

Geneva, October 9th, 1936.

LEAGUE OF NATIONS

INTERNATIONAL ASSISTANCE TO REFUGEES

REPORT SUBMITTED BY THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : Viscount CRANBORNE (United Kingdom).

I.

In conformity with the terms of the resolution of the Council dated January 24th, 1936 (ninetieth session), the seventeenth Assembly of the League of Nations has had the duty of examining the report of the Committee on International Assistance to Refugees, and, in particular, has had the task of considering those parts of that report in which are set forth proposals regarding measures of a permanent nature (document C.2.M.2.1936.XII).

In approving measures of a provisional nature, the Council also instructed the temporary President of the Governing Body of the Nansen International Office for Refugees to present a special report to the Assembly with a revised programme embodying constructive measures to accompany the liquidation of the Office. Furthermore, the mandate which was entrusted to the High Commissioner for Refugees (Jewish and Other), coming from Germany contemplated that a general report on the problem of refugees coming from Germany should be drawn up for the use of the Assembly.

The Committee has thus had the task of examining the proposals and conclusions of the special report drawn up by Judge Hansson, temporary President of the Governing Body of the Nansen Office (document A.27.1936) and the report of Sir Neill Malcolm, High Commissioner for Refugees coming from Germany (document A.19.1936). Furthermore, the Committee has had to take note of the annual report of the Governing Body of the Nansen International Office for Refugees (document A.23.1936).

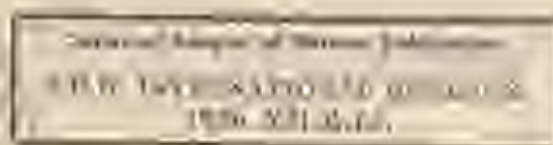
The Committee decided to hear Sir Neill Malcolm and Judge Hansson before opening the general discussion on the reports which had been submitted to it.

Sir Neill Malcolm emphasised that, if the League of Nations decided to continue its action with regard to refugees coming from Germany, it should be sufficient to set up a limited organisation and to provide it with a moderate budget. The principal task of the High Commissioner would be to extend and secure the general adoption of the arrangement which had already been concluded concerning the juridical protection of refugees. In the light of his experience, he had come to the conclusion that the task of the High Commissioner would best be undertaken by a person who was invested with the authority of the League of Nations. He indicated that this was a question for decision by the Assembly. An Advisory Committee of representatives of private organisations concerned with assistance to refugees had been set up, but the Assembly was free to decide whether this Committee should be officially recognised.

Judge Hansson emphasised the tragic situation of the refugees and the disparity between the task which the Nansen Office had to accomplish and the financial resources at its disposal. The economic crisis had reduced the sums which public charity had given to refugee work and governmental assistance had diminished for the same reason.

Judge Hansson was concerned to make it clear that the refugee problem would continue even after the liquidation of the Nansen Office, which it had been decided should take place at the end of 1938. He pointed out the necessity for maintaining beyond that date the international protection of refugees. He also enlarged upon the request for credits which were mentioned in his report ; he drew the attention of the Committee to the position of the refugees from the Saar at present resident in France and proposed that 200 families of Saar refugees should be settled in Paraguay, for which 400,000 Swiss francs would be necessary. Judge Hansson expressed the view that the League of Nations had a responsibility for this category of refugees similar to that which it had assumed for the Assyrians of Iraq, a responsibility which it had recognised by voting for the latter a sum of £86,000.

He also drew the attention of the Committee to the desirability of sending a mission of two persons, a man and a woman, to the Far East, in order to study on the spot the very serious situation of the refugees of Russian origin in that area. In this connection, he recalled the state of refugee women in China, which had already on several occasions been before the League of Nations.



A sum of 15,000 Swiss francs would be required to put this plan into execution.

Turning to the budgetary position of the Nansen Office, the Acting President drew attention to the fact that he would be obliged to submit a request for supplementary credit in the course of the 1937 Assembly, in order to be able to carry out the liquidation of the Office in a satisfactory manner within the time-limit fixed by previous decisions of the Assembly. In this connection, he referred to the conclusion of the report of the Committee on International Assistance to Refugees (document C.2.M.2.1936.XII, pages 7 and 11).

II.

In the course of the general discussion, the delegates of the different countries formulated certain observations on the principles which should be followed by the League in dealing with the question of international assistance to refugees. The principal points of view expressed were as follows :

(a) It was observed in one quarter that it was desirable to establish certain principles in respect of the treatment of the refugee problem by the League of Nations, with a view to making it clear that responsibility for the settlement and relief of refugees did not fall upon the League. These general principles would have to be formulated at the latest by the end of the year 1938, so as to govern the attitude of the League of Nations towards such refugee problems as might persist or arise after the liquidation of the Nansen Office and the Office of the High Commissioner for German refugees.

