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STUDY ON THE POSITION OF STATELESS PERSONS

Presented by the Secretary-General

Volume I

Note

The present Study on Statelessness was prepared in pursuance of the request addressed by the Economic and Social Council to the Secretary-General in Resolution 116 (VI) D, dated 1 and 2 March 1948, the text of which is reproduced in the Study.

The plan of the complete Study is as follows:

Introduction

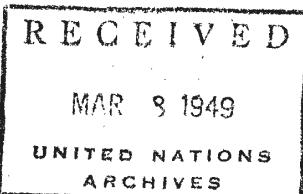
Part I - Improvement of the status of stateless persons

Part II - The elimination of statelessness

Each of these Parts includes the Secretary-General's recommendations to the Economic and Social Council in accordance with the request addressed to him, on the subject dealt with in that Part.

Volume I contains the Introduction and Part I of the Study.

The Secretary-General will submit Volume II, comprising Part II of the Study and the recommendations for the abolition of statelessness, to the Council at a later date.



STUDY ON STATELESSNESS

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INTRODUCTION

Section I - Origins of the present study

I. THE TERMS OF REFERENCE GIVEN TO THE SECRETARY-GENERAL BY THE ECONOMIC AND SOCIAL COUNCIL

At its sixth session, the Economic and Social Council adopted Resolution 116 (VI) D, dated 1 and 2 March 1948,⁽¹⁾ reading as follows:

"

D STATELESS PERSONS

"THE ECONOMIC AND SOCIAL COUNCIL,

"TAKING NOTE of the resolution of the Commission on Human Rights adopted at its second session regarding stateless persons,⁽²⁾

"RECOGNIZING that this problem demands in the first instance the adoption of interim measures to afford protection to stateless persons, and secondly the taking of joint and separate action by Member nations in co-operation with the United Nations to ensure that everyone shall have an effective right to a nationality,

"REQUESTS the Secretary-General, in consultation with interested commissions and specialized agencies:

"(a) To undertake a study of the existing situation in regard to the protection of stateless persons by the issuance of necessary documents and other measures, and to make recommendations to an early session of the Council on the interim measures which might be taken by the United Nations to further this object;

"(b) To undertake a study of national legislation and international agreements and conventions relevant to statelessness, and to submit recommendations to the Council as to the desirability of concluding a further convention on this subject."

II. CONSULTATIONS BY THE SECRETARY-GENERAL

The Secretary-General, in accordance with the above resolution recommending him to consult "interested commissions and specialized agencies" consulted the Director-General of the International Refugee Organization at the various stages of his work.

(1) Resolutions adopted by the Economic and Social Council during its sixth session (2 February to 11 March 1948).

(2) See official Records of the Economic and Social Council, Third Year, sixth session, Supplement No. 1, pages 13 and 14.

In addition he requested information from the Director of the International Labour Office on certain points within the latter's specific competence, and submitted the draft of the Study to him.

Finally, the Secretary-General obtained expert opinion from Mr. Paul Niboyet, Professor of the Paris Faculty of Law, on national legislation under which the possession of a nationality is not at present ensured to every individual.

III. NATURE OF THE STUDY

In accordance with paragraph (b) of the Council's resolution, the Secretary-General is requested to study national legislation and international agreements and conventions relevant to statelessness.

In this connection, the Secretary-General points out that he has not undertaken an exhaustive study of the provisions of national legislation concerning nationality. In the first place, that would have taken a long time, and secondly, if the Economic and Social Council decides to work for the conclusion of international conventions for the abolition of statelessness, it will probably require to request Governments for precise information on the present position of their legislation in the matter.

For the time being therefore, it seems sufficient to give a general picture of the law governing nationality, indicating the main systems in force. The quotations and references here given are intended merely as examples.

Section II - Statelessness past and present

I. GENERAL HISTORICAL SURVEY

Statelessness is a phenomenon as old as the concept of nationality.

Present-day law recognizes the State as the sole authority responsible for determining the rules governing the attribution of its own nationality. There are only a small number of conventions concerning statelessness, designed to abolish it in certain specific cases.

The absence of general rules for the attribution of nationality and the discrepancies between the various national legislations constitute the permanent source of statelessness. Until the beginning of the twentieth century, however, the resultant statelessness was a limited phenomenon and consequently did not greatly disturb international life.

After the territorial reshuffling and the political and social crises which followed the First World War, statelessness assumed unprecedented proportions.

First came the exodus of more than a million Russian and Armenian refugees.

/Then the

Then the establishment of the Fascist regime in Italy was followed by the flight of tens of thousands of Italian refugees.

In 1937 France had to take in over 100,000 Spanish Republicans and in 1939, over 400,000. Since that time Spanish refugees have continued to enter clandestinely.

Immediately before and during the Second World War the exodus of Germans opposed to Nazism and Fascism and of persecuted Jews from the Axis countries and the occupied territories greatly increased. In the Far East population movements occurred as a result of Japanese aggression.

At the present time an interrupted stream of refugees from the East European countries is flowing towards the West.

II. STATISTICS ON STATELESS PERSONS

At present some two million persons are stateless, lead a difficult or even wretched existence, have no proper legal status and constitute a disturbing element hampering the normal working of institutions in the reception countries.

There is a lack of complete and reliable statistics. In fact, no count has been taken of stateless persons who are not refugees. Only the refugees and "displaced persons" under the charge of the IRO are accounted for; and these include persons possessing a nationality and able and willing to be repatriated.

1. The situation before the Second World War

There were no reliable statistics in this field at the time of the League of Nations High Commissioner's Office and the Nansen International Office.

According to data assembled by Sir John SIMSON, (1) an authority on this subject, the figures for the main categories of refugees were as follows:

(a) Russian refugees

in 1922: 718,000 - 772,000

in 1930: 503,000 - 536,000

in 1936: 355,000 - 386,000

To these must be added about 95,000 Russian refugees in the Far East, making a total of about 450,000. (2)

(b) Armenian refugees

in 1924: 205,000

in 1930: 210,000

in 1936: 225,000

Of these 225,000, 134,466 had acquired Syrian or Lebanese

(1) "The Refugee Problem", Oxford University Press, 1939, and "Refugee", 1939.

(2) Ibid., page 515.

nationality. (1)

(c) Spanish refugees

in 1939: 400,000 (2)

(d) Italian refugees

Sir John SIMSON estimates that in 1938 there were 10,000 Italians living in France who could not return to Italy and 50,000 to whom return would have been difficult. The figure of 60,000 should be tripled to allow for the refugees' families, thus bringing the total to 180,000 persons. (3)

(e) German refugees

At the end of 1938 the number of German refugees was 350,000. (4)

2. The position after the Second World War

The Preparatory Commission of the IRO, established in the spring of 1947, tried to estimate the number of refugees and "displaced persons" entitled to its aid and protection. It collected information from IRO, UNRRA and the military authorities in occupied Germany.

(a) The information summary presented to the Second Part of the First Session of the IRO Preparatory Commission (May 1947) by its Executive Secretary gave the numbers of refugees and displaced persons entitled to receive aid or protection from IRO as follows:

	<u>Protection and Help</u>	<u>Protection Only</u>
Germany	671,900	800,000
Austria	138,800	128,500
Belgium	5,000
China	13,500	12,000
Spain	482	482
France	431,200	150,000
Greece	2,000
Italy	146,500	146,000
Middle East	33,000	30,000
Netherlands	5,000
Portugal	230	230
United Kingdom	60,000

(1) Report by Mr. HANSSON, President of the Nansen International Office to the League of Nations Assembly - Document A.21.1937 XII, page 7. The acquisition of Syrian and Lebanese nationality by former Turkish nationals resident in the territory of Syria and Greater Lebanon as of 30 August 1924 was a right by virtue of the decrees issued by the High Commissioner of the French Republic, dated 30 August 1924 (Clunet, 1927, page 1265).

(2) Sir John SIMSON, "Refugee", page 1.

(3) Sir John SIMSON, "The Refugee Problem", page 120.

(4) Ibid., page 5.

/Sweden

	<u>Protection and Help</u>	<u>Protection Only</u>
Sweden	40,800
Switzerland	13,200	12,000
Turkey	1,200 ⁽¹⁾	1,200 ⁽²⁾
	1,562,812	1,280,912

(b) On 15 September 1948, IRO published the following additional figures:

As at July 1947:

Protection and Assistance

704,000 refugees and
displaced persons

Total for the two categories: 1,604,000

As at July 1948:

The number of persons assisted declined to:

509,000 in the three Western Zones of Germany,
37,000 in Austria,
25,000 in Italy
10,000 in the Middle East,
19,000 in Czechoslovakia, the Far East, France, the Netherlands,
Spain and Portugal.

Total: 529,000

These refugees were of some 30 different nationalities, the main ones being:

Poles	253,637
Ukrainians	99,946
Latvians	72,026
Lithuanians	43,717
Yugoslavs	26,943
Estonians	20,294
Romanians	15,207
Hungarians	10,789 ⁽³⁾

These lists include a certain number of "displaced persons" compelled by the events of the Second World War to leave their countries of origin or habitual residence and willing to return; but the majority are political refugees of varying origin, i.e. stateless persons de facto or de jure. The number of refugees is increasing.

(1) Document Prep/35, dated 25 April 1947, page 6.

(2) Document SB/2, Lausanne, 5 May 1947.

(3) IRO: "The Refugee Problem" 1948, page 4.

It must be remembered that stateless persons of the old type, other than refugees, are not included in the figures quoted, and there are no statistics concerning them.

Measures designed to dry up the sources of statelessness can have no general effect on the existing mass of stateless persons, for whom special measures must therefore be contemplated.

Section III - De jure and de facto stateless persons

There are two categories of stateless persons: de jure and de facto.

1. Stateless persons de jure are persons who are not nationals of any State, either because at birth or subsequently they were not given any nationality, or because during their lifetime they lost their own nationality and did not acquire a new one.
2. Stateless persons de facto are persons who, having left the country of which they were nationals, no longer enjoy the protection and assistance of their national authorities, either because these authorities refuse to grant them assistance and protection, or because they themselves renounce the assistance and protection of the countries of which they are nationals.

Although in law the status of stateless persons de facto differs appreciably from that of stateless persons de jure, in practice it is similar.

Section IV - The difficulties resulting from statelessness

Statelessness is a source of difficulties for the reception country, the country of origin and the stateless person himself.

I. DIFFICULTIES FOR THE RECEPTION COUNTRY

1. The stateless person does not fit smoothly into the legal, administrative or social life of his country of sojourn. The provisions of international law which determine the status of foreigners are designed to apply to foreigners having a nationality. The stateless person is an anomaly and for reasons of principle or method it is often impossible to deal with him in accordance with the legal provisions designed to apply to foreigners who receive the assistance of their national authorities, and who must, in certain cases, be repatriated by the countries of which they are nationals.

2. Administrative authorities which have to deal with stateless persons, having no definite legal status and without protection, encounter very great and often insurmountable difficulties. Officials must possess rare professional and human qualities if they are to deal adequately with these defenceless beings, who have no clearly-defined rights and live by virtue of good will and tolerance.

3. The fact that large numbers of persons are obliged to live outside the law, as it were, that they are at the mercy of the administrative authorities and are led to adopt various extra-legal procedures to win the favour of those authorities, creates a state of affairs incompatible with a healthy conception of the law.

4. The uncertain status of stateless persons exposes the nationals of the reception countries to various risks. Because of this uncertainty, some abstain from dealing with stateless persons, others protect themselves from risk by imposing onerous conditions. As a consequence, relations between nationals and stateless persons are strained.

II. DIFFICULTIES FOR THE COUNTRIES OF ORIGIN

When the de jure or de facto stateless person is a political refugee, he often retains a very strong resentment against the regime of the country from which he has fled.

His hope is that sooner or later, thanks to a change of regime, he will be able to return to his own country. He looks forward to that day and in certain cases may seek by his activities and hostile propaganda to hasten its coming.

Once settled in a country where he can re-establish himself, and often sets up a home by marrying a national whose nationality he will acquire, his attitude changes. He will become more or less assimilated in the reception country, and it is there that he will tend to focus his interests and affections; his children will feel fully at home there and will have no thought of returning. The process of peaceful re-settlement is complete.

III. DIFFICULTIES FOR STATELESS PERSONS

Normally every individual belongs to a national community and feels himself a part of it. He enjoys the protection and assistance of the national authorities. When he is abroad, his own national authorities look after him and provide him with certain advantages. The organization of the entire legal and economic life of the individual residing in a foreign country depends upon his possession of a nationality.

The fact that the stateless person has no nationality places him in an abnormal and inferior position which reduces his social value and destroys his own self-confidence.

During the long period of peace and social stability at the end of the 19th and the beginning of the 20th centuries, stateless persons were few and their situation was tolerable. Life was not highly organized as it is today and foreigners, whatever their status, enjoyed considerable freedom. The stateless person succeeded in making a place for himself in a country and finding a milieu to his liking. He was free

/to find

to find employment as a wage-earner, to practice a craft or engage in *trade*. If his conduct was unobjectionable he was not troubled by the police, which exercised no special supervision over foreigners, and he could lead a more or less normal existence, without his legal disability causing him any serious difficulties.

Since the First World War, in Europe at any rate, the situation has completely changed. The re-establishment of the passport and visa system, the increased control over foreigners, the regulations governing all aspects of social life (work, exercise of professions, food, housing, movement within the country, etc...) bring the stateless person in constant contact with the authorities and make him conscious of his handicapped status.

Section V - Problems raised by statelessness

Two main questions have to be considered: the improvement of the status of stateless persons and the elimination of statelessness.

First question - Improvement of the status of stateless persons

The present status of stateless persons having first been defined, means to improve it must then be sought.

Second question - Elimination of statelessness

The first problem is to trace the sources of statelessness and find means of drying them up.

The second is to reduce the number of existing stateless persons by giving them a nationality or restoring it to them, after permitting them to settle in a country and integrating them in its national life.

The two problems - the improvement of the status of stateless persons and the elimination of statelessness - though quite distinct, are complementary.

However necessary and urgent, the improvement of the status of the stateless person is only a temporary solution designed to attenuate the evils resulting from statelessness. The elimination of statelessness, on the contrary, would have the advantage of abolishing the evil itself, and is therefore the final goal.

Section VI - Form and arrangement of the study

It follows from what was said at the end of the preceding section that the problem of improving the status of stateless persons is a particularly urgent one. This fact is emphasized in paragraph 2 of the Economic and Social Council's Resolution 116 (VI) D quoted above.

The problem is examined in Part I of this Study, which, together with this Introduction, comprises the present first volume. The volume also includes the recommendations for the improvement of the status of

stateless persons presented by the Secretary-General to the Eighth Session of the Economic and Social Council, in accordance with the request contained in paragraph (a) of Council's Resolution 116 (VI) D.

The problem of the elimination of statelessness, the importance of which has been emphasized, can be solved only by measures the full effect of which will only be felt gradually. Moreover the problem, in view of its complexity, necessitates lengthy and complicated research. It will be dealt with in the second volume, which will also include the Secretary-General's recommendations to the Economic and Social Council in pursuance of the request contained in paragraph (b) of the above-mentioned Resolution of the Council.

The second volume, now in preparation, will therefore appear and be presented to the Economic and Social Council at a later date.

PART I

IMPROVEMENT IN THE STATUS OF STATELESS PERSONS

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PART I

IMPROVEMENT IN THE STATUS OF STATELESS PERSONS

Introduction

1. Preliminary Observations

As stated in the Introduction, the elimination of statelessness must be considered as a final solution; a rapid and complete solution of the problem cannot reasonably be expected.

It may be hoped that the majority of stateless persons who are young and fit for work will be settled, with the help of IRO, either in reception countries or in immigration countries where they will be assimilated.

However, it can be foreseen that the exodus of stateless persons from certain countries will continue for some time and that, on the other hand, demographic considerations will act as a brake on the absorption by naturalization of the stateless persons remaining in Europe.

In view of these facts, measures must quickly be taken to improve the status of stateless persons.

2. Possible Objection

It has been asked whether an improvement in the status of stateless persons might not have certain drawbacks in that, if their position as such was "settled", they would no longer feel the need to obtain a nationality.

These drawbacks do not exist. Even if it is improved, the status of the stateless person will always be inferior to that of the national in any country.

Experience shows that naturalization is sought for by stateless persons even in those countries which grant them favourable treatment, and that governments have never complained of any reluctance on the part of stateless persons to become naturalized. Indeed, naturalizations granted have been far fewer than the number of applications.

Naturalization implies a desire on the part of the applicant to be completely incorporated in a national community and to become a loyal member of it. If these conditions are not fulfilled, there is no point in inducing an individual to apply for naturalization by indirectly compelling him to do so.

Meanwhile, it is not in the interest of the State to keep stateless persons in a position of inferiority and insecurity which lowers their standing and makes their assimilation more difficult.

/3. Urgency

3. Urgency of the Problem

The number of stateless persons is at present very large, and to improve their status is an urgent necessity.

It is true that international conventions exist which have determined the status of certain categories of stateless persons in a fairly satisfactory manner. But there are many stateless persons who do not benefit from these conventions which apply only to certain categories and to which only a small number of States are parties.

Moreover, an important factor in the status of stateless persons, namely, their protection by an international organization, is at present guaranteed by IRO. Now this agency is due to disappear in the near future. What will happen then?

TITLE I

Position of Stateless Persons whose Status has not been determined

For a foreigner to enjoy any given right, it must be conferred on him by the country where he is living.

Under modern law in civilized countries every individual is recognized as having a legal personality. This principle is reaffirmed in the International Declaration on Human Rights, adopted by the General Assembly of the United Nations on 6 December 1948⁽¹⁾.

States are obliged by international law to respect the person and property of foreigners; in the event of any breach of this rule they are accountable to the State of which the injured party is a national.

Strictly speaking, all States are at liberty in their dealings with foreigners to adhere solely to the minimum imposed by international law. That minimum is not, however, sufficient to satisfy the needs of modern international life.

All States therefore grant wider rights to nationals of other States, members like themselves of the international community, without, however, usually granting them the same status as that of their own nationals. Hence the status of foreigners varies from country to country between these two limits: minimum rights imposed by international law and equal status with nationals of the country. In the countries of immigration, especially in certain countries of Latin America, foreigners are assimilated to nationals, as far as their personal rights are concerned.⁽²⁾ On the continent of Europe, their status is less favourable;

(1) Article 15 of the International Declaration on Human Rights reads as follows:

"1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality..."

(2) E.g.:

Argentina, Constitution of 25 May 1853, Article 20;
Brazil, Constitution of 18 September 1946, Article 141;
Canada, Law of 27 June 1946, Article 29;
Colombia, Constitution of 4 August 1886, Article 11;
Costa Rica, Constitution of 7 December 1871, Article 12;
Cuba, Constitution of 10 August 1940, Article 19;
Honduras, Constitution of 28 March 1936; Article 16;
Nicaragua, Constitution of 22 March 1939, Article 22.

enjoyment of a number of rights is dependent on reciprocity, either diplomatic, (1) or de facto. (2) However, the development of international relations has brought about a relaxation in the strict application of the principle of reciprocity in international law and practice. (3) Nevertheless this principle still permeates the private international law of many countries, and reciprocity is always the essential factor in international treaties.

(1) Thus, Article 11 of the French Civil Code reads:

"A foreigner shall enjoy in France the same civil rights as those granted to French nationals by the treaties of the nation to which such foreigner belongs."

Similar provisions are to be found in the Belgian and Luxembourg Codes.

(2) The following provisions may be quoted as examples:

Article 33 of the Austrian Code reads:

"Foreigners shall have the same civil rights and duties as Austrian nationals, unless enjoyment of any right is made expressly conditional on possession of Austrian nationality. In case of doubt, foreigners, in order to enjoy the same rights as Austrian nationals, must furnish evidence that the State of which they are nationals treats Austrian nationals in the same way as its own nationals, as far as the right in question is concerned."

The same principle emerges from the whole of the provisions of the Introductory Law to the German Civil Code; Article 31 of this Law authorizes the Government, by way of reprisal, to prohibit nationals of a foreign country from enjoying civil rights.

Article 95, paragraph 2 of the Constitution of the Polish Republic dated 17 March 1921 reads as follows: "Subject to reciprocity, foreigners shall enjoy the same rights as Polish nationals," and Article 40 of the Law on Private International Law of 2 August 1926 provides for reprisals against nationals of countries which fail to grant Polish subjects equally favourable treatment.

In Turkey, Article 1 of the Convention respecting Conditions of Residence signed at Lausanne on 24 July 1923 is also based on the principle of de facto reciprocity.

(3) SPAIN (Article 27 of the Civil Code of 1889), the NETHERLANDS (Article 9 of the Civil Code), PORTUGAL (Article 25 of the Civil Code of 1867), TURKEY (Law of 1 March 1915), SWITZERLAND (Article 11 of the Civil Code of 1912) etc., in principle grant to foreigners the enjoyment of all civil rights with the sole exception of those expressly reserved for their own nationals. Such reserved rights may, however, be made available to foreigners by treaties subject to reciprocity. Similar provisions were also embodied in Article 3 of the Italian Civil Code of 1865, but these have been replaced under the Law of 4 April 1942 (Article 16) by the following:

"Foreigners are entitled to enjoy the civil rights possessed by Italian citizens, subject to reciprocity and apart from the exceptions provided for in special laws."

Thus in Italy a foreigner's enjoyment of civil rights is now conditional on de facto reciprocity.

/Bilateral treaties

Bilateral treaties concluded by States on behalf of their nationals naturally contain no clauses relating to stateless persons. The same holds true for general conventions. However, some of these agreements, especially those for the protection of rights rather than of persons of any given nationality (e.g. the conventions on the protection of literary and artistic works - the Berne Convention of 9 September 1886, Article 3, and the Berlin Convention of 13 November 1908, Article 6) do entitle stateless persons to avail themselves of their provisions, but such conventions are exceptions to the general rule by which only the nationals of the Contracting States enjoy the advantages laid down in the agreements.

Clearly, stateless persons cannot comply with the requirement of reciprocity stipulated in the laws and treaties; hence they are refused enjoyment of numerous rights. In the majority of countries then, stateless persons are more or less on the fringe of the law.

After all, the laws, treaties and regulations governing the status of foreigners always apply, with a few rare

(1) This is so in the case of the very important 1928 HAVANA Convention, Article 1, paragraph 1, and Article 2, paragraph 1 of which provide that: "Foreigners belonging to any of the contracting States enjoy, in the territory of the others, the same civil rights as are granted to nationals;" and "Foreigners belonging to any of the Contracting States shall also enjoy in the territory of the others identical individual guarantees with those of nationals except as limited in each of them by the Constitution and the Laws."

Thus the American States declare themselves ready to grant foreigners all civil rights and even, in the absence of any contrary provision in their constitutions, the same individual guarantees enjoyed by their nationals, provided the country of which the foreigner is a national does the same.

/exceptions

exceptions, (1) to foreigners possessing a nationality. And they do not take into account the special position of stateless persons, which is an anomaly in international law.

(1) Of the very few legal provisions which do mention stateless persons, the following may be quoted:

Swiss Civil Code, Article 59, 7(a) of Final Title:

"Persons, neither the nationality nor the domicile of whom can be established, are subject to Swiss Civil Law".

Italian Laws

Law of 13 June 1912, No. 555, Article 14:

"All persons resident in the Kingdom who possess neither Italian nationality nor that of another State, are subject to Italian law insofar as concerns the enjoyment of civil rights and military service obligations."

Law of 4 April 1942, Article 29:

"In the case of persons not possessing any nationality, the law of the place of residence shall apply in all cases where under the foregoing provisions the national law must be enforced."

German Civil Code - Introductory Law of 18 August 1896, Article 29

"Insofar as the laws of the country of which a person is a national have been declared to be applicable, the legal relations of any person who is not a national of any country shall be determined by the laws of the country of which he was last a national, and if he has not previously been a national of any country, by the laws of the country in which he has or, at the time which is material, had his domicile, or, failing such, his residence."

The Law of 12 April 1938 substituted the following for the above text:

"Insofar as the laws of the country of which a person is a national have been declared to be applicable, the legal relations of a stateless person shall be governed by the laws of the country in which he has, or, at the time which is material, had his normal residence, or, failing such, his residence."

Brazilian Civil Code of 1 January 1946. According to Article 9, the personal status of a stateless person is determined by the laws of his country of residence.

There is a similar provision in Article 31 of the Civil Code of Liechtenstein. The position is the same in Hungary insofar as marriage is concerned: cf. Article 119 of the Law of 9 December 1894.

See also the Polish Law of 2 August 1926 on the law governing private international relationships (Law Journal No. 101, text 581), Article 1, paragraph 1 and the Greek Civil Code of 15 March 1940, Article 4.

Mention should, however, be made of the five Peace Treaties concluded on 10 February 1947 with Bulgaria, Finland, Hungary, Italy and Roumania. These all contain an article⁽¹⁾ by which each of the above-mentioned States agrees to take "all measures necessary to secure to all persons under (its) jurisdiction without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms....".

If the formula "within its jurisdiction" effectively covers all nationals or foreigners who by reason of their residence on a country's territory, come within its jurisdiction, then stateless persons are covered. However, even if the enjoyment of human rights and of the fundamental freedoms does afford the individual certain very valuable guarantees, it does not provide him with a status in the field of civil, economic or social rights.

Moreover, even when stateless persons are not debarred from enjoyment of a right, they are in practice often deprived of it inasmuch as it is dependent on the fulfilment of certain formalities, such as production of documents, intervention of consular or other authorities, with which, not enjoying the protection of a national authority, they are not in a position to comply.

This emerges from a study of the position of stateless persons with reference to:

1. international travel, sojourn and conditions of residence;
2. their legal status in countries of reception;
3. their legal protection.

(1) Bulgaria (Article 2), Hungary (Article 2), Finland (Article 6), Italy (Article 15), Roumania (Article 3).

CHAPTER I

International Movement

Sojourn and Settlement

Section I - Entry into any country

Since the First World War, it has not generally speaking been possible to enter any country lawfully without producing an unexpired national passport. The stateless person has of course no such passport, neither is he entitled to the exemptions granted in some cases to the nationals of certain countries.

Moreover, as a general rule the mere possession of a valid passport is not sufficient; its holder must also obtain an entry visa appended to the passport by the authorities of the country to which he is proceeding.

Apart from the technical difficulties resulting from the absence of a passport, the authorities of the country which the stateless person would like to enter are reluctant to receive him for various reasons. In the first place, his identity is not established or may arouse suspicion. Secondly, his legal status is uncertain. Thirdly, his eventual departure from the country will present serious difficulties, since a stateless person cannot be repatriated to a country of origin and his admission into any country will give rise to the difficulties mentioned above. Finally, there is no State able to intervene in his favour to support his application for admission.

In actual fact, the stateless person, since he cannot enter the territory of a State lawfully, often does so clandestinely. He will then lead an illegal existence, avoiding all contact with the authorities and living under the constant threat of discovery and expulsion. The disadvantages of this state of affairs, both for himself and for the country on whose territory he happens to be, are obvious.

A certain freedom of movement is, however, essential if the stateless person is to be able to settle down in a country presenting favourable conditions for his settlement and assimilation. The technical and administrative difficulties by which he is shackled thus constitute a serious obstacle to the appropriate distribution of stateless persons over the world and prevent or delay their arrival in countries where they could settle permanently. This state of affairs is prejudicial to countries which, because of their geographical position, are called upon to bear the burden of an influx of stateless persons who find it impossible to go elsewhere. Those countries are thus impelled to turn back newcomers. If they allow themselves to be swayed by feelings of humanity, they are obliged

/to make

to make sacrifices which are sometimes out of all proportion to their economic situation.

International co-operation is the only means of remedying this state of affairs, by encouraging the appropriate distribution of stateless persons and by that very fact making their presence less burdensome.

Section III - Exit

To leave one country means to enter another.

The voluntary exit of a stateless person comes up against the difficulties described in the preceding Section.

In cases where exit is compulsory (expulsion or reconduction) the difficulties become insuperable, for an expulsion order or even mere instructions to send him back render the stateless person suspect, pointing him out to the authorities of other countries as an undesirable.

The stateless person in respect of whom an expulsion order has been issued and who is unable to enter any other country legally, is obliged either to remain in hiding, disobeying the order, or to enter the territory of a neighbouring country by fraudulent means. In both cases he lives under a constant threat until the day when he is discovered, arrested and sentenced. After having served his sentence he is conducted to the frontier. As there is no way out of this situation, sentence follows sentence and the stateless person becomes an outlaw. (1)

(1) In the *Nouvelle Revue de Droit International Privé*, 1936, pages 276-277, M. FATOU published the following cases (reproduced by Niboyet, *Traité de Droit international privé français*, Volume II, page 117 - Note):

Age	Original Nationality	Grounds for initial expulsion	Number of sentences for violation of expulsion order	Total imprisonment
58	Italian	24 hours imprisonment	29	9 years 8 months
43	Bulgarian	1 month's "	20	7 years "
60	Italian	2 month's "	17	6 "
36	Italian	1 month's "	16	5 "
67	Italian	40 days "	12	2 "

The question of expulsion shows the extent to which the law made for foreigners in possession of a nationality needs to be adapted to the special case of stateless persons. Expulsion and reconduction are universally recognized measures of order and security; in principle their implementation presents no difficulties in the case of nationals of any given country, since that country is obliged to receive its nationals and the expelled person is simply repatriated. But no country is bound to receive a stateless person in respect of whom an expulsion order has been issued taking no account of his peculiar situation. The desire to guarantee order and security leads to the creation of outlaws.

