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Malika Rahal, Benjamin Thomas White

► To cite this version:

Malika Rahal, Benjamin Thomas White. UNHCR and the Algerian war of independence: postcolonial sovereignty and the globalization of the international refugee regime, 1954-1963. *Journal of Global History*, 2022, *Towards a Global History of International Organizations and Decolonization*, 17 (2), pp.331-352. 10.1017/S1740022821000449 . hal-03906166

HAL Id: hal-03906166

<https://hal.science/hal-03906166>

Submitted on 19 Dec 2022

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UNHCR and the Algerian war of independence: postcolonial sovereignty and the globalization of the international refugee regime, 1954–1963

Malika Rahal (Institut d’histoire du temps présent/CNRS)

Benjamin Thomas White (University of Glasgow)

Author biographies:

Malika Rahal is Chargée de recherche and director of the Institut d’histoire du temps présent/CNRS.

Benjamin Thomas White is Senior Lecturer in History at the University of Glasgow.

This is the authors’ version of a published article. For reference and citation, please see the published version: RAHAL Malika et WHITE Benjamin Thomas, « UNHCR and the Algerian war of independence: postcolonial sovereignty and the globalization of the international refugee regime, 1954–63 », *Journal of Global History*, juillet 2022, vol. 17, n° 2, p. 331-352.

Introduction

The Algerian war of independence (1954-62) was crucial to the extension of the modern international refugee regime beyond Europe.¹ The 1951 UN Convention Relating to the Status of Refugees had initially been understood as intended to settle Europeans still out of place after the second world war. The mandate of UNHCR, the agency tasked with helping

¹ Cecilia Ruthström-Ruin, *Beyond Europe: The Globalization of Refugee Aid* (Lund: Lund University Press, 1993); Gil Loescher, *The UNHCR and World Politics: A Perilous Path* (Oxford: Oxford University Press 2001), ch3, esp. 97–101.

states to implement it, was set to run for only eight years. But two new population displacements in the 1950s brought about the expansion of its remit in both time and space. Within Europe, the arrival of tens of thousands of Hungarians fleeing Soviet repression in late autumn 1956 led Austria—newly independent after Nazi Anschluss and Allied occupation—to request UNHCR’s assistance: first in providing relief, then in coordinating a mass evacuation. And in north Africa, the arrival of tens of thousands of Algerians fleeing French repression led Morocco and Tunisia—newly independent from French colonial rule—to request its help too. (They were among only five states outside Europe to adhere to the convention before 1960.²)

But the story of UNHCR’s involvement in the Algerian war is more complex than this, and less schematic. The 1951 Convention already applied in Algeria before the war began, and UNHCR already operated there, because France had signed it on behalf of “all territories for the international relations of which France is responsible”: this included Algeria, legally part of the French Republic, as well as Morocco and Tunisia.³ The globalization of the international refugee regime gained impetus from the war, but this French decision had already opened a door to it. It was one that states newly independent from France would hasten through, seeing possibilities far beyond what the old colonial power had intended, and beyond what legal scholars and historians have recognized.⁴ Between 1954, when the

² The others were Australia, Israel (both 1954), and Ecuador (1955). UNHCR, ‘States parties, including reservations and declarations, to the 1951 Refugee Convention’, available at: <https://www.unhcr.org/5d9ed32b4> (accessed 28 Jan 2021 – information correct as at September 2019).

³ UNHCR, ‘States parties’, p14. Technically all three states succeeded to the convention, as successor states of the French empire, rather than acceding to it.

⁴ The standard work on refugee law mentions France several times in its chapter on the evolution of the refugee rights regime, but with no reference to this point, nor indeed to ‘empire’ or ‘colonies’. James Hathaway, *The Rights of Refugees Under International Law* (Cambridge: Cambridge University Press, 2005), chapter 2. The standard institutional history of UNHCR focuses on the roles of senior agency officials,

convention entered into force, and 1967, when a protocol was added to it removing the temporal and geographical limitations in the original text, former French colonies in north and then west Africa pushed the refugee regime towards globalization.

Meanwhile, stating that Morocco and Tunisia invited UNHCR onto their territories as newly-independent states and the agency accepted the invitation under its 'good offices' doctrine gives us a thin account of what happened. Postcolonial sovereignty was not made overnight on the date of independence: it quickened and thickened over a much longer period. In the Arab Middle East, the territories, institutions, and national identities of post-Ottoman nation-states had been formed around and against refugees (and in dialogue with an international regime of refugee protection) since they were ruled—as nominally independent states—by Britain and France under League of Nations mandates.⁵ Similarly, what sovereignty meant in India and Pakistan, in terms of borders, citizenship, and property regimes, was articulated around the populations displaced at partition.⁶ That displacement preceded the convention, and the UN refugee agencies played little role in responding to it.⁷

attributing the global expansion of its operations either to them or to pressure from 'major powers' and 'Western governments': Loescher, *The UNHCR and World Politics*, eg 91. Peter Gatrell's excellent general synthesis of refugee history recognizes the significance of the Algerian war, but not this aspect of the convention's evolution: Gatrell, *The Making of the Modern Refugee* (Oxford: Oxford University Press, 2013), 108–9, 115–117, 227–9.

⁵ Benjamin Thomas White, 'Refugees and the definition of Syria, 1920–1939', *Past and Present* 235, no. 1 (2017), 141–78. Laura Robson argues that in British mandate Palestine, legal, economic, and political mechanisms operated to produce Palestinian Arabs as a stateless population, setting them up as 'proto-refugees' long before they were physically expelled from the territory in 1948: 'Proto-Refugees? Palestinian Arabs and the Concept of Statelessness before 1948', *Journal of Migration History* 6, no. 1 (2020), 62–81. See also Robson, *States of Separation: Transfer, Partition, and the Making of the Modern Middle East* (Berkeley: University of California Press, 2017).

⁶ Vazira Fazila-Yacoobali Zamindar, *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories* (New York: Columbia University Press, 2007); Cabeiri Debergh Robinson, 'Too Much Nationality: Kashmiri Refugees, the South Asian Refugee Regime, and a Refugee State, 1947–1974', *Journal of Refugee Studies* 25, no. 3 (2012): 344–65; Udit Sen, *Citizen Refugee: Forging the Indian Nation after Partition* (Cambridge: Cambridge University Press, 2018). Antara Datta, *Refugees and Borders in South Asia: the Great Exodus of 1971* (Abingdon: Routledge, 2013), explores a later episode.

⁷ Gatrell, *The Making of the Modern Refugee*, ch5, esp 156–7.

But when Tunisia and Morocco turned to the UNHCR (and its ‘implementing partner’ on the ground, the League of Red Cross Societies) for assistance, they asserted their sovereignty at numerous levels. At the international level, it was an opportunity to interpellate the UN institutions as full member states. In doing so they also asserted their authority to decide which foreign and international agencies would be allowed to operate on their territories. But interacting with the refugee regime also helped to define the meaning of sovereignty within those territories—notably in the question of citizenship and nationality, as decisions were made over who would be defined as a ‘refugee’ and therefore eligible for international assistance.

In the historiography of Algerian independence, it is now well established that the Front de Libération nationale (FLN) successfully used international forums to assert itself as the internationally recognized representative of the Algerian people.⁸ During the war it developed national institutions of health care and humanitarian assistance, in a struggle with the colonial state for sovereignty over Algerian bodies that was also a struggle for international legitimacy.⁹ Among the objects of this contest were the Algerian Muslims displaced during the war in their millions—a displacement whose astonishing scale and profound impact are also increasingly recognized in the scholarship.¹⁰ But how did the

⁸ Matthew Connelly, *A Diplomatic Revolution: Algeria's Fight for Independence and the Origins of the Post-Cold War Era* (Oxford: Oxford University Press, 2002); Raphaëlle Branche, *Prisonniers du FLN* (Paris: Payot, 2014); Gilbert Meynier, *Histoire intérieure du FLN 1954-1962* (Paris: Fayard, 2002).

⁹ Jennifer Johnson, *The Battle for Algeria: Sovereignty, Health Care, and Humanitarianism* (Philadelphia: University of Pennsylvania Press, 2015).

¹⁰ Pierre Bourdieu and Abdelmalek Sayad, *Le déracinement : la crise de l'agriculture traditionnelle en Algérie*, Grands documents, 14 (Paris: Éditions de Minuit, 2014); Michel Cornaton, *Les camps de regroupement de la guerre d'Algérie* (Alger: Saihi éditions, 2013); Kamel Kateb, Nacer Melhani, and M'hamed Rebah, *Les déracinés de Cherchell. Camps de regroupement dans la guerre d'Algérie (1954-1962)* (Paris: INED, 2018); André Nouschi, 'La dépossession foncière et la paupérisation de la paysannerie algérienne', in A. Bouchène, J.-P. Peyroulou, O. Tengour, S. Thénault, eds., *Histoire de l'Algérie à la période coloniale* (Paris-Algiers: La Découverte-Barzakh, 2014), 189–93, http://www.cairn.info/resume.php?ID_ARTICLE=DEC_BOUCH_2013_01_0189; Fabien Sacriste,

refugees outside Algeria's borders figure in this history? How did the FLN interact with the UNHCR and the League of Red Cross Societies outside Algeria? And what happened at independence? The humanitarian operation assisting the refugees followed them back into Algeria as the war ended and the transition to independence began, only to discover that many of the ruined country's residents were in greater humanitarian need than the returning refugees, and humanitarian support now should apply to the entire population. Finally, the end of the war raised the question of UNHCR's relationship with the new state of Algeria—not least because the agency remained responsible for several thousand 'old' refugees still living there. Despite the immense problems preoccupying the new government, it swiftly followed its neighbours by succeeding to the convention. Why?

