

THE REUNITING OF FAMILIES IN EUROPE DURING AND AFTER THE SECOND WORLD WAR

Part two

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In a previous issue, *International Review*¹ set out the moral and, for the ICRC, fundamental, reasons spurring it to tackle this problem at the international level. The legal standards were described in general terms, but should now be gone into in greater detail.

Not only did the second world war lay waste large areas and virtually destroy economic life; it also left in its wake bitterness and hatred together with fundamental ideological differences. Even the very first attempts at reuniting families demonstrated their pacifying effects. Such reunited families completely forgot the hardships of the wartime and post-war periods and once more looked to the future, starting with the rebuilding of their lives.

Following the new order in Europe, government decrees resettled and scattered millions of people; once these political steps had been taken, therefore, more than a million of these people found themselves separated from their families and relatives. Reuniting them with their families who had already been resettled or had fled was a true labour of peace, but one which initially met with a large number of obstacles.

¹ *International Red Cross Review*, July-August 1979.

The basic premise was that article 6 (concerning the ICRC) of the Statutes of the International Red Cross allocated this organization the right to take humanitarian initiatives. This is shown especially in article 4, § 1 (d) and (f) and § 2 of the ICRC statutes as determined and confirmed by International Red Cross conferences, in the presence of government representatives, at The Hague in 1928 and Toronto in 1952. The ICRC's task, in the founding of new Red Cross Societies, too, as is also shown by article 6(5), concerning its contacts with the Red Cross organizations and other competent authorities, helped in exerting influence here. During the campaign to reunite families, these contacts certainly facilitated co-operation between the Red Cross Societies taking part in this humanitarian work.

The steps discussed here for reuniting families in Europe began only two years after the cessation of hostilities. The interval is explained by the state in which Central Europe had been left by the second world war. In addition, account had to be taken here of various conditions arising from the concepts of national sovereignty, some of which were given different interpretations.

The success that was nevertheless finally achieved was undoubtedly closely connected with the high moral principles on which this campaign was based, in total political neutrality, which the International Committee, as in the past, also strictly observed in this campaign. It was this attitude which had led the ICRC, together with the co-operating Red Cross Societies, to take the initiative in reuniting families. Success was thus also achieved in laying down certain Red Cross principles for reuniting families, and these principles were subsequently adopted by the governments.

The framework later drawn up by the ICRC consisted in:

1. The reuniting of children up to the age of 16 (and often older) with their parents or, if they were dead, with their nearest relatives.
2. The reuniting of spouses, on the principle of bringing them together at the home of the spouse who was in a position to support the family—thus it could in certain circumstances be that of the wife of a man who was no longer fit for work.
3. The reuniting of elderly and sick people with relatives capable of caring for and maintaining them.

At that time, the main aim of the Red Cross's efforts was to obtain exit permits from their country of residence for people separated from their families. This often took a very long time. The grant of an entry permit to the family's country of residence generally raised no insuperable difficulties. The approaches made by the ICRC delegates Ehrenhold

and Beckh in the then occupied zones required caution and an understanding of the circumstances in each case.

Quite understandably, not only the eyes of the people seeking help, but also the attention of national offices of the Red Cross Societies dealing with these very weighty humanitarian problems and of other aid organizations were directed towards the ICRC. A report will be given here on the way in which the tasks were distributed, both in general and within the Red Cross movement.

ORGANIZATION OF OPERATIONS

At the time of writing this report, the present analysis has topical significance in view of the no less tragic scattering of families in other continents. It is therefore to be even further extended here beyond the post-war campaign in Europe, taking into account opinions in competent quarters both at the time and somewhat later, after the campaign to reunite families had begun.

The League of Red Cross Societies, to its credit, held a Red Cross conference in Geneva on 13 and 14 March 1950, on the position of populations displaced from eastern European countries to West Germany because of government decisions and on the steps to be taken in this connection. It was attended by representatives from ten Societies, the League and the ICRC.