An agreement to remedy this state of affairs is essential.

Section III - Sojourn

Authorization to enter a country includes the authorization to remain there for a shorter or longer period. Nevertheless, a foreigner, even if he has entered the country lawfully must within a short space of time report to the administrative authorities and request the issue of a permit entitling him to reside there for a limited period.

A stateless person, unless he is considered as an immigrant invited to settle in the country, is generally given a short-term permit which must be renewed at frequent intervals, while its renewal may always be refused. On this account his situation becomes comparable to that of a person placed under police supervision and its precariousness makes it difficult for him to settle down.

The situation of stateless persons admitted as workers is particularly unfavourable. Their presence is tolerated and even solicited during periods of prosperity when there is a shortage of national labour. But once unemployment occurs stateless persons are the first to suffer; their situation is more critical than that of other foreigners since no country is bound to receive them.

In some countries foreigners cannot enjoy certain rights unless they possess a residence permit valid for a prescribed period. Permits granted one after the other are not cumulative, so that administrative authorities who limit the period of validity of permits issued to stateless persons, are thus depriving them of the enjoyment of the rights in question.

Many treaties contain provisions safeguarding the interests of nationals of the contracting countries in this connection. The stateless person is not covered by any such measures.

Section IV - Settlement

The foreigner who has settled down is to some extent integrated in the economic and social life of the country where he resides. He is no longer a

/transient

transient visitor. He gradually becomes assimilated and may be expected finally to acquire the nationality of the country in which he has settled.

Foreigners established in a country are mostly immigrants who, before leaving their country of origin, made a free choice of the country which was to become their new homeland. They arrive prepared to settle down there and in many cases are assured of employment. Sometimes they are rejoining relatives or friends who will help and advise them. The immigrant finds a consul ready to lend his services, and he remains in touch with the authorities of his country of origin.

The stateless person in the country he is able to reach and which is ready to admit him, usually finds no encouragement to settle there. And yet, if he is not to remain beyond the pale of society and to become an "international vagabond" he must be integrated in the economic life of the country and settle down.

For the normal settlement of a foreigner two conditions are necessary:

1. the protection and co-operation of the national authorities who negotiate and conclude treaties (in particular treaties concerning settlement, immigration etc.) by which the foreigner may benefit, and the assistance of the consular authorities who provide him with the documents he needs for the various acts of civil life etc;
2. a clearly defined legal status based on two concepts, both bound up with the possession of a nationality: "personal status" and the principle of "reciprocity".

The stateless person does not enjoy the protection of his country of origin. His personal status is uncertain. No principle of reciprocity can come into play in his case.

Moreover, since he is a foreigner he finds himself subjected to a law and administrative practices created for foreigners possessing a nationality. He will find it difficult to conform to the requirements of such a law.

Thus the stateless person is in a position of inferiority which prevents his settlement and delays his assimilation. Neither from the point of view of humanity nor from that of the interest of the reception countries, can the present state of affairs be considered satisfactory.

CHAPTER II

Legal Position of the Stateless Person in the Reception Country

The inferior status of the stateless person can best be judged by comparing it with that of the foreigner who possesses a nationality and enjoys the protection of his country of origin.

Broadly speaking, a comparison of the status of foreigners with that of stateless persons should cover the following subjects:

1. Determination of personal status.
2. Private rights.
3. Exercise of trade or profession.
4. Education.
5. Relief.
6. Social security.
7. The right to appear before the Courts as plaintiff or defendant.
8. Law of taxation.
9. Military service.

Section I - Determination of personal status

The personal status of foreigners is governed, subject to the requirements of public order, either by their national law, - as in most continental countries of Europe, or by the law of domicile (domicile of choice or domicile of origin), - as in the Anglo-Saxon countries and in most Latin-American countries.

Personal status determines:

- (a) a person's capacity (age of attaining majority, capacity of the married woman etc.).
- (b) his family rights (marriage, divorce, recognition and adoption of children etc.).
- (c) the matrimonial regime in so far as this is not considered a part of the law of contracts.
- (d) succession and inheritance⁽¹⁾ in regard to movable and in some cases to immovable property.

These are essential rights which an individual cannot enjoy in a normal way so long as his personal status is in doubt.

(1) Certain countries, such as France, which determine the personal status of foreigners according to their national law, observe different rules in the matter of succession and inheritance.

It is always an easy matter to determine the personal status of a foreigner possessing a nationality.

In the case of stateless persons residing in a country which grants foreigners the personal status defined by their national law, the question gives rise to controversy, and neither the stateless person nor the individuals with whom he maintains relations of a legal character are in a position to give a satisfactory reply. Since he does not possess a nationality, the stateless person has, in fact no national law. What law should be applied to determine his capacity, his family rights etc - the law of the country of origin, or the law of his country of residence?

The uncertainty arising from the absence of any legal or conventional provisions governing the question is prejudicial both to the stateless person and to the nationals of the reception country. (1)

Another cause of uncertainty concerns the fate of rights acquired by the stateless person in accordance with documents issued or action taken under the former national law. In this respect the position of married women who have become stateless is particularly difficult. At the time of their marriage these women may have been residing in their country of origin and have possessed the nationality of that country. In many cases, under their national law, marriage did not diminish their capacity but required the complete separation of the property of each spouse. Having become stateless and being resident in a reception country the law of which restricts the capacity of married women and, where there is no marriage contract, requires the married couple to observe a matrimonial

(1) The question is less difficult in countries like the Anglo-Saxon countries, where the personal status of foreigners is governed by the law of domicile.

In such countries, the solution is entirely satisfactory when the stateless person possesses a domicile of choice (the possession of such a domicile is subject to two conditions: the fact of residing and the intention of remaining indefinitely).

In cases where the stateless person has no domicile of choice, personal status is governed by the law of the domicile of origin, viz. that of the father at the time when the person concerned was born. It is easy to establish this domicile, but the application to the stateless person of the law of the country of original domicile may in certain cases have disadvantages, as for instance when the legislation of the latter country has undergone radical changes following on a political or social revolution and when the new legislation is based on principles from which the person concerned wished to dissociate himself by going into exile.

It should be noted, however, that in some countries where the personal status of a foreigner is that of his national law it is nevertheless ruled that the personal status of a stateless person is determined by the law of his country of residence; e.g. in Italy (see Italian Civil Code of 1942, General Legal Provisions; article 29). This eliminates the difficulty noted in the text.

regime differing from that of separate estate, a woman in this position often finds her rights actually disputed. She can neither sign a lease, acquire property nor open a bank account. Her economic activity is hampered and her chances of settling down and becoming assimilated are jeopardized.

For all these reasons, it would be in the interests of stateless persons and of the countries which receive them to adopt a uniform rule making it possible to determine in a clear and unequivocal manner the personal status of stateless persons. It is also important to ensure the respect of rights acquired by the stateless person in his country of origin under his former national law.

Section II - Private rights

A - Family rights

Although the enjoyment of family rights is generally granted to all foreigners, the stateless person comes up against difficulties, in many cases unsurmountable, when trying to exercise these rights.

Thus, in order to contract marriage, a foreigner must usually produce a certificate specifying the requirements of his personal status (age, parents' consent, degree of relationship etc.) in this matter. Foreigners possessing a nationality can obtain the necessary certificate from their Consulates. There is no Consulate to which the stateless person can apply.

In addition to this certificate, any person desirous of contracting marriage must submit civil registration documents (birth certificate, in some cases certificate of celibacy or widowhood). The foreigner can obtain such documents either from his Consul, or from the authorities of his country of origin. Stateless persons are not in a position to obtain them. In some countries, exceptional forms of procedure enable the stateless person to obtain, for the purposes of marriage, documents in lieu of the birth certificate. In other countries no such forms of procedure exist.

In certain countries foreigners, in order to be able to marry, must be in possession of a residence permit valid for a prescribed period and the periods of validity of successive permits are not cumulative. If he lacks such a permit, a foreigner possessing a nationality is free to return to his own country to get married. The stateless person is not in a position to do this. In addition, it is harder for him to obtain a residence permit for the period required to contract marriage.

Stateless persons encounter the same difficulties in exercising the other family rights.

B - Rights of property

B - Rights of property

The property rights in question are chiefly the rights to acquire movable and immovable property, to enter into houseletting and farming leases, rights to commercial and industrial property, the right to a trade mark, rights to literary and artistic property etc.

In earlier days these rights were usually granted to foreigners. Since the First World War they have been greatly restricted. Some of these restrictions are waived in the case of foreigners able to invoke treaties concluded on the basis of reciprocity. Stateless persons are not in a position to invoke treaties of this kind.

Section III - Exercise of trade or profession

It may be said that in general foreigners, except in the immigration countries, do not at present have free access to the various trades and professions.

A distinction must be drawn, first, between employees and independent workers, and second, according to the type of trade or profession.

A - Employees (in industry, commerce and agriculture etc.)

Until the First World War, foreigners could, with a few rare exceptions, freely hire their services in return for a wage.

During the period between the two wars, this right was severely restricted in a large number of countries.

Despite manpower losses caused by the Second World War, these restrictions still exist.

The status of foreign workers is always precarious. They are the first to feel the effects of fluctuations in the labour market. But whereas foreigners possessing a nationality are to some extent protected by bilateral agreements and can, if they are out of work, return to their own country, stateless persons are able neither to invoke such agreements nor to return to a country bound to receive them. When unable to find employment, they are often reconducted or expelled.

Only the most arduous occupations, like coal-mining, offer them any relative security of employment. But this type of work requires special physical attributes.

Agricultural workers, too, have more chance of finding and keeping a job but, in addition to great physical strength, those who take up this occupation need the capacity to adapt themselves to rural surroundings.

1 - Industrial and commercial employees

The restrictions on the employment of foreign wage-earners in industry and commerce are very varied. These restrictions have a dual purpose,

aiming firstly at preventing the employment of foreign workers from depriving nationals of work, and secondly at maintaining the living standards and wages of nationals. The principal restrictive measures affecting the employment of foreign workers are as follows:

- (a) The employment of foreign workers in industry, or in certain sectors of industry, is prohibited.
- (b) The employment of foreign workers is not prohibited, but made subject to various conditions.
 - (i) Special permits are required for the employment of foreign workers in those industries to which foreigners are admitted owing to the shortage of national labour.

These permits are generally valid for a limited period, but are renewable. When a foreigner has obtained employment in a particular enterprise or a certain branch of industry, he is generally able to have his permit renewed without difficulty, unless serious unemployment supervenes.

In some countries a foreign worker wishing to change his employment must obtain special permission.

- (ii) Foreigners are forbidden to change their trade, or even to change their speciality within a given trade.

In immigration countries immigrants ordinarily enjoy freedom of employment after a certain lapse of time.

- (iii) In some cases the proportion of foreign workers to nationals in industrial and commercial enterprises is fixed by quota. This type of restriction is common in many States of South America.

Occasionally the number of posts of a certain grade open to foreigners is fixed. Exceptions are normally permitted in the case of posts for which no qualified national is available.

In many cases these restrictions have their origin in the economic crisis but were continued afterward, in somewhat less rigorous form, at the request of the trade unions.

- (iv) Before obtaining permission to engage a foreign worker employers are required to prove that the job cannot be filled by a national worker.

These various types of regulations may be combined.

It will be noted that the present tendency is to regulate the admission of foreign workers by means of bilateral agreements specifying /the trades or

the trades or jobs open to foreign workers. These agreements do not necessarily affect workers entering a country by virtue of a personal authorization.

2 - Agricultural employees

Generally speaking foreign agricultural workers have been admitted more liberally than industrial employees. The need to increase agricultural production during and after the Second World War and to restore agriculture in the devastated areas has tended to facilitate the admission of foreign agricultural workers.

Normally agricultural workers are not allowed to change their occupation, at least until a certain period has elapsed after their entry into the country.

Further, various countries have introduced special regulations governing foreigners engaged in agriculture either as independent farmers or as employees. The object of these regulations is to prevent foreigners from certain countries from concentrating either in specified regions (frontier regions, for example) or in certain localities, or in a particular enterprise.

B - Owners of enterprises and independent workers

1 - Farmers

In general the right to set up as a farmer has not in principle been denied to foreigners.

Nevertheless, the settlement of foreigners has been subjected to various restrictions.

The first is the restriction on the right of foreigners to acquire immovable property; sometimes this applies to the country as a whole, sometimes to certain regions. Foreigners may be forbidden to acquire such property, or the area which they may acquire may be restricted.

Secondly, there is the type of limitation mentioned before, restricting the number of foreigners engaged in agriculture either in the country as a whole, or in certain regions, or in each locality.

Thirdly, there are restrictions on the right of foreigners to enter into agricultural leases, or debarring them as tenants from the advantages enjoyed by nationals.

These restrictions may be waived or mitigated by agreements on a reciprocal basis, but only foreigners having a nationality benefit by such agreements.

Another fact which goes to handicap the stateless person is the precarious nature of the residence permit granted to stateless persons.

/Farming is,

Farming is, in fact, an undertaking which can only be engaged in by someone assured of a lengthy stay.

2 - Craftsmen

As a rule it is even more difficult for a foreigner to carry on a craft than to enter the ranks of wage-earners.

In this field the position of stateless persons differs little from that of foreigners. But the impossibility of carrying on a craft does in fact affect stateless persons more seriously in that many of them were craftsmen in their countries of origin. A large number of stateless persons come from the Eastern European countries where, owing to their economic structure, the crafts used to be more widespread than elsewhere.

3 - Industrial and commercial professions

In some cases certain industrial or commercial professions are completely closed to foreigners (stock-brokering, mining, fisheries, charterage etc.); but this is the exception.

In some countries enterprises capable of influencing the political or cultural development of the nation (press, theatre, cinema) are also closed to foreigners.

In some countries the industrial and commercial professions are open only to foreigners who possess a nationality and can invoke agreements concluded on a basis of reciprocity. In such countries, therefore, they are closed to stateless persons.

In other countries a person wishing to engage in trade must first obtain the permission of the administrative authorities. Foreigners who enjoy the protection of their country of origin can obtain this more easily than stateless persons.

In all cases, the stateless person who manages to set up for himself in trade or in industry finds himself at a disadvantage as compared with the foreigner who possesses a nationality. For his uncertain legal position is harmful to his credit, and the possibility of complications arising in the carrying out of the contracts he enters into makes people chary of doing business with him.

4 - Liberal professions

Most liberal professions are closed to foreigners, or open to them only under numerous and severe restrictions.

Generally the professions of doctor and chemist are reserved to nationals; in some countries, however, foreigners holding national diplomas or recognized equivalent foreign diplomas may be authorized to practice medicine.

/With rare exceptions

With rare exceptions the legal professions (lawyers, notaries etc.) are reserved to nationals.

Teaching, even in private schools, is quite frequently closed to foreigners.

In engineering, architecture and the artistic professions foreigners are generally treated liberally.

The civil service is closed to foreigners, save for a few exceptional and very special cases.

The closing of the liberal professions is more prejudicial to the stateless person than to the foreigner possessing a nationality. If he has the necessary qualifications, the latter can practice as a lawyer, doctor, dental surgeon, chemist etc. in his own country. The stateless person cannot practice anywhere.

Section IV - Education

Educational establishments are usually open both to foreigners and to stateless persons.

Nevertheless, special facilities granted to needy students are enjoyed by foreigners on the basis of actual reciprocity. Such reciprocity does not hold good for stateless persons who are thus at a disadvantage.

It is important to facilitate the admission of young stateless persons to the various educational establishments of the reception country.

Children and young people become assimilated more quickly and more completely than adults. By mixing with his fellow-pupils who are nationals of the country, the young stateless person acquires their outlook.

Section V - Relief

In principle, except in cases where it would be dangerous to leave a foreigner in utter neglect (lunatics, persons suffering from contagious diseases), the public assistance granted to indigent, infirm and sick persons is only extended to foreigners where treaties have been concluded on a basis of reciprocity. Such treaties usually stipulate that the person assisted must be repatriated at an early date unless the cost of relief is borne by the country of origin.

Stateless persons are unable to claim any rights under such a treaty. If public assistance is sometimes granted to them, it is a favour.

Section VI - Social security

1 - Social insurance (sickness, maternity, invalidity, old-age, death, accidents at work and occupational diseases, unemployment)

Wage-earning foreigners, even when no treaty exists, generally enjoy to some extent the rights granted to nationals. In this respect, therefore,

/stateless persons

stateless persons are in more or less the same position as foreigners possessing a nationality who are unable to invoke treaties.

Nevertheless, the complete assimilation of foreigners to nationals is only achieved through bilateral agreements or the general conventions concluded under the auspices of the International Labour Organization.⁽¹⁾ The only persons able to benefit by these conventions, however, are the nationals of the countries which have signed them, stateless persons being unable to do so. In many cases, therefore, they are only insured against certain risks and they themselves and their dependents can only claim pensions and benefits for as long as they are resident in the country.

2 - Family allowances

The family allowance system is generally applicable only to families resident in the country.

In some countries, moreover, the system does not apply to foreigners unless they are assimilated in this matter to nationals by special treaties or general conventions. In such cases stateless persons are unable to benefit by these conventions.

Section VII - Right to appear before the Courts as plaintiff or defendant

It is universally recognized to-day that foreigners have the right to appear before the Courts as plaintiff or defendant. No discrimination is made between those with a nationality and those without one.

Nevertheless, in many countries foreigners are subject to an obligation, which is not imposed on nationals, that of furnishing the cautio judicatum solvi. A large number of treaties exempt the nationals of the contracting countries from this obligation, subject to reciprocity. Stateless persons are unable to invoke such treaties and are therefore bound to furnish the guarantee.

In all countries, there are regulations concerning legal assistance to indigent litigants. The grant to foreigners of an unconditional right to legal assistance is exceptional. Nevertheless, a large number of bilateral treaties extend the benefit of legal assistance to the nationals of the countries parties thereto, subject to reciprocity. Two general conventions concluded at THE HAGUE, on 14 November 1896 and 17 July 1905, contain similar provisions. Stateless persons are unable to invoke these conventions. Therefore, they enjoy the benefit of legal assistance only in those countries where it is granted unconditionally to all foreigners.

In the case of indigent stateless persons the obligation to furnish the cautio judicatum solvi and exclusion from the benefit of legal

(1) Cf., for example, Convention No. 19 concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents, of 19 May 1925.

assistance reduce the right to appear before the Courts as plaintiff or defendant to a nudum jus.

Section VIII - Law of taxation

In principle foreigners residing in a country are subject to the taxes, duties and charges to which nationals are liable. They may also be subject to special taxes, duties and charges. A large number of bilateral treaties concluded on the basis of reciprocity stipulate that nationals of the co-contracting country shall enjoy the same treatment in fiscal matters as nationals. Stateless persons cannot invoke these treaties.

Section IX - Military service

Under international law, foreigners are not called upon to serve in the armed forces of a country of which they are not nationals.

Unlike other foreigners, stateless persons who have settled in certain countries have been obliged to perform military service, in time of war and even in peace-time.

CHAPTER III

Protection of Stateless Persons

Every State protects its nationals. Its protective influence extends even beyond its frontiers. The mere fact that a person possesses a nationality, i.e. that he is linked to a State by a bond of allegiance, brings him within the orbit of the law, and determines his legal status; in short it secures for him a standing which the stateless person, not being a member of any national community, does not enjoy.

Section I - Protection enjoyed by the foreigner possessing a nationality

The protection enjoyed by the foreigner possessing a nationality has a much wider connotation than is suggested by the term "protection". It is a matter far more of assistance to the national and of collaboration with the authorities in the foreign country than of protection proper. Only in rare cases does protection take the form of representations to a foreign government. In normal times, "protection" is assistance and it is in this sense that the term is used in the present report.

Protection takes various forms:

1. Governments seek to secure for their nationals abroad a status exceeding the minimum required by international law. To this end they negotiate treaties on the basis of reciprocity (settlement and immigration conventions, Consular conventions, commercial treaties, etc.)
2. They see to it that such conventions and treaties are carried out, and where necessary, take action to ensure that the rights granted to their nationals are respected.
3. The Consular authorities recommend their nationals to the authorities of the country and carry out certain technical functions designed to facilitate the application of the agreements and treaties.
4. Governments issue to their nationals the passports which enable them to travel abroad.
5. The authorities in the country of origin and the national Consuls draw up various certificates and documents (identity documents, civil registration documents, customary certificates concerning personal status, certificates testifying that the documents drawn up in the country of origin are in conformity with the laws of the country etc.) so as to enable their nationals to carry out the normal formalities of civilian life.
6. The State bears the whole or part of the cost of relief (assistance to sick, infirm, indigent persons etc.) furnished to its nationals,

nationals, or arranges for their repatriation.

Section II - Position of Stateless Persons

Stateless persons, not being nationals of any country are deprived of protection in all its forms.

They must perforce have relations with the authorities of the reception country but such relations are in fact those which relate to the supervision of foreigners. The stateless person is treated more as an individual to be watched than as a man whose rights must be respected.

The inferiority of the stateless person's legal position is reflected in his social standing. It creates a prejudice against him and makes people regard him with distrust and suspicion.

TITLE II

Attempts to Improve the Position of Stateless Persons

It was through the action of international institutions, and by means of international agreements, that efforts were made to improve the position of stateless persons.

The big international institutions, the League of Nations, the International Labour Organization and the United Nations, have all dealt with the question.

Specialized international organs were established, either by the League of Nations, or by the United Nations, or, in one case, by an independent international conference.

The League of Nations set up:

- (a) A High Commissioner's Office for Russian and Armenian Refugees (1921-30);
- (b) The Nansen International Office (1930-38);
- (c) The Office of the High Commissioner for Refugees coming from Germany (1933), subsequently incorporated in the League of Nations (1936 - 31 December 1946);
- (d) A High Commissioner's Office for Nansen "refugees" (1938 - 31 December 1946).

The Evian Conference (1938) set up the Inter-Governmental Committee for Refugees (1938 - 1 July 1947).

The United Nations established a specialized agency, the International Refugee Organization (IRO), the functions of which were discharged by the Preparatory Commission for the IRO (established on 31 December 1946) until its Constitution came into force on 20 August 1948.

It will be noted, firstly, that the people dealt with were not stateless persons as such, but refugees and "displaced persons".

Secondly, it will be noted that up to the second world war attention was paid not to refugees in general but only to certain categories of refugees. What happened was that the various categories of refugees were dealt with as and when they appeared.

CHAPTER I

International Protection

Section I - Period after the first World War

After the 1917 Revolution, the mass exodus of Russian refugees, who were at the time actually stateless persons, confronted the League of Nations with the problem of the international protection of stateless persons.

1. High Commissioner's Office for Russian and Armenian Refugees

(a) The Council of the League of Nations by a resolution of 27 June 1921⁽¹⁾ decided to appoint a High Commissioner for Russian Refugees, and appointed Dr. Nansen to the post on 20 August 1921.⁽²⁾

The High Commissioner had a complicated task. At first, the question of material aid predominated. Subsequently, there arose the questions of repatriation and distribution, and of the settlement of the refugees in the various countries. The problem of political and legal protection was, however, taken into consideration from the start.

In 1922, 1924, 1926 and 1928, the High Commissioner initiated international conferences, which elaborated the Arrangements on which the Status of Refugees is still based.

(b) In 1924, Dr. Nansen's mandate was extended to Armenian refugees⁽³⁾ and, in 1928, to certain other small categories of refugees.⁽⁴⁾

(c) By a Resolution of 25 September 1924⁽⁵⁾, the League Assembly at its 5th Session, relieved the High Commissioner of certain "technical services" which were undertaken by the International Labour Office up to 1929. The political and legal protection of the refugees then became the High Commissioner's main task.

(d) In 1929 the work of protection and the work of assistance were both again entrusted to the High Commissioner and his services were placed, on a tentative basis, under the authority of the Secretary-General of the League of Nations.⁽⁶⁾

(1) Cf. Minutes of the 13th Session of the League Council, June 1921, Section 427 (pages 53 and 54).

(2) Cf. Minutes of the 14th Session of the League Council, August - September 1921, Annex 245 (page 64).

(3) Cf. Minutes of the 26th Session of the League Council, O.J. No. 11, November 1923, Section 1086 (page 1349).

(4) Namely, the Assyrian, Assyro-Chaldaean and Turkish refugees. Cf. Minutes of the 50th Session of the League Council, O.J. No. 7, July 1928, Section 2193 (page 898).

(5) Cf. Records of the 5th Assembly, O.J., Special Supplement No. 23, Section 70 (page 152).

(6) Cf. Records of the 10th Session of the 1929 Assembly, O.J., Special Supplement No. 75, Section 67 (pages 145 and 146). /2. Nansen

2. Nansen International Office

(e) After Dr. Nansen's death, the League Assembly, at its 11th Session, by a Resolution of 30 September 1930⁽¹⁾ separated the two sides of the work: the politico-legal protection of refugees was entrusted without any time-limit⁽²⁾ to the Secretary-General of the League, whereas the humanitarian side was entrusted to an international office, the Nansen Office⁽³⁾, established in accordance with Article 24 of the League Covenant and placed under the League's authority. This Office, which had been established for a period extending to 31 December 1939⁽⁴⁾, started work on 1 April 1931⁽⁵⁾. It was later decided that it would be wound-up on 31 December 1938⁽⁶⁾.

3. High Commissioner's Office for Refugees from Germany

(f) Meanwhile, a new wave of refugees, coming this time from Germany, induced the League of Nations to take similar steps to protect them. A High Commissioner's Office for German Refugees was set up on 26 October 1933,⁽⁷⁾ with headquarters in Lausanne. Owing to the opposition of the German Government, this High Commissioner's Office was not incorporated in the League of Nations. Being left outside this important international organization, it proved ineffective.

(1) Cf. Records of the 11th Session of the 1930 Assembly, O.J., Special Supplement No. 84, Section 68 (pages 157 and 158), and Annex 6 to the present Report.

(2) Cf. speech by Mrs. Hamilton - Sixth Committee - 11th Session of the Assembly, O.J., Special Supplement 1930, No. 90, page 10.

(3) Cf. 4th paragraph of the Resolution included in the Records of the 11th Assembly, O.J., Special Supplement No. 84, Section 68 (pages 157 and 158).

(4) Cf. speech by the Rapporteur of the Sixth Committee at the 11th Session of the Assembly, O.J., Special Supplement No. 84, Section 68.

(5) The decision concerning the date on which the International Office would start work was taken by the Governing Body of the Office; cf. O.J. No. 6 of June 1931, Section 7.

(6) Cf. O.J., Special Supplement No. 93, Section 79, Annex 20.

(7) Cf. Minutes of the 77th Session of the League Council, O.J., No. 12, December 1933, Section 3346.

James C. Macdonald, who held the post of High Commissioner, gave up the task, which he considered he had not the means to perform, and submitted his resignation on 27 December 1935. (1).

The Assembly, at its 17th Session, decided to include the High Commissioner's Office within the framework of the League of Nations, and appointed as High Commissioner for Refugees from Germany Major General Sir Neill Malcolm. His term of office was to come to an end on 31 December 1938, which was also the date on which the Nansen Office was to be wound up.

4. High Commissioner's Office for all Refugees

The League Assembly at its 19th Session, went very fully into the question of the future work in connection with the protection and assistance of refugees. It decided, in a resolution of 30 September 1938 (2), to establish a High Commissioner's Office responsible for the whole of the work, namely material aid and legal protection for both "Nansen" refugees and refugees coming from Germany. It appointed as High Commissioner Sir Herbert Emerson. He chose as his assistant Dr. G. Kullmann. They occupied these posts until 31 December 1946.

The Assembly resolution defined the duties of the High Commissioner as follows: (3)

- (a) to provide for the political and legal protection of refugees, as entrusted to the regular organs of the League by paragraph 3 of the Assembly's decision of 30 September 1930;
- (b) to superintend the entry into force of the application of the legal status of refugees, as defined more particularly in the Conventions of 28 October 1933 and 10 February 1938;
- (c) to facilitate the co-ordination of humanitarian assistance;
- (d) to assist the Governments and private organizations in their efforts to promote emigration and permanent settlement. (4)

To complete this brief historical survey, it should be added that after the Saar plebiscite of 13 January 1935, the Saar refugees who left the territory were included in the category known as Nansen refugees by a

(1) Cf. O.J. No. 2, February 1936, Annex 1577 (page 160).

(2) Cf. Official Journal of the League of Nations, Special Supplement No. 183, page 136, and Annex 12 to the present Report.

(3) Cf. Official Journal, Special Supplement No. 189, 1938, page 86.

(4) Cf. Official Journal XVI, page 634.

resolution of the League Council dated 24 May 1935. (1)

The powers of the High Commissioner were extended to cover Czechoslovak refugees from the Sudetenland by a resolution of the Council dated 17 January 1939. (2)

In addition, Austrian refugees were assimilated to refugees from Germany under an additional protocol of 14 September 1939. (3)

Mention must be made of the action taken by the Norwegian Government, which proposed in 1935, at the 16th Session of the League Assembly, that the League's protection be extended to all refugees and stateless persons. (4) The proposal was opposed by various governments and was not adopted. Mr. Hansson, the Norwegian delegate, made the same proposal at the Inter-Governmental Conference held at Geneva from 2 to 4 July 1936. (5)

5. Inter-Governmental Advisory Commission for Refugees

This Commission, set up by a resolution of the League Assembly dated 25 September 1928 (6) included representatives of 14 countries (7) and experts chosen from among the refugees.