This article argues that the Algerian war not only globalized the international refugee regime in institutional terms, but also made the regime, and refugees themselves, into a site for the articulation of postcolonial sovereignty. It starts with UNHCR's operations in Algeria before and during the war. It then looks at the experiences of the 300,000 or so refugees *from* Algeria who fled to Morocco and Tunisia during the war, and how these states interacted with the international refugee regime. Next it explores the much larger landscape of displacement that refugees returned *to* at the end of the war. It ends by briefly discussing independent Algeria's interactions with the refugee regime immediately after 1962.

Throughout, we will also stress global comparisons for the Algerian case.

'Les « regroupements » de la guerre d'Algérie, des « villages stratégiques » ?', *Critique internationale*, 79 (30 mai 2018): 25-43, <https://doi.org/10.3917/cii.079.0025>; Ouanassa Siari Tengour, 'Zones interdites et camps de regroupement dans l'Aurès 1954-1962', in *Histoire de l'Algérie contemporaine. Nouveaux objets* (Oran: CRASC, 2010), 199–213, <https://ouvrages.crasc.dz/index.php/fr/39-histoire-contemporaine-de-l%E2%80%99alg%C3%A9rie-nouveau-objets/444-zones-interdites-et-camps-de-regroupement-dans-l%E2%80%99aur%C3%A8s-1954-1962>; Sylvie Thénault, *Violence ordinaire dans l'Algérie coloniale : Camps, internements, assignations à résidence* (Paris: Odile Jacob, 2012).

UNHCR in Algeria

By the time the Algerian war of independence began on 1 Nov 1954, the 1951 UN Convention Relating to the Status of Refugees already applied there. But only just. The convention entered into force on 22 April 1954, in accordance with article 43: “This Convention shall come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession.”¹¹ France, having signed the convention in 1952, ratified it on 23 June 1954—so, in turn, for France the convention entered into force 90 days later, on 21 Sept.¹² And not only for France, but for “All territories for the international relations of which France is responsible.”¹³ This included Algeria, Morocco, and Tunisia, despite their different statuses: Algeria legally an integral part of the French Republic (though a colonized territory), Morocco and Tunisia as French protectorates. Across all three territories, and many more, France was therefore committed to grant anyone who met the convention’s definition of refugee the rights and protections that it enshrined, and the Office of the United Nations High Commissioner for Refugees—UNHCR—was mandated to assist it. In the 1950s, and until the 1970s, UNHCR was primarily a legal agency rather than a humanitarian actor in its own right. It worked with states to help them implement the convention in legislation and practice, and it worked with refugees to help them access the protection they were entitled to under the convention. In Algeria, these were mostly

¹¹ 1951 Convention Relating to the Status of Refugees, 43.1. Australia was the state whose accession, on 22 Jan 1954, triggered the convention’s entry into force ninety days later. UNHCR, ‘States parties’, pp1–2.

¹² UNHCR, ‘States parties’, 1; 1951 Convention, 43.2.

¹³ UNHCR, ‘States parties’, p14. In technical terms, all three states succeeded to the convention, inheriting its provisions as successor states of the French empire, rather than acceding to it.

Europeans who had been refugees since well before 1954: they included many Spanish Republicans exiled since the Fascist victory in 1939, and even some Russian refugees from the 1919–21 civil war. (The text of the convention explicitly brought under its purview refugees covered by international legislation to protect specific groups in the 1920s and 30s, including the Russians; the Spaniards were covered under the convention's own expanded definition.) UNHCR documents referred to these groups as "old refugees" or "Convention refugees". Many of them now had children who were French, having been born on French (Algerian) soil. UNHCR had responsibility for these "old refugees" not just before but throughout the Algerian war of independence. It worked in association with different partners. The French Red Cross provided humanitarian assistance, while the relevant French state agencies were the French Office for the Protection of Refugees and Stateless Persons (Office français de protection des réfugiés et apatrides, OFPRA) and the Social Service for Emigrant Assistance (Service social d'aide aux émigrants, SSAE).¹⁴

How many of these refugees were there? It was hard for UNHCR to know: most had been in Algeria since long before the agency was founded, and not all approached it for assistance. During the war, and in its chaotic aftermath, confirming their numbers was even harder. In December 1962 the agency was in touch with an employee of the SSAE, Mme Palix, who was still in Algeria. She said that in 1960 the authorities had estimated the total number of foreigners in Algeria, including refugees, at 30,000. But now she reckoned the number of refugees remaining, the majority of them Spanish refugees living in Oran at 2–5,000.¹⁵ This

¹⁴ Claude Guillon, 'Le SSAE : soixante ans d'accueil des réfugiés', *Revue Européenne des Migrations Internationales* 4, no 1 (1988): 115–27, <https://doi.org/10.3406/remi.1988.1161>.

¹⁵ Office of the United Nations High Commissioner for Refugees, Archives and Records, Geneva: fonds 11 [henceforward UNHCR 11], series 11/1, subseries 6/1, file 1, ALG 05/1962-07/1970 [4154] Message from Moussalli to Martin Manning, Algiers, 10 Dec 1962. **NB—The 'file' is the lowest level of the UNHCR archive**

sharp decline, and the location of the remainder, highlights a key point about the ‘old’ refugees: to the extent that they were integrated within French Algeria, it was as a part of settler society. (Although smaller than Algiers overall, Oran had a larger ‘European’ population.) In 1962, as independence approached then arrived, some 650,000 French citizens left Algeria, out of a settler population of roughly one million. Most of the refugees seemed to have simply left with them.

UNHCR’s operations *in* Algeria during the war, then, were an extension of its European mandate: working with European refugees who were living as part, or on the fringes, of a European settler society.¹⁶ As the French colonial state dismantled itself in 1962, the OFPRA and the SSAE went with it. The French Red Cross also pulled out, replaced by the Algerian Red Crescent. France viewed the remaining ‘old’ refugees as, now, independent Algeria’s responsibility. But UNHCR, as we will see, recognized that its own role in assisting them must continue within the new state.

Algerian refugees and postcolonial sovereignty in Morocco and Tunisia

A second group that relied on support from UNHCR was composed of Algerian refugees who fled into Morocco and Tunisia during the war. Algeria’s neighbours both became

inventory hierarchy, but a file may consist of any number of individual folders. Numbers in [square brackets] are references to authors’ archival photos and will be removed prior to publication.

¹⁶ It is worth noting that long before 1951 international legal protections for refugees applied well beyond Europe—but this was largely because European settler states had signed up to international arrangements supporting European and (Christian) Middle Eastern refugees.

independent in 1956, which immediately made them potential places of refuge: Algerian refugees began crossing the borders in growing numbers.¹⁷

Initial support for the refugees was provided by their 'own' government-in-exile, the National Liberation Front (*Front de libération nationale*, FLN). A 1957 report for the International Committee of the Red Cross (ICRC) by J-P Schoenholzer described the assistance the FLN offered refugees in Morocco, where it had several bases.¹⁸ It gave refugees consular support, a family allowance, legal protection, and, more importantly, help finding housing. The Amicale des Algériens musulmans (AAM), an organization affiliated with the FLN and tacitly recognized by the Moroccan authorities, gathered arriving refugees and found them places to settle, easily obtaining authorization to occupy empty or abandoned buildings. When this was not possible, refugees were allowed to occupy land near water sources, installing tents or building packed-earth huts. Some settled in caves. Refugees were also settled in camps near the borders, sometimes close enough to *hear* the war.¹⁹ The AAM, claimed Schoenholzer, registered the refugees, recorded births, weddings, and deaths, and delivered documents. It said there were 47,500 Algerian refugees in Morocco, 20% men, 20% women and 60% children under 12. Most came as families of six or seven individuals. This is a striking instance of the Front establishing itself as a para-state for the Algerian Muslim population—a strategy that was successfully pursued outside Algeria's borders as well as inside them. Outside Algeria, France's ability to hinder the strategy through violent

¹⁷ Anton Tarradellas, 'Les réfugiés de la guerre d'Algérie : enjeu diplomatique et humanitaire de la décolonisation (1956-1963)' (Mémoire de Master, Genève, Université Genève, 2017).

¹⁸ International Committee of the Red Cross archives, Geneva, Inventory B (General services, 1917-ongoing), sous-fonds Archives générales, 1951–75 [henceforward ICRC B AG] 234 008-002, 'Rapport sur Les réfugiés algériens au Maroc' by J-P Schoenholzer, June 1957. NB—This inventory is in French only.