In view of existing humanitarian questions, it is noteworthy that the prevailing opinion was that the matter of including further hundreds of thousands of Germans and "ethnic Germans" in the family reuniting campaign should be dealt with not in isolation but in association with the other problems listed below:

1. the rôle of the Red Cross in the field of emigration,
2. the protection of children (conditions of hygiene during transport, adoption procedures),
3. the problems of bringing up youngsters, including occupational training,
4. general family problems,
5. the reuniting of scattered families,
6. the problem of stateless persons.

This conference ended with the decision, supported by the German, Austrian and Swiss Red Cross Societies and by the ICRC, to hold from 9 to 14 April, 1951, in Hanover, an international conference on the problems discussed. Further support for this idea was obtained from the Board of Governors of the League in Monaco in the autumn of 1950.

The planned conference was attended by a large number of governmental and non-governmental bodies, represented by competent persons and specialists in the field of refugee questions, under the chairmanship of Dr. G. A. Bohny, President of the Swiss Red Cross and Vice-President of the Board of Governors of the League. Those taking part included the Federal German Minister for Refugees, Dr. Lukaschek, with his close collaborators, the Prime Minister of Lower Saxony, Herr Kopf, the Lower Saxon Minister for Refugees, Pastor Albertz, and representatives of the German and Austrian Red Cross Societies, the League and the ICRC, the latter being led by Committee Member R. Olgiate.

In addition, the American, Australian, Belgian, Brazilian, British, Danish, French, Icelandic, Italian, Netherlands, Norwegian, Peruvian, Swedish and Swiss Red Cross Societies sent representatives. Other persons who attended included specialists from humanitarian organizations.

The German and Austrian Red Cross Societies were represented by personalities who had already lent their aid at the very beginnings of the family reuniting campaign and were later to provide further invaluable help, the Vice-President of the German Red Cross, Countess E. Waldersee, Mr. W. Bargatzky, and Count Z. Goess of the Austrian Red Cross Society. Together with others, they were in favour of the continuation and extension of the family reuniting campaign. The ICRC had also presented documents on this subject. Refugee Minister Albertz stressed the value of the ICRC's "Operation Link", which had virtually represented the start of the family reuniting campaign. He also referred to the invaluable co-operation initiated here already with national institutions and within the Red Cross. His very words were: "In the history of these tremendous migrations, we have assumed the great task of co-operation under the sign of the Red Cross".

Federal Minister Lukaschek emphasized the great satisfaction with which the Federal German Government had greeted the ICRC's initiative in the reuniting of families, and said that it was ready to support it in every way.

President Count Goess mentioned the Austrian Red Cross Society's efforts towards the acceptance of further refugees and people driven from their homes. He said that only the ICRC's initiative had made

it possible to include Austria in the campaign for the reuniting of families.

The representative of the ICRC, its member R. Olgiati, gave an account of his impressions gained from a visit to the Friedland transit camp and of the intention of the International Committee to make further efforts to reunite families.

Important reports were presented, of which only a few can be mentioned here. The German national authorities stated that, at the time, there were in West Germany, in addition to the resident population, the following people as a result of the war and its consequences:

- 263,000 displaced foreigners (“DP’s”, whose protection was assigned to the International Refugee Organization (IRO)),
- 50,000 other non-Germans (not entitled to this protection),
- 9,100,000 Germans and “ethnic Germans”, who had had to leave their homes following governmental decisions in the east, including those who had reached West Germany from Central Germany in the course of these population movements.

The reuniting of families was not dealt with in these deliberations as a subject isolated from others. The participants were obviously convinced that the acceptance of further hundreds of thousands of Germans and “ethnic Germans” in a country still severely affected by the second world war would have to be treated in conjunction with the provision of aid to the civilian population and to the refugees and displaced persons already accepted.

