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LEAGUE OF NATIONS

REFUGEES COMING FROM GERMANY

REPORT

submitted to the Seventeenth Ordinary Session of the Assembly
of the League of Nations by the High Commissioner, Sir Neill Malcolm.

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INTRODUCTION.

By adopting its Sixth Committee's report on September 28th, 1935, the sixteenth Assembly of the League of Nations provided for certain action to be taken regarding international assistance to refugees.

The problem of Jewish and other refugees coming from Germany had already been raised in the Assembly in 1933. It was then decided that, in the circumstances, a High Commissioner should be appointed by the President of the League Council to negotiate and direct the international collaboration required for the solution of the economic, financial and social problems resulting from the presence of refugees in various countries. This person was not, however, to be under the authority of the League, but was to carry out his duties outside it. Mr. James G. McDonald was subsequently appointed High Commissioner.

At the end of three years, Mr. McDonald sent in his resignation. The admirable work he performed and the findings he reached in the course of his activities are set forth in the letter of resignation which he sent, on December 27th, 1935, to the Secretary-General of the League, and which was referred to the Assembly by virtue of the Council's decision of January 24th, 1936.¹

The Secretary-General submitted the above-mentioned letter, together with the report of the Committee on International Assistance to Refugees, which met at Geneva in November 1935 in accordance with the decision taken by the sixteenth Assembly,² to the Council, which studied the most urgent questions relating to the international assistance of refugees; on January 24th, 1936, it adopted a resolution based on the report of the representative of Ecuador.³ In accordance with this report, which deals both with refugees coming from Germany and those under the care of the Nansen Office, the Council's action in this sphere was of a strictly provisional character. It therefore rests with the Assembly to take a definite decision on the proposals set forth in the above-mentioned Committee's report.

As regards refugees from Germany, the Council was particularly anxious to secure a legal status for those refugees, and, with the assistance of the Governments concerned, to facilitate their employment and settlement. To this end, the Council, taking note of Mr. James G. McDonald's resignation, authorised its President to appoint, with the approval of the Members of the Council, a High Commissioner of the League of Nations to deal, until the Assembly's next session, with questions relating to refugees coming from Germany.

The High Commissioner's duty was defined by the Council as follows:

“(a) To prepare and arrange, in agreement with the Secretary-General, for the meeting of an Inter-Governmental Conference with a view to arranging a system of legal protection for refugees coming from Germany.

“The States Members of the League of Nations, as well as the United States of America and the United States of Brazil, shall be convened to this Conference by the Secretary-General in agreement with the High Commissioner.

“(b) To undertake consultations by the most suitable method with the different Governments regarding the possibilities and conditions of placing refugees and finding employment for them.

“(c) To establish such liaison as he may consider desirable, and in the manner which may appear most suitable, with the private associations dealing with assistance to refugees and with their emigration and employment, the activities of these associations being recognised to be useful by the League of Nations.”

In commenting on the Council Committee's conclusions, the Rapporteur emphasised the following points in particular:

“(i) The action of the League of Nations in favour of refugees should be confined to persons having left their country of origin;

“(ii) The High Commissioner's mission should be confined to seeking the assistance of Governments in order to find solutions for the problems raised in connection with the legal status of the refugees, and to studying the conditions of placing them and finding them employment;

“(iii) The various tasks connected with the assistance of refugees are in the province of the private organisations with which, however, the High Commissioner may set up any system of liaison which he may consider effective.”

The Council authorised its President to appoint, with the approval of the Members of the Council, a High Commissioner of the League of Nations for refugees coming from Germany. I had the honour of being chosen to fill this post, and, as this appointment was unanimously approved by the Members of the Council, I took up my duties on February 14th, 1936.

¹ See document C.13.M.12.1936.XII and Annex.

² See document C.2.M.2.1936.XII.

³ See document A.VI/1.1936.

CHAPTER I. — PRESENT SCOPE OF THE HIGH COMMISSIONER'S TASK.

In dealing with the problem of refugees coming from Germany, there are two separate groups of persons to be considered: first, German Jews who have been obliged to leave Germany as a result of legislative measures taken against them, and, secondly, persons who have left Germany for political reasons. This second category includes both Catholics and Protestants.

According to the information collected both from the Governments concerned and from private welfare organisations, approximately 115,000 persons of German nationality have left Germany since 1933. They include roughly 100,000 Jews. The other 15,000 consist of Christians of non-Aryan origin, political refugees, Catholics and Protestants.