(b) In other quarters, it was emphasised that the League should look upon the question of refugees as an international problem. International collaboration in this question had a double aspect. It should facilitate the task of Governments and better the condition of the refugees themselves. Moreover, there was a close interdependence between the humanitarian and political aspects of the question, and the problem should be considered, not from individual aspects, but as a whole.

(c) Another point of view put forward was that the refugee question should be settled in conformity with the decisions already taken by the League of Nations. The League had decided that the Nansen Office should be liquidated ; that this liquidation should definitely take place in 1938 ; and that the credits voted by the League for the Nansen Office should be reduced in accordance with a pre-determined plan. The League could not contemplate the increase of these credits except in special cases such as the case of the Saar refugees.

(d) Lastly, the view was expressed that the function of the League in dealing with the refugee problem was inevitably limited. There were three main elements in the problem : status, relief and settlement. The question of status was essentially an international problem. The questions of relief and of settlement depended largely on the economic situation in the countries of refuge and the League could not properly undertake responsibility for them. The League could promote agreement on a common measure of protection and a universal status for refugees which will be necessary for a long time to come ; provide the necessary administrative services for this purpose, and assist, through these services, to some extent in the co-ordination of the efforts of the private organisations in the work of settlement and relief. But it would not be proper to infringe the principle that the League budget should not be asked to provide funds for schemes for the settlement of refugees.

Reference was made in the course of the discussion to the difficulties which were created by the practice of certain States in withdrawing protection from their nationals residing abroad. The hope was expressed that the attention of all countries, both Members and non-members of the League, would be drawn to this serious problem, which might act as a disturbing factor in international relations.

The Committee unanimously recognised that a decision had been taken by the Assembly to liquidate the Nansen Office at the end of 1938. It was unanimous also in thinking that the organisation for dealing with refugees coming from Germany, which had been provisionally established by the Council, should be continued for a period of two years, so that the Assembly would be enabled in 1938 to come to a decision in regard to the problem of refugees as a whole.

It was generally agreed that whatever decision might be taken by the Assembly in 1938 as regards the future action of the League in refugee questions, it would be necessary to promote agreement on the question of the international regime of protection for these two categories of refugees.

In this connection, the Committee was unanimous to recommend that the Governments concerned should adopt the Convention of October 28th, 1933, relating to the International Status of Refugees and the Provisional Arrangement of July 4th, 1936, concerning the status of refugees coming from Germany. The delegate of France announced that his Government had recently ratified the Convention of 1933 and that a decree-law had been promulgated to give effect to the Provisional Arrangement of 1936. The United Kingdom delegate announced the intention of his Government of acceding to the Convention of 1933, and their signature of the Provisional Arrangement. The delegate of Poland made it clear that the adoption of a resolution on this subject by his Government would not imply a modification of their attitude towards the Convention of 1933 and the Provisional Arrangement of 1936. The delegate of the Union of Soviet Socialist Republics declared that, as his Government had not taken part in the negotiation of the above-mentioned agreements and of similar measures, they were obliged to make a general reservation in regard to them. Finally, the Netherlands delegate recalled that his Government was not in a position to adopt the Convention of 1933.

III.

As regards refugees (Jewish and other) coming from Germany, the Committee took note of the conclusions and proposals contained in the High Commissioner's report.

With reference to the proposal that the action of the League of Nations on behalf of refugees from Germany should be continued in its existing form until December 31st, 1938, the Committee unanimously agreed that the limitations of the League's action to a definite period could not be regarded as prejudicing in any way the decision which the Assembly of 1938 might be led to take.

The view was advanced that it was desirable to define more clearly the High Commissioner's task. For instance, it would not be desirable for a representative of the High Commissioner to embark on any initiative with regard to a scheme for establishment and colonisation without his having previously obtained the agreement of the Government concerned. Again, any action by the High Commissioner on such a point ought only to be taken as a result of a request addressed to him by a private organisation. It was further pointed out that a refugee only became a refugee on leaving his country of origin, and that the High Commissioner could, therefore, only enter into negotiation with the Governments of the countries of refuge. In the course of his subsequent reply, the High Commissioner said that he entirely agreed with the above interpretation of the conclusions of his report. He expressed the opinion that his most useful line of action would be to support with the Governments the initiative take by private organisations, if a request for such action on his part was made by those organisations. Moreover, unless the Assembly otherwise directed, he agreed that the High Commissioner should only carry on negotiations with the Governments of countries of refuge.