(1) Cf. O.J. No. 6 of June 1935, Section 3593 (page 634).

(2) Cf. Minutes of the 104th Session of the Council, O.J. February 1939 (pages 72-73)

(3) Cf. L. of N. document C.258.M.176. 1939 XIII and Annex II to the present Report.

(4) Cf. Minutes of the Second Meeting of the Sixth Committee of the L. of N., 1935, O.J., Special Supplement No. 143, Section 8 (page 10).

(5) Cf. Minutes of the First Meeting held at Geneva on 2 July 1936 (L. of N. document No. CONF.SRA. First Session/PV.1 of 9 July).

(6) Resolution of 25 September 1928. Cf. Records of the 9th Session of the Assembly, O.J., Special Supplement No. 64, Section 87 (pages 148 to 150), and Annex 5 to the present Report.

(7) Cf. Minutes of the 53rd Session of the Council, December 1928, O.J., No. 1 of 1929, Section 2344 (page 47). The States members of this Commission were the following: Bulgaria, China, Czechoslovakia, Estonia, France, Germany, Greece, Italy, Japan, Latvia, Poland, Roumania, Switzerland and Yugoslavia.

This Commission, the Chairman of which was Mr. de Navaillo up to its Sixth Session, and subsequently Mr. Raphael, was in being from 1929 to 1935.⁽¹⁾ It studied all questions connected with refugees.

Two semi-official bodies should be mentioned: the Advisory Committee for Refugees coming from Germany, attached to the High Commissioner's Office for refugees coming from Germany, and the Advisory Committee of private organizations, attached to the High Commissioner's Office and to the Nansen Office. These Committees which included the representatives of international voluntary associations and of refugee aid societies, existed until 1938.

6. Inter-Governmental Committee for Refugees (1938 to 30 June 1947)

The International Conference, held at Evian, from 4 to 15 July 1938 as the outcome of a proposal by the United States, in which 32 Governments took part, established the Inter-Governmental Committee for Refugees.⁽²⁾

Mr. George Rublee was the first Director of the Committee. Sir Herbert Emerson succeeded him in February 1939, and remained in office until the Committee was wound-up on 30 June 1947.

The Committee had been set up to give international protection to German refugees, but its terms of reference were subsequently extended.

At the session held in 1943, the Committee decided that it could take under its protection "...all persons whoever they may be, who, as a result of events in Europe, have had to leave, or may have to leave, their countries of residence because of the danger to their lives or liberties on account of their race, religion or political beliefs."

In practice, the Committee gave its assistance to the following categories of refugees:

- (a) German and Austrian refugees victims of the Nazi regime.
- (b) Spanish Republican refugees.
- (c) Certain small groups of stateless persons.

(1) This Commission met on the following dates:

From 16 to 18 May 1929 (O.J. No. 7 of July 1929, Annex 1131, page 1077);

From 2 to 5 September 1930 (O.J. No. 11 of November 1930, Annex 1232, page 1462);

From 20 to 21 August 1931 (O.J. No. 11 of November 1931, Annex 1313, page 2118);

On 24 January 1933 (O.J. No. 7 of 1933, first part, Annex 1440, page 854);

On 14 December 1934 (O.J. No. 6 of 1934, first part, Annex 1499, page 524);

From 14 to 15 March 1935 (O.J. No. 6 of 1935, Annex 1541, page 656);

From 9 to 10 October 1935 (O.J. No. 2 of 1936, Annex 1574, page 139).

(2) Cf. Annex 10 to the present Report.

In 1946, the Executive Committee, at its 20th meeting, held on 16 July, decided as the result of a proposal by the United Kingdom and the United States, to extend its programme of work to displaced persons who were unwilling to return to their country of origin or to the country of previous residence, or who were unable to do so, applying in respect of them the principles laid down in Annex 1 to the Draft Constitution of IRO as adopted by the Economic and Social Council at its Second Session.

When the activities of the League of Nations High Commissioner's Office for Nansen Refugees came to an end on 31 December 1946, responsibility for these refugees was also assumed by the Inter-Governmental Committee.

Section II - Period after the second world war

When the United Nations came into being, the question of refugees and displaced persons was even more acute than after the first world war.

1. UNRRA

UNRRA, which was set up before the second world war actually came to an end, had as one of its tasks that of repatriating the millions of persons who had been displaced by the Nazi and Fascist regimes and had been forced to leave their countries as a result of the war. It had to ensure their maintenance, pending repatriation.

UNRRA helped the military authorities and the governments concerned to repatriate nearly 7 million persons, and towards the end of 1945 was still responsible for over a million persons, most of whom were in camps in Germany, Austria and Italy.

It should be mentioned that UNRRA had no authority to resettle displaced persons or deal with refugees as such, or with persons whose displacement was not due to the second world war.

2. UNITED NATIONS

As UNRRA and the Inter-Governmental Committee were to come to an end, the General Assembly of the United Nations, during the first part of its first Session, having recognized, in a resolution of 12 February 1946⁽¹⁾ "that the problem of refugees and displaced persons of all categories is one of immediate urgency", decided "to refer this problem to the Economic and Social Council for thorough examination....and for report to the second part of the first Session of the General Assembly". It recommended to the Economic and Social Council that it "establish a special Committee for the purpose of carrying out.....the.....preparation of the report" requested by the Assembly. Finally, the Assembly recommended to the Council that it take into consideration two principles, the first being that "this problem is international in scope and nature".

(1) Resolution 8 (I) adopted by the General Assembly on 12 February 1946.
Cf. Resolutions adopted by the General Assembly during the first part of its first Session, page 12.

The Committee established by the Economic and Social Council resolution of 16 February 1946 comprised 20 States.⁽¹⁾ That Committee met in London from 8 April to 1 June 1946.⁽²⁾ It prepared the Draft Constitution of an "International Refugee Organization" and determined the categories of refugees which would be the concern of the new body.⁽³⁾

After it had been amended by the Economic and Social Council and by the General Assembly of the United Nations, the Draft Constitution was adopted by the latter during the second part of its first Session, on 15 December 1946.⁽⁴⁾

3. INTERNATIONAL REFUGEE ORGANIZATION

By the terms of its Constitution one of the functions of IRO is the legal and political protection of persons who are its concern (Article 2, paragraph 1 of the Constitution).

The Constitution also provides that IRO will be a specialized agency brought into relationship with the United Nations in accordance with Articles 57 and 63 of the Charter and with Article 3 of the IRO Constitution.

Annex 1 to the Constitution defines persons who are the concern of the IRO.⁽⁵⁾

The General Assembly had to take into account the fact that the Constitution of IRO could not come into force until it had been accepted by at least 15 states whose contributions to Part I of the operational budget as defined in Annex 2 to the Constitution amounted to not less than 75 per cent of the total contributions to the said Part I; it also had to take into account the fact that the liquidation of the Inter-Governmental Committee and of UNRRA was imminent. Consequently, in order to avoid any break in the continuity of the work of international protection, the General Assembly decided by the same Resolution mentioned above to establish a Preparatory Commission which would come into being

- (1) Australia, Belgium, Brazil, Byelorussian Soviet Socialist Republic, Canada, China, Colombia, Czechoslovakia, Dominican Republic, France, Lebanon, Netherlands, New Zealand, Peru, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United States of America, Yugoslavia.
- (2) Cf. United Nations Document, Series E/REF.
- (3) Cf. Report of the Special Committee, Document E/REF.75.
- (4) Resolution No. 62 (I). Cf. Resolutions adopted by the General Assembly during the second part of the first Session, page 97.
- (5) Resolution 62 (I) adopted by the General Assembly on 15 December 1946. Cf. Resolutions adopted by the General Assembly during the second part of its first Session, page 97.

when the Agreement relating to the said Commission ("Agreement on the interim measures to be taken in respect of refugees and displaced persons") had been signed by the representatives of eight Governments signatories to the Constitution of IRO. That body, the headquarters of which were established in Geneva, came into being on 31 December 1946. On 1 July 1947, the Preparatory Commission took over the functions and activities of UNRRA and of the Inter-Governmental Committee. Through the participation of Denmark and Luxembourg in the Organization, the Constitution of IRO came into force on 20 August 1948, and after the 7th part of its first session, held from 10-11 September 1948, the Preparatory Commission for the IRO ceased to exist. The General Council of IRO held its first Session in Geneva from 13-25 September 1948, and appointed Mr. W. H. Tuck (Executive Secretary of the Preparatory Commission) as Director-General of IRO, and Sir Arthur Rucker (Deputy Executive Secretary of the Preparatory Commission), as Deputy Director-General.

The General Council, at its first Session, decided to recognize all the agreements concluded between governments and organizations and the Preparatory Commission. In carrying on the activities of the PCIRO, the IRO is continuing to provide for the legal and political protection of the persons with whom it is concerned in accordance with Annex 1 to the Constitution.

Apart from the purely humanitarian work (relief, repatriation, assistance in emigration and settlement), the protective activities of the Organization took and are taking the most varied forms. They can be summed up as follows:

- (a) Centralization of information concerning the status of refugees;
- (b) Preparation of schemes and proposal of measures to improve that status;
- (c) Collaboration with governments in applying the measures adopted;
- (d) Intervention on behalf of refugees;
- (e) Co-ordination of activities of the voluntary associations.

The work accomplished will be described in the following chapters.

CHAPTER II

Travel Documents

Section I - "Nansen Passports"

One of the difficulties encountered by Dr. Nansen in connection with the question of facilitating the settlement of refugees in a reception country was the absence of passports on which entry or exit visas could be affixed. Here was yet another example of the impossibility of applying the rules of common law to stateless persons without some previous measures to mitigate the consequences of the absence of national protection.

The Inter-governmental Conference, held at Geneva on 22 August 1921, in which ten countries took part ⁽¹⁾, declared in favour of the creation of an identity and travel document which would make up for the lack of a national passport.

The High Commissioner convened a fresh conference, which met at Geneva from 3 to 5 July 1922. This conference, in which sixteen countries took part ⁽²⁾, adopted the Arrangement of 5 July 1922 ⁽³⁾, providing for the creation of a certificate of identity for Russian refugees. At the present time, the countries which have adopted this Arrangement number 53. The document created is known as the "Nansen passport."

A Conference held at Geneva on 31 May 1924 extended the benefit of the "Nansen passport" to Armenian refugees ⁽⁴⁾. Up to the present time thirty-five countries have adopted the Arrangement of 31 May 1924.

- (1) The Study Conference, convened at Geneva on 22 August 1921 by the Council of the League of Nations (Resolution of 27 June 1921) devoted several meetings to the study of problems arising out of the position of Russian refugees. The following countries were represented: Bulgaria, China, Czechoslovakia, Finland, France, Greece, Poland, Roumania, The Serb-Croat-Slovene State and Switzerland.
- (2) Austria, Bulgaria, Czechoslovakia, Finland, France, Germany, Great Britain, Greece, Hungary, Japan, Poland, Roumania, The Serb-Croat-Slovene State, Spain, Sweden, Switzerland (Minutes of the 19th Session of the Council 1922 - page 9).
- (3) See Annex No. 1 to the present Report.
- (4) See Annex No. 3 to the present Report.

Thus was created the document which was to take the place of a passport and on which visas could be affixed; but, unlike a passport, this document did not give the holder the right to return to the country of issue, and this lessened its practical value. The refugee now possessed a document on which a visa could be affixed, but the countries to which he applied for an entry visa used to refuse it, out of fear that once he had entered their territory he would be unable to leave it.

This deficiency was made good by the Arrangement of 12 May 1926⁽¹⁾, Article 3 of which recommended the affixing of return visas on identity certificates. Twenty countries have acceded to the Arrangement of 12 May 1926. Article 2 of the Convention of 28 October 1933 and Article 15 of the London Agreement of 15 October 1946 make the "return clause" an integral part of the travel document.

The arrangements of 1922, 1924 and 1926 related solely to Russian⁽²⁾ and Armenian⁽³⁾ refugees.

An Arrangement of 30 June 1928 concerning the extension to other categories of refugees of certain measures taken to assist Russian and Armenian refugees, to which eleven countries have acceded⁽⁴⁾, extended the benefit of the Nansen passport to Turkish refugees who had lost their nationality under the terms of the Lausanne Protocol of 24 July 1923, to Assyrian and Assyro-Chaldaean refugees, and assimilated refugees of Syrian or Kurdish origin⁽⁵⁾.

Finally the Arrangement of 30 July 1935 adopted by sixteen countries⁽⁶⁾ granted Saar refugees the right to the Nansen passport⁽⁷⁾.

(1) See Annex No. 2 to the present Report.

(2) Russian Refugee: "Any person of Russian origin who does not enjoy or who no longer enjoys the protection of the Government of the Union of Socialist Soviet Republics and who has not acquired another nationality."

(3) Armenian Refugee: "Any person of Armenian origin formerly a subject of the Ottoman Empire who does not enjoy or who no longer enjoys the protection of the Government of the Turkish Republic and who has not acquired another nationality."

(4) Belgium, Bulgaria, Czechoslovakia, Estonia, France, Germany, Latvia, Poland, Roumania, Switzerland, Yugoslavia (30 June 1928). (See Official Journal of the League of Nations, Special Supplement No. 193 of 1944, page 150), and Annex No. 7 to the present Report.

(5) Assyrian, Assyro-Chaldaean and assimilated refugees: "Any person of Assyrian or Assyro-Chaldaean origin, and also by assimilation any person of Syrian or Kurdish origin, who does not enjoy or who no longer enjoys the protection of the State to which he previously belonged and who has not acquired or does not possess another nationality."

Turkish refugee: "Any person of Turkish origin, previously a subject of the Ottoman Empire, who under the terms of the Protocol of Lausanne of 24 July 1923, does not enjoy or no longer enjoys the protection of the Turkish Republic and who has not acquired another nationality." (See preparatory documents and Minutes of the Inter-governmental Conference on the Legal Status of Refugees (28-30 June 1928, page 188)).

- (6) Australia, Bulgaria, Denmark, Estonia, Finland, France, India, Irish Free State, Italy, Latvia, New Zealand, Norway, Poland, Switzerland, Union of South Africa and the United Kingdom. (League of Nations document No. A/23/1935/XII, page 11).
- (7) "Persons who, having previously had the status of inhabitants of the Saar, have left the Territory on the occasion of the plebiscite and are not in possession of national passports. (Annex to League of Nations document CL 120/1935/XII).

Section II - Travel Documents for Refugees Coming from Germany

When the problem of refugees coming from Germany arose, a travel document similar to the Nansen passport was created for such persons under the terms of a provisional Arrangement, dated 4 July 1936⁽¹⁾. Article 3, paragraph 2 of this Arrangement, to which seven countries were parties⁽²⁾, expressly granted the holder of such a certificate the right to return, during the period of its validity, to the country which had issued it.

These provisions were reproduced in Articles 3 and 4 of the Convention of 10 February 1938 concerning the status of refugees coming from Germany. They were made applicable to Austrian refugees by the Additional Protocol of 14 September 1939.

Section III - Travel Documents of 15 October 1946

Lastly, an International Conference convened in London on 15 October 1946 by the Inter-governmental Committee on Refugees prepared an Agreement⁽³⁾ providing for a travel document similar to the Nansen certificate for refugees who are the concern of the Inter-governmental Committee, other than those enjoying the benefit of earlier agreements (Sections I and II).

In virtue of Article 20 of the said Agreement⁽⁴⁾, the provisions of the Agreement apply to persons who are the concern of the Organization to which the functions of the Inter-governmental Committee on Refugees have been transferred, i.e. IRO. It should be noted that the maintenance of the Nansen passport for the categories of refugees entitled to it is the subject of special mention and that the "return clause" is likewise provided for. (Article 15 of the Agreement.)

(1) See Annex No. 8 to the present Report.

(2) "Belgium, Denmark, France, Great Britain and Northern Ireland, Norway, Spain, Switzerland (4 July 1936)" (see Official Journal, Special Supplement No. 139, 21st list of signatures, ratifications and accessions, 1944 Edition, page 141).

(3) See Annex No. 30 to the present Report.

(4) Article 20. "In the event of the transfer to any other international organization of the functions of the Inter-governmental Committee on Refugees, all the provisions in the Agreement relating to the Inter-governmental Committee shall be deemed to apply to the said organization."

The Agreement has been signed by eighteen Governments⁽¹⁾. Seven other non-signatory Governments have undertaken to recognize the travel documents issued in virtue of the said Agreement⁽²⁾.

(1) Those of: The Argentine Republic (ad referendum), Belgium, Brazil (ad referendum), Chile, China, the Dominican Republic, Ecuador (ad referendum), France, Greece, India, Italy, Luxembourg, the Netherlands, South Africa, Sweden, Switzerland, the United Kingdom, Venezuela.

(2) Those of Australia, Canada, Denmark, Eire, New Zealand, Norway, Turkey (for transit purposes only).

CHAPTER III

Consular Services

1. On 7 September 1927, the Advisory Committee of Private Organizations requested the High Commissioner for Russian and Armenian refugees to propose to the Governments of countries granting asylum the conclusion of an Agreement authorizing the High Commissioner to appoint representatives in such countries. These representatives were to make up for the lack of consuls to whom refugees could have recourse, and were to fulfil, inter alia, the following functions:

- (1) issuing to Russian and Armenian refugees, on request, documents certifying their identity, their position as refugees, their original nationality, their civil status and family position, their skills, qualifications and occupation;
- (2) drawing up customary certificates in respect of legal relationships established under the refugees' former national law; testifying to the legal validity of documents previously issued in their country of origin and issuing them certificates regarding their personal status;
- (3) certifying the signatures of refugees and copies and translations of documents drawn up in their own language;
- (4) issuing recommendations, certificates of good character and conduct, etc.;
- (5) supporting the various requests submitted by refugees to the authorities of their place of residence.

2. In order to give effect to this suggestion, the High Commissioner, after consultation with the Governments of the countries of asylum, convened an international conference which met at Geneva, from 28 to 30 June 1928. This Conference, in which fifteen countries took part, (1) adopted an Arrangement concerning the legal status of Russian and Armenian refugees, dated 30 June 1928. (2) Article I of this Agreement provides:

(1) Austria, Belgium, Bulgaria, Czechoslovakia, Egypt, Estonia, Finland, France, Greece, Germany, Latvia, Poland, Roumania, Kingdom of the Serbs, Croats and Slovenes, Switzerland (Preparatory documents and Minutes of the Inter-governmental Conference on the Legal Status of Refugees, 28-30 June 1928; Arrangement and Agreement of 30 June 1928).

(2) See Annex No. 3 to the present Report.

/"It is recommended

"It is recommended that the High Commissioner for Refugees shall, by appointing representatives in the greatest possible number of countries, render the following services, in so far as such services do not lie within the exclusive competence of the national authorities:

- (a) certifying the identity and the position of the refugees;
- (b) certifying their family position and civil status, in so far as these are based on documents issued or action taken in the refugees' country of origin;
- (c) testifying to the regularity, validity, and conformity with the previous law of their country of origin, of documents issued in such country;
- (d) certifying the signature of refugees and copies and translations of documents drawn up in their own language;
- (e) testifying before the authorities of the country to the good character and conduct of the individual refugee, to his previous record, to his professional qualifications and to his University or academic standing;
- (f) recommending the individual refugee to the competent authorities, particularly with a view to his obtaining visas, permits to reside in the country, admission to schools, libraries, etc.

"The above-mentioned representatives shall be appointed and shall act in agreement with the governments concerned. In countries in which persons or bodies already act unofficially in such a capacity the High Commissioner may utilize their services.

"Each government shall be free to decide whether documents issued by such representatives may be recognized as having an official character. It is recommended in any case that the governments shall take the greatest possible account of such documents. It is also recommended that any fees charged to refugees not in a condition of indigence in respect of the delivery of documents or the fulfilment of the above-mentioned formalities shall be moderate.

"It is understood that the activities of such representatives shall be of an entirely non-political character and shall involve no encroachment whatsoever on the duties incumbent on the authorities of the country of residence."

3. The French and Belgian Governments, judging that the mere recommendation formulated in this Arrangement was not sufficient to give the document drawn up by the representatives of the High Commissioner an official value equal to that of consular documents, signed the same day, i.e. 30 June 1928, an Agreement empowering the representatives of the High Commissioner to issue the documents enumerated in Article 1 of the Arrangement. In these two countries the representatives of the High Commissioner received the consular exequatur.

In 1930, when the political and legal protection of refugees was taken over by him, the Secretary-General of the League of Nations was entrusted with the appointment of representatives who were at the same time to be representatives of the Nansen Office.

When the League of Nations ceased to exist, the Franco-Belgian Agreement was denounced by France, but Decree No. 46-2916 of 23 December 1946 entrusted identical consular functions in France to the representative of the Inter-governmental Committee (from 1 January 1947 to 1 July 1947). Subsequently a fresh Decree, entrusted them to the delegate of PCIRO.

At present these functions are carried out by the said delegate under an Agreement concluded on 13 January 1948 at Paris between the French Government and the Executive Secretary of PCIRO.

The importance of these consular services can be gauged by the ever-increasing number of documents issued to refugees. Whereas initially these documents could be counted by tens, at present they number thousands.

A Decree issued by the French Government on 3 July 1945⁽¹⁾ extended the system to Spanish refugees, and a Decree of 10 May 1945 to refugees coming from Germany.⁽²⁾ Since 13 January 1948, in virtue of two Agreements between the French Government and PCIRO, all refugees placed under the mandate of PCIRO benefit by this regime⁽³⁾. Each month PCIRO issues several thousand certificates.

(1) Decree No. 45-1465, Official Journal of the French Republic of 4 July 1945.

(2) Decree of 10 May 1945, Official Journal of the French Republic of 4 August 1945.

(3) The documents issued by the delegation of IRO to refugees have the force of authentic official documents. They take the place of civil registration documents, as is evidenced by the judgment of the Court of Paris of 17 July 1948.

4. France and Belgium are the only countries which have accepted a consular service in such a fully developed form; nevertheless, other countries offering asylum have acted on the recommendations contained in Article 1 of the Arrangement of 30 June 1928.

Thus the representatives of the Nansen Office, appointed by the Secretary-General of the League of Nations, were empowered by seventeen countries to render to refugees all the consular services enumerated in Article 1 of the Arrangement of 30 June 1928.

The war put an end to this practice.

However, in a number of countries certain quasi-consular services, in various cases, continued to be rendered to refugees and displaced persons, first by the representatives of PCIRO, and subsequently by IRO.

If such persons came within the mandate of IRO, the representatives of IRO, where necessary, lend them assistance in a variety of forms, ranging from material aid to intervention with the authorities of the country of residence or with the consuls of the countries of immigration.

CHAPTER IV

Legal Status

The necessity of providing stateless refugees with a specific legal status was recognized even before a High Commissioner for Russian refugees was appointed. At its thirteenth session in June 1921, the Council of the League of Nations, on the report presented by M. Hanotaux, recognized the urgent necessity of making a thorough study of the legal questions relating to the status of refugees. This study formed one of the High Commissioner's tasks.

Section I - Arrangement of 30 June 1928⁽¹⁾

On 26 September 1927, during its eighth session the League Assembly adopted a resolution inviting the High Commissioner to convene a small conference to formulate proposals in regard to the legal status of refugees.

The High Commissioner convened a Committee of legal Experts to prepare a preliminary draft convention. This Committee worked out a detailed questionnaire which was sent to the governments of the chief countries of refuge.⁽²⁾ The replies of the governments gave a clear indication of the legal standing of refugees and its shortcomings.⁽³⁾

The Inter-governmental Conference convened at Geneva from 28 to 30 June 1928, in which fifteen governments⁽⁴⁾ took part (listed on page 53, footnote 1) and to which Russian and Armenian experts were admitted in an advisory capacity, was supplied with a wealth of documentation. It drew up a certain number of rules but when the time came to decide their final form, eight governments out of fifteen preferred them to be drafted in the form of mere recommendations. The Arrangement of 30 June 1928, which formed the basis of the Conventions of 1933 and 1938, therefore contained nothing but recommendations.

(1) Cf. Annex No. 3 to the present Report.

(2) Austria, Belgium, Bulgaria, Czechoslovakia, Egypt, Estonia, Finland, France, Germany, Great Britain, Greece, Latvia, Lithuania, Roumania, Kingdom of the Serbs, Croats and Slovenes, and Switzerland.

(3) Cf. "Documents préparatoires et Procès-verbaux de la Conférence intergouvernementale pour le Statut juridique des réfugiés." (Série de Publications de la Société des Nations, XIII, Réfugiés, 1930. XIII.1)

(4) Cf. IV, paragraph 6 of the Report of the Experts submitted on 9 January 1933 to the Inter-Governmental Advisory Commission for Refugees. League of Nations file No. 3948 - G.A.C.2/1933.

Section II - Convention of 28 October 1933

It soon became apparent that the Arrangement in this form was ineffective. It was impossible to improve the status of refugees without introducing certain measures supplementary to the common law, in as much as the latter covered foreigners possessing a nationality but not stateless persons. The requisite changes could be made only by legislation or by formal obligations established by an international convention. Recommendations were not enough. In this connection it should be noted that of all the various recommendations contained in the Arrangement of 30 June 1928, only one, in a single country, was incorporated in domestic legislation. (Article 93 of the Yugoslav law of 27 March 1931 on taxation.)

The approach of the date set for the closing the Nansen Office made the improvement of the legal status of refugees a matter of urgency. The Governing Body of the Nansen Office and the Inter-governmental Advisory Commission for Refugees both deemed it essential that refugees should be granted an international status before they were left to look after themselves without the assistance of the Nansen Office.

At its twelfth session, by a resolution dated 25 September 1931, the League Assembly, on the proposal of the Inter-governmental Advisory Commission for Refugees, requested the said Commission, in consultation with the Nansen Office, to consider the advisability of preparing a Convention. (1)

On the completion of the preparatory work, the League Council, by a decision of 22 May 1933, requested the Inter-governmental Commission and the Nansen Office to convene an international conference and to submit to it a draft convention.

The Conference, in which fifteen governments took part⁽²⁾, was held at Geneva from 26 to 28 October 1933 under the presidency of M. de Navailles, representative of the French Government. The refugee experts were admitted in an advisory capacity.

The Conference adopted the draft prepared by the Inter-governmental Commission and the Nansen Office with certain amendments.

(1) Cf. Official Journal of the League of Nations - Special Supplement No. 93, 1931 - pages 140 and 288.

(2) Austria, Belgium, Bulgaria, China, Czechoslovakia, Egypt, Estonia, Finland, France, Greece, Latvia, Poland, Roumania, Switzerland, Yugoslavia.

The Convention of 28 October 1933⁽¹⁾, which was ratified by eight countries⁽²⁾, settled a wide variety of questions relating to the status of refugees: administrative status, movement within a single country and internationally, residence, expulsion and non-admittance at the frontier (Articles 2 and 3); juridical condition, personal status, dissolution of marriages, rights acquired under the former national law (Articles 4 and 5); access to Courts of Law, guarantees, legal assistance (Article 6); labour conditions (Article 7); industrial accidents (Article 8); welfare and relief (Articles 9, 10 and 11); education (Article 12); fiscal regime (Article 13); exemption from reciprocity (Article 14).

We shall return to these provisions when we come to discuss measures calculated to improve the status of refugees (Title III).

Attention must be drawn to the importance of the Convention of 1933 which provided the refugees covered by it with a stable and equitable status while taking the interests of the countries of refuge into account. In all probability it represented the limit of what was practically possible at that time.

This Convention covers the so-called "Nansen refugees" (Article 1).⁽³⁾

Section III - Convention of 10 February 1938

At its eighteenth session, by a resolution dated 5 October 1937, the League Assembly decided, at the request of Sir Neill Malcolm, High Commissioner for Refugees coming from Germany, to convene a conference for the adoption of a Convention for the benefit of refugees coming from Germany.

(1) Cf. League of Nations Treaty Series Volumes CLIX, page 199, CLXXXII, page 432 and CLXXXI page 429 also Annex No. 7 to the present Report.

(2) France, United Kingdom, Italy, Denmark, Czechoslovakia, Bulgaria, Norway and Belgium.

(3) The French Government, by Decree No. 45 - 766 of 15 March 1945, extended the benefit of this Convention to Spanish refugees.

The Conference was held at Geneva from 7 to 10 February 1938, with
M. Loudon as President, fourteen governments participating. (1)

It adopted a Convention similar to that of 28 October 1933. (2)
This Convention covers not only "persons possessing or having possessed
German nationality" but also "stateless persons not covered by previous
Conventions or Agreements who have left German territory after being
established therein and who are proved not to enjoy, in law or in fact,
the protection of the German Government."

The Convention does not cover persons who left Germany for reasons
of purely personal convenience (Article 1, paragraph 2).

The Additional Protocol signed at Geneva on 14 September 1939, to
which three countries are parties (3), extended the benefit of this
Convention to refugees coming from Austria. (4)

Section IV - Agreements Concluded by IRO with Various Governments

In accordance with Article 2, paragraph 1 of its Constitution, IRO
is entrusted with the legal and political protection of persons who are
its concern. As a result, States which have ratified the Constitution
of IRO recognize that Organization's right to protect refugees and
displaced persons.

Furthermore, IRO when using its right to conduct negotiations and
conclude agreements with governments (Constitution Article 2,
paragraph 2 (e)) has included in such agreements provisions designed to
improve the status of the refugees.