It can be said that this conference indicated the direction to be taken to cope with these stateless persons and to reunite families. Many reports, followed by corresponding decisions, dealt with the following questions in the spirit of the 1950 Geneva conference:

I. The situation of stateless persons in West Germany:

1. General conditions:

- (a) distribution among the occupied zones and the Länder,
- (b) illegal refugees,
- (c) immigrants from eastern European countries,
- (d) displaced persons

2. Official steps and projects to improve the position of the refugees.

3. Integration into the economy.

- (a) Agriculture and crafts.
- (b) General position on the labour market.
- (c) Young people’s occupational difficulties.
- (d) Unemployment among displaced persons.

II. German Red Cross activities in aid of refugees

1. The position of the Red Cross in Germany after the collapse.
2. Initial aid for displaced persons and refugees.
3. Systematic help for displaced persons and refugees.
 - (a) Help for infants and children.
 - (b) Help for young people.
 - (c) Help for the family and old people.
 - (d) Help for repatriated servicemen.
 - (e) Help for DPs.
4. Tracing service.
5. Aid in the reuniting of families.

III. Assistance provided by the other Red Cross Societies in co-operation with the German Red Cross

IV. Decisions

It was in these conditions that the family reuniting campaign was basically organized with regard to the expected arrival of a further hundred thousand persons. From that time on it was possible to say that the acceptance of a German or an "ethnic German", who had been separated from his family, became basically ensured after not considerable difficulties had been surmounted.

Even as early as this there appeared the principle—clearly expressed at the Geneva Diplomatic Conference on matters of asylum in January/February, 1977—that where a family scattered by circumstances beyond its control is to be reunited, a refugee should be accepted in the country where his relatives live.¹

It was the task of the Red Cross Tracing Service to seek addresses of members of families who had been dispersed by circumstances. The Central Tracing Service of the ICRC bent all its efforts to this end with a great degree of competence.

The second problem, as already mentioned, was to obtain exit permits for Germans and "ethnic Germans" who still remained in their countries of residence so that they could be reunited with their families who had meanwhile taken up residence in other countries. This problem would have been insuperable without the continuous efforts of the Red Cross. It included also the reuniting of released prisoners of war with their

¹ United Nations General Assembly A/Conf. 78/12 21.4.1977 — UNITED NATIONS CONFERENCE ON TERRITORIAL ASYLUM — Appendix I, pp. 36-37.

families, where the ex-prisoners had been released in their original country of residence, while their families had already left it through force of circumstances.

It became necessary later in the campaign to enquire into and establish the origins of the person wishing to emigrate.

During the important international conference in Hanover from 9 to 14 April 1951, the work within the Red Cross family was recognized in an informal but decisive manner during the drafting session of 13 April on Resolution No. 11 (unanimously agreed upon on 14 April).

The League was represented by its Secretary-General de Rouger and H. Montant, and the ICRC by its delegates Ehrenhold and Beckh with special responsibility for this mission. With the recognition of the leadership of this ICRC initiative, the co-operation of the National Red Cross Societies concerned and, consequently, of the League was acknowledged as follows: "The Conference congratulates the ICRC on the important results which it has achieved so far in reuniting families and requests it to continue, reinforce and extend its efforts, so that this extremely important campaign in aid of war victims may be brought to a successful conclusion, and if possible within a reasonable time."

The agreement between the League and the ICRC on the way in which the work was to be divided was expressed in the rider: "The Conference also expresses its thanks to the National Societies which have actively collaborated in this work."

When this conference closed, the ICRC delegates went to Bonn for further talks with the Federal German Red Cross and authorities. They also took part in meetings at the Federal Chancellor's office, the Foreign Ministry and the Ministry for Refugees at which the guidelines were drawn up for the continuation of the family reuniting campaign in Germany.

In this connection, the discussions of the "Preparatory Commission of the International Refugee Organization" (IRO) in Lausanne in July 1947 were significant. They dealt with establishing the categories of refugees entitled to the protection of this UN organization. The decisive matter here was the basis on which only refugees whose status corresponded to a strict definition could claim this kind of UN protection. Germans and "ethnic Germans" were excluded on the grounds that, in the Commission's view, they could, as Germans, always be accepted by Germany. In being displaced, they would thus be on the road to repatriation.

