

SECTION I

**Historical survey and analysis of international action previously
taken in connection with the issue of an identity and travel
document to refugees or to persons without nationality
or of doubtful nationality.**

The measures taken in the international sphere¹ since the end of the last war as regards special identity and travel documents are described in the following pages. The Commission of Experts will therefore be in a position, when pursuing its task and making its decisions, to take into consideration the experiments already carried out, the resolutions adopted and the results achieved.

As a result of the far-reaching changes which took place in the status of Europe immediately after the 1914-1918 conflict and during the post-war period, a great many people became separated from the countries of which they were nationals and, in many cases, lost their nationality without being in a position to recover it or to acquire a new nationality within a relatively short space of time. These stateless persons did not, as a rule, possess the identity papers required by the laws of the country in which they were residing, and their freedom of movement was, in consequence, seriously restricted.

In order to meet this situation, the Governments, under the auspices of the League of Nations, took various measures relating to the issue of identity and travel documents. One of the two following methods was employed for this purpose, according to circumstances :

(a) In respect of certain specified categories of refugees placed under the protection of the League of Nations (e.g. Russians, and, later on, Armenians, Saarlanders, Germans and Austrians), internationally recognised travel documents

¹ The measures taken regarding travel documents for stateless persons were not confined to the international sphere. Before any international measures were adopted, various Governments had had to face this problem and had reached a favourable solution. For instance, in urgent and special cases, certain Swiss cantons issued passports to stateless persons; the Prussian law of 1st December, 1892, authorised, in some cases, the issue of passports to stateless persons, and the Austrian authorities issued a " passport for aliens " to persons who did not possess a national passport.

were established by various intergovernmental arrangements and two conventions.

(b) In respect of persons without nationality or of doubtful nationality, who did not belong to any specified category of refugees, the Conference on the International Régime of Passports, which met in Geneva in May 1926, considered it desirable to grant certain facilities for travelling. The Conference therefore adopted a Resolution requesting the League of Nations "to prepare, with the assistance of experts of those States most immediately concerned, a draft arrangement based upon the principle of the introduction of an internationally recognised identity document". This Resolution was referred to the competent League of Nations bodies, whose work on the subject led to the adoption, by the Third General Conference on Communications and Transit, which met in 1927, of four Recommendations regarding "the issue of a uniform type of document, to persons who are without nationality or of doubtful nationality in consequence of the war or of causes arising directly out of war, the non-delimitation of frontiers, or a conflict of laws, pending the international settlement of this matter".

The two methods mentioned above are analysed in detail in the following paragraphs.

(A & B) SPECIFIED CATEGORIES OF REFUGEES PLACED UNDER
THE PROTECTION OF THE LEAGUE OF NATIONS

(A) *Russian and Armenian refugees, assimilated categories,
and Saar refugees*

(I) *Arrangement of 5th July, 1922.*

In its resolution of 27th June, 1921, the League of Nations Council, on the basis of M. Hanotaux's report, declared itself in favour of the appointment of a High Commissioner for Russian refugees. On 20th August, 1921, Dr. Nansen was appointed High Commissioner.

One of the problems most urgently requiring Dr. Nansen's attention was that of issuing a special identity and travel

document to Russian refugees, of whom there was a relatively large number in various countries, particularly in countries bordering on Russia. It was impossible to return these refugees to Russian territory, as the Soviet Government had declared that they had forfeited their Russian nationality.

On the other hand, the countries of refuge could not allow them to stay indefinitely, since they were themselves in the throes of the economic crisis brought about by the 1914-1918 war. The only solution was for the refugees to emigrate to countries less affected by the crisis, where they would have a better chance of finding employment. But they possessed no valid identity and travel documents, and even if special documents were issued to them by the authorities of the countries which had granted them temporary sanctuary, these documents were, in most cases, not recognised by the authorities of the countries to which they wished to go.

The question of travel documents was examined at a Conference of representatives of the Governments concerned, which was convened in Geneva on 22nd August, 1921, by the International Labour Organisation — at a second Conference of Government representatives which met in September 1921 — by an Advisory Committee representing private Russian organisations — and at special conferences, held in Paris, in which representatives of the High Commissioner and experts appointed by various Russian organisations took part. In a report submitted to the League of Nations Council on 24th March, 1922, Dr. Nansen proposed a form of identity certificate for issue to Russian refugees. In its Resolution of 25th March, 1922, the Council drew the attention of the Governments to the necessity of taking steps in conformity with Dr. Nansen's proposals. The replies received from the Governments did not enable the Council to adopt a resolution, and the question remained pending. In consequence, the Advisory Committee of private relief organisations, which met in Paris on the 29th and 30th May, 1922, requested the High Commissioner to continue his efforts to reach a settlement of the question of identity certificates, and asked him to summon another inter-governmental conference, in accordance with the French Government's proposal.