(1) Belgium, Czechoslovakia, United Kingdom, Cuba, Denmark, France,
Luxembourg, Norway, Netherlands, Poland, Portugal, Spain,
Sweden, Switzerland.

(2) Cf. League of Nations document No. C.75.M.30/1938/XII and
Annex No. 9 to the present Report.

(3) Great Britain, France and Denmark.

(4) Cf. League of Nations document No. C.250.M.176/1939/XII and
Annex 11 to the present Report.

Sometimes these agreements contain a general clause confirming the competence of IRO in the matter of protection⁽¹⁾. Often they specify certain elements of the status of the refugees.

For example, the Agreement of 6 September 1947, concluded with the French Government provides that refugees in the French zone of Germany "shall have the same legal status and be subject to the same laws and tribunals as United Nations nationals having no official relations with the occupation Authorities" (Section IX, paragraph 4).

The Agreement of 6-9 July 1947, concluded with the Commander-in-Chief in the American Zone of Occupation of Germany provides that "refugees eligible for IRO assistance in the United States area will have the same legal status and will be subject to the same courts as United Nations nationals who have no official relation with the occupation authority". (Section VIII, paragraph 12 (c)) and that "IRO will be responsible, in agreement with the occupation authority, for the legal and political protection of eligible refugees. IRO will be recognized as the appropriate authority to safeguard the legitimate interests of such eligible refugees as may request its assistance." (Section VIII, paragraph 12 (d)).

The Agreement concluded on 13 January 1948 with the French Government concerning the recruitment of refugees in Germany and Austria, gives the refugees admitted into France certain guarantees in regard to expulsion and reconduction (Article 10 (a) and (e)).

(1) The two Agreements concluded on 6 September 1947 with the French Government concerning operations in the French zones of Austria and of Germany (Section III, paragraph 12);

- Agreement concluded on 24 October 1947 with the Italian Government (Article II, paragraph 1 (f));
- Agreement concluded on 7 November 1947 with the Allied Commission in Austria (British element) (Article 4, paragraph 11);
- Agreement concluded on 21 July 1947 with the Government of Australia (paragraph 9);
- Agreement concluded on 26 September 1947 with the British Government concerning the recruitment of workers in the American zone of Germany (Article 13);
- Agreement concluded on 28 June 1947 with the Control Council in Germany (British zone) (Section IV, paragraph 10).

The Agreement concluded on 21 July 1947 with the Australian Government guarantees the immigrant refugees enjoyment of all the rights and liberties granted to foreigners residing in Australia and recognizes their right to apply for naturalization (Article 6 (b) and (c)).

The two Agreements of 13 January 1948 concluded with the French Government, one concerning the establishment in France of the IRO delegation (Section III) and the other concerning the exercise by the IRO delegate of quasi-consular functions, both ensure the maintenance of the benefits previously granted to the so-called "statutory refugees" and extend the benefit of the quasi-consular services to all persons placed under the mandate of IRO.

The Agreement concluded on 24 June 1948 with the Government of Brazil provides in Article VI, paragraph 31, that "the rights of protection pertaining to nations with regard to their subjects abroad will be exercised in Brazil by IRO with regard to the refugees established in Brazil so long as they are stateless or for other reasons have lost the protection of their national state and are therefore included in the jurisdiction and precepts of IRO in accordance with its Constitution." Moreover, Article V, paragraph 30, guarantees to immigrant refugees in Brazil "treatment which is generally not less favourable than that enjoyed by Brazilian citizens in Brazil under similar conditions and aptitudes."

The Agreement of 22 October 1947 with the British Government and the Government of the Netherlands, concerning the recruitment of refugees and displaced persons in the British zone of Germany for the Netherlands, contains a series of provisions which define the legal status of the refugees.

It lays down that in the Netherlands the refugees shall enjoy, with exemption from reciprocity, all the rights granted to other foreigners (paragraph 4 (b)).

It provides that IRO shall be notified of the intention to deport refugees and may make its representations within fifteen days (paragraph 4 (e)). In no case will the person be repatriated against his will to his country of origin (paragraph 4 (f)).

In regard to fiscal matters, the refugees shall not be subject to taxes, duties or charges other than those to which nationals are liable (paragraph 4 (i)).

They shall have free access to the courts (paragraph 4 (j)).

In regard to social insurance and industrial accidents, they shall be accorded the most favourable treatment (paragraphs 4 (k) and 5 (e)).

/Their

Their children shall receive the same treatment in the schools as foreigners in general in regard to remission of fees and charges and the award of scholarships (paragraph 4 (1)).

The Refugees who enjoy the protection of IRO (paragraph 1 (b)) shall be entitled to apply for naturalization after five years of unbroken residence (paragraph 4 (a)).

Finally, the Agreement concluded on 24 June 1948 with the Turkish Government in regard to the immigration of refugees and displaced persons who have expressed a desire to emigrate to Turkey and who, in the opinion of the Turkish Government, fulfil certain ethnic and cultural conditions, contains the following provision:

"The Government agrees that immediately on landing on Turkish territory refugees shall be granted full Turkish nationality. In this connection, the Government will forthwith issue to refugees who enter Turkey under the provisions hereof all necessary identity documents and documents of a like nature together with such translation services in Turkey as may be requisite or desirable on first entry. Refugees shall enjoy the full protection of Turkish law and all rights and privileges available normally thereunder to Turkish subjects resident in Turkey."

(Article VI, paragraph 15).

Some of the Agreements concluded by IRO contain a special clause under which Governments undertake to obtain work for the refugees and displaced persons. (1)

- (1) Agreement of 6 July 1947 with the Commander-in-Chief of the United States Zone of Germany (Section V, paragraph 9 - 2 (a)).
- Agreement of 6 September 1947 with the French Government concerning the French Zone of Austria (Section IV, paragraph 4 (b)).
- Agreement of 6 July - 29 December 1947 with the French Government concerning the French Zone of Germany (Section IV, paragraph 4 (b)).
- Agreement of 7 November 1947 with the Allied Commission (British element) in Austria (Article V, paragraph 10).
- Agreement of 28 June 1947 with the Control Council in Germany concerning operations in the British Zone (Article V, paragraph 9).
- Agreement of 12 September 1947 with the General in Command of the United States Forces in Austria (Section II, paragraph 5 (e)).

Other Agreements cover the recruitment of refugee and DP workers and their employment in the reception country. ⁽¹⁾

Finally, other Agreements concern the immigration and employment of refugees and displaced persons. ⁽²⁾

Thus the status of such stateless persons as are the concern of IRO has been appreciably improved in a large number of countries as a result of the Agreements concluded by IRO in its capacity as an organ of international protection.

(1) Agreement of 26 September 1947 with the British Government (Recruitment in the United States zone of Germany).

Agreement of 22 October 1947 with the British Government and the Government of the Netherlands (Recruitment in the British zone of Germany).

Agreement of 13 January 1948 with the French Government.

Agreement of 11 June 1948 with the Belgian Government.

(2) Agreement of 21 July 1947 with the Australian Government.

Agreement of 30 April 1948 with the Brazilian Government.

Agreement of 24 June 1948 with the Turkish Government.

TITLE III

Means of Improving the Position of Stateless Persons

As is apparent from the previous Titles, improvement in the position of stateless persons requires their integration in the framework of international law, which by tradition has dealt with cases of foreigners possessing a nationality.

To this end, stateless persons must, on the one hand, be provided with a status which will ensure their enjoyment of the rights necessary to enable them to lead an existence worthy of human beings, and must, on the other hand, be provided with adequate international protection.

With regard to the first consideration - that of status - stateless persons may be divided into two categories:

1. Those who already enjoy a status by virtue of the Convention of 28 October 1933, the Convention of 10 February 1938 or the Additional Protocol of 14 September 1939;
2. Those who have not yet been provided with a status by convention.

For stateless persons of the first category the maintenance of their present status may be envisaged; but it should be noted that the Conventions mentioned above have received only a small number of ratifications and accessions. It is desirable, therefore, that other States become parties to these diplomatic instruments.

Stateless persons of the second category must be provided with a status; that would appear an essential step.

In Chapter I of this Title the principal elements of this status will be determined and its form discussed.

Chapter II will deal with the international protection of stateless persons.

CHAPTER I

Status of Stateless Persons

The first thing is to determine the principal elements of the Status of stateless persons, and next its form.

Section I - Elements of the Status

Title I of this Part of the Report describes the position of stateless persons whose status has not been determined.

Title II outlines the efforts made to improve the status of certain categories of stateless persons.

It is now necessary to examine the measures which must be taken to render the position of all categories of stateless persons satisfactory.

The Status of stateless persons will include all the rights to be granted to them.

(1) International Travel - Right of Entry and Sojourn

For stateless persons to be able to travel, leave the country in which they happen to be, obtain an entry visa for another country and go there, either for personal or business reasons, or with a view to settlement, it is absolutely necessary that they be provided with a document which will take the place of the national passport. The value of this document and the advantages it can confer will increase in proportion to the number of countries which recognize it.

What should be the nature of this document?

As the London Agreement of 15 October 1946, which is based on the agreements concerning the "Nansen passport" concluded at Geneva on 31 May 1924, 5 July 1922 and 12 May 1926, is entirely satisfactory, all that is necessary is to take up its provisions as they stand and extend the benefits they confer to all stateless persons who are not entitled to the "Nansen passport".

It should be noted that these provisions confer on the holder of the Travel Document the right to return to the country which issued this Document. He retains this right as long as the Travel Document is valid, that is, in principle, for two years. This clause, the so-called "return clause", is of special importance.

It alone makes it possible to obtain an entry visa for other countries. It brings the Travel Document closer into line with the passport. Experience with the "Nansen passports", which did not at first contain this clause, later included in them by the Arrangement of 12 May 1926, showed that no countries were prepared to grant visas to foreigners who were not entitled to return to the countries from which they came. There should be no real objection to adopting this clause,

clause, since the only result of omitting it from the document is to immobilize stateless persons in countries which refuse them the right to return to it.

As regards the right of sojourn, governments will assuredly not renounce their sovereign powers in this respect. However, it can be foreseen that improvement in the status of stateless persons, adoption of the above-mentioned Travel Document, and undertakings not to expel or reconduct stateless persons who cannot legally enter another country, would in fact satisfactorily resolve the question of the right of sojourn.

(2) Determination of Personal Status

Mention has already been made (see page 27) of the prejudice caused by uncertainty about the personal status of stateless persons both to themselves and to nationals of the country of reception. It is essential that this status be clearly determined.

This was done in the Conventions of 28 October 1933 and of 10 February 1938.

Article 4 of paragraph 1 of the 1933 Convention which applied only to persons who were de jure stateless, reads as follows:

"The personal status of refugees shall be governed by the law of their country of domicile or, failing such, by the law of their country of residence."

Article 6 of the Convention of 10 February 1938, which applies both to persons who are de jure stateless, and to refugees who have retained their nationality, provides that:

"The personal status of refugees who have retained their original nationality shall be governed by the rules applicable in the country concerned to foreigners possessing a nationality. Save as otherwise previously provided by treaty, the personal status of refugees having no nationality shall be governed by the law of their country of domicile or, failing such, by the law of their country of residence."

These provisions appear to be satisfactory.

(3) Personal Rights

A. Family Rights

Family rights have a marked personal character, and the individual is very sensitive to anything affecting them. In this respect, the status of the stateless person should not be inferior to that of other foreigners. In particular, the right to marry should not depend on an administrative authorization. Actual residence for a reasonable

period should be sufficient to enable the stateless person to contract marriage in the country of reception.

Nor should he be refused the right to adopt or to be adopted, to be a guardian, member of a family council etc.

A stateless person cannot have recourse to a national court. It should therefore be made possible for him to apply for divorce to the courts of his country of residence, provided this is not at variance with the public law of the country and his own personal status.

In this respect, Article 5 of the Convention of 28 October 1933 contains the following provision:

"... the dissolution of marriages of refugees shall be governed by the law of their country of domicile or, failing such, by the law of their country of residence."

This provision seems to be satisfactory, and it could be extended to cover all stateless persons.

Respect should be ensured for any rights acquired by stateless persons by a marriage contracted at the time when they were subject to their former national law. This applies particularly to the matrimonial regime and the legal capacity of married women.

There is no reason why the matrimonial regime established at the time of the marriage, whether it was imposed under the former national law of stateless persons or was established by contract in conformity with that law, should be modified by reason of the fact that the husband and wife have lost their nationality. However, if regulations to safeguard the interests of third parties are in force in the country of reception, stateless persons should comply with the formalities prescribed by law.

Nor is there any reason why a married woman's legal capacity, which was not affected by a marriage contracted under her former national law, should vary, once she has become stateless, as she happens to move from country to country.

In this connection, Article 4, paragraph 3 of the Convention of 28 October 1933, provides that:

"Rights acquired under the former national law of the refugee, more particularly rights attaching to marriage (matrimonial system, legal capacity of married women, etc.) shall be respected, subject to compliance with the formalities prescribed by the law of their country of domicile, or failing such, by the law of their country of residence, if this be necessary."

/This provision

This provision appears to be just; it safeguards the interests both of stateless persons and of third parties connected with them.

B. Rights of Property

With regard to property rights the restrictions imposed on stateless persons result mainly from the fact that it is impossible for them to comply with the condition of reciprocity on which enjoyment of certain of these rights is often dependent. Among the rights of which stateless persons are deprived on this score in a number of countries, the following should be mentioned: the right to acquire immovable property, or to collect an inheritance left by a person dying intestate, the right to register trade marks, industrial patents, trade names etc. If stateless persons were exempted from the condition of reciprocity, their position with regard to property rights would become satisfactory (cf. Section IX below).

(4) Exercise of Trades or Professions

A. Employees

The bare minimum which should be granted to stateless persons is free access to the ranks of wage-earners. The right to earn a livelihood by one's work is a corollary of the right to live.

The grant to stateless persons of the right to work comes up against certain difficulties. These are particularly serious in times of economic depression. The question of stateless labour is one of the most difficult aspects of the problem to be solved. It would be easier to solve if the international movement of stateless persons became less restricted, their distribution among the various reception countries more rational and their legal status more satisfactory. Meanwhile, since, unlike supernumerary foreign workers, stateless persons cannot be repatriated and their reconduction to the territory of neighbouring countries is no solution, the restrictions at present applying to foreign labour should therefore be automatically suspended in favour of certain classes of stateless workers.

In this connection, Article 7 of the Convention of 28 October 1933 provides that:

"The restrictions ensuing from the application of laws and regulations for the protection of the national labour market shall not be applied in all their severity to refugees domiciled or regularly resident in the country.

They shall be automatically suspended in favour of refugees domiciled or regularly resident in the country, to whom one of the following circumstances applies:

/(a) The refugee

- (a) The refugee has been resident for not less than three years in the country;
- (b) The refugee is married to a person possessing the nationality of the country of residence;
- (c) The refugee has one or more children possessing the nationality of the country of residence;
- (d) The refugee is an ex-combatant of the great war."

Similar provisions, but excluding paragraph (d), are also to be found in Article 9 of the Convention of 10 February 1938.

The benefit of the above provisions might be extended to three more classes of stateless persons, namely:

those who have served in the armed forces of the country;
those who entered the country with employment contracts, and have fulfilled their engagements, and those who have been victims of nazi or fascist persecution.

B. Trade and Industry

Stateless persons should have access to these occupations on the same terms as other foreigners, but with exemption from the condition of reciprocity.

C. Liberal Professions

In most European countries the professions of lawyer, doctor, dentist, chemist etc. are overcrowded and reserved for nationals. It is therefore unlikely that governments will be willing to open them to stateless persons; nevertheless, the services of stateless persons possessing the necessary qualifications might profitably be used in overseas countries.

Although a difficult one, the question should nevertheless be examined.

(5) Education

Stateless children should receive elementary or primary education under the same conditions as nationals.

As regards the other forms of education, stateless persons should have access thereto and enjoy the same advantages (remission of fees and charges, award of scholarships etc.) as foreigners possessing a nationality, without being subject to the condition of reciprocity.

Article 12 of the Convention of 28 October 1933 and Article 14 of the Convention of 10 February 1938 provide that:

"Refugees shall enjoy in the schools, courses, faculties and universities of each of the Contracting Parties treatment as favourable as other foreigners in general. They shall benefit in particular by the total or partial remission of fees and charges and the award of scholarships."

These provisions

Those provisions should be extended to meet the conditions described above.

(6) Relief

Legislation relating to relief is based on humanitarian and social principles. It is hardly conceivable that indigent, sick or infirm foreigners should be left in a state of neglect. Apart from humanitarian considerations it is necessary to protect society from the danger of sick, infirm or aged persons and children, who are incapable of supporting themselves, being left unaided and uncared for.

Since stateless persons cannot fulfil the condition of reciprocity and it is usually impossible to send them back to their country of origin or to claim from that country the repayment of the cost of relief, they should, in the matter of relief, be assimilated to nationals.

Article 9 of the Convention of 28 October 1933 and Article 11 of the Convention of 10 February 1938 contain the following provisions in this connection:

"Refugees residing in a territory to which the present Convention applies who are unemployed persons, persons suffering from physical or mental disease, aged persons or infirm persons incapable of earning a livelihood, children for whose upkeep no adequate provision is made either by their families or by third parties, pregnant women, women in childbed or nursing mothers, shall receive therein the most favourable treatment accorded to nationals of a foreign country, in respect of such relief and assistance as they may require, including medical attendance and hospital treatment."

In view of the special position of stateless persons, who cannot be repatriated, their assimilation to nationals of the most favoured nation is not satisfactory. In this matter stateless persons should therefore be assimilated to nationals.

(7) Social Security

The social security system is not based on purely national considerations. It springs from humanitarian principles of general application.

From the purely national standpoint, it is in the interests of national workers that foreigners working side by side with them should enjoy the same benefits as themselves.

Furthermore, foreign workers render the same services to society as national workers and are exposed to the same risks. There is therefore

/every justification

every justification for assimilating them in the matter of social security to nationals.

In this connection Article 8 of the Convention of 28 October 1933 and Article 10 of the Convention of 10 February 1938 contain the following provisions:

"Each of the High Contracting Parties undertakes to accord to refugees who meet with industrial accidents in any of his territories to which the present Convention applies, or to their beneficiaries, the most favourable treatment that he accords to the nationals of a foreign country."

A simpler formula assimilating the stateless person to the national worker would be preferable.

(8) Right to appear before the Courts as plaintiff or defendant

There is no need to repeat the remarks made above on page 35.

It is sufficient to recall the provisions contained in Article 6 of the Convention of 28 October 1933 and in Article 8 of the Convention of 10 February 1938.

Article 6 of the Convention of 28 October 1933 provides that:

"Refugees shall have, in the territories of the Contracting Parties, free and ready access to the courts of law.

In the countries in which they have their domicile or regular residence, they shall enjoy, in this respect, the same rights and privileges as nationals; they shall, on the same conditions as the latter, enjoy the benefit of legal assistance and shall be exempt from cautio judicatum solvi."

Article 8 of the Convention of 10 February 1938 provides that:

"1. Refugees shall have, in the territories to which the present Convention applies, free and ready access to the courts of law.

2. In the countries in which they have their domicile or regular residence, they shall enjoy in this respect, save where otherwise expressly provided by law, the same rights and privileges as nationals. They shall on the same conditions enjoy the benefit of legal assistance and be exempt from cautio judicatum solvi."

The first mentioned formula is preferable. The insertion in Article 8 of the 1938 Convention of the words "save where otherwise expressly provided by law" reduces the practical value of the provisions.

(9) Exemption from Reciprocity

In Title 1 of Part II reference was made to the importance of the concept of reciprocity in the laws and conventions governing the status of foreigners, and to the consequences of the fact that stateless persons

/are not

are not in a position to fulfil this condition.

Nevertheless, attention must be drawn to the changes which the considerable development of international relations during the 19th century have brought about in the concept of reciprocity as a condition governing the enjoyment by foreigners of certain rights. The tendency to allow foreigners to enjoy the whole body of private rights and to benefit by certain provisions of social legislation has become more marked.

Reciprocity still remains the basic concept but, as is evidenced by modern codes, doctrine and jurisprudence, it is no longer the condition under which by way of exception a right is granted to foreigners. It is becoming more the means of inducing less liberal countries to follow the general tendency, which is to assimilate the foreigner to the national in matters of private law. By invoking the concept of reciprocity countries make use of the right of reprisals against nationals of a State which refuses to grant to foreigners the rights accorded to them by other countries.

Hence, since measures taken against stateless persons cannot be used as a weapon against any State, there is no reason to keep the stateless person in a state of inferiority because he does not fulfil the condition of reciprocity.

The stateless person should therefore be granted the rights which are not refused to foreigners who possess a nationality and have fulfilled the condition of diplomatic or legislative (i.e. de facto) reciprocity.

In this connection Article 14 of the Convention of 28 October 1933 and Article 17 of the Convention of 10 February 1938 contain an identical provision:

"The enjoyment of certain rights and the benefit of certain favours accorded to foreigners subject to reciprocity shall not be refused to refugees in the absence of reciprocity."

So long as this or a similar provision is not applied to stateless persons as a whole, the status of stateless persons will leave much to be desired.

(10) Expulsion and Reconducton

Reconducton is the mere physical act of ejecting from the national territory a person who has gained entry or is residing therein irregularly⁽¹⁾.

(1) Although terminology varies to some extent on this point, the term "refoulement" is not used in this study to signify the act of preventing a foreigner who has presented himself at the frontier from entering the national territory.

Expulsion is the juridical decision taken by the judicial or administrative authorities whereby an individual is ordered to leave the territory of the country.

The serious difficulties resulting from the application to stateless persons of expulsion or reconduction measures have been described above.

The Conventions of 28 October 1933 and of 10 February 1938 contain the following provisions on this subject:

Article 3 of the Convention of 28 October 1933:

"Each of the Contracting Parties undertakes not to remove or keep from its territory by application of police measures, such as expulsions or non-admittance at the frontier (refoulement), refugees who have been authorized to reside there regularly, unless the said measures are dictated by reasons of national security or public order.

It undertakes in any case not to refuse entry to refugees at the frontiers of their countries of origin.

It reserves the right to apply such internal measures as it may deem necessary to refugees who, having been expelled for reasons of national security or public order, are unable to leave its territory because they have not received, at their request or through the intervention of institutions dealing with them, the necessary authorizations and visas permitting them to proceed to another country."

Article 5 of the Convention of 10 February 1938:

"In every case in which a refugee is required to leave the territory of one of the High Contracting Parties to which the present Convention applies, he shall be granted a suitable period to make the necessary arrangements.

Without prejudice to the measures which may be taken within any territory, refugees who have been authorized to reside therein may not be subjected by the authorities to measures of expulsion or reconduction unless such measures are dictated by reasons of national security or public order.

- (a) The High Contracting Parties undertake not to reconduct refugees to German territory unless they have been warned and have refused, without just cause, to make the necessary arrangements to proceed to another territory or to take advantage of the arrangements made for them with that object.
- (b) In such case, the travel document may be cancelled or withdrawn."

These texts do not go far enough. The provisions concerning expulsion and reconduction of stateless persons should be formulated in more precise terms and should contain the following rules:

- (1) No stateless person shall be reconducted to his country of origin;
- (2) No expulsion order shall be made against a stateless person for reasons other than those of national security;
- (3) No expulsion order shall be carried out until the stateless person has obtained authorization to enter another country;
- (4) If such authorization is not obtained, the authorities of the country of residence are entitled to adopt measures of an internal character, such as the assignment of a place of compulsory residence, with a view to safeguarding national security. (1)

(II) Fiscal charges to which Stateless persons are liable

It is natural that in return for the advantages resulting from the improvement in their status, stateless persons should be subject to certain charges to which nationals are liable.

A. Taxation

In point of fact, stateless persons are liable to the same taxes, duties and charges as nationals of the reception country.

If, as is the case in certain countries, foreigners who are not entitled to the advantages of a treaty are liable to special taxes, stateless persons then pay higher taxes than nationals.

It would be useful to establish the stateless person's position from a fiscal standpoint.

Article 13 of the Convention of 28 October 1933 contains the following provision:

"The Contracting Parties undertake not to impose upon refugees residing in their territories duties, charges or taxes, under any denomination whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.

(1) Thus in France the Ordinance of 2 November 1945, concerning the sojourn and admission of foreigners in France, provided for the assignment of a place of compulsory residence to foreigners in respect of whom an extradition order has been issued and "who are unable to leave French territory." The Ordinance states that "this impossibility is proved when the foreigner produces evidence to show that he can neither return to his country of origin nor proceed to another country." (Article 27)

Nothing in the foregoing provisions shall affect the application of the Nansen stamp system, or the stipulations of the laws and regulations concerning charges in respect of the issue to foreigners of administrative documents and the extension of the validity of such documents.

The present Article is the only one in the Convention that governs fiscal matters. The latter are not subject to any other provisions of this Convention."

There is a similar provision in Article 16 of the Convention of 10 February 1938.

It would be useful to retain these provisions.

B. Military Service

Some countries have made stateless persons liable to compulsory military service or to duties of a military nature. (1)

If the status of stateless persons were to be improved as suggested in the present Title of the Report, these obligations would be justified.

Stateless persons should, however, be given the option between military service and departure from the reception country.

Moreover, it would be only right that a stateless person who had agreed to serve in the armed forces of a country should be able to acquire the nationality of that country simply by a declaration.

Section II - Form to be given to the status

Two questions of principle arise:

1. Is it necessary to resort to the method of concluding a convention, or is it enough to make recommendations to States urging them to modify their legislation and administrative practice?
2. If it is thought necessary to resort to the method of concluding a convention, what new conventions must in fact be concluded?

A. Convention or recommendation?

The question is whether the end in view could not be attained simply by legislative measures taken by each of the reception countries individually.

In the light of experience, this method does not seem likely to produce any results.

(1) Article 11 of the German Military Law of 22 July 1913, subsequently abrogated under the Treaty of Versailles.

Belgian Law of 8 June 1870 on the Militia.

Roumanian Law of 5 March 1876.

Italy, Article 14 of the Law of 13 June 1912 and the Law of 15 August 1927.

France, Article 3, paragraph 2, of the Law of 1 April 1923, the Law of 31 March and the Law of 13 January 1940 concerning duties.

Nothing can of course be done in this respect without the collaboration, or a fortiori against the wishes of the countries of reception. But if the good intentions of those countries are to be translated into action, it is essential to resort to the method of a convention, for the following reasons:

Certain measures, such as the provision of a document to take the place of a passport, necessitate a formal international agreement.

Other measures which could in theory be adopted through legislation cannot actually be taken for technical and psychological reasons.

In point of fact:

- (a) No Government will be willing to take the first step in this direction for fear of being the only one to improve the status of stateless persons, thus causing an influx of them into its territory.
- (b) Action on these lines, if taken by a single Government alone might appear to be inspired by certain political views. Simultaneous action is the only means of avoiding such suspicions.
- (c) A law designed to improve the status of stateless persons would have to contain a whole body of provisions impinging on the most varied branches of internal legislation. It would be difficult to get parliaments, habitually overburdened with work as they are, to adopt such a law, of an unwonted nature and content, which would require prior study by a number of Commissions.
- (d) Ratification of a convention in which all these provisions find their natural place gives rise to less difficulty.
- (e) Experience in this field shows that nothing was done in the field of internal legislation to give effect to the recommendations contained in the Arrangement of 30 June 1926, although these recommendations, which were adopted after exhaustive discussion, answered to the intentions of numerous Governments. However, when they had been inserted in the 1933 and 1938 Conventions, these same provisions were incorporated in the law of the contracting countries.
- (f) A general convention is a lasting international structure; being open to the accession of States which have not signed it, it encourages governments to associate themselves with the work of their forerunners; even if those governments are not in a position to accede to it, such a convention sometimes exerts a direct influence on the administrative and legal practice of their countries.

/As a

As a provisional measure and pending the conclusion of a Convention, however, the possibility might be considered of inviting States Member~~E~~, in the form of a recommendation, to refrain from taking discriminatory measures against stateless persons, either de jure or de facto, and to deal with them in conformity with a status inspired by the principles underlying the Conventions of 28 October 1933 and 10 February 1938.

B. Nature of the Future Convention

A number of solutions can be envisaged.

The first would be to determine by separate conventions the status of each category of stateless persons not benefiting under existing Conventions.

Secondly, several conventions might be adopted, each relating not to a single category of refugees, but to a category of States.

The third solution would be to draft a Protocol extending the benefit of one of the existing Conventions (that of 1933 or of 1938) to fresh categories of stateless persons, without concluding a new convention.

The fourth solution would be based on a concept diametrically opposed to that underlying the first solution: it would be to conclude a single convention applicable to all stateless persons, whether or not they were covered by existing Conventions.

Fifthly, a new convention might be concluded which would apply to all stateless persons who are not covered by an existing Convention.

First Solution - Conclusion of Separate Conventions for each Category of Stateless Persons

Stateless persons would be classified by origin; separate conventions would then be concluded to improve the lot of each of these categories. The advantage would lie in the fact that each government could thus accede to any of the proposed conventions, according to its aims or sympathies.

Could it be said in support of this solution that it would correspond to previous practice? In point of fact none of the agreements so far concluded cover all refugees - these, and not stateless persons, being the subject of those agreements. They applied to specific categories, the successive appearance of which was due to a number of different political causes.

Although agreements concluded in behalf of one category of refugees were sometimes extended later to cover other categories, they remained agreements dealing with special categories.