As the ICRC had examined the matter, it was able, as a neutral expert, to refer to documents concerning the "ethnic Germans" from

the region of Banat, the "Danube Swabians" in particular, and made it possible to defend their interest at state level. The author was able to prove that this "Germanic" minority included not only Germans, but also Lorrainese, Luxembourgers, Flemings and even Swiss. It was also found that in some communes of the Yugoslav part of Banat "Danube Swabians" from French-speaking areas had maintained contact with the French mission.

These documents allowed the French delegation to the Preparatory Commission to claim that these inhabitants of the Banat region were basically entitled to UN protection as refugees. Although subsequently no such decision was made by the IRO, a way was nevertheless found to make it easier to settle these inhabitants of Banat outside Germany and Austria. Later, the ICRC was able to help in the integration of some of these "ethnic Germans" into France and Brazil. This successful integration procedure constituted a practical contribution towards the reuniting of families.

According to the division of tasks as it developed in this field, the ICRC later had little more to do with these efforts at integration. In the full spirit of the decisions of the international conference in Hanover in April 1951 this was principally the business and task of national bodies and other welfare associations, and included emigration questions.

On the other hand, in the European campaign for the reuniting of families the obtaining of the necessary exit papers was virtually exclusively in the hands of the Red Cross or, where refugees were concerned, of the IRO and its successor, the UN High Commissioner for Refugees.

Other associations working in this field submitted suggestions to these two organizations, to which they also provided documents and recommendations.

These remarks on the theoretical bases for the family reuniting campaign in Europe have been outlined here without any chronological sequence. They would otherwise have interfered with the coherence and layout of the essential concepts.

A CONFUSING LEGAL SITUATION

With respect to the mass resettlements resulting from the Potsdam decisions of 2 August 1945, it should be added that the ICRC's attitude to that general problem was determined by concern not to make its own

freedom of action unnecessarily difficult by criticizing the steps taken by governments. The International Committee attached great importance to stressing that it had no attitude of its own towards the principles underlying this uprooting of populations, and that the purpose of its operations would solely be to try to ensure that the resettlement decreed by governments should take place in the most humanitarian conditions possible.

It should be added here that one of the greatest hardships of these governmental measures was the separation of families and that the natural consequence seemed to be that the ICRC should concern itself with this weighty problem.

Let us also mention that the Universal Declaration of Human Rights, proclaimed on 10 December 1948, inveighs against such deportations, especially in its article 13. Article 17 of the 1977 Protocol II is also clearly against such mass resettlements and gives added weight to article 49 of the Fourth Geneva Convention.

Millions of people were deported in 1946-47, when the United Nations Charter of 24 October 1945 was already in force. The preamble to the Charter gives as a prime aim the maintenance of lasting peace between all peoples. The decisions governing the transition from war to peace in Central Europe necessarily lay primarily with the occupying powers. The influence of the United Nations in the matter of the mass deportations there was still weak.

When the European campaign for reuniting families began, some two to three years after the second world war, the mass uprooting of people was virtually over. Meanwhile, millions of people had been moved to Central Europe. The problem then was primarily to obtain exit permits for those left behind, on the basis of the many appeals reaching Geneva, so that these people, including even children, could be reunited with their nearest kin.

The legal situation was confusing and contradictory. The mass deportations mentioned above had been made in contempt of the law and when there was a total reversal of the governmental steps taken it was found extremely difficult to obtain exit permits to allow dispersed families to be reunited.

In these circumstances, the decision, still valid to-day, had to be taken to introduce and accomplish such reuniting of families not so much on the basis of law as on humanitarian grounds. It was therefore quite logical that the European family reuniting campaign should be initiated by the ICRC and carried out in collaboration with the National

Red Cross Societies. In to-day's ideologically divided world, families continue to be dispersed, and this consideration is still valid.

PRACTICAL ACTION

Further remarks concerning the campaign in countries of emigration are given below in chronological order for each of those countries.