Dr. Nansen therefore convened an intergovernmental conference, which met in Geneva from 3rd to 5th July, 1922, under the chairmanship of Dr. van Hamel. The work of this conference resulted in the Arrangement of 5th July, 1922, regarding special identity certificates for Russian refugees, to be issued by the authorities of the State in whose territory the refugee resided. This document was afterwards commonly called the "Nansen passport". The main provisions of the Arrangement were as follows :

The certificate was to be issued to Russian refugees " who should apply " for it ¹. It should not infringe the laws and regulations in force in each State with regard to the control of foreigners. It should not in any way affect special regulations with regard to persons of Russian nationality, including those who had lost that nationality without acquiring another. The State which issued the certificate was alone qualified to renew it so long as the refugee concerned continued to reside within its territory. The certificate would cease to be valid if the bearer at any time entered Russian territory. The Arrangement provided for the bearer's admission into the country which he wished to enter if the authorities of that country affixed their visa directly on the certificate, or if they regarded it as a document containing proof of identity, the production of which would enable their Consuls to issue a new certificate authorising the bearer to cross the frontier. The Arrangement also stipulated that the States concerned would grant transit visas, subject to the regulations in force in these States, and on condition that the refugee had obtained the visa of the country of final destination. The text of the certificate was to be in at least two languages : the national language of the issuing authority and the French language, in accordance with the provisions of the Paris Conference of 21st October, 1920. The certificate was to be issued free of charge to destitute persons, except in the event of legal provision to the contrary.

¹ In this respect, the Arrangement took into consideration a memorandum submitted by a group of Russian lawyers. This memorandum maintained that the identity document should be issued only to those refugees who applied for it of their own accord, and should not be compulsory for refugees who already possessed documents guaranteeing them all necessary facilities.

Finally—and this was one of the most important features of the Arrangement of 5th July, 1922, and one which greatly diminished the value of the Nansen certificate as compared with national passports—the grant of the certificate did not in any way imply the refugee's right of return. A refugee who left the country in which the certificate had been issued could not return thereto unless special permission to do so had been granted by the competent authorities and a statement to that effect entered on the document.

In order to expedite the entry into force of the Arrangement, a very flexible procedure was adopted. The Arrangement, signed by the representatives of the Governments which had taken part in the Conference convened by the High Commissioner on 3rd July, 1922, was submitted, together with the specimen certificate, to the Members of the League of Nations, as well as to non-member States. It was recommended that these States, both Members and non-members, should adopt the Arrangement and specimen certificate and notify their acceptance to the Secretary-General of the League of Nations at the earliest possible date. In view of the urgency of the matter, they were requested to advise the Secretary-General of the date on which they would put the Arrangement into effect.

In its Resolution of 20th July, 1922, the Council of the League asked all Governments concerned to adopt this Arrangement and specimen certificate. Moreover, the Third League of Nations Assembly, in a resolution dated 28th September, 1922, approved the régime thus set up in favour of Russian refugees, and requested the Council to draw the attention of League Members to the importance of this question.

The Nansen certificate for Russian refugees, thus established by the Arrangement of 5th July, 1922, was adopted by 53 countries. One particularly important acceptance of the Arrangement of 5th July, 1922, must be mentioned—that of Germany, a country which was not a League Member, and which had granted refuge to several hundred thousand Russian refugees.

(2) *Arrangement of 31st May, 1924.*

There were 320,000 Armenian refugees scattered throughout various countries, particularly Greece and Syria. In pursuance

of a request received from the Armenian National Delegation, the Council of the League, in its Resolution of 28th September, 1923, asked the High Commissioner for Refugees to examine the question of granting identity certificates to these refugees.

In order to give effect to this resolution, Dr. Nansen submitted, on 31st May, 1924, a plan for the issue of an identity certificate to Armenian refugees, for the consideration of League Members and other Governments concerned.

The plan of 31st May, 1924, was largely a reproduction of the Arrangement of 5th July, 1922. Reference will therefore be made only to the points on which it actually differs from the latter (paragraph 17) or regarding which it showed a tendency towards an even more favourable attitude to refugees (paragraph 18).

(a) The beneficiaries were defined, somewhat vaguely, as "persons of Armenian origin"¹.

(b) The certificate ceased to be valid if the bearer entered Turkish territory.

(c) With regard to the question of procedure, the plan contained a statement not included in the 1922 Arrangement, namely that, if the notification of acceptance indicated no particular date for putting the plan into effect, the latter would come into force as from the date of receipt of the above notification by the Secretary-General.

(d) There was a clause referring to the recognition, by the Governments adopting the Arrangement, of the certificates issued by other Governments adhering thereto. No such clause had been included in the Arrangement of 5th July, 1922.

In two respects, without modifying the stipulations of the 1922 Arrangement or actually introducing new clauses, the Arrangement showed a tendency towards the adoption of a more generous policy towards refugees.

(a) With regard to the validity of the certificate, there was no clause specifying a definite period, but the statement :

¹ The Arrangement of 12th May, 1926, was later to give a more precise definition of the beneficiaries of the Arrangements of 31st May, 1924, and 5th July, 1922.

“ A minimum period of two years is suggested ”, appeared on the specimen certificate.