¹⁹ **Interview with Ahmed Abid** (1948-2018), Oran, 24 February 2018.

repression was limited: it could not prevent the FLN and its affiliates from providing this kind of social support to Algerian Muslim refugees (a 'state-like' activity that evidently produced statistical reports on them as a population too). It could discourage other states from giving the FLN diplomatic recognition, but not stop them, particularly after the FLN created Provisional Government of the Algerian Republic (*Gouvernement provisoire de la République algérienne*, GPRA) in 1958. And it could try to dissuade international agencies from working with the FLN, but it could not forbid them to do so. UNHCR was one such: Schoenholzer was in Morocco because the agency was observing the situation as it developed, before launching a vast 'joint relief operation' for Algerian refugees there and in Tunisia in 1959. This operation was led by UNHCR and the League of Red Cross Societies, collaborating on the ground with the FLN-affiliated Algerian Red Crescent, despite the fact that this national society had yet to be formally recognized by the League (this would happen in 1963).²⁰ The legal basis for this operation was the request for help sent by the Tunisian prime minister Habib Bourguiba to August Lindt, the High Commissioner for Refugees, on 31 May 1957.²¹ UNHCR requested the League as its implementing partner, but League involvement came with several conditions, one of which was that there must exist national Red Crescent societies in Morocco and Tunisia. A Tunisian Red Crescent society had existed since autumn 1956, and the creation of a Moroccan Red Crescent in 1957 was also accelerated by the need to care for Algerian refugees.²² The joint relief operation benefited at its launch from the

²⁰ On the Algerian Red Crescent as an instrument of national sovereignty, see, alongside works by Branche and Johnson cited above, Djamel Eddine Bensalem, *Voyez nos armes voyez nos médecins* (Alger: ENAG, 2009). In 1991 the League became the International Federation of Red Cross and Red Crescent Societies (IFRC).

²¹ Ruthstrøm-Ruin, *Beyond Europe*, 154–156; Haut Commissariat des Nations-Unies pour les réfugiés, *Les réfugiés dans le monde, 2000 : cinquante ans d'action humanitaire* (Genève Paris: Autrement, 2000), 39.

²² Tarradellas, 'Les réfugiés de la guerre d'Algérie', 71.

publicity around World Refugee Year (1960), and lasted beyond the end of the war, into 1963.

It was well timed. The war had begun as a series of terrorist actions by a small nationalist organization. As they were intended to, these provoked a disproportionate French response against the whole colonized population, which intensified rather than dispersing support for the FLN, which also gradually absorbed—or eliminated by force—the other nationalist organizations. The intensity of the conflict thus ramped sharply upwards, with French ‘victories’ like the brutal eradication of the FLN’s organization in the capital Algiers only pushing the colonized population further into opposition. By the late 1950s France’s geopolitical situation had been weakened, and the FLN’s strengthened, by the diplomatic disaster of the ‘tripartite aggression’ against Egypt in November 1956 (France’s participation being intended to destroy the Free Officers’ regime as a backer of the FLN). In Algeria the war had mutated from an urban counterinsurgency campaign into a countrywide conflict marked by aerial bombardment and mass population displacement. The number of refugees therefore increased sharply in 1959–60, just as the relief operation took off.

The question of numbers, always a fraught one where refugees are concerned, is revealing.²³ It hints at the continuing exchanges between UNHCR and its partners, on the one hand, and on the other the GPRA and Algerian structures on the ground, including the FLN-affiliated labour organization (*Union générale de travailleurs algériens*, UGTA). Although they seem to

²³ Ruthstrøm-Ruin, *Beyond Europe*, 109–113. On refugee numbers, see Jeff Crisp, “‘Who has counted the refugees?’ UNHCR and the politics of numbers”, New Issues in Refugee Research working paper no. 12 (Geneva, 1999), available at <https://www.refworld.org/pdfid/4ff58e4b2.pdf> [accessed 12 April 2021]; Benjamin Thomas White, ‘Talk of an ‘unprecedented’ number of refugees is wrong—and dangerous’, *The New Humanitarian* (3 Oct 2019).

be under-documented in the archives, such exchanges may have contributed to the confusion in numbers, with Algerians providing figures based on the number of individuals they registered while UNHCR and League counted rations distributed.

More explicitly, it shows that the joint relief operation for Algerian refugees was prey to the almost inevitable disagreement between host states and international agencies. Host states often give higher estimates than humanitarian agencies for the size of their refugee populations. This may be for 'bad', or self-interested, reasons: to embarrass the government of the country of origin, and perhaps to ensure that its exiled opponents are well provided for as they continue their political and military campaigns against it; to maximize incoming humanitarian assistance, providing a source of foreign exchange as well as employment for bureaucrats and humanitarian workers, not to mention opportunities for embezzlement by elites; and to polish the host state's own humanitarian reputation, which brings 'soft power' benefits in international relations. And it may be for 'good', or altruistic, reasons: because they recognize that the sheer difficulty of registering refugees means that humanitarian agencies are undercounting the population in need; because they know that humanitarian agencies frequently underdeliver, or deliver aid slowly (so by the time supplies arrive, the population in need will have grown); and to make up for the losses incurred by their own initial absorption of the costs of emergency assistance, and the longer-term impact on their non-refugee populations (as, for example, food prices rise).²⁴

²⁴ Crisp, "Who has counted the refugees?", pp10–11. The joint relief operation was also marked by the equally common lack of consensus among international agencies: see eg UNHCR 11, series 1, subseries 13/1, file 31, ALG 03/1962-10/1968, [3503] Ahmed Kamal of Jami'at al Islam to Thomas Jamieson, UNHCR HQ in Geneva, 18 Feb 1960.

It is likely that several of these factors were at play in Morocco and Tunisia—both of which, for example, were keen to see Algeria reach independence, while not wanting to confront France directly themselves. (The international agencies themselves feared that some beneficiaries of their assistance might be engaged in military action against France.²⁵) Certainly, the ‘Joint instructions on criteria for material assistance to Refugees from Algeria in Morocco and Tunisia and guiding principles on number of registrants’ that UNHCR and the League drafted in June 1960 stressed that while the government’s official figures should be used in planning the relief operation, “this figure still includes many non-refugees and it is therefore of the utmost importance that every effort be made not to increase this figure but rather to endeavor to reduce it and to apply the criteria for material assistance to all new registrations rigidly”.²⁶ The two organizations should only provide assistance to “Persons who had habitual residence in Algeria and who fled to Morocco and Tunisia from there since 1956 as a consequence of events in Algeria, and who are in need.” In Tunisia at least, figures used in the joint relief operation were consistently lower than those given by the Tunisian authorities.²⁷

These criteria were less simple than they appeared, as the exclusions listed immediately afterwards suggest:

Excluded from any material assistance are:

²⁵ UNHCR 11, series 1, subseries 13/1, file 31, TUN/MOR/GEN 03/1959-07/1964, [3455] Letter from Henrik Beer, of the League, to HC Schnyder, 18 Feb 1961.

²⁶ UNHCR 11, series 1, subseries 13/1, file 31, ALG 03/1962-10/1968, [3434] Draft of joint instructions for criteria... [June 1960]. These criteria were signed off on 22 Aug 1960.

²⁷ Ruthström-Ruin, *Beyond Europe*, 110.

- (1) Nomadic tribes undisturbed by events in Algeria and who merely wish to take advantage of the possibility of free food;
- (2) Persons from Algeria who had habitual residence in Morocco or Tunisia (*carte frontalière*).²⁸

In fact, the difficulty of determining who qualified for assistance under the joint relief operation highlights the ‘nationalization’ of the previously fluid and intermingled populations of French North Africa, as Morocco and Tunisia established their sovereignty over their own populations. As the porous internal frontiers of the colonial period gave way to harder national borders, nomadic tribes needed to be allocated to one state or another, regardless of their customary migrations. Similarly, the relative freedom of movement between the three countries in the colonial period meant that there were many “Persons from Algeria who had habitual residence in Morocco or Tunisia”. But there were also many Moroccans and Tunisians who had been resident in Algeria: as late as January 1962, it emerged that as many as 65,000 of the then total of 153,000 ‘Algerian’ refugees in Morocco were “in fact Moroccan subjects [*ressortissants marocains*], perhaps refugees from Algeria but incapable of proving it”.²⁹ Such people might not only have ‘habitually resided’ in Algeria, but lived their whole lives there.³⁰ The newly independent states could relatively straightforwardly agree the extent of the formerly colonized territory over which they

²⁸ This and following quotes: UNHCR 11, series 1, subseries 13/1, file 31, ALG 03/1962-10/1968, [3434] Draft of joint instructions for criteria... [June 1960].

²⁹ International Federation of Red Cross and Red Crescent Societies archives, Geneva [henceforward IFRC], box R510483300, ‘Rapport intérimaire sur l’action de secours en faveur des réfugiés d’Algérie en Tunisie et au Maroc’, February 1962 [8224]

³⁰ On the complexity of nationality in colonial situations in the Maghrib, see Mary Dewhurst Lewis, *Divided rule: sovereignty and empire in French Tunisia, 1881-1938* (Berkeley: University of California Press, 2014); Noureddine Amara, ‘Faire la France en Algérie : émigration algérienne, mésusages du nom et conflits de nationalités dans le monde : de la chute d’Alger aux années 1930’ (Paris, Paris 1, 2019), <http://www.theses.fr/2019PA01H002>; Jessica M. Marglin, *Across Legal Lines: Jews and Muslims in Modern Morocco* (New Haven ; London: Yale University Press, 2017).

exercised sovereignty, based on colonial maps and boundaries. But the still partly colonized *populations* could not be so neatly divided up: the end of colonial rule in Morocco and Tunisia, and the war to end it in Algeria, generated any number of questions about how state sovereignty extended over groups and individuals. The decisions taken between the host states and UNHCR over who qualified for international assistance as a refugee, or not, helped to answer some of those questions.