Poland

In connection with its tasks under the Geneva Convention, the ICRC sent a delegation led by François Ehrenhold to Warsaw in 1947. Ehrenhold, a veteran ICRC delegate with a wealth of experience behind him, had worked with Fridjof Nansen from 1921 to 1923 as an assistant in the League of Nations campaign for prisoners of war and during the famine in Russia. He had also been concerned with settlement tasks in Latin America when Saarlanders who had voted against the reunification with Germany after the first world war emigrated to Paraguay and other countries. Later, he was assisted by delegate Dr. Emile Boesch.

Ehrenhold's task was to take up the cases of prisoners of war who were still in camps and to help in their repatriation. Here, he collaborated closely with the ICRC's Central Prisoners of War Information Agency to help prisoners of war and other persons protected under the Geneva Conventions (such as civilian internees). It was indeed an important part of the task of the civilian tracing service, as laid down in the Geneva Conventions, to maintain links between members of families separated by national frontiers when such links were hampered or even rendered impossible by circumstances, especially armed conflicts. The name of the Central Prisoners War Agency was changed to Central Tracing Agency soon after the start of the family reuniting programme in which it played an important part. It co-operated closely with the German Red Cross tracing service led by Dr. Wagner, together with his very active colleagues. Here, too, there is an analogy with the present efforts towards the reuniting of dispersed families on other continents, in which the Red Cross tracing services have important work to do, for which the prerequisite is total neutrality in accordance with the principles of the Red Cross.

François Ehrenhold found it no simple matter to contact German civilians in Poland and to meet the numerous appeals for help received from them by the ICRC delegation. This became officially possible only after permission had been granted by the competent authorities.

Only then was he finally able to visit two civilian assembly camps in Wroclaw and Lodz and press for humanitarian conditions, as well as in a transit camp for people being transferred to Kalawsk, Potulice and Sikawa. He found German civilians used as labourers on visits to eight prisoner-of-war camps.

The situation was tense, as might be expected after the horror of war and the hardships of the period of occupation. The delegation received many requests for the reuniting of families either directly or via the Central Agency in Geneva. Ehrenhold's major achievement was, on the basis of the ICRC's total neutrality in the spirit of Max Huber, that of gradually convincing the Polish authorities to adopt a humanitarian attitude towards these evacuations. These requests already in themselves virtually led to the reuniting of families. While the aforementioned mass movements had been the starting point of the dispersal of so many families, it may be said that this ICRC delegate's action lay at the origin of the family reuniting campaign.

The Warsaw delegation first tackled the matter of speeding up transport for children, the aged and the sick, and at the same time of reuniting them with their families. They had been evacuated because of the air raids, to eastern provinces which at that time were still under the control of the Polish authorities. Here, too, in liaison with the tracing service of the German Red Cross, the Central Tracing Agency had carried out the appropriate preliminary work in order to be able to discover the names of the children evacuated to the east and those of their relatives who had remained in Germany. The same applied to the other people, mostly sick and elderly persons. In addition, together with its Berlin delegation and the Don Suisse, the ICRC made efforts to prepare suitable transport for the purpose. This campaign was facilitated by gifts from other international aid bodies, helped by appropriate German efforts.

Subsequently, the Polish authorities set up a commission for the repatriation of evacuees. In this matter, Mr. Ehrenhold dealt with the commissar appointed for the purpose. A repatriation collection area was opened to the north of Katowice. The commissar stated that he was prepared, together with the ICRC, to begin the assembly of these people, to give the necessary instructions for their transfer to Germany,

and to provide the railway rolling stock for special trains, with ambulance facilities wherever possible.

Despite the wide variety of tasks which the ICRC's small Warsaw delegation had to tackle, the long distances involved and the lack, at that time, of means of transport, the ICRC delegate was able in August 1947 to provide information on the extent of the evacuees problem and on the number of Germans and "ethnic Germans" involved, some of whom, before exit formalities had become more difficult, had tried to rejoin their families by their own efforts.