(b) As regards the extremely important question of the right to return, the two following points also indicate a certain change of attitude :

(aa) Although Article 3—like the corresponding Article of the 1922 Arrangement—stipulated that the grant of the certificate did not confer on the holder the right to return to the State where he had obtained it, without the special authorisation of that State, the addition of the statement : “ Governments are, however, recommended to grant such authorisation in all cases where there are no special reasons to the contrary... ” marked a step forward.

(bb) The specimen certificate—unlike that introduced by the 1922 Arrangement—had a space reserved for an entry indicating the granting of such special authorisation.

None of the Governments having requested that a conference be convened for the purpose of examining the High Commissioner's plan, the Council of the League decided to consider the latter as a definite Arrangement, and asked the Governments to signify their official acceptance. This agreement therefore contains no official instrument signed by the representatives of the Governments. Thirty-five Governments adhered thereto by means of a formal declaration addressed to the Secretary-General of the League of Nations.

(3) *Arrangement of 12th May, 1926.*

In actual practice, the system established by the two Arrangements previously described was found to possess a number of disadvantages. In conformity with a resolution adopted by the Sixth Session of the Assembly of the League of Nations, the Council requested the High Commissioner for Refugees to convene an intergovernmental conference with a view to making the amendments which experience had shown to be necessary. This conference, which was attended by dele-

gates of 25 Governments, met in Geneva from 10th to 12th May, 1926, and drew up the Arrangement of 12th May, 1926, subsequently adopted by 23 Governments.

This Arrangement supplemented and amended the 1922 and 1924 Arrangements, particularly as regards the following points:

(a) It has been seen that the Nansen certificate did not confer on the holder the right to return to the country where the certificate had been issued, unless this right of return was expressly mentioned on the document. However, the experience of previous years had shown that many States were unwilling to affix entrance visas on documents which did not guarantee the holder's right of return, and, in consequence, the free movement of refugees seeking a place of permanent settlement in Europe was restricted.

The Arrangement of 12th May, 1926, put an end to this situation by means of a clause which differed entirely from the corresponding clauses of the 1922 and 1924 Arrangements. Whereas, in the 1922 and 1924 Arrangements, the right of return had been mentioned merely as an exception, Article 3 of the 1926 Arrangement made the right of return the general rule. This Article stated that, in order to facilitate the freedom of movement of refugees, the Conference approved the principle of affixing return visas on identity certificates for refugees leaving a country, on the understanding that Governments should be free to make exceptions to this principle in special cases.

(b) The new Arrangement gave more precise definitions than those contained in previous Arrangements. A Russian refugee was defined as " 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 ". An Armenian refugee was defined as " 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 ".

(c) With regard to the period of validity, to which no reference had been made in the actual text of the two previous

Arrangements¹, the 1926 Arrangement mentioned incidentally—in the clause relating to the payment of the fee of five gold francs—that the validity of the identity certificate should not, in principle, exceed one year.

(d) It was suggested, for the first time, that “ children under 15 years of age ” should be included on the identity certificates of their parents.

(e) It was recommended, also for the first time, that any Government issuing a national passport to a refugee should withdraw his identity certificate and return it to the authority which had issued it.

(f) With regard to the fees to be charged for issue, the two previous Arrangements had made provision only for destitute refugees, to whom it was recommended that the certificate be issued free of charge. The 1926 Arrangement covered all refugees by stating, in paragraph 6, that the Conference considered “ that the fee for an identity certificate in each country should be the same as that for its national passports ”².

(g) No stipulation regarding visas had been included in the 1922 and 1924 Arrangements. The 1926 Arrangement contained the following passage regarding this point: “ The Conference recommends 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 these visas. ”

¹ It should be recalled, however, that the 1924 Arrangement expressed, as it were, an indirect wish, by including the words “ A minimum period of two years is suggested ” on the specimen certificate.

² In this connection, it should be noted that there is a discrepancy between the French and English texts of paragraph 6 of the 1926 Arrangement. The French text reads: “ la taxe... ne doit pas être supérieure à celle du passeport national ”. The English text, on the other hand, reads: “ ...the fee... should be the same as that for its national passports.”

(h) Finally, the Arrangement provided for a fee of five gold francs, for the benefit of the revolving fund created by the League of Nations, to be collected by the affixing of a stamp issued by the League High Commissioner. This stamp could be affixed on various documents, among them the identity certificate.

(4) *Arrangement of 30th June, 1928 (Assyrian refugees, etc.).*

An intergovernmental conference, in which the representatives of 15 Governments took part, met from 28th to 30th June, 1928, and drew up the Arrangement of 30th June, 1928, extending the provisions of the Arrangements of 5th July, 1922, 31st May, 1924, and 12th May, 1926, to Turkish, Assyrian, Assyro-Chaldean and assimilated refugees. This Arrangement, which was subsequently adopted by 13 countries, gave the following definitions :

“ *Assyrian, Assyro-Chaldean and assimilated refugee* :

“ Any person of Assyrian or Assyro-Chaldean 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 24th July, 1923, does not enjoy or no longer enjoys the protection of the Turkish Republic and who has not acquired another nationality.”