As regards the problem of organising the High Commissioner's office, the view was expressed that the High Commissioner's task might be facilitated if he were given the assistance of a governing body of limited membership comprising solely representatives of the countries most directly interested. The presence of this body would obviate the need of long negotiations. The additional suggestion was made that there should be attached to the High Commissioner's Office a consultative body composed of representatives of the principal private organisations concerned with giving assistance to refugees, and of refugee organisations.

Alternatively, the suggestion was made that there should be set up a free relationship between the High Commissioner's organisation on the one hand and, on the other hand, an advisory committee of an international character which should be composed of representatives of private organisations. This would result in the establishment of an organisation which would correspond to the different responsibilities with which Governments and organisations concerned with refugees were respectively faced.

As against this, the view was expressed that it would be undesirable to give an official status to the advisory committee of private organisations which was referred to in the High Commissioner's report. Were an official status given to this consultative body, it would be contrary to the principle which had been many times expressed by the Assembly that the League of Nations could not assume a direct responsibility for assisting and settling refugees.

The view was also expressed that it was important to ensure an adequate representation of all the different groups of refugees on the advisory committee, in order to avoid any discrimination between them.

Finally, the question of the personnel of the High Commissioner was also raised. It was suggested that there should be added to the staff proposed an assistant thoroughly conversant with the social and economic conditions of the refugees in the different countries and with the legislation and administration of their country of origin. On this point, the reply was made that it was preferable to leave the question of personnel in the hands of the High Commissioner.

After further discussion, the Committee was of opinion that the recommendations of the High Commissioner in regard to the organisation of his office and of his work should be accepted.

In his reply on the question of the organisation of the High Commissioner's office, Sir Neill Malcolm laid emphasis on the international character of the Advisory Committee which had been set up. This Committee had co-opted representatives of organisations in other countries and he himself saw no obstacle to an enlargement of the membership of the Committee. But the Assembly was free to decide on the character to be given to this Committee. So far as the suggestion for the establishment of a Governing Body was concerned, the High Commissioner would himself prefer that the existing position should be maintained.

IV.

As regards the Nansen International Office, the Committee took note of the conclusions and proposals contained in the special report of the Acting President of the Governing Body.

The view was expressed that a detailed plan should immediately be elaborated, which would ensure the complete and final liquidation of the Nansen Office, in order that the Assembly of 1938 would not find it impossible to execute its previous decision. This plan of liquidation should take into account the observations contained in the report of the Committee on International Assistance to Refugees, which contemplated the

devolution of the tasks of the Nansen Office upon Governments and private organisations. It would be necessary to draw up the plan as soon as possible, in order that it might be submitted to the Council of the League of Nations at its session of January 1937, and subsequently communicated to the Governments of States Members of the League, so that it could be approved by the Assembly at its eighteenth ordinary session.

As regards the remarks made by the Acting President on the subject of the budgetary position of the Nansen Office, it was declared that the credits allocated by the League of Nations to the Nansen Office ought to be reduced in conformity with the plan of liquidation which had been drawn up and approved by the Assembly. The very strict economies imposed by circumstances on the League of Nations did not allow any increase of these credits. Reference was also made to the decision of the Twelfth Assembly regarding the progressive reduction of the Office's expenses, and the report adopted by the said Assembly was quoted as follows: ". . . the Office proposes that budgetary reductions should be accentuated during the last five years of the existence of the Office, thus enabling the Office during the early period of its existence to exert its maximum efforts and accelerate the liquidation of the material side of the refugee problem". It was also reminded that the Sixth Committee of the Twelfth Assembly had considered that the proposals of the Office were sound and reasonable.

On the other hand, it was also pointed out that it would not be possible to keep strictly within the budgetary limits laid down by previous decisions in the event of its proving that such limitation would hamper the liquidation of the Office by the date contemplated.

The request for a credit of 15,000 francs to enable the Nansen Office to send a mission to the Far East with the task of studying the situation of the refugees in that part of the world was a subject of careful examination. The Acting President of the Governing Body emphasised the large number of refugees in that area, and he pointed out that up to the present time the conditions of these refugees had not been adequately studied and that no adequate contact had been established with them. The Sub-Committee finally decided, by twelve votes to two, to transmit the request for credits to the Fourth Committee for favourable consideration. The minority considered that, as the Nansen Office would be liquidated at the end of 1938, the practical results likely to be achieved by the despatch of this mission did not appear to justify expenditure upon it.