It has been ascertained that, through the good offices of the organisations dealing with them, nearly 30,000 Jews have been able to leave Germany and proceed direct to Palestine or to overseas countries. This category of refugees did not need the High Commissioner's assistance, and he accordingly devoted his attention to the 70,000 Jews and 15,000 persons belonging to other categories. Thanks to the splendid work of Mr. James G. McDonald and the private organisations, nearly 60,000 persons have been assisted with a view to their settlement in the first country of refuge or in an overseas country.

Of the 25,000 persons, therefore, that remain, probably about 15,000 are still in a precarious situation and need the assistance of the League's High Commissioner and of private organisations.

There is reason to hope that it may be possible to settle the Jewish refugees permanently in the comparatively near future, thanks to the joint action of their welfare organisations and the League's agent.

On the other hand, the position of the other refugees will probably continue to be somewhat difficult, as there are not as yet any organisations with sufficient funds for their assistance. It is estimated that 2,000 persons belonging to this category are in urgent need of assistance. Moreover, the number of persons in this group possessing the requisite qualities for settlement in overseas agricultural colonies does not exceed 800.

The most express reservations should be made as regards the accuracy of the foregoing figures. The number of refugees is continually varying, either because some of them emigrate or because the same refugee, in the state of moral and material uncertainty in which he finds himself, applies to various organisations and his name is thus included in the statistics of several, or, lastly, because there are refugees who have entered the territory of a State illegally and do not dare to make known their presence for fear of being expelled or sent back to the German frontier.

Finally, the possibility of a further exodus adds an element of uncertainty to forecasts of the future. Unless there is any appreciable change in the present situation, however, it is safe to say that the number of new refugees each month will be in the neighbourhood of 200. It seems, however, unlikely that the rate at which refugees are leaving Germany exceeds the rate at which they are being placed through the efforts of the High Commissioner and the private organisations.

In its conclusions, the Committee of Experts on International Assistance to Refugees rightly emphasised that a solution of this problem could only be sought on the basis of close solidarity between all States, whose mission varies according to their geographical situation and the extent to which they are able, in present circumstances, to contribute towards the solution of this international problem. It should be emphasised, however, that at the present juncture the possibility of the absorption by certain countries of any considerable number of refugees must be studied with due regard for the political, economic and demographic conditions, so as to enable the refugees to become a stable and prosperous element in the regions where they are allowed to settle permanently.

CHAPTER II. — WORK ACCOMPLISHED.

The High Commissioner's mission, as defined in the Council's resolution of January 24th, 1936, mentioned above, covered three separate tasks. The present survey of the measures adopted has accordingly been divided under three headings.

A. INTER-GOVERNMENTAL CONFERENCE FOR THE ADOPTION OF A LEGAL STATUS FOR REFUGEES COMING FROM GERMANY.

In agreement with the Secretary-General, this Conference was convened for July 2nd, 1936.

The representatives of the following countries took part in its work: Belgium, United Kingdom, Czechoslovakia, Denmark, Ecuador, France, Irish Free State, Latvia, Netherlands, Norway, Poland, Roumania, Sweden, Switzerland and Uruguay.

The United States of America and Finland were represented by observers.

To enable Governments to undertake a preliminary examination of the measures advocated, a draft Provisional Arrangement based on the previous work and, in particular, on the provisions of the Convention relating to the International Status of Refugees concluded at Geneva on October 28th, 1933, was submitted to them by the Secretary-General. This draft first of all defined the term "refugee coming from Germany" and provided for the issue by Governments of a certificate of identity to replace any certificate in the refugee's possession.

As the Nansen passport has proved so satisfactory, the form of the certificate of identity recommended for the Conference's adoption did not differ in any essential respect from the former, except as regards the definition of the refugee coming from Germany.

In addition to certain general rules relating to the question of expulsion and reconduction, the draft also dealt with the personal status of refugees. Although, in this sphere, certain difficulties were anticipated in view of the nature of the draft Arrangement which, in accordance with its preamble, was to be adopted by the signatory States in the form of administrative measures, it was considered advisable to lay down a principle which, in the majority of cases, might serve to remove the uncertainty prevailing in the minds of national administrations.

The Conference began by adopting the agenda submitted for the consideration of Governments, and also took as a basis of discussion the draft Provisional Arrangement referred to above.