(5) *Arrangement of 30th June, 1928 (legal status).*

An Arrangement concerning the legal status of Russian and Armenian refugees, also dated 30th June, 1928, recommended, *inter alia*, in Article 9, that the identity certificates of refugees be visaed and extended in the simplest possible manner and with the minimum of formalities, and that, in the form of identity certificate for refugees, the words : “ This certificate is not valid for the return journey ” be replaced by 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).”

This Arrangement was adopted by 10 States and by the Territory of the Saar.

(6) *Convention of 28th October, 1933.*

When the decision to liquidate the Nansen Office was taken, it appeared advisable to consolidate the work accomplished by the League of Nations on behalf of refugees, and to replace the various Arrangements previously mentioned by an international agreement of a solemn character. An intergovernmental conference was therefore convened in Geneva in the autumn of 1933. The work of this Conference resulted in the Convention of 28th October, 1933.

This Convention applied to Russian, Armenian and assimilated refugees, as defined by the Arrangements of 12th May, 1926, and 30th June, 1928. According to Article 2 of the Convention, each of the Contracting Parties undertook to issue Nansen certificates, valid for not less than one year, to refugees residing regularly in its territory. Paragraph 2 of Article 2 provided for the inclusion, in the text of the said certificates, of a formula authorising exit and return¹. The respective Consuls of the Contracting Parties were, moreover, qualified to extend these certificates for a period not exceeding six months. The final paragraph of Article 2 stipulated that, subject to their issue free of charge to indigent persons, the cost of visas for Nansen

¹ The passage authorising the right of return contains no limitative clause. Moreover, the second sentence in paragraph 2 of Article 2 states that the bearers of certificates which have not expired will be free to return to the country which has issued the documents, without requiring any authorisation from the Consuls of that country. The right of return established by the Convention would thus appear to be absolute. This, however, is not the case, and the limitative clause “except in the event of special provision to the contrary” must be taken as understood. The specimen certificate annexed to the Arrangement of 30th July, 1935—which will be dealt with hereafter and which, in particular, extends to Saar refugees the benefit of the provisions of the 1933 Convention which relate to the issue of a special identity and travel document—does in fact contain a statement to the effect that the document is valid for return to the country which issued it, except in the event of special provision to the contrary.

certificates should be established according to the lowest tariff applied to the visas of foreign passports. According to Article 16, the Arrangements and Agreement of 5th July, 1922, 31st May, 1924, 12th May, 1926, and 30th June, 1928, were to remain in force with regard to such of their provisions as were compatible with the Convention.

According to Article 20, the Convention was to come into force thirty days after the Secretary-General of the League of Nations had 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 an instrument of ratification or accession was subsequently deposited, the Convention was to come into force thirty days after the date of the deposit of such an instrument. In actual fact, the Convention came into force in 1935, after being ratified by Bulgaria, Czechoslovakia and Norway. It has since been ratified by Belgium, Denmark, France, Great Britain and Italy, with reservations in some cases.

The 1933 Convention has thus been ratified by only eight States. It should be mentioned, however, that the following States, although not feeling called upon to sign the Convention, expressly declared that they had, in fact, put its provisions into effect: Estonia, Finland, Greece, Iraq, Latvia, Sweden, Switzerland, United States of America and Yugoslavia.

(7) *Arrangement of 30th July, 1935.*

In pursuance of a resolution adopted by the Council of the League of Nations on 24th May, 1935, the provisions regarding the Nansen certificate were extended to Saar refugees by means of the Draft of 30th July, 1935, which was communicated to the various Governments and adopted by 13 States. The Draft, which had thus become an Arrangement, stipulated that the identity certificates should be issued exclusively to persons who had formerly possessed the status of inhabitants of the Saar¹, but who had left that territory at the time of

¹ The status of inhabitant of the Saar could be acquired in three different ways: (a) by reason of birth; (b) by decision of the authorities; (c) by marriage. It should be noted that the 1935 Arrangement contained no stipulation as to the date by which the persons concerned must have

the plebiscite of 13th January, 1935, and did not possess a national passport. The Arrangement further stipulated that the certificate should not infringe any of the laws and regulations governing the control of foreigners (1922 and 1924 Arrangements); that it should remain valid for one year from the date of issue (1926 Arrangement and 1933 Convention); that it should be valid for leaving the country of issue and for returning thereto during the period of its validity (1926 and 1928 Arrangements); that the State which issued the certificate was alone qualified to renew it so long as the refugee continued to reside within the territory of that State (1922 and 1924 Arrangements); that children under 15 years of age should be included on the certificate of their parents (1926 Arrangement); that the refugee might be admitted into the State which he wished to enter if a visa were affixed directly on the certificate or if a new certificate were issued by the Consular authorities of the said State (1922 and 1924 Arrangements); that the text of the certificate should be in at least two languages (the national language of the authority which issued the certificate and the French language). With regard to the issue of the certificate to destitute persons, the charges normally made for issue of the certificate and for visas, the extension of the certificate by Consuls and the Nansen stamp, the Arrangement reproduced the corresponding provisions of the 1922 and 1924 Arrangements and of the 1933 Convention. Generally speaking, the text of the specimen certificate annexed to this Arrangement was the same as that of the specimens attached to the 1922 and 1924 Arrangements. There were, however, certain differences, which are indicated hereunder:

(aa) A space was reserved for entering particulars of four children under 15 years of age.