The attention of the Committee was also drawn to the fact that the agenda of the forthcoming Conference of Central Authorities in the East, which is to be held at Bandoeng in February 1937, includes the problem of the position of women refugees of Russian origin.

The Committee subsequently took note of the decision of the Fourth Committee that any proposal for new missions should be rejected.

The request for a credit of 400,000 Swiss francs for the settlement of a part of the Saar refugees in France was the subject of a long discussion, in which divergent opinions were expressed. Certain delegations supported this request on the grounds that the League had incurred a special responsibility as a result of international decisions in which the League was concerned. The request might also be supported on the ground of international solidarity. It was further asserted that there was some analogy between the question of the Saar refugees and that of the Assyrians of Iraq.

On the other side, the view was expressed that to grant this credit would infringe the principle which the League had hitherto maintained — namely, that League funds should not be used for the settlement or relief of refugees. As regards the position of the League, it was pointed out that the League, though it had a long connection with the Saar Territory, could not be held to have responsibility for the decision reached in the plebiscite. There was no analogy between this question and the question of League action with regard to the Assyrians of Iraq, and it was recalled that the Assembly, at its last session, had emphasised that the Assyrian question was not a refugee problem but a political problem with a humanitarian aspect. A doubt was further expressed as to the wisdom of transferring inhabitants of a predominantly industrial area to a new home in Paraguay.

The President of the Governing Body understood this latter doubt, but observed that the decision in regard to the settlement of these refugees had been taken prior to his assuming responsibilities for the administration of the Office. He again emphasised the special position of the Saar refugees, in that they were in no way responsible for the situation which had obliged them to leave their native country.

Finally, the Committee, by twelve votes to seven, decided to transmit to the Fourth Committee, for favourable consideration, the request for a credit of 400,000 Swiss francs for the purpose of the transfer and final settlement in Paraguay of 200 families of refugees from the Saar now residing in France. The minority felt that they were unable to depart from the principle that League funds should not be employed for the purpose of settlement and relief of refugees.

The delegate of Bolivia formulated a general reservation to the proposal for settling refugees from the Saar in Paraguay.

On the proposal of the Chairman, the Committee unanimously recommended that a grant of 5,000 Swiss francs should be made to the President of the Governing Body of the Nansen International Office as representation allowance.

The Committee subsequently took note of the decision of the Fourth Committee to increase by 205,000 Swiss francs the grant to the Nansen International Office for the double purpose:

(1) Of giving to the President of the Governing Body of the Office the sum of 5,000 Swiss francs as representation allowance;

(2) Of facilitating the transfer and settlement in South America of Saar refugees residing in France. The Committee, while reaffirming the principle that the League does not accept any responsibility for the settlement and relief of refugees and without creating any precedent, considers that the peculiar position of these justifies the persons proposed grant.

* * *

The Committee proposes to the Assembly the adoption of the following resolutions :

I.

“ The Assembly,

“ Having examined, in the light of verbal explanations, the reports of the Acting President of the Governing Body of the Nansen International Office and of the High Commissioner for Refugees coming from Germany ;

“ Having taken into account the recommendations of the Committee for International Assistance to Refugees :

“ Thanks the Committee for their valuable report, and Judge Hansson and Sir Neill Malcolm for the work which they have done during their term of office.”

II.

“ The Assembly,

“ Having weighed the many elements in the refugee problem ;

“ Having noted that, in pursuance of previous decisions of the Assembly and in conformity with the recommendations of the High Commissioner for Refugees coming from Germany, the organisations created by the League of Nations on behalf of refugees will terminate at the end of 1938 ;

“ Having taken account at the same time of the continuing difficulties of this problem and of the importance of ensuring as soon as possible a uniform regime of legal protection for the refugees :

“ Recommends the Governments concerned to adopt the Convention of October 28th, 1933, relating to the international status of refugees, and the Provisional Arrangement of July 4th, 1936, concerning the status of refugees coming from Germany ;

“ Recommends also that Governments concerned should participate in the negotiation of a Convention for the protection of the refugees from Germany ;

“ Considers, further, that the Assembly should, at the latest at its ordinary session in 1938, determine the general principles which, after that year, should govern the attitude of the League towards the refugee problem as a whole.”

III.

“ The Assembly :

“ Is happy to note that Governments have in certain cases been able to extend to refugees in their territories more liberal treatment than is provided for in the relevant international agreements, and having heard, with appreciation, the declaration made by the French delegation regarding recent measures adopted by the French Government in respect of refugees (legal status, joint committees, labour permits) ;

“ Expresses the hope that all Governments will adopt as liberal an attitude as possible towards refugees in their territories ;

“ Notes, on the other hand, that serious difficulties have been created by the practice adopted in certain countries of withdrawing protection from their nationals abroad ; and

“ Expresses the earnest hope that this practice may be discontinued.”