Discussion of this solution

These precedents are not conclusive. In fact, the multiplicity of conventions concluded in the past have not as wide a scope as one might expect.

/Thus the

Thus the Convention of 10 February 1938 concerning the Status of Refugees coming from Germany reproduces almost exactly the Convention of 28 October 1933 relating to the status of so-called "Nansen" refugees. When it was necessary to grant Austrian refugees a status, the Additional Protocol of 14 September 1939 merely extended to them the benefits of the 1938 Convention. This was also the case with the Spanish refugees, to whom were extended in France the benefits of the 1933 Convention. In short, the status of all so-called "statutory" refugees, i.e. all refugees covered by one or other of the various conventions is at present determined by the Convention of 28 October 1933.

Moreover, the problem of stateless persons must not be confused with that of refugees as it has arisen hitherto, although the two are very closely connected. The problem of refugees was settled under special historical and political conditions. Today we wish to tackle the problem of stateless persons as such. It hardly seems possible therefore to discriminate between them or divide them into classes. The problem must be settled as a whole, and all stateless persons must in principle be treated alike.⁽¹⁾ A multiplicity of conventions would be a needless and unjustifiable complication.

It is true that certain states will on occasion be interested in specific categories of stateless persons. They cannot be asked to assume commitments in respect of them all, but it is nonetheless desirable that they should do so with respect to some. This situation can be adequately provided for in a convention of general scope. It is enough to incorporate in the actual convention any reservations formulated by governments debarring any category they think fit to exclude.

Second Solution - Conclusion of a Number of Conventions, each of which would be adopted by a different Group of States

A convention on the status of stateless persons will have to supplement the internal legislation of the various countries. Now, since this differs (Anglo-Saxon law, Continental European law etc.), it should, according to this line of thought, be divided into a number of groups, for each of which separate conventions should be drawn up.

Discussion of this solution

It is of course an easy matter to divide national legislation into a number of groups according to how any given legal problem, such as

(1) That is, of course, stateless persons who are not war criminals or do not belong to certain categories to whom, for reasons of international morality, governments parties to the Convention do not think it right to grant the benefits thereof.

reciprocity, personal status etc. is resolved by it. But it appears to be impossible to divide it into separate groups for the whole of the problems which the status of stateless persons involves. Consequently, a number of conventions based on the above-mentioned principle would serve no useful purpose.

From this point of view the conclusion of a single convention should not be difficult. If, indeed, the convention contained a provision which was already incorporated in national legislation (e.g. exemption from reciprocity), this would not matter. If, on the other hand, it embodied a provision ignored by national legislation, it would be fulfilling precisely the function expected of it.

Third Solution - Extension of one of the existing Conventions to other Categories of Stateless Persons

The possibility might be considered of extending the benefit of the existing Conventions to new categories of stateless persons not covered by them, by simply extending their application. Governments could do this by adopting one or more protocols.

Discussion of this solution

This solution seems to have the advantage of simplicity and speed. But this advantage is more apparent than real.

Such protocols would of course bind only those States which became parties to them, and would not commit States parties to the existing Conventions unless they signed and ratified the protocols.

Furthermore, it seems unlikely that States not parties to the existing Conventions would become parties to protocols based on them.

Moreover the conclusion of one or more protocols would not be much easier than the conclusion of a new Convention; for it would not be sufficient simply to refer to the Conventions of 1933 and 1938, (1) which were drafted with certain conditions and specific categories of refugees in mind. It would therefore be necessary to do more than replace the first articles of these Conventions, which specify their beneficiaries. Some of their provisions, including some fundamental ones, would have to be re-drafted. (2)

(1) See Annexes 7 and 9 to this volume.

(2) Convention of 1933: Articles 1, 2, 13 and 15 and all the General Provisions (Articles 16 to 23) would have to be re-drafted or replaced. This Convention refers to other Agreements concluded on behalf of the "Nansen refugees" and inapplicable to stateless persons as a whole. Convention of 1938: Articles 1, 3 and 5 (paragraph 3a) and all the general provisions (Articles 18 to 25) would have to be re-drafted or replaced. This Convention includes provisions applicable only to refugees coming from Germany. Furthermore Articles 3 and 4, relating to travel documents, antedate the London Agreement of 15 October 1945, and the new categories of refugees would therefore not benefit by the more liberal travel documents provided in that Agreement.

In conclusion, this solution would mean missing the opportunity of improving the system laid down in these Conventions by making various alterations found desirable in practice.

Fourth Solution - Conclusion of a Single Convention to replace Existing Conventions

If the previous solutions are rejected, reasons of logic and simplicity may lead one to assume that a convention of general scope should be concluded to take the place of all existing agreements.

Discussion of this solution

This solution, which is based on a theoretical concept, is untenable. In its search for apparent simplicity, it runs the risk of jeopardizing the results already obtained. Indeed, the existing agreements function satisfactorily in the countries which apply them; they have paved the way for administrative practice and a voluminous case law is based on them. As things are, they represent something solid and alive. It is admittedly regrettable that only a small number of countries have ratified the 1933 and 1938 Conventions and that in some cases their ratification was accompanied by reservations. But this situation is capable of improvement. The Conventions remain open for new accessions and reservations can be withdrawn.

To denounce the old Conventions in the hope of seeing them replaced by a new one which would be binding on a large number of States, would be a delusion. Ratifications of and accessions to new conventions are problematical and in every case they take a certain amount of time. Moreover, there is the risk that governments that become parties to the general convention might denounce it, whereas they would not have the same reasons for denouncing the existing agreements with their limited scope. In that case, if the other agreements were replaced by a general convention then there would be nothing left as far as those States were concerned.

Fifth Solution - Conclusion of a general Convention which would not entail abrogation of Existing Agreements

This general convention would apply in principle to all stateless persons except for those mentioned above (see footnote 1, page 79). It would not, however, apply to refugees benefiting under existing agreements which ensure them possession of a travel document⁽¹⁾ and enjoyment of legal status.⁽²⁾ These agreements would represent the

(1) Arrangements of 5 July 1922, 31 May 1924, 12 May 1926, 15 October 1936 and 30 July 1935. Conventions of 28 October 1933 (Chapter II) and of 10 February 1938 (Chapter III).
(2) Arrangement of 30 June 1928. Convention of 28 October 1933. Convention of 10 February 1938 and Additional Protocol of 14 September 1939.

/"lex specialis",

"lex specialis", the general convention representing the "lex generalis". Thus, in the event of the "lex specialis" ceasing to apply, the "lex generalis" would still hold good.

It is understood that the general convention would contain the whole body of provisions determining the status of stateless persons, i.e. both the issue of travel documents and legal status in the proper sense of the term.

Whatever the solution decided on, it will be desirable to recommend States which have not ratified the Conventions of 1933 and 1938 and the Additional Protocol of 1939 to become parties to these instruments.

This would appear essential if the first, second or third solutions are adopted, but it will be useful in practice, at least as a provisional measure, even if the fourth or fifth solutions are applied; for the conclusion of a general convention will take a considerable time.

Final Clauses of the Proposed Convention

There are a number of formal clauses which need not be mentioned here. Others, however, present special importance; these are the clauses relating to:

1. Reservations:

For the convention to obtain the maximum number of accessions, fairly liberal provision must doubtless be made for reservations, either in respect of certain categories of stateless persons or in respect of certain benefits conferred on stateless persons by the convention.

Participating States would be permitted to withdraw these reservations subsequent to ratification or accession.

2. States to which the Convention would be open:

The convention would be open to all States Members of the United Nations and to non-Member States invited by the Economic and Social Council to accede to it.

3. Number of Ratifications or Formal Accessions required for the Entry into Force of the Convention:

In view of the nature and purpose of the convention there is no reason why it should not come into force as soon as two ratifications or formal accessions had been deposited.

4. Denunciations:

To facilitate the accession of States to the convention, it would be advisable to allow them to denounce it at any time. Denunciations would take effect one year after they had been received.

CHAPTER II

The International Protection of Stateless Persons

Section I - Nature and Function of Protection

The conferment of a status is not sufficient in itself to regularize the standing of stateless persons and to bring them into the orbit of the law; they must also be linked to an independent organ which would to some extent make up for the absence of national protection and render them certain services which the authorities of a country of origin render to their nationals resident abroad.

Such an organ is undoubtedly needed. The status of stateless persons, however carefully determined, cannot become a reality unless there is an organ of international protection.

Such an organ would need to work in close collaboration with the Governments of the reception countries.

It should comprise a central office with subsidiary branches in the countries concerned.

A. Functions of the Central Office

The main functions of the Central Office would be:

- (a) to collaborate in the application of the agreements in force;
- (b) to facilitate joint and simultaneous action by governments on behalf of stateless persons;
- (c) to take a census of stateless persons, determine their requirements, collect all necessary data and information relating to them;
- (d) to promote the conclusion of such new agreements as may be required; and to secure further accessions to the agreements already concluded;
- (e) to conclude with governments the arrangements necessary to enable stateless persons to obtain such documents as will allow them to perform various acts of civil and administrative life;
- (f) to facilitate the admission of stateless persons into countries willing to receive them temporarily or to allow them to settle there permanently;
- (g) to facilitate the assimilation and naturalization of stateless persons;
- (h) to co-ordinate the work of private voluntary associations on behalf of stateless persons.

B. Functions

B. Functions of the representatives of the Central Office in the various reception countries

The representatives of the Central Office carrying out their duties in the various reception countries would need to be approved by the respective governments.

Their task would be to perform the duties normally carried out by national Consuls and in particular:

- (a) to approach on behalf of stateless persons the authorities of the country of residence and the Consuls, either of the country of residence or of other countries, and to co-operate with them;
- (b) to fulfil, in the countries to which they were accredited, the tasks entrusted to them by the Central Office, with a view to the execution of the arrangements and agreements concluded;
- (c) to co-ordinate locally the work of the voluntary associations.

Section II - The organ responsible for protection

A. Necessity for an Inter-governmental organ

The functions to be performed are of an official nature. Therefore, by virtue of its functions, the organ of protection must be inter-governmental in character. A private body would have neither the resources nor the authority required.

B. A national or international organ?

Would it not be possible for the task of protection to be entrusted to a national organ established in each country by the government?

The adoption of this form of administration would mean breaking with a tradition dating from 1921 and the abandonment of a system which, in the countries that have applied it, has proved its value in regard to refugees.

The idea of setting up national organs (National Commissioners for Refugees) is not a new one and the reason it has not been carried out hitherto is because it was considered inadequate.

The problem of stateless persons, as the authors of this study conceived it, is in fact an international problem calling for joint action on the part of States. To this end both international agreements and an international organ are essential.

Furthermore, a national service wedged between the big State services would be more or less crushed by them and to ensure its survival, would tend to become a subsidiary of one of the services in question, probably the service responsible for the supervision of foreigners.

/C. What type

C. What type of international organ is required?

Organs of various types could be envisaged. The international protection of stateless persons might be entrusted to one of the following bodies:

First solution - The United Nations

The United Nations would assume direct responsibility. A stateless persons' service would be established within the United Nations Secretariat. Its representatives would be accredited to the governments concerned.

If this solution were adopted, the service in question might be located in Europe, in view of the fact that the majority of stateless persons are in Europe.

Second solution - High Commissioner's Office

A High Commissioner's Office could be set up by decision of the organs of the United Nations. While possessing a certain measure of independence, such an office would be placed under the control of the United Nations. Its expenditure would, in principle, be a charge on the United Nations budget.

Third solution - Continuance of IRO in another form

After it has concluded its arduous and costly task of caring for, transporting and resettling refugees, IRO might be kept in being to continue the work of protection. Its budget would be considerably reduced since its outgoings would then be limited to small-scale administrative expenses.

Fourth solution - A new Specialized Agency

A new specialized agency (Articles 57 and 63 of the Charter of the United Nations) might be established to carry out the task in question.

As regards the choice of one of the solutions suggested above or any other which might be proposed, a decision will have to be taken fairly soon, at all events before the date set for the liquidation of IRO.

It is to be hoped that by that date the majority of refugees and displaced persons will have been either repatriated or resettled in immigration countries.

Nevertheless, protection, which would be the sole task of the new organ, will continue to be necessary in respect of a certain number of persons, i.e. all those who have not been repatriated or have not acquired a new nationality.

Whichever solution is adopted, it would be a good thing to employ the services of the present team of international officials who possess experience in the protection of refugees.

RECOMMENDATIONS

The Secretary-General

In accordance with the request addressed to him by the Economic and Social Council in its resolution No. 116 D (VI) of 2 March 1948, submits the following recommendations:

CONSIDERING

that the possession of a nationality and the protection of a country of which they are nationals are the foundations of the status of foreigners;

that the fact of not having a nationality or not enjoying in practice the protection of a State places stateless persons, de jure or de facto, in a position of inferiority incompatible with the respect of human rights;

that statelessness complicates international relations and creates special difficulties for the reception countries;

that the number of stateless persons is considerable and is increasing;

that statelessness is an international problem which calls for international solutions;

that it is necessary to abolish statelessness and, until such time as this has been achieved, to improve the status of stateless persons;

that the political conditions which at present are the main cause of statelessness will not disappear until more stable conditions are restored throughout the world;

that in any event statelessness can be abolished only by measures which cannot produce their full effect until a certain length of time has elapsed; which measures will be recommended by the Secretary-General for adoption by a later session of the Economic and Social Council;

that it is important, meanwhile, to take action forthwith to improve the status of stateless persons;

that stateless persons should be:

(a) granted an international legal status guaranteeing them the enjoyment of fundamental human rights, and

(b) assured of the protection of an international organ of an inter-governmental character;

CONSIDERING

that at present only certain categories of stateless persons, and these only in certain countries, have the benefit as refugees of a legal status and of international protection provided by IRO, a non-permanent organization;

that without prejudice to the advantages accorded to the said categories of stateless persons by the Agreements concluded in their favour, which would remain in force, it is necessary to establish a legal regime for all stateless persons, the said regime to comprise legal status and international protection;

/IN CONCLUSION

IN CONCLUSION, the Secretary-General
RECOMMENDS the Economic and Social Council to take the
following decisions:

1. To address an invitation to all Member States not yet parties to the Convention Relating to the International Status of Refugees of 28 October 1933, the Convention concerning the Status of Refugees coming from Germany of 10 February 1938 and the additional Protocol to that Convention of 14 September 1939, to take the necessary steps as soon as possible to become parties thereto;
2. To urge States Members to refrain from taking any discriminatory measures affecting de jure or de facto stateless persons in territories under their jurisdiction, and to improve the conditions of such persons by providing them, through appropriate legislative or administrative action, with a legal status inspired by the principles underlying the Agreements enumerated in item 1 above;
3. To request the IRO, in accordance with those provisions in its Constitution relating to the political and legal protection of refugees, to continue to use its good offices and to take whatever administrative measures are required to secure the implementation of items 2 and 3 above.

The Secretary-General further recommends the Economic and Social Council:

- 4.A. To recognize the necessity of a convention, based on the Agreements now in force, determining the legal status of stateless persons as such, but excluding war criminals and such other categories of persons as are specified in the convention.
- B. To this end, to instruct either the Secretary-General in consultation with the Director-General of IRO and the administrative heads of the other specialized agencies concerned, or an ad hoc committee appointed by the Council, to prepare a draft convention including provisions concerning:

(a) the following subjects:

1. Personal status
2. Rights formerly acquired
3. Property rights
4. The exercise of trades and professions
5. Education
6. Relief
7. Social Security
8. The right to appear before the courts as plaintiff or defendant

9. Exemption from reciprocity
10. Taxation
11. Military service;

(b) a travel document taking the place of a passport;

(c) the procurement of documents enabling stateless persons to perform various acts of civil and administrative life;

(d) entry, sojourn, expulsion and reconduction.

This draft convention to be submitted to the Economic and Social Council with a view to presentation to and adoption by the General Assembly of the United Nations;

5. To recognize the necessity of providing at an appropriate time permanent international machinery for ensuring the protection of stateless persons.

ANNEXES

Annex No. 1 - Arrangement with regard to the issue of certificates of identity to Russian refugees, signed at Geneva, 5 July 1922.

Annex No. 2 - Arrangement relating to the issue of identity certificates to Russian and Armenian refugees, supplementing and amending the previous arrangements dated 5 July 1922 and 31 May 1924. Signed at Geneva, 2 May 1926 and registered 2 May 1929.

Annex No. 3 - Arrangement relating to the legal status of Russian and Armenian refugees. Signed at Geneva, 30 June 1928 and registered 2 May 1929.

Annex No. 4 - Arrangement concerning the extension to other categories of refugees of certain measures taken in favour of Russian and Armenian refugees, signed at Geneva, 30 June 1928.

Annex No. 5 - Resolution adopted by the IXth session of the Assembly of the League of Nations on 25 September 1928, establishing the Inter-Governmental Advisory Commission on Refugees.

Annex No. 6 - Resolution adopted by the XIth session of the Assembly of the League of Nations on 30 September 1930, setting up an international refugees' office (Nansen Office).

Annex No. 7 - Convention relating to the international status of refugees, signed at Geneva, 28 October 1933.

Annex No. 8 - Provisional arrangement concerning the status of refugees coming from Germany, signed at Geneva, 4 July 1936.

Annex No. 9 - Convention concerning the status of refugees coming from Germany, signed at Geneva, 10 February 1938.

Annex No. 10 - Resolution adopted by the Inter-Governmental Committee (Evian, 14 July 1938), defining the functions of the Inter-Governmental Committee.

Annex No. 11 - Additional Protocol to the Provisional Arrangement and to the Convention, signed at Geneva on 4 July 1936 and 10 February 1938 respectively, concerning the status of refugees coming from Germany. Opened for signature at Geneva, 14 September 1939.

Annex No. 12 - Resolutions adopted by the XIXth session of the Assembly of the League of Nations on 30 September 1938, concerning international assistance to refugees.

Annex No. 13 - Agreement relating to the issue of a travel document to refugees who are the concern of the Inter-Governmental Committee on Refugees.

ANNEXES

ANNEX No. 1.

ARRANGEMENT WITH REGARD TO THE ISSUE OF CERTIFICATES OF IDENTITY TO RUSSIAN
REFUGEES, SIGNED AT GENEVA, 5 JULY 1922. (1)

The registration of this Arrangement, deposited at the Secretariat, took place 16 November 1922.

The undersigned representatives of the respective Governments, having taken part in the Conference on Russian Refugees convened at Geneva by the High Commissioner of the League of Nations on 3 July 1922;

Having considered the proposals formulated by Dr. Nansen in his report to the Council of the League of Nations on 17 March 1922;

And having carefully examined the proposals with regard to the issue of identification papers to Russian refugees who should apply for them;

Have unanimously agreed upon the attached form of certificate of identity and recommend its adoption and the adoption of the present arrangement to the States represented at the Conference, to the Members of the League of Nations and to States which are not Members of the League.

This certificate will be issued subject to the following conditions:

- (1) It shall not infringe the laws and regulations in force in any State with regard to the control of foreigners.
- (2) It shall not in any way affect special regulations with regard to persons of Russian nationality, or those who have lost that nationality without acquiring another.
- (3) The grant of the certificate does not in any way imply the right for the refugee to return to the State in which he has obtained it without the special authorization of that State.
- (4) The State which issues the certificate is alone qualified to renew it so long as the refugee continues to reside within the territory of that State.
- (5) On presentation of the certificate, the refugee may in certain circumstances be admitted into the State which he wishes to enter, if the Government of the State of destination affixes its visa directly on the certificate, or if the State in question regards it as a document containing proof of identity, the production of which would enable its consular authorities to issue a new

/certificate

(1) League of Nations, Treaty Series, Vol. XIII, No. 355.

certificate to the bearer enabling him to cross the frontier.

- (6) Transit visa. The respective States shall grant transit visas, provided that the regulations in force in each State have been complied with, and in the form contemplated in the preceding paragraph, on condition that the Russian refugee has obtained the visa of the State to which he is proceeding.
- (7) The text of the certificates shall be in at least two languages: the national language of the authority which issues the certificate and the French language, in accordance with the provisions made with regard to international passports at the Paris Conference of 21 October 1920. The issue of the certificate shall be made free of charge to destitute persons except in the event of legal provision to the contrary.
- (8) The Members of the League of Nations and the other States which have not taken part in the present Conference are invited to adhere to the above arrangement and to communicate their decision as soon as possible to the Secretary-General of the League of Nations.
- (9) In view of the urgency of the matter, the States represented at the Conference and the States which may adhere are requested to notify the Secretary-General of the League of Nations in writing as soon as possible of the date from which they will apply the present arrangement; the arrangement will come into force in each case at the moment when the notification reaches the Secretary-General.

Germany

Austria

Great Britain

Bulgaria

Spain. (Ad referendum and subject to my declaration of 4 July to the President that the certificates to be issued by the Spanish authorities shall state that the issue of residence or transit permits shall in no case affect the Royal Government's right at any time to call upon the bearer, when the national interest so requires, to leave Spanish territory, and that, in such case, the Government of the Russian refugee's State of origin shall be obliged to readmit him to its territory.)

France
Greece
Hungary
Poland
Rumania
Kingdom of the Serbs, Croats and Sloveneres
Switzerland
Czechoslovakia.

IDENTITY CERTIFICATE

No.

Authority issuing
certificate

.....

Certificate of Identity

Valid until

The present certificate is not valid for return to the country which issued it without a special provision to that effect contained in it. It will cease to be valid if the bearer enters Russian territory.

Surname

Christian names

Date of birth

Place of birth

Surname of Father

Surname of Mother

Person of Russian origin not having acquired
another nationality

Occupation

Former residence in Russia

Present residence

Description:

Age

Hair

Place for

Eyes

photograph

Face

Nose

To receive

Special peculiarities

stamp.

Remarks

Signature of
holder:

The undersigned certifies that the photograph and signature hereon are those of the bearer of the present document.

Signature of the issuing authority:

Seal.

This certificate is issued in conformity with the Resolutions of the Governmental Conference convened by Dr. Nansen, High Commissioner for Russian Refugees, at Geneva, 3-5 July 1922.

The following States have adhered to the above Agreement:

Esthonia	17 July	1922
Finland	15 August	1922
France	4 September	1922
Great Britain	7 September	1922
Latvia	18 September	1922
Bolivia	28 September	1922
Roumania	29 September	1922
Union of South Africa	13 October	1922
Switzerland	20 October	1922

(to take effect as from 1 January 1923.)

Norway	31 October	1922
Italy	23 November	1922
Bulgaria	29 November	1922
Netherlands	1 December	1922

(to take effect as from 1 January 1923)

Guatemala	12 December	1922
Austria	20 December	1922

(to take effect as from 1 January 1923.)

Greece	28 December	1922.
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ANNEX No. 2

ARRANGEMENT RELATING TO THE ISSUE OF IDENTITY CERTIFICATES TO RUSSIAN AND ARMENIAN REFUGEES, SUPPLEMENTING AND AMENDING THE PREVIOUS ARRANGEMENTS DATED 5 JULY 1922 AND 31 MAY 1924. SIGNED AT GENEVA 12 MAY 1926, AND REGISTERED 2 MAY 1929 (1).

The undersigned, representing the Governments which took part in the Conference regarding Russian and Armenian Refugee Questions, convened at Geneva on 10 May 1926, by the High Commissioner of the League of Nations in pursuance of the resolution passed by the Sixth Assembly of the League of Nations and adopted by the Council of the League of Nations on 28 September 1925;

Having considered the excellent results obtained by the system of identity certificates for Russian and Armenian refugees;

Considering the necessity:

(1) Of regularizing the systems of identity certificates for Russian and Armenian refugees;

(2) Of determining in a more accurate and complete manner the number and situation of Russian and Armenian refugees in various countries;

(3) Of creating a revolving fund to provide for the cost of the transportation and settlement of refugees;

Adopt the following resolutions, supplementing and amending the Arrangements of 5 July 1922, and 31 May 1924:

(1) The Conference urges all the States which have not yet adhered to the Arrangements of 5 July 1922, and 31 May 1924, concerning identity certificates for Russian and Armenian refugees to ratify these Arrangements as soon as possible.

(2) The Conference adopts the following definitions of the term "refugee":

Russian: Any person of Russian origin who does not enjoy or who no longer enjoys the protection of the Government of the Union of Socialist Soviet Republics and who has not acquired another nationality.

Armenian: Any person of Armenian origin formerly a subject of the Ottoman Empire who does not enjoy or who no longer enjoys the protection of the Government of the Turkish Republic and who has not acquired another nationality.

/3. In order to

(1) League of Nations, Treaty Series, Vol. LXXXIX, No. 2004.

(3) In order to facilitate freedom of movement of the refugees, the Conference approves the principle of the affixing of return visas on identity certificates for refugees leaving a country, on the understanding that Governments shall be free to make exceptions to this principle in special cases.

(4) The Conference agrees that children under 15 years of age should be included on the identity certificates of their parents;

(5) The Conference recommends that the Government issuing a national passport to a refugee should withdraw from him his identity certificate and return it to the authority which issued it.

(6) The Conference considers that the fee for an identity certificate in each country should be the same as that for its national passport.

(7) The Conference recommends the Governments to grant free of charge the various entrance, exit and transit visas to indigent refugees, on the recommendation of the International Labour Office or of its representatives in the different countries.

The Conference expresses the wish that in general the Governments will regard favourably the proposals of the International Labour Office with regard to possible reductions in the fees for those visas.

(8) The Conference expresses the wish that all Governments will afford favourable consideration to any request from the International Labour Office for special facilities for the transport of refugees proceeding to a country in which employment has been found for them.

(9) In addition to the fees payable in each country according to national legislation for the issue either of an identity certificate for Russian or Armenian refugees, the period of validity of which should not, in principle, exceed one year, or of an identity card or permis de séjour, a charge of five gold francs shall be made for the benefit of the revolving fund created by the League of Nations. This fee shall be charged, at the discretion of the States, either for the issue of one or other of these documents, or for both of them, in order to ensure that the fee shall be paid by all Russian and Armenian refugees, except those who are without means.

(10) The Conference recommends that steps be taken to obviate payment of the above fee more than once a year by any refugee.

(11) The Conference urges the various Governments either to generalize the use of the identity certificate or to take steps to ensure that every refugee pays the fee every year.

/12. In order to

(12) In order to secure the payment of the fee of five gold francs, Governments will obtain, or the refugees will be required to obtain, a stamp to the value of this amount to be issued by the High Commissioner of the League of Nations for Refugees, which will be affixed either to the identity certificate or to the identity card or permis de séjour, and cancelled by the authority issuing either of these documents.

(13) In order to husband the resources of the revolving fund, the Conference recommends that the States should make special contributions to cover the cost of transportation and settlement of numbers of refugees leaving or entering their territory.

The Conference recommends to the States represented at the Conference, to the States Members of the League of Nations, and to States which are not members of the League, the adoption of the present Arrangement.

The Conference requests the High Commissioner of the League of Nations and the Director of the International Labour Office to continue their negotiations with the Governments in order to obtain by way of advances the necessary funds for the placing of refugees in employment, pending the payment of the fees provided for by the present Arrangement;

And expresses the wish that the representatives of the Governments at the next session of the Assembly of the League will be enabled to report on the measures taken to give effect to the terms of the present Arrangement.

Done at Geneva, 12 May 1926.

Union of South Africa	With reservations on 8 and 9.
Germany	9-12 <u>ad referendum</u>
Austria	With reference to paragraph 12 of this Arrangement, it is understood that the levying of the contemplated tax will be effected in Austria by the representatives of the High Commissioner.
Belgium	
Bulgaria	
Canada	
Cuba*	
Denmark	Without ratification.
Estonia	
Finland	/France

*This ratification implies the adhesion of the Cuban Republic to the previous Arrangements of 1922 and 1924.

France
Great Britain
Greece
Hungary
India
Irish Free State
Latvia
Norway
Poland
Roumania
Sweden
Switzerland

Kingdom of the Serbs, Croats and Slovenes.

In force between the following countries:

Germany	26 August 1927
Austria	23 October 1926
Belgium	11 October 1926
Bulgaria	27 August 1926
Cuba*	6 March 1926
Denmark	20 September 1926
Estonia	2 August 1926
Finland	11 May 1927
France	28 August 1926
Greece	12 September 1926
Hungary	22 September 1926
India	21 September 1926
Irish Free State	12 February 1927
Luxembourg	2 August 1927
Norway	10 January 1927
Poland	11 September 1926
Roumania	3 July 1928
Kingdom of Serbs, Croats and Slovenes	28 February 1928
Sweden	12 April 1927
Switzerland	14 June 1926
League of Nations, Treaty Series, Vol. XIII, page 237; Vol. XV, page 322; Vol. XIX, page 284; Vol. XXIV, page 178; Vol. XXVII, page 420, of this series.	

* This ratification implies the adhesion of the Cuban Republic to the previous Arrangements of 1922 and 1924.

ANNEX No. 3

ARRANGEMENT RELATING TO THE LEGAL STATUS OF RUSSIAN AND ARMENIAN REFUGEES,
SIGNED AT GENEVA 30 JUNE 1928, AND REGISTERED 2 MAY 1929: (1) (2)

The undersigned representatives of Governments, having taken part in the Conference concerning Russian and Armenian refugees, called together at Geneva by the League of Nations High Commissioner for Refugees on 28 June 1928, in execution of the Resolution adopted by the Eighth Ordinary Session of the League of Nations.