(bb) The certificate was entitled "Nansen Passport", whereas the specimens annexed to the 1922 and 1924 Arrangements bore the title "Certificate of Identity".

left Saar territory. The French authorities adopted a wide interpretation of the Arrangement and recognised as refugees persons who did not leave the Saar until a year after the plebiscite, i.e. 13th January, 1936. This interpretation was even extended to cover former inhabitants of the Saar who arrived on French soil on the expiration of the period fixed for liquidation of real estate, i.e. 28th February, 1938.

(cc) One of the headings on the certificate indicated the space in which the date of expiration was to be entered.

(dd) The certificate, unlike the specimen annexed to the 1924 Arrangement, had no space provided for the authorisation to return.

(ee) There was a statement forbidding the addition of extra pages or slips to the certificate, and indicating that any such addition would render the certificate invalid.

(ff) Another statement indicated that, on the expiration of its validity, the certificate was to be returned to the "Ministry of Foreign Affairs at....."

(gg) Spaces were reserved for renewals, Nansen stamps and visas.

(hh) The certificate bore a statement to the effect that it would cease to be valid if the holder entered German territory.

(ii) Finally, it was stated on the certificate that the latter was without prejudice to and in no way affected the holder's nationality.

(B) *Refugees coming from Germany and Austria*¹.

(1) *Provisional Arrangement of 4th July, 1936.*

Immediately upon taking up office at the end of 1933, the High Commissioner for Refugees coming from Germany turned his attention to the question of issuing identity and travel documents. It was necessary to take measures to ease the position of the four following classes of refugees coming from Germany :

(i) Refugees who held a German passport but could not obtain its renewal by the German authorities ;

¹ After the territory of the Federal Republic of Austria was annexed by the German Reich, an Additional Protocol, dated 14th September, 1939, extended to refugees coming from Austria the stipulations of the Provisional Arrangement of 4th July, 1936, and of the Convention of 10th February, 1938, which are examined under this heading.

(ii) Refugees who had no passport but who were still German nationals;

(iii) Refugees who held a passport for stateless persons, or a "Fremdenpass" issued by the German authorities to persons of doubtful nationality, and whose travel document had expired;

(iv) Refugees who had been deprived of their German nationality in consequence of their having left Germany.

In 1934, the competent bodies of the High Commission for Refugees coming from Germany adopted resolutions recommending the Governments of the countries in which these refugees were residing to issue to any such refugees who were without a valid passport an identity and travel document similar to that specified in the Recommendations of 1927. Generally speaking, the recommendations of the High Commission were favourably received by the Governments, who stated that they were prepared to issue either the document described in the Recommendations of 1927 or a similar document. It should be noted that it was not possible to arrive at a uniform practice with regard to the period of validity of the document.

However, the need arose for an international agreement which would stipulate clearly the procedure for settling the various aspects of the question. This was the object of the Provisional Arrangement of 4th July, 1936, which established, for the benefit of the refugees concerned, a travel document similar, both in form and in text, to the Nansen Certificate.

Under Article 2 of the Arrangement, the Contracting Governments were to issue to refugees coming from Germany¹, and lawfully residing in their territory, an identity certificate in conformity with the specimen attached "or some other document having the same object". It was further laid down

¹ Article 1 of the Arrangement gave the following definition: "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." It will be seen further on that, in the Convention of 1938, which incorporated the provisions of the Arrangement of 4th July, 1936, this definition has been considerably altered.

that, as a transitory measure, this certificate might be issued to refugees whose residence in the territory in question was irregular, if they reported themselves to the authorities within a time-limit to be determined by the Government concerned.

The main provisions of the Arrangement relating to identity certificates were as follows :

(a) The certificate must not "contravene any law or regulation governing the supervision of foreigners in any country to which the present Arrangement applies" ¹. The Arrangements of 5th July, 1922, 31st May, 1924, and 30th July, 1935, contained similar provisions.

(b) As a general rule, the identity certificate was to be valid for one year as from the date of issue. The Convention of 28th October, 1933, the Arrangement of 30th July, 1935, and, to a certain extent, the Arrangement of 12th May, 1926, contained similar provisions.

(c) The Government issuing a certificate was qualified to renew or extend it until such time as the holder was able to secure the issue of a fresh certificate. More or less similar provisions were contained in the Arrangements of 5th July, 1922, and 31st May, 1924. The Arrangement further stipulated that "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". This text was obviously meant to refer to countries which had signed the Arrangement, and to whose territory it would be applicable ².

(d) "Consuls specially authorised by the country ³ issuing the certificate" were to be empowered to extend its validity

¹ A text more satisfactory in form is to be found in the Convention of 10th February, 1938, which stipulates that the travel document "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."