During its three days' session, the Conference adopted this Arrangement with various modifications. The final text is attached to the present report. The Arrangement was signed by six Governments: Belgium, Denmark, France, the Netherlands, Norway and Switzerland. As the Danish Government's and the French Government's accessions were not subject to ratification, the Arrangement came into force on August 4th, 1936. The representatives of the other Governments signed *ad referendum*, so that the Arrangement will come into operation in each case as soon as the Secretary-General of the League has received the necessary confirmation. There is reason to hope that the majority of the Governments represented at the Conference will duly accede to the agreement.

While we are happy to note the conclusion of this Arrangement, it should be emphasised that the questions dealt with therein by no means exhaust the whole problem of refugees coming from Germany. The questions relating to the conditions under which permission to work may be obtained and to the various measures of social assistance and welfare (assistance to the sick, to old people, women and children, facilities for study, protection and assistance of workers) have not yet been settled.

Experience has shown that there is not much advantage to be gained from dealing with these questions in a provisional arrangement, since in most countries they are regulated by law and not by administrative measures. In particular, a most interesting exchange of views took place between Government representatives on the question of permission to work.¹

This is a question of fundamental importance from the point of view of the rational liquidation of the problem, since, however long it may take to settle the refugees, they should not all be left on the hands of the welfare organisations which are looking after them. The discussion of the refugees' economic and social rights which took place at the Conference showed that, although Governments are not as yet prepared to conclude a Convention, they are one and all willing to examine this problem in a most liberal spirit.

It should be remembered, however, that at the present time economic conditions compel Governments to act with great caution whenever there is a question of granting rights in this sphere to non-nationals.

B. CONSULTATIONS WITH GOVERNMENTS REGARDING THE POSSIBILITIES AND CONDITIONS OF PLACING REFUGEES AND FINDING EMPLOYMENT FOR THEM.

Before dealing with this part of the work, the High Commissioner wishes to pay a tribute to all the Government representatives whom he had the honour to approach and who were good enough to give favourable consideration to his concrete requests. As a result of these consultations, he submits the following observations: European countries, and more especially countries bordering on Germany, are nearly all suffering from the effects of the world economic depression, and it is difficult, if not impossible, to ask the Governments of those countries to absorb all the refugees in their territories. Certain Governments have even stated that it is impossible for them to receive any more refugees, even temporarily.

On the other hand, there are certain opportunities for placing refugees in overseas countries. Nevertheless, there must be no illusions as to the number of persons who can be settled there. The representatives of the Latin-American Governments and of the Dominions who were consulted stated, however, that they would give the most favourable consideration to any proposal for the settlement and placing of individual refugees. To this end, definite information will have to be supplied so as to enable Governments to select persons who are capable of adapting themselves to the living conditions in the country concerned.

The position of non-Jewish refugees appears to be more difficult, owing to the lack of sufficient funds to cover the cost of their emigration and settlement, which is considerable.

¹ See in Appendix 2 the statement made by the French Government's representative.

Nevertheless, the favourable attitude of the Governments of the countries concerned regarding the immigration of this category of refugees, and the new scheme for their assistance which is being organised, encourage the hope that it will be possible to remedy this situation. Negotiations in regard to a colonisation scheme of this kind are already in train with the Colombian Government.

Considerable progress has already been made as regards the settlement of Jewish refugees. The number of refugees settled in Palestine amounts to approximately 800 persons a year. This figure does not include Jews from Germany proceeding direct to Palestine without any previous stay in another country. According to the competent authorities whom the High Commissioner consulted, Palestine should be able, unless the strained situation due to recent events continues, to absorb each year the number of refugees mentioned above.

In addition to the emigrants to Palestine, nearly 200 Jewish refugees are leaving Europe each month in order to settle in overseas countries.

In conclusion, given the necessary funds, it should be possible to find a satisfactory solution for the problem of the settlement of refugees possessing the qualifications required to enable them to adapt themselves to living conditions in overseas countries.

C. LIAISON WITH PRIVATE ASSOCIATIONS ASSISTING REFUGEES.

Both the Committee of Experts on International Assistance to Refugees and the Council devoted their attention to co-ordinating the work done by welfare organisations. It was, in fact, essential to obtain the effective and practical collaboration of refugee organisations.

In pursuance of the Council's resolution, a Circular Letter was sent to private welfare organisations informing them of the Council's action and requesting them to make suggestions with a view to the co-ordination of their work.