Having considered the Arrangement of 12 May 1926, concerning the delivery of identity Certificates to Russian and Armenian refugees, by which the previous Arrangements of 5 July 1922, ⁽⁴⁾ and 31 May 1924, were completed and amended, and

Having agreed that it is necessary to define more clearly the legal status of Russian and Armenian refugees,

Adopt the following resolutions:

(1) It is recommended that the High Commissioner for Refugees shall, by appointing representatives in the greatest possible number of countries, render the following services, in so far as such services do not lie within the exclusive competence of the national authorities:

(a) Certifying the identity and the position of the refugees;
(b) Certifying their family position and civil status, in so far as these are based on documents issued or action taken in the refugees' country of origin; (c) Testifying to

(1) League of Nations, Treaty Series, Vol. LXXXIX, No. 2005.

(2) In force between the following countries:

Germany	5 March 1929
Belgium	25 April 1929
Bulgaria	23 October 1928
Estonia	27 February 1929
Roumania	22 September 1928

* Kingdom of Serbs, Croats and Slovenes

Switzerland 4 September 1928

(3) See Annex 2 above.

(4) See Annex 1 above.

* The Kingdom of Serbs, Croats and Slovenes has taken the necessary internal action in order to execute the provisions of this Agreement; this does not mean, however, in the Royal Government's opinion that an international engagement should thereby exist between the Kingdom of the Serbs, Croats and Slovenes and the other States which have put the Agreement into force.

- (c) Testifying to the regularity, validity, and conformity with the previous law of their country of origin, of documents issued in such country;
- (d) Certifying the signature of refugees and copies and translations of documents drawn up in their own language;
- (e) Testifying before the authorities of the country to the good character and conduct of the individual refugee, to his previous record, to his professional qualifications and to his University or academic standing;
- (f) Recommending the individual refugee to the competent authorities, particularly with a view to his obtaining visas, permits to reside in the country, admission to schools, libraries, etc.

The above-mentioned representatives shall be appointed and shall act in agreement with the governments concerned. In countries in which persons or bodies already act unofficially in such a capacity, the High Commissioner may utilize their services.

Each government shall be free to decide whether documents issued by such representatives may be recognized as having an official character. It is recommended in any case that the governments shall take the greatest possible account of such documents. It is also recommended that any fees charged to refugees not in a condition of indigence in respect of the delivery of documents or the fulfilment of the above-mentioned formalities shall be moderate.

It is understood that the activities of such representatives shall be of an entirely non-political character and shall involve no encroachment whatsoever on the duties incumbent on the authorities of the country of residence.

(2) It is recommended that the personal status of Russian and Armenian refugees shall be determined in countries in which the previous law of their respective countries is no longer recognized, either by reference to the law of their country of domicile or of usual residence, or, failing such country, by reference to the law of the country in which they reside. This recommendation shall not lessen in any way the validity as far as concerns the personal status of refugees of documents granted by the religious authorities competent respectively in the case of the Russian and Armenian refugees, in countries where the competence of such authorities is recognized.

That rights resulting from marriages contracted and documents issued under the previous national law of the refugees shall be regarded as acquired rights (matrimonial system, rights of married women, etc.) provided that where necessary the formalities prescribed by the law of the country of

/residence are fulfilled

residence are fulfilled;

That the refugees be authorized, so far as the essential laws of their place of residence permit, to stipulate that their marriage shall be based on complete separation of property and that the right of the wife to dispose freely of her property shall not be affected by the fact of her marriage.

(3) It is recommended that in regard to divorce the national law of a Russian or Armenian refugee shall be regarded as being either the law of his country of domicile or usual residence, or, failing such country, the law of the country in which he resides.

(4) It is recommended that the exercise of certain rights, and the benefit of certain privileges granted to foreigners on condition of reciprocity shall not be refused to Russian and Armenian refugees on the ground that reciprocity cannot be obtained in their case.

(5) It is recommended that the benefit of legal assistance and if possible exemption from the cautio indicativa solvi shall be granted to Russian and Armenian refugees irrespective of reciprocity.

(6) It is recommended that restrictive regulations concerning foreign labour shall not be rigorously applied to Russian and Armenian refugees in their country of residence.

(7) It is recommended that measures for expelling foreigners or for taking other such action against them be avoided or suspended in regard to Russian and Armenian refugees in cases where the person concerned is not in a position to enter a neighbouring country in a regular manner. This recommendation does not apply in the case of a refugee who enters a country in intentional violation of the national law. It is also recommended that in no case should the identity papers of such refugees be withdrawn.

(8) It is recommended that Russian and Armenian refugees be placed in regard to taxation on the same footing as nationals of the country in which they reside.

(9) It is recommended that the identity certificates of refugees be visés and extended in the simplest possible manner and with the minimum of formalities; that the refugees should not be subjected to special regulations in respect of travelling within the country in which they reside; that in the form of identity certificate for refugees the words "This certificate is valid for the return journey to the country by which it was delivered during the period of its validity. It shall cease to be so valid if at any time the bearer enters the territory of the Union of Socialist Soviet Republics (in the case of Russian refugees) or of Turkey (in the case of Armenian refugees)" be substituted for the words "This certificate is not valid for the return journey etc."

The undersigned recommend the adoption of the above resolutions to the States represented at the Conference, and to the Members and Non-Member of the League of Nations. They express the hope that the representatives of the Governments at the next session of the Assembly of the League of Nations may be in a position to announce the action, if any, to be taken in pursuance of the provisions of the present Arrangement.

Done at Geneva, 30 June 1928.

Germany:

MARTIUS

Austria:

E. PFLUGL

ad referendum.

Belgium:

E. MEYERS

Bulgaria:

D. MIKOFF

France:

NAVAILLES

M. PAON

Latvia:

The reservation made in regard to Article 1 is mentioned in the minutes.

CHARLES DUZMANS

Poland:

I accept the whole arrangement with the exception of Article 1 -- ad referendum.

LEON MALHOMME

Rumania:

C. ANTONIADE

Kingdom of the Serbs, Croats and Slovenes:

CUNST. FOTITCH

Switzerland:

DELAQUIS

/Greece:

Greece:

My signature to this Arrangement is subject to the following reservations:

- (1) That it shall be possible for my Government, whenever it may consider necessary, to withdraw its acceptance of the recommendation that the High Commissioner should be granted the right of rendering the above-mentioned services to the refugees through his representative.
- (2) That my Government recognizes only a single person as the accredited representative of the High Commissioner to be appointed by the High Commissioner, subject to its consent. The said representative shall not have the right to appoint other assistant or deputy representatives or to delegate his duties in case of absence to any organization whatsoever of refugees.
- (3) That the Hellenic Government does not undertake to grant a return visa to refugees who leave its territory, and reserves to the Hellenic authorities the right to decide in each individual case, as it arises, whether or no a return visa shall be granted on the passports of refugees who leave the country and whether or no it shall permit travelling from place to place inside Greece.

V. DENDRAMIS

Esthonia:

Subject to the declaration made at the time of the final vote on the Arrangement and recorded in the minutes. This declaration will be repeated in definitive form in a letter which the Estonian Government will forward to the High Commissioner.

A. SCHMIDT

T. F. JOHNSON

Deputy High Commissioner for Refugees.
Secretary-General of the Conference.

ANNEX No. 4

ARRANGEMENT CONCERNING THE EXTENSION TO OTHER CATEGORIES OF REFUGEES
OF CERTAIN MEASURES TAKEN IN FAVOUR OF RUSSIAN AND ARMENIAN REFUGEES -
SIGNED AT GENEVA, 30 JUNE 1928. (1) (2)

French official text. The registration of this Arrangement
took place 2 May 1929.

The undersigned representatives of Government who have taken part in
the Conference convened at Geneva by the League of Nations High Commissioner
for Refugees on 28 June 1928, and in execution of the resolution adopted on
7 June 1928, by the Council of the League of Nations at its Fiftieth Session
Adopt the following resolutions:

(1) The measures taken on behalf of the Russian and Armenian
refugees in virtue of the Arrangements of 5 July 1922⁽³⁾, 31 May 1924,
and 12 May 1926⁽⁴⁾, shall be extended to the Turkish, Assyrian,
Assyro-Chaldaean and assimilated refugees;

(2) For the purpose of defining these refugees, the Conference
adopts the following definitions:

/Assyrian,

(1) League of Nations, Treaty Series, Vol. LXXXIX, No. 2006.

(2) In force between the following countries:

Germany	5 March 1929
Belgium	25 April 1929
Bulgaria	23 October 1928
Estonia	19 April 1929
Latvia	17 April 1929
Poland	17 September 1928
Rumania	22 September 1928

* Kingdom of the Serbs, Croats and Slovenes

Switzerland 4 August 1928

* The Kingdom of the Serbs, Croats and Slovenes has taken the necessary
internal action in order to execute the provisions of this Agreement; this
does not mean, however, in the Royal Government's opinion that an international
engagement should thereby exist between the Kingdom of the Serbs, Croats and
Slovenes and the other States which have put the Agreement into force.

(3) See Annex 1 above.

(4) See Annex No. 2 above.

Assyrian, Assyro-Chaldaean and assimilated refugee.

Chaldaean
Any person of Syrian or Assyro-/origin, and also by assimila-
tion any person of Syrian or Kurdish origin, who does not
enjoy or who no longer enjoys the protection of the State to
which he previously belonged and who has not acquired or does
not possess another nationality;

Turkish refugee.

Any person of Turkish origin, previously a subject of the
Ottoman Empire, who under the terms of the Protocol ⁽¹⁾ of
Lausanne of 24 July 1923, does not enjoy or no longer enjoys
the protection of the Turkish Republic and who has not acquired
another nationality.

The Conference recommends the adoption of this Arrangement to the
States represented at the Conference, to the States Members of the League
of Nations, and to non-Members of the League.

Done at Geneva, 30 June 1928.

Germany:

MARTIUS

Belgium:

E. MEYERS

Bulgaria:

On the understanding that the present
Arrangement applies only to such refugees as
are at the present date on Bulgarian territory.

D. MIKOFF

France:

NAVAILLES

M. PAON

Poland:

LEON MALHOMME

Switzerland:

DELAQUIS

Esthonia:

A. SCHMIDT

Latvia:

CHARLES DUZMANS

Rumania:

C. ANTONIADE

T. F. JOHNSON,
Deputy High Commissioner
Secretary-General of the Conference.

(1) Vol. XXVI, page 145, of this Series.

ANNEX No. 5

RESOLUTION ADOPTED BY THE IXTH SESSION OF THE ASSEMBLY OF THE
LEAGUE OF NATIONS ON 25 SEPTEMBER 1928 APPOINTING THE
INTER-GOVERNMENTAL ADVISORY COMMISSION ON REFUGEES. (1)

The Assembly:

- (1) After examining the reports submitted by the High Commissioner for Refugees and by the Director of the International Labour Office on questions connected with Russian, Armenian, Turkish, Assyrian and Assyro-Chaldean refugees;
- (2) Recognises the progress achieved in the course of the year;
- (3) Notes that a complete solution of the problem can only be provided by the return of the refugees to their country of origin or their assimilation by the countries at present giving them shelter;
- (4) Earnestly invites the Governments concerned to provide the refugees with all possible facilities for acquiring the nationality of the countries in which they at present reside;
- (5) Whereas, however, in present circumstances, international action is still necessary for some time to come:
- (6) In conformity with the resolution of the Governing Body of the International Labour Office, invites the Council to take urgently all necessary steps to appoint an Advisory Commission to be attached to the High Commissioner;
- (7) Recommends the Council of the League to invite this Advisory Commission to submit to it, before the next session of the Assembly, a general report on the possibility of reaching a final solution as soon as possible and ~~in the~~ by which this object might be attained;
- (8) Earnestly invites States Members to adopt and apply, on as wide a scale as possible, the Inter-Governmental Arrangements concluded on 5 July 1922, 31 May 1924, 12 May 1926, and 30 June 1928, which offer the refugee work the means by which it may gradually become self-supporting;
- (9) Points out, however, that the respective Governments must be left free to decide whether and how far they are prepared to give force of law to the recommendations adopted by the Inter-Governmental Conference of 30 June 1928;

(1) League of Nations, IXth Ordinary Session of the Assembly, Meeting of 21 September 1928, Official Journal - Special Supplement No. 64, pages 149-150

(10) Notes that the taxes to be levied will be fixed in consultation with the respective Governments, that only the representatives of the High Commissioner will be entitled to levy them, and that the employment of the proceeds will be subject to the control of the High Commissioner;

(11) Declares that the Council's resolution of 27 June 1921 shall be applied in regard to all categories of refugees;

(12) Recalls with gratitude the endeavours of the High Commission and of the International Labour Office by which about 800 Russian refugees in Constantinople have been successfully evacuated during recent months;

Cognizant of the very difficult situation of some 2,000 of these refugees who still remain in Turkey and who, in accordance with a Decree of the Turkish Government must be evacuated from Turkey before 6 February 1929:

Expresses the hope that the High Commission will seize every opportunity to press forward their evacuation and that the various Governments will, as an exceptional measure, and subject to the safeguarding of their own interests authorize the issue of emergency visas to enable the refugees to leave Turkey;

(13) Adopts the budget for the Refugees Services for 1929, as already approved by the Governing Body of the International Labour Office and by the Supervisory Commission, and

Requests the Supervisory Commission to take into consideration the uncertainty of the position of the officials employed in that Service to which attention has been drawn by the Governing Body of the International Labour Office, and to grant them the improvements asked for on their behalf

ANNEX No. 6

RESOLUTION ADOPTED BY THE XIth SESSION OF THE ASSEMBLY OF THE LEAGUE OF NATIONS ON 30 SEPTEMBER 1930, SETTING UP AN INTERNATIONAL REFUGEES' OFFICE (NANSEN OFFICE). (1)

The Assembly:

- (1) Recalling the work accomplished by Dr. Fridtjof Nansen on behalf of the refugees and mindful of his efforts to unite the nations in the cause of peace, pays a solemn tribute of gratitude to the memory of one of the best servants of the League;
- (2) Notes the report of the Secretary-General and the Inter-Governmental Advisory Commission for Refugees;
- (3) Decides to entrust to the regular organs of the League of Nations the political and legal protection of the refugees under the conditions indicated by the Inter-Governmental Commission;
- (4) Decides to entrust, during the period in which the Refugee Organization is being wound up, the humanitarian duties hitherto undertaken by the High Commissioner to an International Refugees Office placed under the direction of the League of Nations, in accordance with the principles of Article 24 of the Covenant;
- (5) Entrusts to M. Max Huber, whom it thanks for his willingness to undertake the duty, the work of preparing, in accordance with the guiding principles laid down in the report of the Inter-Governmental Advisory Commission, a draft statute for the International Office, which will be submitted for approval to the Council of the League of Nations, and requests him to take over the duties of Chairman of the Governing Body of the Office.
- (6) Grants the International Office for 1931 a subsidy of 333,800 gold francs.
- (7) Draws the attention of Governments to the importance of a general extension of the system of Nansen stamps;
- (8) Leaves the office full freedom to take all decisions in regard to appeals for funds made to private charity, particularly on behalf of refugee children;
- (9) Expresses the desire that one of the first tasks of the office should be to examine the situation of Armenian refugees in Greece;
- (10) Requests the Council to communicate to Governments the recommendations adopted by the Inter-Governmental Advisory Commission in regard to the

/application

(1) League of Nations, XIth Ordinary Session of the Assembly, Meeting of 30 September 1930, Official Journal - Special Supplement No. 84, pages 157-158.

application of the Inter-Governmental Arrangements and the situation of Russian refugees who are disabled ex-service men; and

(11) Recommends that the International Office should, as far as possible, make use of the experience of the present staff of the Refugee Service.

ANNEX No. 7

CONVENTION RELATING TO THE INTERNATIONAL STATUS OF REFUGEES.

SIGNED AT GENEVA, 28 OCTOBER 1933. (1) (2)

Official text in French. This Convention was registered with the Secretariat, in accordance with its Article 20, on 13 June 1935, the date of its entry into force.

HIS MAJESTY THE KING OF THE BELGIANS, HIS MAJESTY THE KING OF THE BULGARIANS, HIS MAJESTY THE KING OF EGYPT, THE PRESIDENT OF THE FRENCH REPUBLIC, HIS MAJESTY THE KING OF NORWAY.

Whereas the Preamble to the Covenant of the League of Nations contains the provision: "in order to promote international co-operation by the maintenance of justice", and whereas Article 23 (c) of the Covenant contains the provision: "the Members of the League will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organization":

/In consideration

(1) League of Nations, Treaty Series, Vol. CLIX, No. 3663.
(2) Deposit of ratifications in Geneva:

Accessions:

Czechoslovakia 14 May 1935.

Subject to the following reservations:

A. The Czechoslovak Government will regard as refugees within the meaning of Article 1 only such persons as formerly actually possessed Russian or Turkish nationality, lost it before 1 January 1923, and have not acquired any other nationality.

B. The accession of the Czechoslovak Republic does not apply to:

(a) Paragraph 3 of Article 2, whereby consuls are qualified to extend Nansen certificates:

(b) Paragraph 3 of Article 3, so far as it limits the power of the national authorities to expel persons who constitute a danger to the safety of the State and public order; nor, of course, do the provisions of Article 3 in any way affect expulsions by order of the courts, or obligations deriving

/from extradition

In consideration of the measures previously taken on behalf of refugees, and, in particular, the Inter-Governmental Arrangements of 5 July 1922, 31 May 1924, 12 May 1926, and 30 June 1928, at present in force in certain of the Contracting States;

Taking into account the opinions expressed by the Inter-Governmental Advisory Commission for Refugees and having in view more particularly the decision of the Assembly of the League of Nations of 4 September 1930, which sets up, in a temporary capacity, the Nansen International Office for Refugees under the authority of the League of Nations, in conformity with Article 24 of the Covenant;

Desirous of supplementing and consolidating the work done by the League of Nations on behalf of the refugees;

Anxious to establish conditions which shall enable the decisions already taken by the various States with this object to be fully effective, and desirous that refugees shall be ensured the enjoyment of civil rights, free and ready access to the courts, security and stability as regards establishment /and work,

from extradition
/treaties or from the Czechoslovak laws regarding the
extradition of aliens:

(c) The whole of Article 7, which exempts refugees from the application of the provisions of laws and decrees for the protection of the national labour market:

(d) The whole of Article 14, which waives the condition of reciprocity;

(e) The whole of Article 15, which deals with the creation of local committees.

C. Articles 4 and 5, dealing with the juridical condition of refugees, and Articles 8, 9, 10 and 11, dealing with industrial accidents and welfare and relief, will be applied in Czechoslovakia only so far as the laws of the country permit.

With reservation as regards Articles 7 and 14 of the Convention. This accession does not include Greenland.

Subject to the following reservations:

(1) Article 3 of the Convention cannot limit the right of the Italian authorities to apply measures of expulsion to refugees for reasons of national security and public order.

(2) In acceding to the Convention, the Italian Government assumes no obligations in regard to its colonies and possessions.

and work, facilities in the exercise of the professions, of industry and ^{of} commerce, and in regard to the movement of persons, admission to schools ^{and} universities;

Have appointed as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

M. MEYERS, Honorary Director-General of the Ministry of Justice;

M. DELTENRE, Deputy Director at the Ministry of Foreign Affairs;

HIS MAJESTY THE KING OF THE BULGARIANS:

M. D. MIKOFF, Chargé d'Affaires at Berne, Permanent Representative accredited to the League of Nations;

HIS MAJESTY THE KING OF EGYPT:

ASSAL BEY, Consul at Geneva;

THE PRESIDENT OF THE FRENCH REPUBLIC:

M. de NAVAILLES, Deputy Director of Chancelleries and of the Litigation Department at the Ministry of Foreign Affairs;

HIS MAJESTY THE KING OF NORWAY:

M. Peter Hersleb BIRKELAND, Counsellor of Legation, Permanent Delegate accredited to the League of Nations;

Who, having communicated their full powers, found in good and due form, have agreed on the following provisions:

CHAPTER I. - DEFINITION

Article 1.

The present Convention is applicable to Russian, Armenian and ⁽¹⁾ assimilated refugees, as defined by the Arrangements of 12 May 1926 ⁽²⁾, and 30 June 1928, subject to such modifications or amplifications as each Contracting Party may introduce in this definition at the moment of signature or accession.

CHAPTER II. -- ADMINISTRATIVE MEASURES.

Article 2.

Each of the Contracting Parties undertakes to issue Nansen certificates, valid for not less than one year, to refugees residing regularly in its territory.

The text of the said certificates shall include a formula authorizing exit and return. Bearers of Nansen certificates which have not expired shall be free to leave the country which has issued these documents and to return to it without requiring any authorization on exit or visa from the consuls of that country on their return.

The respective consuls of the Contracting Parties shall be qualified to extend these certificates for a period not exceeding six months.

/The cost of visas

(1) See Annex No. 2 above.

(2) See Annex No. 4 above.

The cost of visas for Nansen certificates shall, subject to their issue free of charge to indigent persons, be established according to the lowest tariff applied to the visas of foreign passports.

Article 3

Each of the Contracting Parties undertakes not to remove or keep from its territory by application of police measures, such as expulsions or non-admittance at the frontier (refoulement), refugees who have been authorized to reside there regularly, unless the said measures are dictated by reasons of national security or public order.

It undertakes in any case not to refuse entry to refugees at the frontiers of their countries of origin.

It reserves the right to apply such internal measures as it may deem necessary to refugees who, having been expelled for reasons of national security or public order, are unable to leave its territory because they have not received, at their request or through the intervention of institutions dealing with them, the necessary authorizations and visas permitting them to proceed to another country.

CHAPTER III. -- JURIDICAL CONDITION.

Article 4.

The personal status of refugees shall be governed by the law of their country of domicile or, failing such, by the law of their country of residence.

The validity of acts of the religious authorities to whom the refugees are subject, in countries which admit the competence of those authorities, shall be recognized by the States Parties to the present Convention.

Rights acquired under the former national law of the refugee, more particularly rights attaching to marriage (matrimonial system, legal capacity of married women, etc.), shall be respected, subject to compliance with the formalities prescribed by the law of their country of domicile, or, failing such, by the law of their country of residence, if this be necessary.

Article 5.

Subject to the provisions of Article 4, paragraph 2, the dissolution of marriages of refugees shall be governed by the law of their country of domicile or, failing such, by the law of their country of residence.

Article 6.

Refugees shall have, in the territories of the Contracting Parties, free and ready access to the courts of law.

In the countries in which they have their domicile or regular residence, they shall enjoy in this respect, the same rights and privileges as nationals; they shall, on the same conditions as the latter, enjoy the benefit of legal assistance and shall be exempt from cautio judicatum solvi.

CHAPTER IV. -- LABOUR CONDITIONS.

Article 7.

The restrictions ensuing from the application of laws and regulations for the protection of the national labour market shall not be applied in ~~all~~ their severity to refugees domiciled or regularly resident in the country.

They shall be automatically suspended in favour of refugees domiciled or regularly resident in the country, to whom one of the following circumstances applies:

- (a) The refugee has been resident for not less than three years in the country;
- (b) The refugee is married to a person possessing the nationality of the country of residence;
- (c) The refugee has one or more children possessing the nationality of the country of residence;
- (d) The refugee is an ex-combatant of the great war.

CHAPTER V. -- INDUSTRIAL ACCIDENTS.

Article 8.

Each of the Contracting Parties undertakes to accord to refugees who may be victims of industrial accidents in its territory, or to their beneficiaries, the most favourable treatment that it accords to the nationals of a foreign country.

CHAPTER VI. -- WELFARE AND RELIEF.

Article 9.

Refugees residing in the territory of one of the Contracting Parties, unemployed, persons suffering from physical or mental disease, aged persons or infirm persons incapable of earning a livelihood, children for whose upkeep no adequate provision is made either by their families or by third parties, pregnant women, women in childbed or nursing mothers, shall receive therein the most favourable treatment accorded to nationals of a foreign country, in respect of such relief and assistance as they may require, including medical attendance and hospital treatment.

Article 10.

The Contracting Parties undertake to apply to refugees, as regards the social insurance laws at present in force or which may subsequently be established, the most favourable treatment accorded to the nationals of a foreign country.

Article 11.

Refugees shall enjoy in the territory of each of the Contracting Parties, as regards the setting up of associations for mutual relief and assistance and admission to the

admission to the said associations, the most favourable treatment accorded to the nationals of a foreign country.

CHAPTER VII. -- EDUCATION.

Article 12.

Refugees shall enjoy in the schools, courses, faculties and universities of each of the Contracting Parties treatment as favourable as other foreigners in general. They shall benefit in particular to the same extent as the latter by the total or partial remission of fees and charges and the award of scholarships.

CHAPTER VIII. -- FISCAL REGIME.

Article 13.

The Contracting Parties undertake not to impose upon refugees residing in their territories duties, charges or taxes, under any denomination whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.

Nothing in the foregoing provisions shall affect the application of the Nansen stamp system or the stipulations of the laws and regulations concerning charges in respect of the issue to foreigners of administrative documents and the extension of the validity of such documents.

The present Article is the only one in the Convention that governs fiscal matters. The latter are not subject to any other provisions of this Convention.

CHAPTER IX. -- EXEMPTION FROM RECIPROCITY.

Article 14.

The enjoyment of certain rights and the benefit of certain favours accorded to foreigners subject to reciprocity shall not be refused to refugees in the absence of reciprocity.

CHAPTER X. -- CREATION OF COMMITTEES FOR REFUGEES

Article 15.

Each Contracting Party shall have the right either to organize in its territory a central committee for refugees, or several committees, if this be necessary, responsible for co-ordinating the work of the organs for finding employment for refugees and for assistance to refugees, or to authorize the constitution of such committees.

Such committee or committees may be entrusted with the powers enumerated in Article 1 of the Arrangement and Agreement of 30 June 1928, in countries in which those instruments are in force, in so far as these powers are not exercised by representatives of the Secretary-General of the League of Nations.

In the absence of representatives of an international body, these Committees shall collect the charges represented by the Nansen stamp and those provided for in the said Arrangement and Agreement, in so far as such charges may be

/levied

levied in the territories of the country in which they are operating.

CHAPTER XI.-- GENERAL PROVISIONS.

Article 16.

The Arrangements and Agreement of 5 July 1922, 31 May 1924, 12 May 1926, and 30 June 1928, shall, in so far as they have been adopted by the Contracting Parties, remain in force as regards such of their provisions as are compatible with the present Convention.

Article 17.

The present Convention, which shall bear today's date, may be signed at any time before 15 April 1934, on behalf of any Member of the League of Nations or any non-Member State to which the Council of the League of Nations shall have communicated a copy of the present Convention for this purpose.

Article 18.

The present Convention shall be ratified. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who will notify the deposit thereof to all the Members of the League of Nations and to the non-Member States referred to in Article 17, indicating the date at which such deposit has been effected.

Article 19.

On and after 16 April 1934, any Member of the League of Nations and any non-Member State to which the Council of the League of Nations shall have communicated a copy of the present Convention may accede to it.

The instruments of accession shall be deposited with the Secretary-General of the League of Nations, who will notify such deposit and the date thereof to all the Members of the League of Nations and to the non-Member States referred to in the preceding paragraph.

Article 20.

The present Convention shall come into force thirty days after the Secretary-General of the League of Nations shall have received ratifications and accessions on behalf of at least two Members of the League of Nations or non-Member States.

In respect of each Member or non-Member State on whose behalf any instrument of ratification or accession is subsequently deposited, the Convention shall come into force thirty days after the date of the deposit of such instrument.

It shall be registered on the day on which it is to come into force.

Article 21.

The present Convention may be denounced after the expiration of a period of five years from the date on which it comes into force.

/The denunciation

The denunciation of the Convention shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who will inform all the Members of the League, and the non-Member States referred to in Articles 17 and 19, of each notification and of the date of the receipt thereof.

The denunciation shall take effect one year after the receipt of the notification.

Article 22.

Any Contracting Party may declare, at the time of signature, ratification or accession, that in accepting the present Convention, it is not assuming any obligation in respect of all or any of its colonies, protectorates, overseas territories, or the territories under its suzerainty or territories in respect of which a mandate has been confided to it; the present Convention shall, in that case, not be applicable to the territories named in such declaration.

Any Contracting Party may subsequently notify the Secretary-General of the League of Nations that it desires the present Convention to apply to all or any of the territories in respect of which the declaration provided for in the preceding paragraph has been made. The Convention shall, in that case, apply to all the territories named in such notification thirty days after the receipt thereof by the Secretary-General of the League of Nations.

Any Contracting Party may, at any time after the expiration of the period of five years provided for in Article 21, declare that it desires the present Convention to cease to apply to all or any of its colonies, protectorates, overseas territories, or the territories under its suzerainty or territories in respect of which a mandate has been confided to it; the Convention shall, in that case, cease to apply to the territories named in such declaration six months after the receipt thereof by the Secretary-General of the League of Nations.

The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations, and to the non-Member States referred to in Articles 17 and 19, the declarations and notifications received in virtue of the present Article, together with the dates of the receipt thereof.

Article 23.

The Contracting Parties may at the moment of signature or accession declare that their signature or accession shall not apply to certain chapters, Articles or paragraphs, exclusive of Chapter XI ("General Provisions"), or may submit reservations.

The Contracting Parties shall have the right at any moment to withdraw all or part of their exceptions or reservations by means of a declaration

/addressed to the

addressed to the Secretary-General of the League of Nations. The Secretary-General shall communicate the said declaration to all the Members of the League and to the non-Member States referred to in Articles 17 and 19, specifying the date of receipt.