² The 1938 Convention was even more specific regarding this point and stated that "should a refugee lawfully take up residence in another territory to which the Convention applies, the authorities of that territory shall be required, etc...". The words "shall be required", which are contained both in the Arrangement and in the Convention, are worthy of note.

³ The 1938 Convention is more precise and stipulates "by the authority".

for a period which was not, as a rule, to exceed six months. The Convention of 28th October, 1933, and the Arrangement of 30th July, 1935, contained similar provisions.

(e) In the same way as the Arrangements of 5th July, 1922, and 31st May, 1924, this Arrangement laid down that the certificate was to be made out in French and in the language "of the issuing country"¹.

(f) Children under sixteen years of age were, if necessary, to be included in the certificate of their parent(s). The Arrangement of 12th May, 1926, contained a similar provision, but in this case the maximum age was fixed at 15 years.

(g) The fees for the issue of certificates were not to exceed the lowest tariff applied to national passports. The Arrangement of 30th July, 1935, contained similar provisions². On the other hand, it was recommended that, in the case of indigent persons, the certificates should be issued entirely free of charge. Similar provisions were laid down in the Arrangements of 5th July, 1922, 31st May, 1924, and 30th July, 1935.

(h) During the period of validity of the certificate, the holder was entitled to leave the territory where it had been issued and—what is especially important—to return thereto (Article 3, paragraph 2). At the same time, the Arrangement stipulated that the Contracting Governments reserved the right, in exceptional cases, to limit the period during which the refugee might return, such limitation being stated on the certificate. Like the Arrangement of 30th July, 1935, the Convention of 28th October, 1933, the Arrangement of 30th June, 1928, concerning the legal status of Russian and Armenian refugees, and the Arrangement of 12th May, 1926, but contrary to the 1922 and 1924 Arrangements, the 1936 Arrangement laid down the principle of the right of return—the exception to this principle

¹ The 1938 Convention is more precise and states: "in the language of the issuing authority".

² In this connection, the corresponding provisions of the Arrangement of 12th May, 1926, were less favourable to the refugees. The 1926 Arrangement merely stipulated, in its French text, that the fees for an identity certificate in each country should be the same as for its national passports.

being not the suppression of the right of return, but its limitation in time ¹.

(i) The competent authorities of the country to whose territory the refugees desired to proceed were, if they were prepared to admit him, to visa the identity certificate of which he was the holder. In this connection, it should be recalled that the Arrangement of 5th July, 1922—and later Arrangements which contained the same clauses, or clauses based thereon—made provision for an alternative, namely the affixing of a visa directly on the certificate, or the issue of a new certificate. Only the first part of this alternative was retained in the 1936 Arrangement.

(j) The "intermediate countries" ² undertook to grant facilities for the issue of transit visas to refugees who had obtained visas from the "country of final destination". This clause was more favourable to refugees than the corresponding clause in the 1922 Arrangement.

(k) The fees for the issue of admission or transit visas were not to exceed the lowest tariff for visas on foreign passports. Similar provisions were to be found in the Arrangement of 30th July, 1935, the Convention of 28th October, 1933, and, to a certain extent, in the Arrangement of 12th May, 1926.

The specimen certificate annexed to the Arrangement—which was optional—included items contained in the specimen annexed to the Arrangement of 5th July, 1922. However, it differed from the said specimen in that it also contained (i) a space for renewals and visas, like the specimen annexed to the

¹ Mention should however be made of a statement which appears on the certificate annexed to the 1936 Arrangement, and which seems to contradict the stipulations of Article 3, paragraph 2, of the Arrangement. The above-mentioned identity certificate contains the following statement: "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 could be maintained that the words "Failing express provision to the contrary" alter the meaning of the said stipulations, and make it possible for the Governments, not only to limit, but to cancel the refugee's right of return. The same remark applies to the 1938 Convention which, so far as the right of return is concerned, reproduces the provisions of the 1936 Arrangement, and also, in the annexed certificate, the statement quoted above.

² The 1938 Convention was more precise, and referred to "the authorities of the territories of transit".

Arrangement of 30th July, 1935; (ii) a statement to the effect that, on the expiration of its validity, the certificate was to be returned to the issuing authority; a more or less similar statement had been included in the form of document introduced by the Arrangement of 30th July, 1935; (iii) the following statement: "It (the certificate) is without prejudice to and in no way affects the holder's nationality"; (iv) the certificate was incidentally described as a "passport". ("This passport expires on..... 19..")¹.

The Arrangement of 4th July, 1936, which was signed by seven States, contained final clauses which show that it is a more solemn agreement than the majority of the Arrangements referred to previously. For instance, this Arrangement, although not requiring ratification, laid down methods of procedure similar to those specified in the 1933 Convention.

(2) *Convention of 10th February, 1938.*

The clauses of the Provisional Arrangement were subsequently incorporated in the International Convention concerning the Status of Refugees coming from Germany, signed at Geneva on 10th February, 1938, by the representatives of the seven following countries: Belgium, United Kingdom, Denmark, France, Netherlands, Norway and Spain.