A very simple system of liaison has been adopted on the basis of the replies from the organisations consulted.

In the case of the Jewish organisations, a very valuable contribution to the relief work has been made, liaison with these organisations having been established through Sir Herbert Samuel, Chairman of the Council for German Jewry.

In the case of the organisations of the assistance of non-Jewish refugees, liaison has been established through the Bishop of Chichester, Chairman of the International Christian Committee for Refugees from Germany, whose object is to assist non-Aryan Christian refugees, political refugees and Catholics and Protestants.

Carrying on the work of co-ordination and liaison, the High Commissioner also recommended the formation of an Advisory Committee of the private organisations assisting refugees for the purpose of co-ordinating the efforts of Jewish and non-Jewish organisations and thus ascertaining the urgent and general needs of all refugees. This Committee has been set up in London under the chairmanship of Sir Herbert Samuel.

The national committees constituted in the various countries will be invited to take part in its work. It will thus be possible for all questions of general interest to refugees coming from Germany, and particularly the problems of placing them and finding employment for them, to be discussed by this Committee, which can, if necessary, be enlarged still further.

The list of measures adopted by the High Commissioner would be incomplete without a mention in this chapter of a Circular Letter sent to private organisations asking them for as definite information as possible, with a view to a census of all refugees, dealing in particular with the occupations they are able to follow. The lists drawn up on the basis of this information could be submitted to Governments of overseas countries which are in a position to encourage the settlement either of individuals or of groups of refugees coming from Germany.

CHAPTER III. — SUGGESTIONS FOR THE FUTURE.

I. NECESSITY FOR FURTHER ACTION.

Being anxious not to anticipate in any way the decisions to be taken by the Assembly, the Council, at its ninetieth session, merely adopted certain provisional measures of an urgent nature. Under the Council's resolution, my mission comes to an end at the beginning of the present session of the Assembly. Consequently, so far as the problem of refugees coming from Germany is concerned, the Assembly is entirely free to reconsider the whole question, and to decide, in particular, whether the League of Nations' action in this domain should be continued and, if so, how. In this connection, the Assembly might also be led to consider the advisability of reappointing a High Commissioner for Refugees coming from Germany, and the definition of his duties.

The High Commissioner has ventured to anticipate the Assembly's wishes to the extent of submitting to it certain observations on these problems as a whole. His suggestions and proposals are based largely on the findings of the Committee of Experts on International Assistance to Refugees, and on his own recent experience in the discharge of his duties.

As indicated above, the first question to be settled is whether, in principle, inter-Governmental action within the framework of the League should be continued. The Assembly will doubtless recall that only since the beginning of 1936 has the League of Nations assumed any direct responsibility in connection with refugees coming from Germany. Various considerations would seem to militate in favour of continuing international action in this sphere. All Governments will benefit by a rapid and rational settlement of this complex problem, which calls for an international co-ordination of the measures taken by national authorities. Moreover, the information contained in the present report concerning the number of refugees and their requirements would seem clearly to demonstrate the urgent need of continuing the High Commissioner's official action, both as regards the legal protection of refugees and the problem of their settlement.¹

A. *Efforts to improve the Legal Status of Refugees.*

The conclusion of a Provisional Arrangement concerning the Legal Status of Refugees is certainly a first and very important step towards the establishment of an international legal regime. Nevertheless, efforts must be continued if a satisfactory solution is to be found for this urgent problem. It is to the interest of all the Governments concerned that the various measures provided for in the Arrangement should be applied in as uniform a manner as possible. Further steps should be taken to induce those interested countries which have not yet acceded to the agreement, to do so.

Moreover, the High Commissioner, in a previous chapter of the present report, has emphasised the importance that should be attached to the economic and social rights of refugees. In this connection, he mentioned opinions expressed by Government delegates during the Inter-Governmental Conference concerning the desirability of concluding a Convention which, besides embodying the points contained in the present Provisional Arrangement, would also contain clauses concerning access of refugees to the labour market and assistance and social welfare.

The observations sent in on this subject have shown that the problem is not yet mature, but that the interested administrations are prepared to give careful consideration to any useful proposals that the High Commissioner may submit to them.

The High Commissioner's consultations have also shown that certain Governments are ready to grant refugees whatever facilities they can in the social and economic sphere, though they are not, for the moment, prepared to assume any fresh responsibilities under an international Convention. It would seem desirable, therefore, that the agent of the League of Nations should carefully note the action taken by national authorities in order that he may, in due course, have at his disposal all the data he requires to enable him to make definite proposals for conferring on the refugees from Germany the benefits of provisions similar to those contained in the 1933 Convention in favour of Russian and Armenian refugees.