That assistance took many forms. In February 1960 the High Commissioner, noting that the actual number of refugees was considerably higher than the 200,000 that had been budgeted for, reported on his agency's work over the previous year or so to the UN General Assembly.³¹ The operation had established 37 aid distribution points in Tunisia and 23 in Morocco, in close cooperation with both governments. Its primary aim was to distribute food, "since it is an obvious fact that before all else the refugees must be fed": the report recognized that in the operation's early months distributions "never reached a satisfactory calorie level in view of the stringent financial and supply situation". The aim was to ensure rations of 1,540 calories per day, with children (the majority of the refugees) receiving an additional 135 calories/day in condensed milk. At this stage there were no formal camps—some were created later—and the refugees were living in *gourbis* (shelters) or tents of their own construction, so next came provision of blankets and clothing, contributed by national Red Cross and Red Crescent societies: some 230,000 blankets had been issued. A small

³¹ UNHCR 11, series 1, subseries 13/1, file 31, ALG 03/1962-10/1968, [3492] United Nations General Assembly. Executive committee of the HC's programme. Third Session. 5 Feb. 1960. 'Report on the implementation of General Assembly Resolution 1286 (XIII) and 1389 (XIV) on assistance to refugees from Algeria in Morocco and Tunisia (Submitted by the High Commissioner)'. The relevant resolutions are available online through the Dag Hammarskjöld Library's UN Documentation collection: [https://undocs.org/en/A/RES/1286\(XIII\)](https://undocs.org/en/A/RES/1286(XIII)), [https://undocs.org/en/A/RES/1389\(XIV\)](https://undocs.org/en/A/RES/1389(XIV)) [accessed 26 Mar 2021].

number of tents had been provided, and some shelters had been improved before the winter, but this was mainly by the refugees' own initiative with assistance from the local authorities. Seventeen milk stations had been set up to provide a daily ration of reconstituted powdered milk to children and pregnant or nursing women, and the agency planned to increase this number to 40–50. In Tunisia, multi-purpose centres were planned incorporating milk stations, facilities for providing hot meals, and dispensaries. A medical survey had been conducted in August 1959 and indicated that there was no serious health emergency among the refugees, though it recommended improved nutrition. The refugees' health was reported to be better in Morocco than in Tunisia, which hosted more of them. Both countries had opened their health services to the refugees, but the agency thought that additional services might prove necessary, and was investigating ways to improve the situation—though this would be costly. There were also pilot projects to provide support for refugee livelihoods. Almost inevitably, given that most of the working-age adults among the refugees were women, these consisted of sewing rooms to train women, and in Morocco an experimental mat-weaving project.³²

Between 1 February 1959 and 31 January 1960, UNHCR had received over a million dollars from governments and over \$600,000 from other sources for the relief operation. The US was easily the largest state donor in this period, at \$610,000 (part-pledged), but the second largest was France, which had contributed just over \$250,000.³³ Of the other sources, the

³² On humanitarians making refugee women sew and weave, see eg Emily Baughan, *Saving the Children Humanitarianism, Internationalism, and Empire* (Oakland, forthcoming 2021), **PAGES**; Philippa Hetherington, 'Between Moscow, Geneva and Shanghai: refugee women of Russian origin and the League of Nations' governmentalities', **forthcoming**.

³³ On the complex politics of France's contributions to the UNHCR-led operation, see Ruthstrøm-Ruin, *Beyond Europe*, 178–181.

most significant was Vrijzinning Protestante Radio Omroep (VPRO), a Dutch broadcaster which had made the joint relief operation the focus of its charitable appeal for World Refugee Year, and contributed nearly \$500,000.³⁴

The relatively well-funded relief operation also raised the issue of the host states' responsibilities towards their own populations.³⁵ UNHCR and the League may have been right in arguing that "false refugees" were not entitled to relief because they were not technically refugees, but that did not mean that they were not in need. The international assistance that refugees received highlighted the humanitarian needs of the host population: a common phenomenon in refugee history, and one that often fuels host-society resentment. The Moroccan government appeared to have growing concerns about its own population, as the joint relief operation made their difficulties more apparent. UNHCR therefore found itself detailing to the US Department of State its discussions with the Moroccan government about the possibility of US charitable organizations such as the American Friends Service Committee providing relief for destitute Moroccan nationals.³⁶ But if a state was unable to provide adequately for its own people, this raised other questions about sovereignty. Tunisia was wary of letting foreign personnel work on its soil, as a potential infringement of sovereignty, but had an 'umbrella' agreement with UNHCR allowing foreign organizations to work only under UNHCR authority.³⁷ In January 1961,

³⁴ UNHCR 11, series 1, subseries 13/1, file 31, ALG 03/1962-10/1968, [3492] 'Report on the implementation of... assistance to refugees from Algeria in Morocco and Tunisia', Annexe 1. Funding for the operation remained varied through to the end of the war.

³⁵ An issue explored in White, 'Refugees and the definition of Syria'.

³⁶ UNHCR 11, series 1, subseries 13/1, file 31, ALG 03/1962-10/1968, [3436] HC Lindt to John W. Hanes, Dept of State, 27 Jun 1960.

³⁷ UNHCR 11, series 1, subseries 13/1, file 31, ALG 03/1962-10/1968, [3429] Interoffice memorandum, 4 Jun 1960.

Willard Johnson of CARE lamented that neither Tunisia nor Morocco would allow his organization to operate, as “both nations will not deal directly with an American organization, only with international agencies”: Morocco did not share Tunisia’s blanket suspicion of foreign national agencies, but mistrusted organizations from specific countries.³⁸ On this question, UNHCR had only “a moral role in advising the government on what programs to encourage”.³⁹ As the months went by and a cohort of different national and international organizations came to work under UNHCR’s coordination, this was another way in which the refugees provided a site for Morocco and Tunisia to articulate their postcolonial sovereignty.

At the end of the war, the joint relief operation rapidly gave way to repatriation (**fig 1**). The outlines of the operation were set by the Evian Accords between France and the FLN, which requested UNHCR involvement (the first time that a refugee repatriation had been referred to the UNHCR directly by the countries involved in this way).⁴⁰ It was an immense undertaking.⁴¹ Shortly before the end of the war, the League of Red Cross Societies had

³⁸ UNHCR 11, series 1, subseries 13/1, file 31, TUN/MOR/GEN 03/1959-07/1964, [3456] Letter from Willard Johnson of CARE to M. Homman-Herimbert, UNHCR, 30 Jan 1961. Compare the Turkish Republic, where the late Ottoman experience of foreign actors with proclaimed humanitarian aims working to undermine the state translated into a foundational hostility to foreign humanitarians—not just at the republic’s origins, when it refused foreign involvement in assisting incoming population exchangees (unlike Greece, which relied heavily on the League of Nations for this purpose), but down to the present. In Turkey, only Turkish agencies are permitted to work with Syrian refugees, though the republic does permit foreign agencies a base for their relief operations *into* Syria.

³⁹ UNHCR 11, series 1, subseries 13/1, file 31, ALG 03/1962-10/1968, [3428] Interoffice memorandum, 1 Jun 1960.

⁴⁰ Ministère d’État chargé des affaires algériennes, éd., *Les accords d’Évian : textes et commentaires* (Paris: La Documentation française, 1962), 32. The Algerian Red Crescent had produced its own plan for the repatriation of refugees from Tunisia: the document appears in UNHCR archives, indicating that it was communicated to the agency. The operation it planned is similar to what eventually transpired, but with more emphasis on the need for “villages provisoires” to house refugees upon arrival in Algeria—and the international agencies including UNHCR and the League supporting rather than leading. UNHCR 11, series 11/1, subseries 13/1, file 31, **Croissant-Rouge algérien, commission de rapatriement des réfugiés, August 1962.**

⁴¹ On the repatriation operation, see Malika Rahal, ‘Le pays de l’avenir. Une histoire populaire de l’année 1962 en Algérie’ (Habilitation à diriger des recherches, Paris, Sorbonne Université, 2021); Malika Rahal, ‘1962. Le

estimated that it was distributing rations to over 300,000 people, 171,790 in Tunisia and 135,113 in Morocco.⁴² Although these figures were constantly reevaluated—the question of numbers had still not been solved—the scale of the repatriation was clear. In May, a UNHCR communiqué called the operation “the most important undertaken with the assistance of an international organization since Nansen’s time, with the exception of the return to their countries of persons displaced by the second world war”⁴³: an awkward phrasing that aimed to convey both the importance of the operation in the history of international organizations and its magnitude—considerably larger than the recent evacuation of Hungarian refugees from Austria. UNHCR and the League accepted the role entrusted to them by the Evian Accords, after several days of discussion between the High Commissioner and the League president, positions now held by Félix Snyder and Henrik Beer.⁴⁴ Tripartite commissions would be created in Algeria, with representatives of the French government, the Algerian Provisional Executive, and UNHCR and the League.⁴⁵ Snyder and Beer gave a joint press conference where Beer stressed that the involvement of over fifty national Red Cross and Red Crescent societies gave the repatriation a “a truly universal character”. Snyder added that “the assistance to Algerian refugees can now be considered a humanitarian action

retour des réfugiés’, Billet, *Textures du temps*- حبات الزمن (blog), 9 mai 2018, <https://texturesdutemps.hypotheses.org/2671>.