The definition of refugees coming from Germany given in this Convention differs from that of the 1936 Arrangement. Article 1 of the Convention reads as follows:

"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 another nationality who are proved not to enjoy, in law or in fact, the protection of the German Government;

"(b) Stateless persons not covered by previous Conventions or Agreements who have left German

¹ In this connection, it should be noted that the specimen annexed to the Arrangement of 30th July, 1935, bore the title "Nansen Passport".

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. ”

On the other hand, with regard to identity and travel documents, the Convention included the various provisions of the 1936 Arrangement, with certain improvements in style which have already been mentioned. It should also be pointed out that the expression used in the Convention is not “ identity certificate ” but “ travel document ”, which clearly indicates the main object of the document in question. However, the specimen annexed to the Convention still bears the title “ Identity Certificate ”, and the incidental reference to it as a “ passport ”, which was contained in the specimen annexed to the 1936 Arrangement, no longer appears.

The 1938 Convention has only been ratified by Belgium, Great Britain and, quite recently, by France. The Convention came into force on 26th October, 1938, in accordance with the provisions of Article 22.

(C) PERSONS WITHOUT NATIONALITY OR OF DOUBTFUL
NATIONALITY WHO DO NOT BELONG TO SPECIFIED CATEGORIES
OF REFUGEES

The introduction of an identity and travel document for persons without nationality was first suggested by the German Government, in a letter dated 26th April, 1926, addressed to the Secretary-General of the League of Nations. In view of her geographical position, Germany took a special interest in questions relating to the international movements of travellers. In their letter, the German Government recalled the fact that, for one group of stateless persons, namely, Russian refugees, a uniform and internationally recognised identity paper had been adopted and recognised by a large number of States. The letter added that, on the other hand, no similar identity paper existed for stateless persons not belonging to the above-mentio-

ned group, that, in order to meet this situation, most States had taken to providing such persons with documents which could serve as a substitute for passports, but that these documents were not recognised by certain States to which their holders wished to go—a fact which caused serious inconvenience to the persons concerned. In order to remedy this situation, the German Government proposed “as a subject for discussion the general introduction of a uniform identity certificate (e.g. of the type of the Austrian passport for aliens) for all persons who are not able to obtain national passports”.

This proposal was submitted to the Conference on the International Régime of Passports, held at Geneva in May, 1926, which considered that preliminary enquiries were necessary and that the question must therefore be held over to a subsequent Conference. Consequently, on 17th May, 1926, the Conference adopted unanimously the following Resolution :

“ The Conference considers it desirable that certain facilities for travelling should be granted to persons without nationality, and requests the League of Nations to prepare, with the assistance of experts of those States most immediately concerned, a Draft Arrangement based upon the principle of the introduction of an internationally recognised identity document. ”

In order to give effect to the Resolution adopted by the Passport Conference, the Advisory and Technical Committee for Communications and Transit appointed a Committee of Experts to study the question. This Committee, with M. Athanase Politis as Chairman, was composed of M. Krause (Germany), M. Reinhardt (Austria), M. de Navailles (France), M. de Gömöry-Laiml (Hungary), M. Malhomme (Poland) and M. Stan (Rumania). The Committee of Experts met at Geneva on 12th and 13th January, 1927, and drew up a Draft Arrangement and Draft Recommendations.

The principal clauses of the Draft Arrangement were as follows :

According to Article 1, the Contracting Parties undertook to adopt a uniform type of passport to be issued by the authorities of the country of residence to persons not possessing a

national passport, in particular to persons without nationality or whose nationality was doubtful, and to persons having a nationality who were unable to obtain a national passport or had reasons, recognised as valid by the authorities of the country of residence, for not applying for such a passport.

Two points must be mentioned in connection with the provisions of Article 1 :

(a) It is clear from the wording employed that the Committee was of the opinion that the "identity document" referred to in the Resolution of the Passport Conference did, in fact, constitute a passport. It will be seen further on in this Report that this designation subsequently aroused opposition and was finally abandoned.

(b) With regard to the beneficiaries of the identity document, the Committee gave a wide interpretation to the above-mentioned Resolution. The latter had referred only to "persons without nationality". The Committee added two further categories: persons of doubtful nationality, and persons having a definite nationality who found themselves in one of the two predicaments described above. As will be seen later, opposition was aroused by the inclusion of the third category—which was omitted from the text of the Recommendations finally adopted.

According to Article 2, the passport was to be in the form of a booklet. It was to be identical with the international type of passport recommended in the Report annexed to the Final Act of the Passport Conference signed at Geneva on 18th May, 1926. It was, however, to have certain special features :

(i) The title on the cover was to be "Passport for person without national passport".

(ii) A diagonal black line, one centimetre in width, was to be printed in the top left hand corner of the cover.

(iii) At the bottom of the first page were to be printed, one below the other, the two following statements :

- (1) "The bearer of this passport is not a national." (The blank was to be replaced "by a printed indication of the country which has issued the passport");
- (2) "Optional information regarding nationality."

(iv) In the text of the passport, the expression "actual residence" was to be substituted for the word "domicile".