Consequently, steps should be taken to prepare a Conference for the adoption of a Convention of this kind. The Conference would be convened by the High Commissioner in agreement with the Secretary-General at such time as might appear to him to be most propitious for securing satisfactory results. Moreover, the preparations might be gradual, so that the Assembly might have laid before it at its 1937 session the results of preliminary consultations on the subject.

B. *Efforts with a View to the Final Settlement of the Refugees.*

In addition to the legal protection of refugees, endeavours to settle them in overseas countries also necessitate the intervention of a duly accredited agent of the League of Nations.

This effort of emigration and settlement must be conceived in such a way as to benefit both the refugees themselves and the Governments which are prepared to receive them. The problem is one of securing, by direct negotiations with Governments, permission for the refugees to settle in some country provisionally or permanently, as well as the necessary facilities and authorisations, so that refugees may be encouraged to prepare for emigration to countries of colonisation and of obtaining for them in those countries the maximum safeguards possible.

A careful study of this question seems to show that it would be useful for a person duly empowered by the League of Nations to enter into negotiations with the interested Governments as soon as a definite scheme of emigration has been submitted to him.

There can be no doubt that a High Commissioner could give effective support to the negotiations of private organisations with certain Governments, without in any way losing sight of the legitimate interests and views of the Governments themselves.

¹ See also on this subject, in Appendix 3, the text of the resolution adopted by the International Labour Conference at its twentieth session and forwarded by the Director of the International Labour Office on July 4th, 1936.

The action of the League of Nations' representative would be limited to such negotiations, because he would not, in any case, be instructed to collect or administer the funds required for colonisation and emigration schemes, or to assume responsibility for their execution.

C. *Liaison with Private Associations assisting Refugees.*

In the previous chapter, the importance of maintaining regular contact with private organisations was demonstrated. These organisations have on several occasions expressed the hope that some person duly accredited by the League of Nations and enjoying the confidence of the Governments concerned should be placed in a position which would enable him, in conjunction with them, to push forward the work of assistance. They have further said that they would view with the deepest regret any step on the part of the League that might result in terminating the co-operation which has been established between them and the League's representative.

Without any direct interference in their affairs, a High Commissioner could encourage their activities and co-ordinate their efforts in order to prevent overlapping and the dispersal of effort.

It would, moreover, be his duty to see that those categories of refugees—in particular, the non-Jewish refugees—who are in some ways less fortunate than the Jews should benefit by the general efforts being made to help all exiles.

It would also be his duty to see that relations with the associations take such a course that, when the League's action comes to an end, these associations may be able to continue the remaining work as effectively as possible.

The foregoing considerations tend to show that the League of Nations should not deal—as, indeed, it has not up to the present—with specific cases. Its task is to encourage humanitarian action but not itself to undertake such action.

2. ADMINISTRATIVE PROVISIONS.

On the basis of the above statement of the work which remains to be done within the framework of official action in order to secure the satisfactory winding-up of the problem of refugees coming from Germany, it is possible to consider the administrative steps that will be necessary to carry out the suggested plan of action.

It is fairly safe to assume that, by methodical effort and in the absence of unforeseen circumstances, it will take two years to reabsorb these refugees and ensure their settlement, their immigration and the assimilation of some of them in the countries in which they have taken refuge, and their preparation for other employment. The work should therefore be practically finished by the end of 1938, so that its termination will coincide with the final liquidation of the Nansen International Office.

The adoption of parallel plans for liquidating the two branches of the League's activity on behalf of the refugees has the distinct advantage that it will enable the 1938 Assembly to reach a decision regarding the whole problem on the basis of methodically prepared data.

The adoption of a two years' plan would involve two series of measures: one in connection with the actual solution of the problem, and the other connected with the preparation of the steps to be taken both by Governments and by private associations when the League's action ceases.

The League of Nations programme during the next two years, as described and defined above, should not involve any extensive administrative organisation.

It would seem advisable that some official representative of the League, empowered to act on behalf of the League, should be instructed to carry out the plan, but this need not mean the creation of expensive administrative services.

The appointment of a High Commissioner by the Assembly for a period of two years and three months—*i.e.*, until December 31st, 1938—would probably be adequate in itself.