A report, dated 21 August 1947, stated: « The present situation is as follows. So far, some 3,000,000 Germans have left Poland, either by their own efforts or in the course of the Polish Government's resettlement programme. Of these three million, slightly over one million have gone to the British occupation zone in Germany, and the rest to the Soviet zone. There now remain 300,000 persons, all of whom will be transferred to the Soviet zone, since the British authorities have definitely decided not to take in any further immigrants, although one in two of these people are anxious to join their spouses in the British zone or be able to take their children there ... This would concern families resident there ... ».

Mr. Ehrenhold also reported on a discussion with representatives of the Polish Government, which was hoping to be able to complete the evacuation of German civilians from Poland by 30 November 1947, except for 20 to 30 thousand persons who had opted for Polish nationality, but whose applications had not been fully checked.

In connection with this report, it should be repeated that there were at this time three classes of displaced persons involved: firstly, the Germans who had been evacuated on account of the air raids on Germany into what was now Polish territory; secondly, the persons to be resettled as a result of the Potsdam decisions, these steps also being considered as evacuation; and finally those who, though apparently not affected by the expulsion measures, wished to go to Germany in order to rejoin their families there.

On the subject of the reluctance of the British occupation authorities to accept more Germans wanting to join their families, discussions with representatives of the British military administration in Germany were held at the seat of the ICRC; these discussions did indeed result in a softening of the British attitude in the interests of humanity, but provided no final solution. Their objections at the time were that some of the territory from which people had been displaced had not finally been transferred to Poland and that transfers of territory could still be decided.

They also wished to exercise control over the thousands of people pouring into Germany, and this could not be done quickly: investigation would also have to be made of the effect which such a large-scale influx of persons would have on the economic reconstruction programme in the British zone.

Subsequently, the ICRC sent a note to the Foreign Office on 4 August 1948, referring to the steps taken by Mr. Bieri, its delegate in Great Britain, and requesting permission for ethnic Germans from Poland to enter the British occupation zone.

The Foreign Office immediately had permits issued for 1,541 children from Poland, whose relatives were in the British occupation zone in Germany.

The final abandonment of the British objections was to produce almost dramatic results on the arrival of the first group of people to be reunited with their families in Lower Saxony. This group from Poland, of some 500 Germans and ethnic Germans, arrived at the Heiligenstatt camp in the Soviet occupation zone. They then crossed the no-man's-land between the Soviet and the British zones to reach the Friedland transit camp in Lower Saxony. At first, however, the British officer in charge forbade them entry into the British zone. Apart from the German entry authorization the British authorities required persons coming from Poland to have a permit which should have been issued by a Permit Officer in Warsaw. However, many of these Germans, anxious to rejoin their families, had not lived in Warsaw and hardly possessed the means to pay the fees.

Finally, as if by some miracle, the expression "family reunification", in conjunction with the negotiations mentioned above and with overtures by ICRC delegate Nicolas Burckhardt to the Lower Saxon Government, opened the doors.

Even Pastor Albertz, the Lower Saxon Minister for Refugees, who had been called upon, was unable to soften the attitude of the British officer in charge. Finally, inspired by the obvious humanitarian importance of the reuniting of families, he ordered, on his own initiative, that these people be taken into Lower Saxony. There followed a conflict between an authority stubbornly adhering to the rigid application of occupation law and a minister whose decision was governed by the humanitarian spirit. Faced with Pastor Albertz' insistence on the helpless situation of these people, the General in command at the British headquarters finally changed his mind.

This precedent which, depending on the view taken of the law, may be regarded as either a breakthrough for natural law or a case of

jus cogens, finally provided access to the British occupation zone for persons entering under the family reuniting scheme.

In one of the previously reported discussions in Bonn, following the International Conference in Hanover, it was eventually decided, in the presence of the representatives of the British permit officer in Warsaw, that the German authorities would now be the final arbiters in matters concerning the reuniting of families.¹

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¹ Statistical data to follow.