⁴² IFRC, box R510483300, “Progress report for the month of January 1962 on the Algerian refugee relief action in Tunisia and Morocco”, 15 February 1962. The estimated number of rations distributed was always slightly inferior to the estimated number of refugees.

⁴³ ICRC B AG 234 008-004.02 Rapatriement de réfugiés algériens du Maroc et de la Tunisie à la suite des Accords d’Évian (communiqué du HCR, mai 1962).

⁴⁴ ICRC B AG 234 008-004.02 Rapatriement de réfugiés algériens du Maroc et de la Tunisie à la suite des Accords d’Évian (25.03.1962 - 25.04.1962), Lettre de Pierre Gaillard, à Pierre Boissier, délégués du CICR, Genève le 27 mars 1962.

⁴⁵ ICRC B AG 234 008-004.02 Rapatriement de réfugiés algériens du Maroc et de la Tunisie à la suite des Accords d’Évian (25.03.1962 - 25.04.1962), ‘Le rapatriement des réfugiés d’Algérie commencera au mois de mai’, communiqué du HCR, mai 1962.

benefitting from the widest support that has ever been seen [*une action humanitaire bénéficiant de l'appui le plus large qu'on ait jamais vu*].”

The operation was launched in May. The participating international agencies included the International Committee of the Red Cross (ICRC) as well as several national Red Cross and Red Crescent societies and Rättna Barnen, the Swedish branch of Save the Children.⁴⁶ On the Algerian side, the Algerian Red Crescent, the National Liberation Army (ALN) and the Provisional Government were all involved. In both Morocco and Tunisia, transit camps were set up to shelter refugees overnight before their departure for Algeria by train or truck, or on foot. Although the refugees tended to be in better health than those Algerians who had remained in the country throughout the war, the French required vaccinations and medical examinations to be carried out, ostensibly to prevent diseases from entering a territory still under French sovereignty.⁴⁷ Several itineraries were drawn up, and carefully verified by the ALN: the refugees were not just crossing a borderline but a border zone, in places as wide as 100km, mostly constituted of minefields (**fig 2**). It was therefore essential that refugees did not travel back on their own outside of fixed itineraries. A GPRA agent who participated in the repatriation remembered travelling back with nomad women who, familiar with the area, began making their own way, until a French helicopter dropped a note explaining that they were in the middle of a mine field. The women didn't move until ALN trucks came to

⁴⁶ IFRC, box 1003373, 'Rapport intérimaire sur l'action de secours en faveur des réfugiés d'Algérie en Tunisie et au Maroc', May 1962.

⁴⁷ Ahmed Abid explained, in an interview, the guilt felt by refugees who experienced the war from abroad, and therefore experienced less hardship than those who stayed. On the sanitary situation in Algeria at this time, see André Lévi-Valensi et Pierre Chaulet, 'L'organisation de la lutte antituberculeuse en Algérie', *Revue Tiers Monde*, 1963, vol. 4, p. 161-171.

pull them back to safety. “In the end,” Claudine Chaulet wrote, “we did it: people went home and there wasn’t a single mine victim during the transfer of roughly 200,000 people.”⁴⁸

This rapid repatriation left the host countries, Tunisia and Morocco, suddenly under-supported—they argued that they still required assistance with any refugees that remained, but the relief operation swiftly wound down. And it also left the returning refugees under-supported. The humanitarians coordinated by UNHCR in Morocco and Tunisia provided the departing refugees with tents and rations—medical staff stressed the importance of *feeding them up* before they left—because there was great uncertainty about the situation they were returning to.⁴⁹

Refugee return and landscapes of displacement

That situation was immensely challenging, for the citizens of the new state as well as its government. For the people displaced during the war, whether they had crossed Algeria’s borders or not, there was no simple ‘return’ to their former homes. And the state’s efforts to make homes for its displaced people show how sovereignty over the national territory was not simply taken over from France in July 1962: it was a much longer process, lasting in some senses into the 21st century.

Take the issue of minefields. These were not only an obstacle for the repatriation operation. By the end of the war, the French army had laid between 11 and 12 million antipersonnel

⁴⁸ Pierre Chaulet et Claudine Chaulet, *Le choix de l’Algérie* (Alger: Barzakh, 2012), 224.

⁴⁹ IFRC, box 1003373, ‘Opération de rapatriement des réfugiés algériens’, communiqué n°6, Oujda, 17 May 1962.

mines in Algeria, mostly in the border regions.⁵⁰ As the French army progressively withdrew, over the course of 1962, it left behind bases, camps and barracks, some of which were also mined. Most of the refugees were *from* the border regions, a rural peasant population. Where would they settle, and what would they do, now that their lands were unusable for farming? Demining the land was an urgent necessity, but in the borderlands French soldiers refused to carry out last-minute demining operations. Alain Olmi was stationed near the Tunisian border at the end of the war. According to his fictionalized account of this period, published pseudonymously, when his company received a half-hearted instruction to demine the borderlines after the cease-fire had been signed, no-one took heed: “It would be stupid to get yourself crippled when the war is over.”⁵¹ For the new state, demining was a formidable challenge, requiring money, material, and technicians that it lacked.⁵² Former ALN combatants with experience in crossing the minefields during the war formed units dedicated to the task, and from 1963 began working with Soviet demining teams sent to Algeria.⁵³ But one of the main obstructions to demining remained the absence of maps of the mined areas, which the French authorities only agreed to hand over in 2007.⁵⁴ It took another decade, till 2017, for the demining of Algeria to be completed. In this very basic sense, for over half a century after independence French landmines remained a deadly hindrance to Algeria’s exercise of full territorial sovereignty.

⁵⁰ Malika Rahal, ‘La guerre après la guerre. La fin des opérations de déminage lancées en 1963’, Billet, *Textures du temps* (blog), 29 janvier 2017, <https://texturesdutemps.hypotheses.org/2321>.

⁵¹ Jean Kersco, *Quand le merle sifflera : Algérie, 1961-1962, du putsch à l’Indépendance roman historique* (Paris: Thélès, 2007), 188.

⁵² André Pautard, ‘II. Les emplois sont rares, les secours insuffisants, les soins rudimentaires’, *Le Monde*, 13 décembre 1962.

⁵³ Abdelmalek Ouasti, *Le démineur*, anep (Alger: anep, 2003).

⁵⁴ Rahal, ‘La guerre après la guerre.’; Malika Rahal, ‘La guerre après la guerre. Déminage (II)’, Billet, *Textures du temps*- حبكات الزمن (blog), 16 février 2017, <https://texturesdutemps.hypotheses.org/2401>.

What this meant for one group of returning refugees was described by the UNHCR delegate for Algeria, John D. Kelly, on 1 August 1962.⁵⁵ Visiting Tlemcen in the west of the country at the end of July, he had been informed of the “desperate situation” of 5,000 members of the Beni Boussaid tribal group:

They were among the last refugees to be repatriated from Morocco, their repatriation having been delayed due to the mine fields with which their lands had been saturated by the French Army during the fighting in Algeria. It appears that the maps and plans of the mines have been lost [*sic*], which enormously increases the difficulty of disposing of the mines.

A League official had visited the area with an ALN officer, who took the decision that the refugees should be repatriated, which was done on 20–25 July. But “once back in their tribal lands right on the border with Morocco, the Beni Boussaïd found that they are completely hemmed in by the mine fields.” Unable to till their lands, or even fetch water, they were entirely reliant on external assistance. The Tlemcen prefecture asked UNHCR to put pressure on the French to demine the area, as the ALN was not equipped to do so, “and it is quite out of question to envisage keeping the 5,000 people concerned as permanent charges on charity. Furthermore, it is not possible to transfer them to other areas of Algeria.” But Kelly’s response to this request was revealing. On his return to Rocher Noir, on the coast east of Algiers, where both the Transitional Executive administration and the UNHCR offices were located, he liaised with M. Benzerfa of the executive on the subject, “*since it is one entirely within the competence of the Algerian authorities*, and UNHCR could act, if at all, only if so requested by them [emphasis added].” The minefields may have been a practical constraint on the new state’s territorial sovereignty, but paradoxically, its *diplomatic* sovereignty

⁵⁵ UNHCR 11, series 1, subseries 13/1, file 31, TUN/MOR/REP 06, Kelly to High Commissioner, August 1st 1962.

meant that UNHCR could only intercede with France if the Algerian government asked it to do so. At least part of the Beni Boussaid land was returned to civilian authorities only in 2013, but what happened to the Beni Boussaid in the meantime is unknown.⁵⁶ For them as for many other returnees, it was impossible to remain on their lands. However, it was also impossible to settle them anywhere else.