The credits allocated to the High Commissioner would be a matter for the Assembly itself to decide each year. The choice of the place of residence of the High Commissioner might be left to his discretion. General considerations, however, seem to make it desirable that he should have his headquarters outside Geneva. The High Commissioner would, in 1937, have to submit a report to the Assembly, and would at that moment ask for further instructions for the last year until the liquidation of the undertaking at the end of 1938.

In the light of experience acquired since the beginning of the year, and taking into account the programme of its activities outlined above, it would not seem that the personnel at the High Commissioner's disposal and recruited by him need be very substantially increased.

The High Commissioner, however, should be allowed entire freedom to appoint special experts to study on the spot schemes for the settlement of refugees in overseas countries. Credits for these missions have been provided for in the draft budget annexed to the present report.

The High Commissioner might, moreover, make very considerable use of the technical assistance of the League of Nations—*i.e.*, of the Secretariat for legal, administrative and other questions; of the International Labour Office in the matter of finding employment and emigration questions; and of the Intellectual Co-operation Organisation for the finding of employment for intellectual workers, students, etc.

The High Commissioner of the League of Nations, appointed by the Assembly, would enjoy diplomatic immunity in the exercise of his functions, and would be guaranteed all necessary assistance by the Secretary-General for the purpose of approaching Governments.

The High Commissioner would, however, be solely responsible for deciding the ways and means of co-operation with the private associations.

* * *

The foregoing goes to show that, barring unforeseeable circumstances, the problem of refugees coming from Germany, though difficult, can be solved; or, at any rate, its gradual solution may be prepared during the course of the next two years with a view to the winding-up of official international action. It is important that the work should be carried out under the auspices of the League of Nations and with the aid of the League's technical organs.

It is also important that the League's intervention should, from the outset, be limited in time, and be conceived and carried out with a view to securing a complete and prompt solution of the problem.

CONCLUSIONS.

In order to prepare the way for the Assembly's discussions, the proposals set out in Chapter III of this report may be summarised as follows:

1. Continuation of the action of the League of Nations in favour of refugees coming from Germany until December 31st, 1938. The Assembly, at its 1938 session, would be called upon to re-examine the whole refugee problem in the light of the proposals of the Committee of Experts on International Assistance to Refugees.

2. Appointment for the same period—*i.e.*, until December 31st, 1938—of a High Commissioner having the status specified in the proposals put forward in Chapter III, Section 2.

3. The High Commissioner's duties would include, in particular, the following:

(a) 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; preparation of an inter-Governmental conference for the adoption of a Convention on the Status of Refugees;

(b) As regards questions of emigration and final settlement: when necessary, to have definite plans for colonisation and emigration studied on the spot and to encourage initiative on the part of private organisations by negotiations with the interested Governments;

(c) To maintain contact with and co-ordinate the work of private relief organisations in order to avoid overlapping, and to see that the activities of these associations are carried out on such lines that they will be able to continue independently the work on behalf of refugees after the cessation of official action by the League of Nations;

(d) In order that the Assembly may examine anew the problem of refugees coming from Germany at the end of the period of two years, the High Commissioner would be instructed to submit to the Assembly, at its 1938 ordinary session, a report on the situation of the refugees at that moment, the progress made towards the final solution of the problem, and definite proposals for the future.

4. To consider the inclusion in the budget of the League of Nations of the appropriations required to cover the administrative expenses connected with the High Commissioner's work, on the basis of £4,850 per annum.¹

Appendix 1.

PROVISIONAL ARRANGEMENT CONCERNING THE STATUS OF REFUGEES COMING FROM GERMANY.

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 I. — For the purposes 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

¹ See Appendix 4 (I and II).

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.

Issue and Renewal.

Article 2. — 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 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 authorised 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 16 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 national passports.

It is recommended that, when certificates are issued to destitute persons, no charge whatever shall be made.

Effects.

Article 3. — 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 authorised to reside in a country may not be subjected by the authorities of that country to measures of expulsion or sent back to 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 to 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.

Determination of the Law governing the Personal Status of Refugees.

Article 5. — 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.

Rights acquired under the National Law.

Article 6. — 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.

Right to appear before the Courts as Plaintiff or Defendant.

Article 7. — 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, oversea 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, oversea 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.

DONE at Geneva the fourth day of July, one thousand nine hundred and thirty-six, in a single copy, which shall be kept in the archives of the Secretariat of the League of Nations, and of which certified true copies shall be given to all the Members of the League and to the non-member States referred to in Article 8.

