problem of statelessness and is working in the direction of solving problems of millions of people who are stateless and are denied basic human rights to health, education, right to employment, right to work etc. A stateless person is

²¹ Rule of Law and Transitional Justice, UNHCR, <http://www.unhcr.org/pages/4a293daf6.html> last accessed 16/12/2023.

²² *Supranote* 19.

someone who is not considered as a national by any state under its law. In simple terms a stateless person is someone who does not have nationality of any country. The reason for this can be discrimination against a particular religion, ethnicity or on the basis of gender. It can also happen at the time of creation of new states or transfer or sharing of territory from one state to another. Another reason can be migration by a person from one place to another and eventually losing every nationality he or she could have possibly acquired. Also, sometimes this happens because of gaps and lacunas in the laws of nationality of a particular country, this may also lead to statelessness.²³ Through a series of resolutions beginning in 1995 the UN general assembly formally mandated the UNHCR to identify stateless people and prevent and reduce statelessness around the world and also work in the direction of safeguarding the rights of these stateless people.²⁴

The work carried out by the agency in this respect has been divided into four categories

1. Identification

To solve a problem identifying and understanding it is the first and the most important thing. The same is the case here; the UNHCR not only identifies people who are stateless but also looks into the broader question of the causes of such statelessness. To understand and solve the problem it is very important to know the specific reason behind the statelessness, only then would they be able to help such people and prevent and reduce statelessness and also to protect the rights of the people who are stateless and are facing problems because of this fact.²⁵

2. Prevention

It means preventing a person from being stateless at the first place only by bringing changes in the nationality laws of a country because they are the basic principles on which nationality or statehood is bestowed on a person and the gaps and lacunas in such laws are a very big reason for a lot of people to be stateless. So, to prevent statelessness, changes in these laws can play a very important role in preventing statelessness at the very first place and few positive changes can lead to a lot of

²³ *Supranote 20.*

²⁴ Official Website, UNHCR, available at <http://www.unhcr.org/pages/49c3646c155.html> last accessed 16/12/2023.

²⁵ <http://www.unhcr.org/how-unhcr-helps-stateless-people.html> last accessed 16/12/2023.

people being granted statehood by that state.²⁶

3. Reduction

This again is done by working with various NGO's and civil society groups and other institutions to bring changes in nationality laws in such a way that a stateless person gets statehood from a country with which that person has the strongest ties. So, this is done in order to grant statehood to stateless people and reducing the number of stateless people.²⁷

4. Protection

This is done in order to give protection to stateless people till the time they get a nationality from a state. Under this the states are encouraged to make mechanisms so that such people are recognised and are given basic human rights at least till the time they acquire a nationality. This is done by pressuring nations to accede to the 1954 convention and putting a positive obligation on themselves to protect the rights of such stateless people, prevent them from discrimination and persecution and giving them basic human rights.²⁸

CONCLUSION

The interwar refugee regime which emerged in the 1920s tried to account for the anomaly of statelessness in a system where protection was tied to the sovereignty of states. When the various intergovernmental arrangements culminated into the Convention of 1933, various liberal states such as Czechoslovakia, Belgium, France and the United Kingdom had to agree to limit their own sovereignty for those refugees already residing in their states. This loss of sovereignty of the States meant *inter alia*, that they agree to protect refugees' right to work, grant them social benefits and protect them from expulsion. The Convention led to an increasing awareness among policy makers that 'refugees' are an exceptional category of immigrants and their political and civil rights must be protected. A 'humanitarian' aspect was realized in this process. The 1951 Refugee Convention

²⁶ <http://www.unhcr.org/pages/53aa90d86.html> last accessed 16/12/2023.

²⁷ *Supranote 24.*

²⁸ <http://www.unhcr.org/pages/49c3646c155.html> last accessed 16/12/2023.

that we have is the result of the years of deliberative process and efforts of the human rights activists and stalwarts.