Nor were the returning refugees the only people struggling to find a place to settle in the country. Algeria at independence was full of displaced people. The main reason for this was the creation during the war of so-called regroupment camps (*camps de regroupement*), by the French army, where inhabitants of large swathes of territory now dubbed 'forbidden zones' (*zones interdites*) had been forced to resettle. The aim was to cut the FLN off from the popular logistical support necessary for the survival of the organization. By the end of the war, 3,525,000 people, or some 41% of the colonized population, had been forcibly displaced. Of those, 2,350,000, roughly a quarter of the colonized population, had been forced into regroupment camps; around 175,000 others spontaneously left their villages to regroup around the camps.⁵⁷ This was an instance of 'barbed-wire imperialism': these were concentration camps similar to those used in other imperial wars, like those of Spain during the Cuban independence war or Britain in South Africa around the turn of the century.⁵⁸

⁵⁶Rapport sur la mise en œuvre de la convention d'Ottawa relative aux mines antipersonnel' (2016), one of a series of reports detailing the progress of demining operations in compliance with the Ottawa Convention against anti-personnel mines. Retrieved on 10 February 2017 from [http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/CEA0316E9D122810C1257F690058D1B6/\\$file/Algeria+2015.pdf](http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/CEA0316E9D122810C1257F690058D1B6/$file/Algeria+2015.pdf) [dead link].

⁵⁷ Cornaton, *Les camps de regroupement de la guerre d'Algérie*, 9; on regroupment, also see Bourdieu et Sayad, *Le déracinement*.

⁵⁸ Aidan Forth, *Barbed-Wire Imperialism: Britain's Empire of Camps, 1876-1903* (Oakland, 2017) ; Andreas Stucki, *Aufstand und Zwangsumsiedlung: Die kubanischen Unabhängigkeitskriege 1868-1898* (Hamburg: Hamburger Edition HIS, 2012); Elizabeth van Heyningen et Elizabeth, *Concentration Camps of the Anglo-Boer War* (Johannesburg: Jacana Media, 2013).

In January and February 1962, an ICRC mission to Algeria visited 21 camps in the centre and east of the country. Envoys noted the different situations of the small number of camps that were of permanent construction (*bâti en dur*) and the “great majority” that were not. The few well-built camps were “situated in regions where as of the end of hostilities the inhabitants will be able to become autonomous; in other words, cultivable land is available to them.” But most were comprised of *gourbis*:

Built of bricks—obtained by mixing clay and straw—covered with thatch or twigs, they shelter a population living directly on a beaten earth floor, alongside the domestic animals. It is evident that, for lack of appropriate hygiene, their sanitary situation is particularly alarming.

Their inhabitants lacked the most basic necessities. For want of hygiene and adequate nutrition, child mortality was high; tuberculosis, rickets, and trachoma were common.⁵⁹

The sanitary situation of the ‘regrouped’ populations was considered worse than that of the refugees living in Morocco and Tunisia.⁶⁰ And it ran the risk of suddenly worsening at independence, as the French authorities and the French Red Cross were leaving before the Algerian authorities could take over. What would happen to these encamped populations was also uncertain: they might return to their lands of origin, migrate elsewhere (many went to the cities), or stay where they were. Some left the camps only to return, having discovered that their homes had been destroyed.⁶¹

⁵⁹ ICRC B AG 251 008-012 Mission en Algérie (29 janvier -25 février 1962), personne responsable : M. Ammann.

⁶⁰ ICRC B AG 110-018.0, Ligue des sociétés de la Croix-Rouge, ‘Notes sur les populations algériennes regroupées’, 26 janvier 1962

⁶¹ Kateb, Melhani, et Rebah, *Les déracinés de Cherchell. Camps de regroupement dans la guerre d’Algérie (1954-1962)*, 133-34.

While these movements towards an uncertain destination were taking place among the colonized population, the bulk of the colonial population (representing 10% of the total population of French Algeria) was displaced in a different way, but with similar uncertainty. Among the settler population—immigrants from France, Spain, Italy and elsewhere, all now French citizens—well over half left the country in 1962 alone, with more leaving over the following years.⁶² Most of the country’s Jewish population (110–120,000 of them) also left: they were not settlers, but had been made fully French by the Crémieux decree of 1870 and slowly assimilated to the colonial population since then.⁶³ The French government had not anticipated departures on such a large scale.⁶⁴ They left empty properties, in the form of houses, apartments, or even land or the rumour of it. When French troops departed from the Rivail regroupment camp, in the Cherchel region east of Algiers, its inhabitants destroyed the barbed wire fences that surrounded (and symbolized) the camp. Mohamed Sari, a child there at the time, recalled that his grandfather would have preferred to go back to their land in the mountains. But his father hoped that the country’s most productive agricultural land—whose expropriation had been central to the violence of colonialism, as in other settler colonial situations where an indigenous majority population remained—might be

⁶² Daniel Lefeuvre, ‘Les trois replis de l’Algérie française’, in *Des hommes et des femmes en guerre d’Algérie : actes du colloque international des 7 et 8 octobre 2002 à l’auditorium du CNRS, Paris*, Jean-Charles Jauffret et Charles-Robert Ageron (Paris: Autrement, 2003), 56-72; Daniel Lefeuvre, ‘Les pieds-noirs’, in *La guerre d’Algérie. 1954-2004. La fin de l’amnésie*, Mohammed Harbi et Benjamin Stora (Paris: Robert Laffont, 2004), 268-86; Claire Eldridge, *From Empire to Exile: History and Memory within the Pied-Noir and Harki Communities, 1962-2012*, Studies in Modern French History (Manchester: Manchester University Press, 2016), 1-23.

⁶³ Esther Benbassa, *Histoire des Juifs de France*, Points 232 (Paris: Seuil, 2000); Benjamin Stora, *Les trois exils : Juifs d’Algérie* (Paris: Stock, 2006).

⁶⁴ Jean-Jacques Jordi, *Les Pieds-Noirs: idées reçues sur les pieds-noirs* (Paris: Le Cavalier Bleu, 2015), 65.

distributed to Algerians.⁶⁵ He decided to move to the plains, to take up the opportunity if it arose.⁶⁶

Only about 15% of the *regroupés* had left the camps by the time of the ceasefire in March 1962. A month later, the *regroupés* still numbered 1.8 million (900,000 in the east, 600,000 in the Alger region and 300,000 in the west), 30% of whom were children under 10.⁶⁷ It bears repeating that French military strategy had deliberately cut this large population off from the means of sustaining itself. As a result, 500,000 people were entirely dependent on outside support; another 300,000 were partially dependent. The risk of famine was a major concern well beyond the ceasefire in March and independence in July 1962. The entire country was full of displaced people in urgent need of assistance.

In the prologue of his book *Walking since Daybreak*, Modris Eksteins memorably describes the ruined landscape of Europe in 1945:

[B]eyond the corpses, beneath the rubble, there *was* life, more intense than ever, a human anthill, mad with commotion. A veritable bazaar. People going, coming, pushing, selling, sighing—above all scurrying. Never had so many people been on the move at once. Millions upon millions.⁶⁸

The description is equally apt for Algeria, seventeen years later, on a smaller but still vast scale. In the Algerian case as in many others, the shared experience of forced population displacement during the war—whether into exile in Morocco and Tunisia or into *centres de*

⁶⁵ James McDougall, *A History of Algeria* (Cambridge: Cambridge University Press, 2017), 118-28.

⁶⁶ Mohamed Sari, *Aizer un enfant dans la guerre: récit* (Alger: Éditions Barzakh, 2018), 18-19.

⁶⁷ ICRC B AG 251 008-013, 'Rapport de mission en Algérie, 31 mars-12 avril 1962', using figures from the French Red Cross and the French authorities.

⁶⁸ Modris Eksteins, *Walking Since Daybreak A Story of Eastern Europe, World War II, and the Heart of Our Century* (Boston: Houghton Mifflin, 1999), x.

regroupement in Algeria itself—had acted as a crucible for nationalist mobilization.⁶⁹

Dispersed rural populations had been brought together, literally concentrated within the camps, in a shared and consciousness-raising relationship to both the colonial military and to the FLN militants who operated clandestinely in the camps.⁷⁰ In turn, the question of who would provide humanitarian care to the displaced became a key issue for the nationalists, during and after the war.⁷¹

Independent Algeria, the refugee regime, and postcolonial sovereignty

In January 1963, the secretary general of the League of Red Cross Societies described how the humanitarian needs of the refugees returning to Algeria had immediately been folded into the much larger needs of the population at large. They had returned, he said,

into frontier zones completely ravaged by eight years of war. It rapidly became apparent that their fate could not be separated from that of the two million displaced and regrouped people who likewise converged on their *douars* of origin, nor from the mass of the needy population whose standard of

⁶⁹ This phenomenon was identified by Liisa Malkki in her anthropological work on Burundian refugees in and out of camps in Tanzania, which informed Peter Gatrell's pioneering work in refugee history. Malkki, *Purity and Exile: Violence, Memory, and National Cosmology among Hutu Refugees in Tanzania* (Chicago, 1995); Gatrell, *A Whole Empire Walking: Refugees in Russia During World War I* (Bloomington, 1999). See also Nicholas Baron and Peter Gatrell, eds., *Homelands: War, Population and Statehood in Eastern Europe and Russia 1918–1924* (London, 2004), and Peter Gatrell and Nick Baron, eds., *Warlands: Population Resettlement and State Reconstruction in the Soviet-East European Borderlands, 1945–50* (Basingstoke: Palgrave Macmillan, 2009).

⁷⁰ Several autobiographical accounts express this. See Boualem Makouf, *Le bagne de l'indicible barbarie* (Alger: Inas, 2011); Henri Alleg, *Mémoire algérienne : Souvenirs de luttes et d'espérances* (Paris: Stock, 2005); Zoulikha Bekaddour, *Ils ont trahi notre combat ! Mémoires d'une rebelle dans la guerre et l'après-guerre* (Alger: Koukou, 2014). See also Fanny Layani, "Le ciel est bleu comme une chaîne." L'incarcération des militants de l'indépendance algérienne dans les prisons de France métropolitaine 1954-1962' (Mémoire de Master, Paris, Université Paris I Panthéon-Sorbonne, 2012).