Annex to the Arrangement.

IDENTITY CERTIFICATE FOR REFUGEES FROM GERMANY.

(Valid for one year.)

Certificate issued in accordance with the Inter-Governmental Arrangement of July 4th, 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: Number: 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

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.



RECOMMENDATION ADOPTED BY THE CONFERENCE.

The Inter-Governmental Conference considers that it would be highly desirable for the regime provided for in this Provisional Arrangement to come into force as soon as possible.

With this in view, it recommends such Governments as may require parliamentary sanction for certain parts of the Arrangement nevertheless to put into effect without delay those parts thereof which can be put into effect by purely administrative decisions.

Appendix 2.

STATEMENT MADE BY THE REPRESENTATIVE OF FRANCE AT THE SIXTH MEETING OF THE INTER-GOVERNMENTAL CONFERENCE FOR THE ADOPTION OF A STATUS FOR REFUGEES COMING FROM GERMANY, HELD AT GENEVA FROM JULY 2ND TO 4TH, 1936.

The French Government regards the undertakings which it is about to assume as applying to persons who are at the present moment refugees. It could not—any more than any other Government—blindly assume obligations which it could no longer discharge if the number of future refugees increased beyond the absorption capacity of countries of refuge.

It was not for the present Conference to foresee hypothetical eventualities. It would be failing in its mission if, by thoughtless promises, it encouraged emigration movement which in the end would aggravate the present general economic unrest.

Its object is to face present realities and try to stabilise them as much as possible.

The French Government is willing to make a very great effort in this direction; not only does it accept the provisions proposed to the Conference by Sir Neill Malcolm, but, in order to prevent individuals being placed in situations which are extremely distressing and to restore to refugees, together with the right to work, a sense of their dignity and independence, it is prepared to give the most generous consideration to all applications for labour permits addressed to it by refugees who have obtained the certificate which the Conference has just instituted.

Appendix 3.

RESOLUTION CONCERNING GERMAN EMIGRATION ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE AT ITS TWENTIETH SESSION.

Whereas, for more than three years, thousands of persons have left Germany for political or racial reasons;

Whereas these events have had a serious effect, especially in the countries in which these emigrants have sought refuge, and particularly in the countries bordering on Germany where the economic depression is serious, and the position of the labour market has in consequence become more acute;

Whereas the solution of the manifold problems to which this intensive German emigration gives rise closely concerns the International Labour Organisation:

The Conference requests the Governing Body to instruct the International Labour Office to follow the situation with the closest attention and expresses the earnest hope that the 1936 session of the Assembly of the League of Nations will take all the necessary steps to arrive at satisfactory and final solutions of the problems to which the situation gives rise;

And decides to transmit this resolution to the Assembly of the League of Nations.

Appendix 4.

I. DRAFT ADMINISTRATIVE BUDGET OF THE HIGH COMMISSIONER FOR REFUGEES COMING FROM GERMANY FOR A PERIOD OF THREE MONTHS (OCTOBER 1ST TO DECEMBER 31ST, 1936).

1. High Commissioner:	£
Monthly fee (£100 per month)	300
Subsistence allowance (18 days at 60 Swiss francs per day).	70
Travelling expenses	70
2. Expert for the study of the emigration and settlement schemes.	200
3. High Commissioner's assistant:	
Salary	92
Subsistence allowance (18 days at 33.50 Swiss francs per day)	40
Travelling expenses	70
4. Office expenses (rent, minor staff, etc.)	175
5. Miscellaneous	50
Total	£1,067

II. DRAFT ADMINISTRATIVE BUDGET OF THE HIGH COMMISSIONER FOR REFUGEES COMING FROM GERMANY FOR THE FINANCIAL YEAR 1937 (JANUARY 1ST, 1937, TO DECEMBER 31ST, 1937).

1. High Commissioner:	£
Monthly fee (£100 per month)	1,200
Subsistence allowance (90 days at 60 Swiss francs per day)	350
Travelling expenses	350
2. Expert for the study of the emigration and settlement schemes.	1,100
3. High Commissioner's assistant:	
Salary	365
Subsistence allowance (90 days at 33.50 Swiss francs per day).	200
Travelling expenses	350
4. Office expenses (rent, minor staff, etc.).	700
5. Miscellaneous	235
Total	<u>£4,850</u>