IV.

“ The Assembly makes the following proposals in respect of the Nansen International Office and the High Commission for Refugees coming from Germany :

“ *Nansen International Office.*

“ The Assembly :

“ Has taken note of the previous decision of the Assembly that the Nansen Office should be liquidated within a specified time and according to fixed budgetary rules, and, in execution of this decision :

“(1) Proposes that a President of the Governing Body of the Nansen Office should be appointed by the present Assembly until December 31st, 1938, with the following duties :

“(a) To carry on the administration of the Office, in accordance with the existing statute, until it has been liquidated, and to organise the activities of the Office during the period of liquidation, with the help of the technical services of the League of Nations ;

“(b) To draw up at an early date and, if possible, to submit to the Council at its next May session a detailed scheme for the liquidation of the Nansen Office ; in any event, the report should be in the hands of Governments before July 31st, 1937, in order that the scheme may be considered at the next ordinary session of the Assembly ;

“(c) To make recommendations in time for consideration by the Assembly at its ordinary session in 1938 on the best method of allocating the tasks undertaken by the Office up to the date of its liquidation in the light of the situation existing at that time ;

“(2) Notes the recommendations of the Acting President in regard to the settlement of different categories of refugees, especially those relating to the transfer of Armenian refugees to Erivan and to the position of the Armenian refugees settled in Syria.

“Approves, while accepting the reservations made by the Fourth Committee, an additional grant of 200,000 Swiss francs to the Nansen International Office for the purpose of facilitating the transfer and settlement in South America of Saar refugees residing in France.

“(3) Recommends that the following proposals of the Acting President should be brought to the notice of Governments for careful consideration :

“(a) The encouragement, so far as circumstances permit, of the naturalisation and absorption of refugees in countries in which they have been resident for many years ;

“(b) The issue of surcharged postage-stamps to assist the Nansen Office in its work ;

“(c) The general application of the principles of the Franco-Belgian Agreement of June 30th, 1928 ;

“*Refugees coming from Germany (Jewish and Other).*

“The Assembly recommends that a High Commissioner should be appointed until December 31st, 1938, for the purpose of liquidating, so far as possible, the problem of refugees coming from Germany, and that the High Commissioner's duties should include, in particular, the following :

“(1) As regards the improvement of the legal status of refugees : to approach Governments in order to obtain their accession to the Provisional Arrangement of July 4th, 1936, and to prepare an intergovernmental Conference for the adoption of an international convention on the status of these refugees ;

“(2) As regards questions of emigration and final settlement : to encourage initiative on the part of private organisations ; to support such initiative by negotiations with the Governments of the countries of refuge ; and, if necessary, to have definite plans for colonisation and emigration studied on the spot, in agreement with the Government concerned ;

“(3) To maintain contact with the various private organisations, in particular through the Liaison Committee of an international character which has already been set up ;

“(4) To submit an interim report to the Assembly at its next ordinary session and, at its session of 1938, to present a report on the situation of the refugees at that moment and on the progress made towards the final solution of the problem, and definite proposals in regard to the future.

“The Assembly :

“Recommends that a suitable appropriation to cover the administrative expenses of the High Commissioner should be provided by the competent organs of the League ; and

“Notes that the sum required for this purpose for the year 1937 amounts to 82,500 Swiss francs.”

V.

“ The Assembly,

“ Having taken note of the report of the Governing Body of the Nansen International Office for the year ending June 29th, 1936 :

“ Expresses appreciation at the satisfactory results of the general application of the Nansen stamp system in France, and hopes that a similar practice will be adopted in all countries ;

“ Again urges Governments not to expel refugees until they have obtained entrance visas for another country ;

“ Requests the Governments of the immigration countries to continue to co-operate with the Office by informing it of the possibilities of settlement in their territories ; and

“ Recommends Governments to consider the advantage of capitalising their expenditure on refugees and of placing such funds at the disposal of the Office for the settlement of refugees.”

VI.

“ The Assembly,

“ In order to give effect to the provisions of the present resolution :

“ (1) In accordance with Article 6 of the Statute of the Nansen International Office for Refugees, appoints Judge Hansson as President of the Governing Body of the Office until December 31st, 1938, and grants him a credit of 5,000 Swiss francs for representation allowance for the year 1937 ;

“ (2) Requests the Council to appoint, in the course of its present session, a High Commissioner for the Refugees coming from Germany (Jewish and other), until December 31st, 1938.”