⁷¹ Compare China, where population displacement during the Sino-Japanese war dwarfed that even in contemporary Europe, acting as a kind of pressure cooker for both nationalism and for new conceptions of a social state. Rana Mitter, *China's war with Japan, 1937-1945: the struggle for survival* (London, 2013); Diana Lary, *The Chinese people at war: human suffering and social transformation, 1937-1945* (Cambridge, 2010); Stephen R. MacKinnon, *Wuhan, 1938: war, refugees, and the making of modern China* (Berkeley, 2008); Keith R. Schoppa, *In a sea of bitterness: refugees during the Sino-Japanese War* (Cambridge, Mass, 2011).

living had dropped considerably following this prolonged conflict. In fact 40% of the population, or 4,600,000 people, need aid.⁷²

The Algerian transitional authorities and several relief agencies, following the refugees back 'in-country', now divided the territory of Algeria north of the desert (**fig 2**): the League operated along both borders and in most of the western third of the country, including Oran; Catholic organizations (Caritas and the National Catholic Welfare Conference) operated in the central third, including the capital; Protestant organizations (Cimade and the World Council of Churches) operated in the eastern third, including Constantine but minus the border zone. (A Quaker relief organization, Quaker Service, operated in a small coastal area north of Constantine.) But their presence now raised its own questions of sovereignty for the Algerian state in formation.

For the FLN and for many Algerians, one central dimension of the Revolution was regaining the ability to care for their own—which is to say, sovereignty over Algerian bodies.

International humanitarian assistance, however much it was needed, called sovereignty in this sense into question; when relief organizations divided up the territory, it even raised questions about territorial sovereignty. This explains the efforts of the Algerian provisional government and its agencies not just to participate in but also to supervise and coordinate the repatriation and, as it moved in-country, the humanitarian relief operation. There was a tension, for the Algerian authorities, between having to appeal for and accept international relief, and proving their own capacity to feed, protect, and house their own people (**fig 3**).⁷³

⁷² [0183] Résumé de l'exposé de M. H. Beer, Secrétaire général sur l'action de secours de la Ligue en Algérie, 10 janvier 1963.

⁷³ On this tension, see Rahal, 'Le pays de l'avenir', 202-21.

Meanwhile, the transition from French to Algerian sovereignty also raised—more pressingly for UNHCR than for either government—the question of what would happen to the ‘old’ or ‘Convention refugees’. The Evian Accords made no provision concerning Algeria’s future obligations in international relations. International treaties would have to be rediscussed. Three days before the 1 July referendum on self-determination in Algeria, the High Commissioner wrote to his envoy in Algiers about the status of Convention refugees. Algerian independence, he wrote, would “raise various legal problems, such as the applicability of the Refugee Convention, the recognition of the refugee status, the documentation of refugees and their legal status in Algeria”. Recently independent countries, not just Tunisia and Morocco but also Niger, the Cameroons, and Ivory Coast, had “made declarations of continued obligation under the Convention”.⁷⁴

In this respect as in others, independence was not instantaneous. In September, Kelly reported from Algiers that “there is no real Government in this country”. In legal terms the Provisional Algerian Executive held sovereignty, but it had no function in foreign affairs. The GPRA—the former government-in-exile—had handed over to the FLN’s Bureau Politique, but “neither organism can really be said to be more than provisional pending the holding of elections (now due on 16 September, after two postponements) and formation of a proper legal Government”. The GPRA had foreign and interior ministries, “but they hardly function”, and independence had brought a political crisis verging on civil war between the military leadership that had been based within Algeria during the war and the returning ‘external’ political leadership. In the absence of a functioning government, “little or no administration

⁷⁴ UNHCR 11, series 11/1, subseries 6/1, file 1, ALG 05/1962-07/1970, [4143] High Commissioner to Mr. G. Jaeger in Rocher Noir (Algeria), 27 Jun 1962. Jaeger was Kelly’s predecessor.

is being carried out. There is no one to take policy decisions of an administrative nature in fields outside the domain of the Provisional Executive... and the civil service is just doing nothing at all.”⁷⁵

Perhaps understandably, when Kelly raised the issue of Algeria’s inherited international responsibilities with M. Guelal, former GPRA ambassador to London and now chief of information in the foreign ministry, the latter confessed that

no thought whatsoever had been given in the Ministry to this question. It was just one of those matters about which they had no time to deal. No doubt it would come up in due course. They would be glad to know what other newly independent country [*sic*] had done about such Conventions which had been ratified by the Former imperial powers. However, he was sure that there would be no difficulty at all about UN Conventions.

Given the enormous challenges the new state faced at independence, establishing a steady institutional relationship with UNHCR, and taking care of a small number of ‘old’ refugees, was not the foreign ministry’s main priority. But for obvious reasons, it mattered to UNHCR—not least because OFPRA had informed it that after the end of 1962 it would stop renewing the ID cards of the ‘old’ refugees still living in Algeria.⁷⁶ Among this group, many needed support, or demanded the agency’s help in getting to France.

What did independence mean for the ‘old’ refugees? They suddenly found themselves as refugees within the formerly colonized population: a much poorer one than the disappearing

⁷⁵ These and following quote: UNHCR 11, series 11/1, subseries 6/1, file 1, ALG 05/1962-07/1970, [4146] From JDR Kelly to HC, Algiers, 8 Sept 1962.

⁷⁶ The French delegate to UNHCR informed Moussalli in September 1962 that France would renew such documents until the end of the year; after that, the Algerian government should take responsibility for these refugees. UNHCR 11, series 11/1, subseries 6/1, file 1, ALG 05/1962-07/1970, [4152] Letter From Géraud Jouve to M. Moussalli, 24 Sept 1962.

settler population, which changed the level of support they could now expect from the state they were living in, even if it applied the convention and recognized them as refugees.⁷⁷ But even this would require a resolution of their legal situation, which made them a test case in the transition of sovereignty. This was translated into material terms with the issuing of identity and travel documents. In the end, OFPRA continued to renew old documents into 1963, but could no longer issue documents to new applicants for fear of infringing Algerian sovereignty.⁷⁸ Meanwhile, if the new Algerian government was too busy to create an administrative office for the old refugees at state level, its local authorities began to deal with them directly. In March 1963, the prefecture of Algiers, which held a stock of old OFPRA travel forms, began overwriting them to produce new Algerian documents.⁷⁹ But this risked creating a confusion. At this stage, French consulates were still being instructed to issue *laissez-passer* to refugees, even if their existing documents (OFPRA cards or passports) were out of date. Refugees were an exception to the rule that it was no longer possible to enter France from Algeria with expired travel documents—but no-one knew for how long. If refugees were delivered ‘Convention passports’ overwritten from French documents by the Algerian authorities, “the French authorities will be forced to consider refugees coming from Algeria as having found a second host country and being under the protection of the

⁷⁷ Little is known about the French who remained in Algeria due to lack of means or connections (as opposed to those who actively chose to become Algerian). Ongoing research by historian Sadek Benkada on the *registres des décès* in the city of Oran reveals that some modest and isolated Europeans remained in formerly European neighbourhoods, now completely transformed, sometimes cared for by their new neighbours. It is possible that some of them were refugees. [Personal communication with Sadek Benkada, 2017]

⁷⁸ UNHCR 11, series 11/1, subseries 6/1, file 1, ALG 05/1962-07/1970, [4167] Letter from Jouve (delegate in France) to Moussalli, 14 Feb 1963.

⁷⁹ UNHCR 11, series 11/1, subseries 6/1, file 1, ALG 05/1962-07/1970, [4169] Moussalli to Jouve, 20 Mar 1963. [4169]. Overwritten French documents, most famously stamps, were one of the material artefacts of state transition in 1962.

Algerian state”.⁸⁰ This highlights an important point. While the UNHCR was eager to hand over the ‘old’ refugees to Algeria, there seemed to be a sense among the refugees themselves as well as among UNHCR staff that they did not *belong* to Algeria. Rather, they seemed to belong to the colonial society that was in the process of disappearing.

The apparent ‘naturalness’ of this belonging was made more obvious by UNHCR’s reluctance to assimilate *new* refugees to the category of ‘Convention refugees’. Kelly’s replacement as delegate for Algeria was the Lebanese Michel Moussalli. Sketching out recommendations for a refugee status determination procedure in Algeria in May 1963, he noted that “A large number [*un nombre élevé*] of refugees not generally recognised as coming under the Convention live in Algeria. Thus some Portuguese, Angolans, Tunisians, Moroccans, etc.”⁸¹ In September, when there was talk of UNHCR assisting the Algerian authorities in taking a census of ‘Convention refugees’, he warned again that “Algeria will be the refuge of all sorts of new refugees and it will require a great deal of diplomacy not to be pulled in a direction which the [High Commissioner] would not wish to take.”⁸² For Moussalli, in other words, Algeria had the potential to force UNHCR to change its definition of who it considered to be a refugee. The ‘new refugees’ of the 1960s would bring about such a change within a few years, in the 1967 Protocol: Algeria was one of the places where the limited definition of the 1951 text was placed under more strain than it could bear.