In faith whereof the above-mentioned plenipotentiaries have signed the present Convention.

Done at Genoa, the twenty-eighth day of October, one thousand nine hundred and thirty-three, in a single copy, which shall be kept in the archives of the Secretariat of the League of Nations, and a certified true copy of which shall be given to all the Members of the League and to the non-Member States referred to in Article 17.

BELGIUM.

M. Meyers and M. Deltenre declared that their signature of the present Convention was subject to the following reservations:

(1) Article 2, paragraph 3, relating to the right conferred on consuls to extend Nansen certificates, cannot be accepted by the Belgian Government.

(2) Article 9, in so far as it concerns the application of the provisions of the domestic legislation relating to "unemployment insurance", cannot be accepted.

(3) Article 10, concerning social insurance laws, cannot be favourably received.

(4) Article 14, which concerns the enjoyment of the rights and favours accorded to foreigners, subject to reciprocity, cannot be admitted.

(5) The Belgian Government, in accepting the present Convention, is not assuming any obligation as regards the colony of the Congo or the mandated territories of Ruanda-Urundi.

E. MEYERS.

M. DELTENRE.

BULGARIA.

M. Mikoff declares that his signature of the present Convention is subject to the following reservations:

I. Article 1. - The Bulgarian Government maintains the reservations made by the Bulgarian delegate on signing the Arrangement of 30 June 1928, concerning the extension to other categories of refugees of certain (1) measures taken in favour of Russian and Armenian Refugees.

II. Article 2.

(1) This reservation was worded as follows:

"On the understanding that the present Arrangement applies only to such refugees as are at the present date on Bulgarian territory."

II. Article 2. - The departure from the country of refugees in possession of Nansen certificates (passports) shall be governed by the general regulations in force in this respect. Bulgarian consuls will be empowered in cases of force majeure to extend Nansen certificates issued in Bulgaria for a period of three months. The cost of visas for Nansen certificates shall be fixed in accordance with the tariff applicable to the nationals of the country by which the certificate was issued.

III. Article 6. - Exemption from cautio judicatum solvi shall be at the discretion of the courts in each individual case.

IV. Article 7. - The Bulgarian Government cannot accept points (a) and (d).

V. Articles 8 and 10 (formerly 7 and 9). - Disability and old-age pensions shall be paid (regard being had to the possibilities of the fund concerned) to the persons entitled, their heirs and assigns, provided always that such persons are resident in the country.

VI. Article 13. - The Bulgarian Government cannot accept the first paragraph, as refugees resident in Bulgaria are subject to the same treatment in fiscal matters as other foreign nationals resident in the country.

VII. Article 15. - The Bulgarian Government cannot accept paragraphs 2 and 3.

P. MIKOFF.

EGYPT.

Article 1. - Apart from such modifications or amplifications as each Contracting Party may introduce in this definition, my Government reserves the right to extend or limit the said definition in any way.

Article 2. - Bearers of Nansen certificates may not be admitted into Egypt unless the said certificates contain a visa for return to the countries by which they were issued. If these refugees are authorized to sojourn in Egypt, the competent local authorities reserve the right to issue to them Egyptian travel papers.

Article 3. - These authorities reserve the right to expel such refugees at any moment for reasons of public security.

Article 4. - Moreover, as regards the acquired rights referred to in paragraph 3 of Article 4 of the draft Convention, it should be stipulated that, in order to ensure respect for such rights, due account must be taken of international public order and of internal public order as the latter is conceived and applied in Egyptian law. Further, in order to dispel any misunderstanding, it should be stipulated that the rights in question are only those relating

/to personal

to personal status.

Article 13. - This Article must not in any case invalidate or impair our reservation relating to Egyptian travel papers, together with the consequences involved in the application of that reservation.

Article 14. - Our signature does not apply to this Article.

Article 15. - The Egyptian Government wishes it to be understood that the committees referred to in Article 15 will not be invested with the powers laid down in paragraphs 2 and 3 of the said Article in the event of its desiring to reserve the said powers for the representatives of the local authority.

*

* * *

The Egyptian Government reserves the right to substitute, should the case arise and whenever it may think fit, assimilation to nationals for the most favourable treatment granted to nationals of a foreign country in all the provisions of the Convention in which such treatment is stipulated.

I declare that I sign the present Convention with the reservations stipulated above.

Egyptian Consul,

ASSAL.

FRANCE.

M. de Navailles declared that his signature of the present Convention was subject to the following reservations:

(1) Article 7 shall not preclude the application of the laws and regulations fixing the proportion of wage-earning foreigners that employers are authorized to employ in France.

(2) The organization, in France, of committees such as are provided for in Article 15 shall not, if it takes place, confer on them powers incompatible with the existing laws in the matter of finding employment.

(3) The French Government, by its acceptance of the present Convention, is not assuming any obligation in regard to the whole of its colonies, protectorates, overseas territories, territories placed under its suzerainty or territories in respect of which a mandate has been confided to it.

NAVAILLES.

NORWAY.

I declare that I sign the Convention with the following reservations:

The application (a) of the third paragraph of Article 2 and (b) of Article 14 is excluded.

Hersleb BIRKEJAND.

ANNEX NO. 8

PROVISIONAL ARRANGEMENT CONCERNING THE STATUS OF REFUGEES
COMING FROM GERMANY. SIGNED AT GENEVA 4 JULY 1936⁽¹⁾

Official texts in French and English. This Arrangement was registered with the Secretariat, in accordance with its Article 10, on 4 August 1936, the date of its entry into force.

The undersigned representatives, acting in the name of their respective Governments, agree, as a temporary arrangement, to adopt the following provisions:

CHAPTER I

Definition of the Term "Refugee coming from Germany"

Article 1

For the purpose of the present Arrangement, the term "refugee coming from Germany" shall be deemed to apply to any person who was settled in that country, who does not possess any nationality other than German nationality, and in respect of whom it is established that in law or in fact he or she does not enjoy the protection of the Government of the Reich.

CHAPTER II.

Certificates of Identity.

Article 2

Issue and Renewal

1. The Contracting Governments shall issue to refugees coming from Germany and lawfully residing in their territory an identity certificate in conformity with the attached specimen (see Annex), or some other document having the same object.

As a transitory measure, this certificate may be issued to refugees whose residence in the territory on the date of the coming into force of the present Arrangement was irregular, if they report themselves to the authorities within a time-limit to be determined by the Government concerned.

2. The issue of the certificate shall be subject to the following conditions:

(a) It shall not contravene any law or regulation governing the supervision of foreigners in any country to which the present

(1) League of Nations Treaty Series, Vol. CLXXI, No. 3952

Arrangement applies;

- (b) It shall, in general, be valid for one year as from the date of issue;
- (c) The Government issuing a certificate shall be qualified to renew or extend it until such time as the holder shall have been able to secure the issue of a fresh certificate. If the refugee has become settled in a regular manner in another country, the authority of that country shall be bound to issue a new certificate to him;
- (d) Consuls specially authorized by the country issuing the certificate shall be able to extend its validity for a period which shall not, as a rule, exceed six months;
- (e) The identity certificate shall be made out in the language of the issuing country, and also in French;
- (f) Children under sixteen years of age shall, if necessary, be included in the certificate of their parent(s);
- (g) The fees for the issue of certificates shall not exceed the lowest tariff applied to rational passports. It is recommended that when certificates are issued to destitute persons no charge whatever shall be made.

Article 3.

Effects

1. Without prejudice to the State's power to regulate the right of residence the holder of the certificate shall be entitled to move about freely in the territory of the country in which the certificate has been issued.
2. The certificate shall entitle the holder to leave the country which has issued it to him, and to return to that country, during the period of validity of the certificate.
- The Contracting Governments reserve the right, in exceptional cases, to limit the period during which the refugee may return, such limitation being noted on the certificate.
3. The competent authorities of the country to whose territory the refugee desires to proceed shall visa the identity certificate of which he is the holder, if they are prepared to admit him.
4. The intermediate countries undertake to grant facilities for the issue of transit visas to refugees who have obtained visas from the country of final destination.
5. The fees for the issue of admission or transit visas shall not exceed the lowest tariff for visas on foreign passports. It is recommended that when visas are issued to destitute refugees no charge whatever shall be made

CHAPTER III.

Administrative Measures

Article 4.

1. In every case in which a refugee is required to leave the territory of one of the contracting countries, he shall be granted a suitable period to make the necessary arrangements.
2. Without prejudice to the measures which may be taken within the country, refugees who have been authorized to reside in a country may not be subjected by the authorities of that country to measures of expulsion or be sent back across the frontier unless such measures are dictated by reasons of national security or public order.
3. Even in this last-mentioned case the Governments undertake that refugees shall not be sent back across the frontier of the Reich unless they have been warned and have refused to make the necessary arrangements to proceed to another country or to take advantage of the arrangements made for them with that object.

In such case the identity certificates may be cancelled or withdrawn.

CHAPTER IV.

Legal Standing of Refugees.

Article 5.

Determination of the Law governing the Personal Status of Refugees.

The personal status of refugees who have retained their original nationality shall be governed by the rules applicable in the country concerned to foreigners possessing a nationality. Save as otherwise previously provided by treaty, the personal status of refugees having no nationality shall be governed by the law of their country of domicile or, failing such, by the law of their country of residence.

Article 6.

Rights Acquired Under the National Law.

In countries where these matters are governed by the national law of the parties, rights acquired under the former national law of the refugee, for instance rights resulting from marriage, such as the matrimonial regime, the legal capacity of married women, etc., shall be respected, subject to compliance with the formalities prescribed by the law of their country of domicile or, failing such, by the law of their country of residence if this be necessary.

Article 7.

Right to Appear Before the Courts as Plaintiff or Defendant.

1. Refugees shall have in the territories of the countries to which the present Arrangement applies free and ready access to the courts of law.
2. In the countries in which they have their domicile or regular residence they shall enjoy in this respect, save where otherwise expressly provided by law, the same rights and privileges as nationals. They shall on the same conditions enjoy the benefit of legal assistance and be exempt from cautio judicatum solvi.

CHAPTER V.

Final Clauses

Article 8.

The present Arrangement, which is drawn up in French and English, shall bear this day's date. It may be signed on behalf of the Government of any Member of the League of Nations or of any non-Member State to which the Council of the League shall have communicated a copy for that purpose.

Article 9.

The Secretary-General shall give notice of the signatures received to all the Members of the League and to the non-Member States referred to in the preceding Article, mentioning the date on which the signature was received.

Article 10.

1. This Arrangement shall come into force thirty days after the Secretary-General of the League of Nations shall have received signatures on behalf of at least two Governments.

2. In respect of each of the Governments on whose behalf a signature is subsequently deposited, this Arrangement shall come into force on the thirtieth day after the date of such deposit.

3. The Arrangement shall be registered by the Secretary-General on the day of its entry into force.

Article 11.

1. This Arrangement may be denounced at any time.
2. Denunciation shall be effected by a written notification addressed to the Secretary-General, who will inform all the Members of the League and the non-Member States referred to in Article 8 of each notification and of the date of the receipt thereof.
3. The denunciation shall take effect forty-five days after the receipt of the notification.

/Article 12.

1. Any Government may declare, at the time of signature, that in accepting this Arrangement it is not assuming any obligation in respect of all or any of its colonies, protectorates, overseas territories or the territories under its suzerainty, or territories in respect of which a mandate has been entrusted to it; this Arrangement shall, in that case, not be applicable to the territories named in such declaration.

2. Any Government may subsequently notify the Secretary-General of the League of Nations that it desires this Arrangement to apply to all or any of the territories in respect of which the declaration provided for in the preceding paragraph has been made. The Arrangement shall in that case, apply to all the territories named in such notification thirty days after the receipt thereof by the Secretary-General.

3. Any Contracting Government may at any time declare that it desires this Arrangement to cease to apply to all or any of its colonies, protectorates, overseas territories or the territories under its suzerainty, or territories in respect of which a mandate has been entrusted to it; the Arrangement shall in that case cease to apply to the territories named in such declaration forty-five days after the receipt thereof by the Secretary-General.

Article 13.

The Secretary-General of the League of Nations shall communicate to all the Members of the League and to non-Member States referred to in Article 8, the declarations and notifications received in virtue of Articles 11 and 12, together with the dates of the receipt thereof.

Article 14.

The Governments may make reservations at the moment of signature.

The Contracting Parties shall have the right at any moment to withdraw all or some of their reservations or to make further reservations by means of a declaration addressed to the Secretary-General of the League of Nations. Such declaration shall come into effect one month after its receipt. The Secretary-General shall communicate such declaration to all the States Members of the League and to the non-Member States referred to in Article 8, specifying the date of receipt.

In faith whereof the undersigned have affixed their signatures to the present Arrangement.

Done at Geneva the fourth day of July one thousand nine hundred and thirty-six, in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations and certified true copies of which shall be transmitted to all the Members of the League and to the non-Member

States referred to in Article 8.

BELGIUM

In application of Article 12, paragraph 1, the Belgian Government, in accepting the present Arrangement, does not intend to assume any obligation in regard to the colony of the Congo, the mandated territories of Ruanda-Urundi or any other territory provided in the said Article 12, paragraph 1.

*
Ad referendum.

R. Bekaert
(4 July 1936)

UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

"I declare that my signature is subject to the following reservations:

Article 4. - Refugees who are the subject of extradition proceedings commenced in the United Kingdom will not be regarded as being entitled to claim the protection otherwise afforded to them under this Article.

Paragraph 2 of Article 4 will not be applicable to refugees who have been admitted to the United Kingdom for a temporary visit or purpose. The term "public order" is deemed to include matters relating to crime and morals.

In signing the present Arrangement, subject to the above reservations, I declare that His Majesty's Government in the United Kingdom does not assume any obligations in respect of any of its colonies, protectorates, overseas territories, territories under suzerainty or territories administered under mandate."

E. N. COOPER
(25 September 1936.)

DENMARK

WILLIAM BOPBERG
KRARUP
(4 July 1936.)

* This signature was made definitive on 7 October 1936.

SPAIN

JULIO ALVAREX DEL VAYO
Geneva, 27 January 1937

FRANCE

The French Government, by its acceptance of the present Arrangement, does not intend to assume any obligation in regard to any of its colonies, protectorates, overseas territories, territories under its suzerainty and territories for which a mandate has been entrusted to it.

JEAN LONGUET
(4 July 1936.)

NORWAY

*
Ad referendum
MICHAEL HANSSON
(4 July 1936.)

NETHERLANDS

Ad referendum
For the Kingdom in Europe
C. VAN RAPPARD
(4 July 1936.)

SWITZERLAND

Ad referendum
HEINRICH ROTMUND
(4 July 1936.)

* This signature was made definitive on 21 September, 1936.

Annex to the Arrangement.

IDENTITY CERTIFICATE FOR REFUGEES COMING FROM GERMANY
(Valid for One Year)

Certificate issued in accordance with the
Inter-Governmental Arrangement of 4 July 1936.

The present certificate is issued for the sole purpose of providing refugees from Germany with identity papers to take the place of a provisional passport. It is without prejudice to and in no way affects the holder's nationality.

On the expiration of its validity, the present certificate must be returned to the issuing authority.

Authority issuing the certificate: Place of issue of the certificate: No.
Date.

IDENTITY CERTIFICATE

Valid until.....

Failing express provision to the contrary, the present certificate entitles its holder to return to the country by which it was issued during the period for which it is valid. It shall cease to be valid if the holder enters German territory.

Place of birth

Surname and forenames of father

Name of wife (husband)

Occupation

Former address

DESCRIPTION

Digitized by srujanika@gmail.com

Figure 2. The relationship between the number of species and the number of individuals in the community.

/Nose

Name.
Height.
Distinguishing marks.

(photographs)

(stamp)

Signature of holder:

Remarks:

The undersigned certifies that the photograph and signature hereon are those of the holder of this certificate.

Signature of issuing authority:

This passport expires on. 19.

Renewals:

Visas:

ANNEX No. 9

CONVENTION CONCERNING THE STATUS OF REFUGEES COMING FROM GERMANY.
SIGNED AT GENEVA, 10 FEBRUARY 1938. (1) (2)

Official texts in French and English. This Convention was registered with the Secretariat on 26 October 1938, following the deposit of the second ratification, in accordance with Article 22.

HIS MAJESTY THE KING OF THE BELGIANS; HIS MAJESTY THE KING OF GREAT
BRITAIN AND IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF
INDIA; HIS MAJESTY THE KING OF DENMARK AND ICELAND; THE PRESIDENT OF THE
SPANISH REPUBLIC; THE PRESIDENT OF THE FRENCH REPUBLIC; HIS MAJESTY THE KING
OF NORWAY; HER MAJESTY THE QUEEN OF THE NETHERLANDS;

Being desirous of supplementing and consolidating the work done by the League of Nations on behalf of refugees generally;

Having regard to the measures previously taken on behalf of refugees coming from Germany, and, in particular, the provisional Inter-Governmental Arrangement of 4 July 1936, at present in force in regard to certain of the High Contracting Parties;

Taking into account the resolution adopted by the eighteenth Assembly, in accordance with which the League of Nations High Commissioner for Refugees coming from Germany is instructed to convene, for the beginning of 1938, an Inter-Governmental Conference for the adoption of an international convention for the benefit of refugees coming from Germany:

Considering that the making of arrangements for the emigration of those who cannot be absorbed in the countries in which they have taken refuge is an essential part of the work undertaken for the benefit of the said refugees;

Being anxious to establish conditions which shall enable the decisions already taken by the various Governments with this object to be fully effective, and desirous that refugees shall be ensured the enjoyment of civil rights, free and ready access to the courts, security and stability as regards establishment and work, facilities in the exercise of the professions, of industry and of commerce, and in regard to the movement of persons,

/admission

(1) League of Nations, Treaty Series, Vol. CXCII, No. 4461.
(2) Ratifications:

In addition to the reservations made by the United Kingdom when signing the Convention, this ratification is given with the reservation that Article 17 is not accepted.

Came into force 26 October 1938.

admission to schools and universities:

Have appointed as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

M. Hermann BEKAERT, Deputy Head of the Criminal Investigation Department,
Lecturer at the University of Brussels;

M. Joseph SCHNEIDER, Director at the Ministry of Foreign Affairs and
External Trade.

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH ~~AND~~ ^{FOR} DOMAINS
BEYOND THE SEAS, EMPEROR OF INDIA:

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

Mr. Ernest Napier COOPER, Principal in the Aliens Department of
the Home Office.

HIS MAJESTY THE KING OF DENMARK AND ICELAND:

M. William BØRBERG, Permanent Delegate to the League of Nations, Envoy
Extraordinary and Minister Plenipotentiary;

M. Hans Jakob HANSEN, First Secretary of the Permanent Delegation to the
League of Nations;

M. Troels HOFT, Assistant Head of Department at the Ministry of Justice.

THE PRESIDENT OF THE SPANISH REPUBLIC:

M. José QUERO MOLARES, Legal Advisor at the Ministry of Foreign Affairs.

THE PRESIDENT OF THE FRENCH REPUBLIC:

M. P. M. VERCHÈRE DE REFFYE, Minister Plenipotentiary.

HIS MAJESTY THE KING OF NORWAY:

Judge Michael HANSEN, former President of the Mixed Court of Appeals in
Egypt, Member of the Court of Arbitration at The Hague, President
of the Governing Body of the Nansen International Office for Refugees.

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Dr. A. LOUDON, Permanent Representative to the League of Nations,
Envoy Extraordinary and Minister Plenipotentiary accredited to the
Swiss Federal Council.

Who, having communicated their full powers, found in good and due form,
have agreed upon the following provisions:

CHAPTER I.

Definition

Article 1.

1. For the purposes of the present Convention, the term "refugees
coming from Germany" shall be deemed to apply to:

(a) Persons possessing or having possessed German nationality
and not possessing any other nationality who are proved not to enjoy,
in law or in fact, the protection of the German Government;

(b) Stateless

(b) Stateless persons not covered by previous Conventions or Agreements who have left German territory after being established therein and who are proved not to enjoy, in law or in fact, the protection of the German Government.

2. Persons who leave Germany for reasons of purely personal convenience are not included in this definition.

CHAPTER II.

Right of Sojourn and Residence.

Article 2.

Without prejudice to the power of any High Contracting Party to recognize the right of sojourn and residence, a refugee shall be entitled to move about freely, to sojourn or reside in the territory to which the present Convention applies, in accordance with the laws and internal regulations applying thereto.

CHAPTER III.

Travel Document.

Article 3.

Issue and Renewal.

1. (a) The High Contracting Parties shall issue, to refugees coming from Germany and sojourning lawfully in their territory to which the present Convention applies, a travel document in the form of a certificate similar to the attached specimen (see Annex), or some other document taking the place of a passport.

(b) As a transitional measure, such travel documents may be issued to refugees not staying lawfully in those territories on the date of the coming into force of the present Convention, provided such refugees report themselves to the authorities within the period prescribed by the Government of the High Contracting Party concerned.

2. The issue of the travel document shall be subject to the following conditions:

(a) It shall be in conformity with the laws and regulations governing the supervision of foreigners in force in the territories of the High Contracting Party to which the present Convention is applicable;

(b) It shall as a general rule be valid for one year as from the date of issue;

(c) The renewal or extension of the travel document shall be a matter for the issuing authority, until such time as the holder may be able to secure the issue of a fresh travel document. Should a refugee lawfully take up residence in another territory to which the Convention applies,

applies, the authorities of that territory shall be required to supply him with a new travel document;

(d) Consuls specially authorized for the purpose by the country issuing the travel document shall be empowered to extend its validity for a period which, as a rule, shall not exceed six months;

(e) The travel document shall be made out in the language of the issuing authority, and also in French;

(f) Children under 16 years of age shall be entered on the travel document issued to their parent or parents;

(g) The fees charged for the issue of travel documents shall not exceed the lowest scale of charges for national passports.

It is recommended that, in the case of indigent persons, travel documents should be issued entirely free of charge.

Article 4.

Effects.

1. (a) The travel document shall entitle the holder to leave the territory where it has been issued and to return thereto during the period of validity of the said travel document.

(b) The High Contracting Parties reserve the right, in exceptional cases, to limit the period during which the refugee may return, such limitation being noted on the travel document.

2. The competent authorities of the territory to which the refugee desires to proceed shall, if they are prepared to admit him, affix a visa to the travel document of which he is the holder.

3. The authorities of the territories of transit undertake to grant facilities for the issue of transit visas to refugees who have obtained visas for the territory of final destination.

4. The fees for the issue of entrance or transit visas shall not exceed the lowest scale of charges for visas on foreign passports. It is recommended that, in the case of indigent persons, visas should be issued free of charge.

CHAPTER IV.

Administrative Measures.

Article 5.

1. In every case in which a refugee is required to leave the territory of one of the High Contracting Parties to which the present Convention applies, he shall be granted a suitable period to make the necessary arrangements.

2. Without prejudice to the measures which may be taken within any territory, refugees who have been authorized to reside therein may not be subjected by the authorities to measures of expulsion or recondition unless

/such measures.

such measures are dictated by reasons of national security or public order.

3. (a) The High Contracting Parties undertake not to reconduct ~~refugees~~ to German territory unless they have been warned and have refused, without just cause, to make the necessary arrangements to proceed to another territory or to take advantage of the arrangements made for them with the object.

(b) In such case, the travel document may be cancelled or withdrawn.

CHAPTER V.

Legal Standing of Refugees.

Article 6.

Determination of the Law Governing the Personal Status of Refugees.

The personal status of refugees who have retained their original nationality shall be governed by the rule applicable in the country concerned to foreigners possessing a nationality. Save as otherwise previously provided by treaty, the personal status of refugees having no nationality shall be governed by the law of their country of domicile or, failing such, by the law of their country of residence.

Article 7.

Rights Acquired Under the National Law.

In countries where those matters are governed by the national law of the parties, rights acquired under the former national law of the refugee -- for instance, rights resulting from marriage, such as the matrimonial regime, the legal capacity of married women etc. -- shall be respected, subject to compliance with the formalities prescribed by the law of their country of domicile or, failing such, by the law of their country of residence, if this be necessary.

Article 8.

Right to Appear Before the Courts as Plaintiff or Defendant.

1. Refugees shall have, in the territories to which the present Convention applies, free and ready access to the courts of law.

2. In the countries in which they have their domicile or regular residence, they shall enjoy in this respect, save where otherwise expressly provided by law, the same rights and privileges as nationals. They shall on the same conditions enjoy the benefit of legal assistance and be exempt from cautio judicatum solvi.

CHAPTER VI.

Labour Conditions.

Article 9. (1)

1. The restrictions ensuing from the application of laws and regulations for the protection of the national labour market shall not be applied in all their severity to refugees domiciled or regularly resident in the country.

2. They shall be automatically suspended in favour of refugees domiciled or regularly resident in the country, if one of the following conditions is fulfilled:

- (a) The refugee has been resident for not less than three years in the country;
- (b) The refugee is married to a person possessing the nationality of the country of residence;
- (c) The refugee has one or more children possessing the nationality of the country of residence.

CHAPTER VII.

Industrial Accidents.

Article 10. (2)

Each of the High Contracting Parties undertakes to accord to refugees who meet with industrial accidents in any of his territories to which the present Convention applies, or to their beneficiaries, the most favourable treatment that he accords to the nationals of a foreign country.

CHAPTER VIII.

Welfare and Relief

Article 11. (3)

Refugees residing in a territory to which the present Convention applies who are unemployed persons, persons suffering from physical or mental disease, aged persons or infirm persons incapable of earning a livelihood, children

/for whose

(1) This article reproduces Article 7 of the Convention of 28 October 1933, The last condition of Article 7, namely, "(d) The refugee is an ex-combatant of the Great War" is not reproduced.

(2) This article reproduces Article 8 of the Convention of 28 October 1933, with the exception of some purely formal modifications.

(3) This article reproduces Article 9 of the Convention of 28 October 1933, with the exception of some purely formal modifications.

for whose upkeep no adequate provision is made either by their families or by third parties, pregnant women, women in childbed or nursing mothers, shall receive therein the most favourable treatment, accorded to nationals of a foreign country, in respect of such relief and assistance as they may require, including medical attendance and hospital treatment.

Article 12. (1)

The High Contracting Parties undertake to apply to refugees, as regards social insurance laws at present in force or which may subsequently be established, the most favourable treatment accorded to the nationals of a foreign country.

Article 13. (2)

Refugees shall, as regards the setting-up of associations for mutual relief and assistance and admission to the said associations, enjoy in the territories of the High Contracting Parties to which the present Convention applies the most favourable treatment accorded to the nationals of a foreign country.

CHAPTER IX.

Education.

Article 14. (3)

Refugees shall enjoy in the schools, courses, faculties and universities of each of the High Contracting Parties treatment as favourable as other foreigners in general. They shall benefit in particular to the same extent as the latter by the total or partial remission of fees and charges and the award of scholarships.

CHAPTER X.

Professional Training With a View to Emigration.

Article 15.

With a view to facilitating the emigration of refugees to overseas countries, every facility shall be granted to the refugees and to the organizations which deal with them for the establishment of schools for professional re-adaptation

- (1) This article reproduces almost exactly Article 10 of the Convention of 28 October 1933.
- (2) This article reproduces Article 11 of the Convention of 28 October 1933, with the exception of some purely formal modifications.
- (3) This article reproduces Article 12 of the Convention of 28 October 1933, with the exception of some purely formal modifications.

re-adaptation and technical training.

CHAPTER XI.

Taxation

Article 16. (1)

1. The High Contracting Parties undertake not to impose, upon refugees residing in their territories to which the present Convention applies, duties, charges or taxes, under any denomination whatsoever, other or higher than those which are or may be levied on their nationals in similar circumstances.

2. Nothing in the foregoing provisions shall affect the application of the stipulations of the laws and regulations concerning charges in respect of the issue to foreigners of administrative documents, and the extension of the validity of such documents.

3. The present article is the only one in the Convention that governs fiscal matters. The latter are not subject to any other provisions of this Convention.

CHAPTER XII.

Exemption from Reciprocity.

Article 17. (2)

The enjoyment of certain rights and the benefit of certain favours accorded to foreigners subject to reciprocity shall not be refused to refugees in the absence of reciprocity.

CHAPTER XIII.

General Provisions.

Article 18.

The present Convention replaces the Provisional Arrangement of 4 July 1936 as between all Parties to the present Convention. It does not affect the operation of that Arrangement as regards Parties thereto who are not Parties to the present Convention.

Article 19.

The present Convention, which shall bear today's date, may be signed on or before 9 August 1938, on behalf of any Member of the League of Nations or /any non-member

(1) This article reproduces Article 13 of the Convention of 28 October 1933, with the exception of some purely formal modifications. A provision with regard to the Nansen stamp has, however, been omitted.

(2) This article reproduces exactly Article 14 of the Convention of 28 October 1933.

any non-member State invited to the Conference, or to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Article 20.

The present Convention shall be ratified. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who will notify the deposit thereof to all the Members of the League of Nations and to the non-member States referred to in Article 19, indicating the date at which such deposit has been effected.

Article 21.

1. On and after 10 August 1938, any Member of the League of Nations and any of the non-member States referred to in Article 19 may accede to it.

2. The instruments of accession shall be deposited with the Secretary-General of the League of Nations, who will notify such deposit and the date thereof to all the Members of the League of Nations and to the non-member States referred to in Article 19.

Article 22.