⁸⁰ UNHCR 11, series 11/1, subseries 6/1, file 1, ALG 05/1962-07/1970 [4171] Jouve’s memorandum of 28 Mar 1963 ‘Conseil et rapport de l’OFPRA’.

⁸¹ UNHCR 11, series 11/1, subseries 6/1, file 1, ALG 05/1962-07/1970 [4183] Moussalli to Dr P Weis, 6 May 1963.

⁸² UNHCR 11, series 11/1, subseries 6/1, file 1, ALG 05/1962-07/1970, [4201] Moussalli to HC, 2 Sept 1963. Moussalli and his superiors also discussed the cases of a number of deserters from the French Foreign Legion who had demanded refugee status. Same location, [4151] Moussalli to HC, interoffice memorandum, Alger, 14 Sept 1962, and [4143] response.

This census was one reason why Moussalli felt that UNHCR should open an office in Algeria, if only temporarily, after Algeria succeeded to the Convention in 1963. By September 1963 the new government was preparing to set up its own office for refugees and stateless persons, and had requested that the agency send a representative. Moussalli felt that this would be useful, both to ensure that the new Algerian office started off on the right track, and to allow discreet monitoring of “the works undertaken by the Algerian government, subsidised in part by the [High Commissioner for Refugees], on behalf of the Algerian ex-refugees”—and to reassure the remaining ‘old’ refugees, who were wary of the new government’s plans to count them.⁸³ The Algerian Office for the Protection of Refugees and Stateless persons opened in Algiers in the autumn of 1963. But counting the ‘old’ refugees was difficult, though a communiqué was published in *La République d’Oran* in January 1964 inviting them to come forward.⁸⁴ There were also logistical problems: local mayors and commissariats lacked the right forms, and had anyway not been informed. In a country emerging from the chaos of the war, the fine-toothed operation needed to identify a few hundred refugees seemed almost impossible to put into place.⁸⁵

Through the 1960s and 70s, UNHCR in Algeria continued working with refugees both old and new. When the Algerian refugee office started trying to count the ‘old’ refugees in spring 1964, the country was already hosting a new refugee population of several hundred Malians: over the next few years, UNHCR would be involved in helping them go home.⁸⁶ The agency

⁸³ UNHCR 11, series 11/1, subseries 6/1, file 1, ALG 05/1962-07/1970, [4201] Moussalli to HC, 2 Sept 1963.

⁸⁴ *La République d’Oran*, 31 Jan 1964.

⁸⁵ UNHCR 11, series 11/1, subseries 6/1, file 1, ALG 05/1962-07/1970 [4224] Berta to HC, Alger, 6 Mar 1964.

⁸⁶ UNHCR 11, series 11/2, subseries 10, file 100 contains several documents about Malian refugees who fled violence in 1963 and by 1967 were ready to go home with a little support, and about another wave fleeing famine caused by the drought 1974. See for example: [3114] Memorandum from M. Mustapha Kermia, UNHCR

also continued to assist Algeria's 'old' refugees into the 1970s, as they literally grew old, and needed more support than Algeria could give them. In 1969, Spanish Caritas signalled the existence of about 400 Spanish refugees in Oran, about 50 of whom had families.⁸⁷ Older and poorer refugees received support from religious communities such as the Petites Sœurs des Pauvres, if only on their deathbeds; others found it difficult to find jobs now that French companies were no longer operating in Algeria; others again seemed to be living normal lives, and were known to the French authorities for obtaining visas for tourism or work to travel to France.⁸⁸ After the death of Franco, several retired Spanish refugees wanted to return to their country of origin, though with much uncertainty as they would not be able to be paid their Algerian pension there.⁸⁹

Conclusion

By the late 1970s the globalization of the international refugee regime was unstoppable, and UNHCR was in the process of becoming a major humanitarian actor in its own right in response to the refugee movements in southeast Asia.⁹⁰ But the agency's involvement in the Algerian war deserves our attention, not just as a turning point in the history of the modern international refugee regime, but as an exemplary case for understanding how that regime became an arena for the establishment of postcolonial sovereignty.

Correspondent in Algeria, 23 Jan 1967; letter from Kermia to Ghassan Arnaout, chief of the Middle East and Northern Africa, 30 Oct 1974.

⁸⁷ UNHCR 11, series 11/2, subseries 10, file 100, [3143] Letter from Juan Antonio Masip, secretary general of Cáritas Española to Miss Brissimi, UNHCR in Geneva, 14 Jul 1969.

⁸⁸ UNHCR 11, series 11/2, subseries 10, file 100, [3149] Internal communication to UNHCR, author unknown, 8 Jan 1970.

⁸⁹ UNHCR 11, series 11/2, subseries 10, file 100, UNHCR memorandum, Algiers, 9 Nov 1977.

⁹⁰ The agency's annual budget was \$9m at the start of the decade, and more than fifty times greater by the end. T. Alexander Aleinikoff and Leah Zamore, *The Arc of Protection: Reforming the International Refugee Regime* (Stanford, 2019), ch1.

For Morocco and Tunisia, interacting with the refugee regime was a way to establish their credentials as independent states, while also bringing the meaning of their sovereignty into sharper definition—whether for the populations who now found themselves firmly categorized as Algerian, Moroccan, or Tunisian, or for the territories from which they could now decide to exclude certain foreign agencies. This subject would merit further attention: how did the arrival and settlement of refugees stimulate processes of territorialization in each country, for example, and how did political and societal responses to the refugees relate to the articulation of their national identities?⁹¹ For the FLN, meanwhile, interacting with the refugee regime during the war was part of its concerted effort to use international diplomatic and humanitarian forums to make itself the recognized representative of the Algerian people.⁹² Resettling the returning refugees in the midst of the much greater displacement crisis of the *regroupés* showed the transitional authorities at and beyond the limits not just of their ‘state capacity’ but of their sovereignty over Algerian bodies and the new national territory. After the war, Algeria’s participation in the refugee regime gradually stabilized, as the multiple crises of 1962 slowly subsided and the new state took bureaucratic, political, and diplomatic shape. Following the refugees allows us to see the texture of postcolonial sovereignty in formation, a decades-long process that took place everywhere from the minefields of the border zone to the filing cabinets of urban prefectures, from the government building of the capital city to the seat of UNHCR in Geneva. But Algeria’s participation in the regime also shows how deep was the French imprint on the new state’s understanding of government. The administrative office they set

⁹¹ White, ‘Refugees and the definition of Syria’.

⁹² R. Branche, ‘Entre droit humanitaire et intérêts politiques : les missions algériennes du CICR’, *Revue historique* 123, no 1 (1999): 101-26; Branche, *Prisonniers du FLN*.

up to support the implementation of the convention in Algeria was, as its name suggests, calqued on the *Office français de protection des réfugiés et apatrides*, which offered to train its personnel.⁹³

There is also a global history to be written of how former European colonies that *succeeded* to the convention as independent states interacted with—and reshaped—the regime. States becoming independent of France were at the forefront of this because of France’s (unusual) blanket application of the convention to its colonial empire. But many other present-day UN member states initially joined the refugee regime in this way.⁹⁴ Writing the history of the refugee regime from north Africa shows, in a way that writing it from Geneva cannot, how it was reshaped in the 1950s under the impetus of the newly-independent states of Morocco and Tunisia and the anticolonial nationalist movement of Algeria. Writing it from west Africa, where another group of former French colonies had succeeded to the convention, might show how it was reshaped in the 1960s: by notifying the High Commission that they would depart from French precedent and apply the geographically *unlimited* interpretation of the

⁹³ UNHCR 11, series 11/1, subseries 6/1, file 1, ALG 05/1962-07/1970, [4168] letter from Moussalli to V. Tedesco at UNHCR in Geneva, 18 Feb 1963.

⁹⁴ Australia’s signature in 1954 brought in Nauru (independent from 1968), Norfolk Island (still an Australian external territory), and Papua New Guinea (independent from 1975), while between 1956 and 1970 Britain gradually extended its application from the near offshore crown dependencies (Isle of Man and Channel Islands, 1954) to over twenty other territories around the world, large (Kenya) and small (St Helena). Britain never applied the convention to Malaya, and independent Malaysia remains a non-signatory. The Netherlands— like Britain, an initial signatory (28 July 1951)—extended the convention’s application to Suriname in 1971. UNHCR, ‘States parties’, pp14–15. Belgium, another initial signatory, and Portugal (acceded 1960), did not apply the convention in their overseas colonies: as independent states, these countries therefore joined the regime by accession. But here too there is a history of postcolonial sovereignty to trace: the former Belgian Congo, for instance, acceded to the convention within five years of independence, before the 1967 Protocoland immediately adopted the ‘global’ interpretation of its definition of ‘refugee’. (The former French Congo is one of only four countries that still hold to the ‘narrow’ interpretation—which it can do because it has been a party to the convention since before 1967.) NB—Portugal applied the convention in Macao from April 1999, a few months before the city’s reversion to Chinese rule.

text, they seem to have created the momentum that led to the 1967 Protocol.⁹⁵ Why they did this, and whether their action was coordinated, remains to be seen. And where else might this history be written from?

⁹⁵ 1951 Convention, article 1, B; UNHCR, 'States parties'. We would like to thank [RE-INSERT LATER] for pointing out the role of former French colonies in this history.