1. The present Convention shall be registered by the Secretary-General of the League of Nations in accordance with the provisions of Article 18 of the Covenant thirty days after the receipt by him of the second ratification or accession.

2. The Convention shall come into force on the day of such registration.

3. Ratifications or accessions deposited after the deposit of the second ratification or accession shall take effect on the expiration of a period of thirty days after the date of their receipt by the Secretary-General of the League of Nations.

Article 23.

1. The present Convention may be denounced at any time, but such denunciation shall not take effect until one year after notice thereof has been given.

2. Denunciation of the Convention shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who will inform all the Members of the League of Nations, and also the non-member States referred to in Article 19, of each notification, of the date of receipt thereof and of the date on which denunciation is to take effect.

Article 24.

1. Any High Contracting Party may declare, at the time of signature, ratification or accession, that, in accepting the present Convention, he is not assuming any obligation in respect of all or any of his colonies, protectorates, overseas territories, or the territories under his suzerainty or territories in respect of which a mandate has been entrusted to him; the present Convention shall, in that

shall, in that case, not be applicable to the territories named in such declaration.

2. Any High Contracting Party may subsequently notify the Secretary-General of the League of Nations that he desires the present Convention to apply to all or any of the territories in respect of which the declaration provided for in the preceding paragraph has been made. The Convention shall, in that case, apply to all the territories named in such notification thirty days after the receipt thereof by the Secretary-General of the League of Nations

3. Any High Contracting Party may at any time declare that he desires the present Convention to cease to apply to all or any of his colonies, protectorates, overseas territories, or the territories under his suzerainty or territories in respect of which a mandate has been entrusted to him; the Convention shall, in that case, cease to apply to the territories named in such declaration under the same conditions as those stipulated in Article 23 above.

4. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations, and to the non-member States referred to in Article 19, the declarations and notifications received in virtue of the present article, together with the dates of the receipt thereof.

Article 25.

1. The High Contracting Parties shall, at the time of signature, ratification, accession or declaration under paragraph 2 of Article 24, indicate whether their signature, ratification, accession or declaration applies to the whole of the provisions of Chapters I, II, III, IV, V and XIII (the last chapter contains the general provisions) or applies to the Convention in its entirety.

2. Failing such indication, the signature, ratification, accession or declaration shall be deemed to apply to the Convention as a whole.

3. In addition, the High Contracting Parties may make reservations concerning articles contained in chapters to which their obligation extends.

4. The High Contracting Parties shall have the right at any time to extend their obligation to cover further chapters of the Convention, or to withdraw all or part of their exceptions or reservations, by means of a declaration addressed to the Secretary-General of the League of Nations. The Secretary-General shall communicate such declaration to all the Members of the League of Nations and to the non-member States referred to in Article 19, stating the date of receipt.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention.

/Done at Genova

Done at Geneva, the tenth day of February, one thousand nine hundred and thirty-eight, in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations and certified copies of which shall be transmitted to all the Members of the League and to the non-member States referred to in Article 19.

BELGIUM

Article 9.

The Belgian Government specifies that the meaning given in the Convention, with special reference to Article 9 (a), to the concept of residence is that which it possesses under the laws and internal regulations of Belgium.

Article 11.

Article 11, in so far as it concerns the application of the provisions of the domestic legislation relating to "unemployment insurance" cannot be accepted.

Article 12.

Article 12, concerning social insurance laws, cannot be favourably received.

Article 17.

Article 17, which concerns the enjoyment of the rights and favours accorded to foreigners, subject to reciprocity, cannot be admitted.

Article 24.

In application of paragraph 1 of Article 24, the Belgian Government, by its acceptance of the present Convention, is not assuming any obligation as regards the Colony of the Congo, the mandated territories of Ruanda-Urundi, or any other territory provided in paragraph 1 of Article 24.

Ad referendum:

Hermann BEKAERT

SCHNEIDER

UNITED KINGDOM OF GREAT BRITAIN

AND NORTHERN IRELAND

Article 1.

His Majesty's Government in the United Kingdom regards the definition as applicable only to refugees coming from Germany as defined, who at the date of ratification no longer enjoy the protection of the German Government.

Article 5.

Refugees who are the subject of extradition proceeding begun in the United Kingdom will not be regarded as being entitled to claim the /protection

protection otherwise afforded to them under this Article.

Paragraph 2 of this Article will not be applicable to refugees who have been admitted to the United Kingdom for a temporary visit or purpose. The term "public order" is deemed to include matters relating to crime and morals.

Article 9.

The provisions of this Article will not be applicable to refugees who have been admitted to the United Kingdom for a temporary visit or purpose.

Article 14.

Cannot be accepted, owing to the special position of schools and universities in the United Kingdom.

Article 24.

His Majesty's Government in the United Kingdom declares that it does not assume any obligations in respect of any of its Colonies, Protectorates, overseas territories, territories under suzerainty, or territories administered under mandate.

E. N. COOIER

DENMARK

Articles 9 and 17 are excluded from the undertaking given by Denmark.

The Convention will not apply to Greenland.

William BORBERG

Hans Jakob HANSEN

Troels HOFF.

SPAIN

I declare that I sign the present Convention with the following reservations:

The Spanish Government, by its signature of the present Convention, is not assuming any obligations in regard to the whole of its protectorates and colonies.

It likewise declares that Articles 9 to 12 will not preclude the application of the provisions relating to labour and social insurance.

J. QUERO MOLARES

FRANCE

The French Government, by its acceptance of the present Convention, renounces the reservations made by it on signing the Conventions of 28 October 1933, and the Provisional Arrangement of 4 July 1936, and declares in particular, that it is not assuming any obligations in regard to the whole of its colonies, protectorates, overseas territories, territories

/placed under

placed under its suzerainty, or territories in respect of which a mandate has been confided to it.

Ad roforendum:

P. de REFFYE

NORWAY

I declare that I sign the Convention with the following reservations:
Paragraph 2 (d) of Article 3 and Article 17 will not be applicable.

Michael HANSSON

THE NETHERLANDS

For the Kingdom in Europe, and with reservation as regards Article 5,
paragraph 3, and Article 9.

A. LOUDON

ANNEX TO THE CONVENTION.

IDENTITY CERTIFICATE FOR REFUGEES COMING FROM GERMANY.
(Valid for one year.)

Certificate issued in accordance with the Convention concerning the Status of the Refugees coming from Germany, of

The present certificate is issued for the sole purpose of providing refugees from Germany with identity papers to take the place of a passport. It is without prejudice to and in no way affects the holder's nationality.

On the expiration of its validity, the present certificate must be returned to the issuing authority.

Authority issuing the certificate: Place of issue of the certificate: No.....
..... Date.....

IDENTITY CERTIFICATE.

Valid until

Failing express provision to the contrary, the present certificate entitles its holder to return to the country by which it was issued during the period for which it is valid. It shall cease to be valid if the holder enters German territory.

Surname:

Forenames:

Date of birth:

Place of birth:

Surname and forenames of father:

Surname and forenames of mother:

Name of wife (husband):

Names of children:

Nationality:

Occupation:

Former address:

Present address:

Description.

Age:

Hair:

Eyes:

Face:

Nose:

Height:

Distinguishing marks:

(Photograph)

(Stamp)

Signature of holder:

Remarks:

The undersigned certifies that the photograph and signature hereon are those of the holder of this certificate.

Signature of issuing authority:

This certificate expires on: 19

Renewals:

Visas:

ANNEX NO. 10

RESOLUTION ADOPTED BY THE INTERGOVERNMENTAL COMMITTEE (EVIAN) ON 14 JULY 1938⁽¹⁾ DEFINING THE FUNCTIONS OF THE INTERGOVERNMENTAL COMMITTEE⁽²⁾

The Intergovernmental Committee having met at Evian, France, from 6 July to 15 July 1938:

1. Considering that the question of involuntary emigration has assumed major proportions and that the fate of the unfortunate people affected has become a problem for intergovernmental deliberation;
2. Aware that the involuntary emigration of large numbers of people, of different creeds economic conditions, professions and trades, from the country or countries where they have been established is disturbing to the general economy, since these persons are obliged to seek refuge, either temporarily or permanently, in other countries at a time when there is serious unemployment; that, in consequence, countries of refuge and settlement are faced with problems, not only of an economic and social nature, but also of public order, and that there is a severe strain on the administrative facilities and absorptive capacities of the receiving countries;
3. Aware, moreover, that the involuntary emigration of people in large numbers has become so great that it renders racial and religious problems more acute increases international unrests, and may hinder seriously the processes of appeasement in international relations;
4. Believing that it is essential that a long-range programme should be envisaged, whereby assistance to involuntary emigrants, actual and potential, may be co-ordinated within the framework of existing migration laws and practices of Governments;
5. Considering that, if countries of refuge or settlement are to co-operate in finding an orderly solution of the problem before the Committee, they should have the collaboration of the country of origin and are therefore persuaded that it will make its contribution by enabling involuntary emigrants to take with them their property and possessions and emigrate in an orderly manner;

16. (a) Welcoming

(1) League of Nations, Official Journal XIXth year, Nos. 8-9: August-September 1948, pages 676, 677; C.244 M.143.1938 XII, Annex.

(2) The Intergovernmental Committee was set up by the Evian Meeting (6-15 July 1938).

6. (a) Welcoming heartily the initiative taken by the President of the United States of America in calling the Intergovernmental Meeting at Evian for the primary purpose of facilitating involuntary emigration from Germany (including Austria), and (b) Expressing profound appreciation to the French Government for its courtesy in receiving the Intergovernmental Meeting at Evian;

7. Bearing in mind the resolution adopted by the Council of the League of Nations on 14 May 1938,⁽¹⁾ concerning international assistance to refugees;

Recommends:

8. (a) That the persons coming within the scope of the activity of the Intergovernmental Committee shall be (1) persons who have not already left their country of origin (Germany, including Austria), but who must emigrate on account of their political opinions, religious beliefs or racial origin and (2) persons as defined in (1) who have already left their country of origin and who have not yet established themselves permanently elsewhere;

(b) That the Governments participating in the Intergovernmental Committee shall continue to furnish the Committee, for its strictly confidential information, with (1) details regarding such immigrants as each Government may be prepared to receive under its existing laws and practices and (2) details of those laws and practices;

(c) That, in view of the fact that the countries of refuge and settlement are entitled to take into account the economic and social adaptability of immigrants, these should in many cases be required to accept, at least for a time, changed conditions of living in the countries of settlement;

(d) That the Governments of the countries of refuge and settlement should not assume any obligations for the financing of involuntary emigration;

(e) That, with regard to the documents required by the countries of refuge and settlement the Governments represented on the Intergovernmental Committee should consider the adoption of the following provision:

In those individual immigration cases in which the usually required documents emanating from foreign official sources are found not to be available, there should be accepted such other documents

(1) See Official Journal, May-June 1938, page 366.

other documents serving the purpose of the requirements of law, as may be available to the immigrant;

and that, as regards the document which may be issued to an involuntary emigrant by the country of his foreign residence to serve the purpose of a passport, note be taken of the several international agreements providing for the issue of a travel document serving the purpose of a passport, and of the advantage of their wide application;

(f) That there should meet at London an Intergovernmental Committee consisting of such representatives as the Governments participating in the Evian Meeting may desire to designate.

This Committee shall continue and develop the work of the Intergovernmental Meeting at Evian and shall be constituted and shall function in the following manner:

There shall be a Chairman of this Committee and four Vice-Chairmen.

There shall be a Director of authority, appointed by the Intergovernmental Committee, who shall be guided by it in his actions. He shall undertake negotiations to improve the present conditions of exodus and to replace them by conditions of orderly emigration. He shall approach the Governments of the countries of refuge and settlement with a view to developing opportunities for permanent settlement.

The Intergovernmental Committee, recognizing the value of the work of the existing refugee services of the League of Nations and of the studies of migration made by the International Labour Office, shall co-operate fully with these organizations, and the Intergovernmental Committee at London shall consider the means by which the co-operation of the Committee and the Director with these organizations shall be established.

The Intergovernmental Committee, at its forthcoming meeting at London, will consider the scale on which its expenses shall be apportioned among the participating Governments.

9. That the Intergovernmental Committee in its continued form shall hold a first meeting at London on 3 August 1938.

ANNEX No. 11

ADDITIONAL PROTOCOL TO THE PROVISIONAL ARRANGEMENT AND TO THE CONVENTION
SIGNED AT GENEVA ON 4 JULY 1936, AND 10 FEBRUARY 1938, RESPECTIVELY,
CONCERNING THE STATUS OF REFUGEES COMING FROM GERMANY, OPENED FOR SIGNATURE
AT GENEVA, 14 SEPTEMBER 1939. (1) (2)

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND, AND THE BRITISH DOMAINS
BEYOND THE SEAS, EMPEROR OF INDIA;

HIS MAJESTY THE KING OF DENMARK AND ICELAND;

Whereas the question has arisen whether, after the union of the
territory

(1) League of Nations, Treaty Series, Vol. CXCVIII, No. 4634.

(2) Application to the following British overseas Territories:

Aden Colony	Federated Malay States:
Bahamas	Negri Sembilan
Basutoland	Pahang
Bechuanaland Protectorate	Perak
British Guiana	Selangor
British Honduras	Unfederated Malay States:
British Solomon Islands:	Johore
Island Protectorate	Kedah
Ceylon	Kelantan
Cyprus	Perlis
Falkland Islands and Dependencies	Torongganu
Fiji	and Brunei
Gambia, Colony and Protectorate	Mauritius
Gilbert and Ellice Islands Colony	Nigeria
Gold Coast:	(a) Colony
(a) Colony	(b) Protectorate
(b) Northern Territories	(c) Cameroons under British Mandate
(c) Ashanti	Nyasaland Protectorate
(d) Togoland under British Mandate	St. Helena and Ascension
Hong Kong	Sierra Leone, Colony and Protectorate
Kenya, Colony and Protectorate	Somaliland Protectorate
Looeard Islands:	Straits Settlements
Antigua	Swaziland
Montserrat	Trinidad and Tobago
St. Christopher and Novis	Uganda Protectorate
Virgin Islands	Windward Islands:
	Dominica
	Grenada
	St. Lucia
	St. Vincent
	Zanzibar Protectorate

territory of the former Federal Republic of Austria with the German Reich, the provisions of the Provisional Arrangement ⁽¹⁾ signed at Geneva on the 4th July 1936 (hereinafter referred to as the "Agreement"), and of the Convention ⁽²⁾ signed at Geneva on the 10th February 1938 (hereinafter referred to as the "Convention"), both relating to the status of refugees coming from Germany, apply to refugees coming from the territory of the former Austrian Republic; and

Whereas it is desired to settle this question;

Have accordingly appointed as their Plenipotentiaries:

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

Sir George Redston WARNER, K.C.V.O., C.M.G., Envoy Extraordinary and Minister Plenipotentiary of His Majesty at Berne.

HIS MAJESTY THE KING OF DENMARK AND ICELAND:

M. William BORBERG, Permanent Delegate to the League of Nations, Envoy Extraordinary and Minister Plenipotentiary;

Who, having exhibited their full powers, found in good and due form, have agreed as follows:

Article 1.

1. The expression refugees "coming from Germany" in Article 1 of the Agreement and in Article 1 of the Convention covers (a) persons, having possessed Austrian nationality and not possessing any nationality other than German nationality, who are proved not to enjoy, in law or in fact, the protection of the German Government; and (b) stateless persons, not covered by any previous Convention or Arrangement and having left the territory which formerly constituted Austria after being established therein, who are proved not to enjoy, in law or in fact, the protection of the German Government.

2. Persons who leave the territories which formerly constituted Austria for reasons of purely personal convenience are not included in this definition.

Article 2.

1. The present Protocol shall not require ratification.
2. It shall remain open for signature on behalf of any Party to the Agreement or Convention until 12 March 1940.

3. After 12 March 1940, it shall be open to accession on behalf of any Party to the Agreement or Convention.

Article 3.

(1) Vol. CLXXI, page 75; and Vol. CLXXXI, page 464, of this Series.

(2) Vol. CXCII, page 59, of this Series.

Article 3.

1. The provisions of Article 1 of this Protocol shall apply as an interpretation of the Agreement for each Party to that Agreement as from the moment that Party signs or accedes to the present Protocol.
2. The provisions of Article 1 of this Protocol shall apply as an interpretation of the Convention for each Party to the Convention as soon as the Convention is in force as regards that Party and that Party has signed or acceded to the present Protocol.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Protocol.

Done at Geneva, this fourteenth day of September, nineteen hundred and thirty-nine, in French and English, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Secretariat of the League of Nations and certified copies of which shall be transmitted to the Governments of all countries on whose behalf either the Agreement or the Convention has been signed or acceded thereto deposited.

United Kingdom of Great Britain

and Northern Ireland:

I sign subject to ratification: *

G. G. WARNER

Denmark:

Denmark:

William BORBERG.

14 September 1939.

* This signature was rendered definitive on 29 November 1939.

ANNEX No. 12

RESOLUTIONS ADOPTED BY THE XIXth SESSION OF THE ASSEMBLY OF THE LEAGUE OF NATIONS, 30 SEPTEMBER 1938, CONCERNING INTERNATIONAL ASSISTANCE TO REFUGEES.(1)

I.

The Assembly,

Having regard to its previous resolutions under which the Nansen International Office for Refugees and the Office of the High Commissioner for Refugees coming from Germany are to cease their activities as from 31 December 1938:

Adopts the following provisions:

1. A High Commissioner of the League of Nations shall be constituted to deal with refugees hitherto coming under the Nansen International Office and the Office of the High Commissioner for Refugees coming from Germany.

2. The High Commissioner's duties will be as follows:

(a) To provide for the political and legal protection of refugees, as entrusted to the regular organs of the League by paragraph 3 of the Assembly's decision of 30 September 1938;

(b) To superintend the entry into force and the application of the legal status of refugees, as defined more particularly in the Conventions of 28 October 1933, and 10 February 1938;

(c) To facilitate the co-ordination of humanitarian assistance;

(d) To assist the Governments and private organizations in their efforts to promote emigration and permanent settlement.

3. The High Commissioner shall report to the Assembly annually on his work.

4. In the performance of his duties:

(a) The High Commissioner shall keep in close touch with the Governments concerned and the competent official bodies, and shall maintain relations with the Intergovernmental Committee in London;

(b) He shall establish contact, in such manner as he may think best, with private organizations dealing with refugee questions.

5. The High Commissioner shall have no power to enter into any legal commitment whatsoever on behalf of the League of Nations; the League assumes no responsibility, legal or financial, in respect of his activities.

6. The High Commissioner shall appoint a Deputy High Commissioner and a small staff to assist him. The Deputy High Commissioner shall not have the same nationality as the High Commissioner.

The High Commissioner shall consult the Governments of the principal countries of refuge as to the need for appointing representatives therein.

Should they

(1) League of Nations, Official Journal, 1938, Special Supplement No. 183, pages 136-138.

Should they agree, he may appoint to those countries representatives ~~approved~~ by them.

Neither the members of the High Commissioner's staff nor the aforesaid representatives or their assistants may be refugees or former refugees.

7. The grant from the League of Nations shall be appropriated for the High Commissioner's administrative expenses, including the emoluments of the Deputy High Commissioner, the staff and the representatives, if any. It ~~may~~ in no case be employed for the relief and settlement of refugees. It shall be fixed by the Assembly year by year.

8. The High Commissioner may accept funds from Governments or private sources; he may likewise accept any sums that may be offered to him by the Nansen International Office for Refugees.

He shall not himself directly provide assistance to refugees, but shall allot the aforesaid funds among such organizations and such official bodies, if any, as he may consider best qualified to administer such assistance.

The accounts in respect of these funds shall be periodically audited by the Auditor of the League of Nations. For the information of the Assembly, the High Commissioner shall include in his annual report a statement of his activities in this field.

9. The High Commissioner and his organization shall have their headquarters in London.

10. The High Commissioner shall be appointed for five years from 1 January 1939.

2.

The Assembly,

Having regard to its resolution No. 1 adopted today concerning international assistance to refugees:

Adopts the following provisions:

1. The High Commissioner's annual salary shall be 45,000 Swiss francs
2. The grant made by the League for the year 1939 under paragraph 7 of the aforesaid resolution is fixed at 224,500 Swiss francs.

3.

The Assembly,

Having regard to its resolutions Nos. 1 and 2 adopted today concerning international assistance to refugees:

Grants to the future High Commissioner an inclusive allowance of 20,000 Swiss francs to cover his expenses and emoluments for the period that will elapse between the date of this resolution and 1 January 1939, when he takes up the duties of High Commissioner.

4. The Assembly

4.

The Assembly,

Having examined the reports of the Governing Body of the Nansen International Office for Refugees (document A.21.1938.XII) and the High Commissioner for Refugees coming from Germany (document A.25.1938.XII):

Expresses its appreciation of the tireless energy and devotion displayed by Judge Hansson, Sir Neill Malcolm, and their assistants, in the performance of their mission for the benefit of the refugees, and tenders to them its heartiest thanks for their distinguished services;

Pays a like tribute to the members of the Managing Committee and the Governing Body of the Nansen Office, who have made an effective contribution to the work of assistance;

And expresses the hope that the utmost possible use will be made by the future High Commissioner of the experience gained by the officials of the Nansen Office and the Office of the High Commissioner for Refugees coming from Germany, and that, if possible, places may be found in the Secretariat of the League of Nations or the International Labour Office for those of whose services the High Commissioner is unable to make use.

5.

The Assembly,

In view of its resolutions Nos. 1, 2 and 3, taken today regarding international assistance to refugees:

Adopts the following provisions:

- (1) Sir Herbert EMERSON, G.C.I.E., K.C.S.I., C.B.E., is appointed High Commissioner of the League of Nations for Refugees;
- (2) This appointment is made for five years as from 1 January 1939.

ANNEX No. 13

AGREEMENT RELATING TO THE ISSUE OF A TRAVEL DOCUMENT TO REFUGEES WHO ARE THE CONCERN OF THE INTER-GOVERNMENTAL COMMITTEE ON REFUGEES, SIGNED IN LONDON, 15 OCTOBER 1946. (1)

The Contracting Governments;

Having examined a Resolution adopted by the Inter-Governmental Committee on Refugees at its Plenary Session on 17 August 1944, relating to the establishment of an identity and travel document for refugees who are the concern of the Inter-Governmental Committee on Refugees,

Having regard to the international measures previously taken in the matter of travel documents for certain categories of refugees,

Convinced of the necessity of taking similar measures on behalf of the refugees referred to in the above-mentioned Resolution, with a view, in particular, to facilitating the movement of these refugees;

Considering that the making of arrangements for the emigration of refugees who cannot be absorbed in the countries in which they have taken refuge is an essential part of the work undertaken for the benefit of the said refugees,

Have agreed as follows:-

Article 1

1. Subject to the further provisions laid down in Articles 2 and 16, a travel document, in accordance with the provisions of Article 3, shall be issued by the Contracting Governments to refugees who are the concern of the Inter-Governmental Committee, provided that the said refugees are stateless or do not in fact enjoy the protection of any Government, that they are staying lawfully in the territory of the Contracting Government concerned, and that they are not benefiting by the provisions regarding the issue of a travel document contained in the Arrangements of 5 July 1922, 31 May 1924, 12 May 1926, 30 June 1928, 30 July 1935, or the Convention of 28 October 1933.

2. The said document will be issued to refugees who apply for it for the purpose of travel outside their country of residence.

Article 2.

As a transitional measure, the document referred to in Article 1 may, at the discretion of the Government concerned, be issued to refugees who, while fulfilling the other conditions laid down by the present Agreement, are not staying lawfully in the territory of the Contracting Government concerned on the date of the coming into force of the present Agreement, provided that they report themselves to the authorities within a period to be prescribed by the Government concerned and which shall not be less than three months.

(1) Agreement concluded at the International Conference convened in London by the Inter-Governmental Committee on Refugees.

Article 3.

1. The travel document referred to in the present Agreement shall be similar to the attached specimen (see Annex).

2. It shall be made out in at least two languages -- French, and the national language or languages of the authority which issues the document.

Article 4.

Subject to the regulations obtaining in the country of issue, children may be included in the travel document of an adult refugee.

Article 5.

The fees charged for issue of the travel document shall not exceed the lowest scale of charges for national passports.

Article 6.

Save in special or exceptional cases, the documents shall be made valid for the largest possible number of countries.

Article 7.

The document shall have a validity of either one or two years, at the discretion of the issuing authority.

Article 8.

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder resides lawfully in the territory of the said authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the former document.

2. Diplomatic or consular authorities, specially authorized for the purpose, shall be empowered to extend, for a period not exceeding six months, the validity of travel documents issued by their Governments.

Article 9.

Each Contracting Government shall recognize the validity of the documents issued in accordance with the provisions of the present Agreement.

Article 10.

The competent authorities of the country to which the refugee desires to proceed shall, if they are prepared to admit him, affix a visa on the document of which he is the holder.

Article 11.

The authorities of the territories to which the present Agreement applies undertake to issue transit visas to refugees who have obtained visas for the territory of final destination.

Article 12.

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

Article 13.

When a refugee has lawfully taken up residence in another territory to which the present Agreement applies, the power to issue a new travel document will be transferred to the competent authority of that territory, to which the refugee shall be entitled to apply.

Article 14.

The authority issuing a new document shall withdraw the old document.

Article 15.

1. The travel document shall entitle the holder to leave the country where it has been issued and, during the period of validity of the said document, to return thereto without a visa from the authorities of that country, subject only to those laws and regulations which apply to the bearers of duly visaed passports.

2. The Contracting Governments reserve the right, in exceptional cases, when issuing the document, to limit the period during which the refugee may return, the said period being not less than three months.

Article 16.

1. Subject only to the terms of Article 15, the present provisions in no way affect the laws and regulations governing the conditions of admission to, transit through, residence and establishment in, and departure from, the territories to which the present Agreement applies.

2. Nor do they affect the special provisions concerning persons coming under the present Agreement in the territories to which it applies.

Article 17.

Neither the issue of the document nor the entries made thereon determine or affect the status of the holder, particularly as regards nationality.

Article 18.

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not confer on those authorities a right of protection.

Article 19.

Travel documents issued before the entry into force of the present Agreement to persons benefiting by the provisions of Articles 1 and 2 shall remain valid until they have expired.

Article 20.

In the event of the transfer to any other international organization of the functions of the Inter-Governmental Committee on Refugees, all the provisions in the Agreement relating to the Inter-Governmental Committee shall be deemed to apply to the said organization.

Article 21. The present

Article 21.

The present Agreement, of which the English and French texts are both authentic, shall bear today's date and shall remain open for signature, in London, by the Governments Members of the Inter-Governmental Committee, and also by non-member Governments.

Article 22.

The Government of the United Kingdom of Great Britain and Northern Ireland is designated as the authority to give notice of each signature and the date thereof to all Governments Members of the Inter-Governmental Committee and to any non-member Governments whose signature has been appended.

Article 23.

1. The present Agreement shall come into force ninety days after it has been signed on behalf of six Governments. ⁽¹⁾

2. In respect of each of the Governments on whose behalf a signature is subsequently deposited, the present Agreement shall come into force ninety days after the date of such deposit.

Article 24.

1. The present Agreement may be denounced by any one of the Contracting Governments after the expiry of a period of one year as from the date on which it came into force, by written notification addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, who shall inform all Governments referred to in Article 22 of each notification, specifying the date of its receipt.

2. The denunciation shall come into effect six months after the date of the receipt of the notification by the Government of the United Kingdom.

Article 25.

1. Any Contracting Government may at any time after the coming into force of this Agreement in accordance with Article 23, declare in writing to the Government of the United Kingdom that the Agreement applies to all or any of its colonies, overseas territories, protectorates and territories under mandate or trusteeship, and the Agreement shall apply to the territory or territories named in the declaration from the date thereof.

2. The participation of any territory to which the Agreement has been applied under the preceding paragraph may be terminated by a notification in writing addressed to the Government of the United Kingdom, and the Agreement shall cease to apply to the territory or territories named in the notification six months after the date of the receipt thereof.

3. The Government of the United Kingdom shall inform the Governments referred to in Article 22 of all declarations received under paragraph 1

/of this Article

(1) The Agreement came into force on 13 January 1947.

of this Article and all notifications received under paragraph 2, and of the date on which such declarations or notifications take effect.

In faith whereof the undersigned have affixed, in the name of their respective Governments, their signatures to the present Agreement.

Done in London, the fifteenth day of October, one thousand nine hundred and forty-six, in French and English, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, and certified true copies of which shall be transmitted to all Governments referred to in Article 22.

Argentina:

FELIPE A. ESPIL.

This signature is ad referendum.

Australia:

Belgium:

A. HERMANT.

Brazil:

MONIZ de ARAGÃO
(Ad referendum.)

Chile:

MANUEL BIANCHI.

Dominican Republic:

A. PASTORIZA.

Ecuador:

HOMERO VITERI LAFONTE.
(Ad referendum.)

France:

M. BAUDOUY.

Greece:

EMANUEL MARGLIS.

India:

S. RUNGANADIAN.

Luxembourg:

A. J. CLASEN.

Netherlands:

J. F. BOER.

Sweden:

J. SETTERVALL.

Switzerland:

O. SCHURCH.

A. FISCHER.

United Kingdom of Great Britain

and Northern Ireland:

C. D. CAREW ROBINSON.

Venezuela:

A. RODRIGUEZ AZPURUA.