(v) On the fourth page, below the statement as to the countries for which the passport was valid, were to be printed, in conspicuous characters, the words: "The bearer is authorised to return to..... (name of country which issued the passport) during the validity of the present passport".

However, Article 3 stipulated that the fact that the passport authorised the bearer to return did not prevent the authority which had issued it from withdrawing the passport or from deleting the authorisation in grave and exceptional cases, such as expulsion.

According to Article 4, the Government which had issued the passport was entitled, if it thought fit, to extend the validity of the passport through its officials at home or its representatives abroad. It might likewise renew the passport or prepare a new one when the original passport had expired. Moreover, the authorities of the country in which the bearer of such a passport happened to be, might, if the passport had expired, prepare a new one.

Article 5 stipulated that the Arrangement in no way affected the laws and regulations governing, in the various countries, the conditions of residence and settlement in their respective territories; nor did it affect the special provisions of the laws and regulations concerning the persons to whom the Arrangement was to apply.

The Draft Recommendations attached to the Draft Arrangement expressed the following wishes:

- (1) That the period of validity of passports for persons without a national passport should, in principle, be one year;
- (2) That, except in certain special or exceptional cases, these passports should be valid for all countries, or for as many countries as possible;
- (3) That each Government should be left free to adopt such provisions as it might consider necessary for the visaing

of these passports, though every endeavour should be made to grant these visas under as simple and favourable conditions as possible ;

(4) That, in the matter of charges levied for the issue of a passport and the granting of visas, the provisions set out in the Final Act of the Passport Conference at Geneva on 18th May, 1926, should be observed, unless special circumstances warranted their modification ;

(5) That passports established under the Agreement and issued to Russian and Armenian refugees should be admitted as valid in cases in which considerable difficulty was experienced in providing the latter with a Nansen certificate—the above difficulties to be duly noted by the authority which issued the passports.

The report of the Committee of Experts—to which were attached the above-mentioned Draft Arrangement and Draft Recommendations—was submitted to the Tenth Session of the Advisory and Technical Committee for Communications and Transit, which met at Geneva from 28th February to 5th March, 1927. The report was severely criticised by the delegate of the Italian Government, whose objections may be summarised as follows :

(a) The Committee had not sufficiently stressed the importance of the visa for the document in question.

(b) It had not emphasised the fact that such a document could not confer any right of protection on the holder, and that the latter could not in any way be considered as a national of the State which had issued the document.

(c) Finally, the Committee had exceeded its terms of reference, firstly in describing as a " passport " a document which was only meant to be an identity paper, and secondly in including among the beneficiaries of this document persons not referred to in the Resolution adopted by the Passport Conference.

After a long discussion regarding the procedure to be followed, the Advisory and Technical Committee adopted, on 3rd March, 1927, a Draft Resolution declaring, *inter alia*, " that the number of persons who would be affected by the

settlement of this question... is so considerable... and that the present situation is so disadvantageous to such persons that the settlement of the question may be regarded as highly important". In these circumstances, the Committee suggested that the Council of the League of Nations should either convene an international conference, in pursuance of the Resolution of the Passport Conference, or include this question in the agenda of the Third General Conference on Communications and Transit.

The Committee added, in conclusion, that the opinion had been expressed that certain parts of the report exceeded the scope of the Resolution of the Passport Conference. However, the Committee requested the Council to send to the Governments, for their information, all the documents representing the preparatory work carried out.

On 10th March, 1927, the Council of the League of Nations decided to include the question of identity documents for persons without nationality in the agenda of the Third General Conference on Communications and Transit.

Even before the Conference met, various Governments made reservations. In a communication dated 15th August, 1927, the Netherlands Government stated that it could not undertake to issue the document in question to persons who, though having a nationality, were unable or unwilling to obtain a national passport, and that, furthermore, it reserved the right to regard as null and invalid passports which had been issued to Netherlands subjects by the authorities of other countries. Similarly, the Swiss Government, in a letter dated 4th July, 1927, declared that it was opposed to the issue of the proposed document to persons who had a nationality but were unable to obtain a national passport or had reasons for not applying for one.

The General Conference on Communications and Transit met at Geneva from 23rd August to 2nd September, 1927, and was attended by delegates from 43 States, including the United States of America. The Second Committee of the Conference, under the Chairmanship of M. J. de Ruelle, the Belgian delegate, was asked to consider the Draft Arrangement and Draft Recommendations which had been prepared by the

Committee of Experts and the substance of which has been given above.

The Draft Arrangement and Draft Recommendations were most severely criticised by the delegate of the Italian Government who, as he had done during the discussions of the Advisory and Technical Committee, taxed the Committee of Experts with having, among other things, exceeded its terms of reference in extending the benefits of the Draft Arrangement to persons possessing a nationality, and in having described as a "passport" a document which was only meant to establish the identity of the holder and to enable him to enter another country, whereas (he argued) the object of a passport, was to state the holder's nationality and to determine special rights and duties, both in domestic and international relations, as between the State issuing the document and its nationals.

Other Government representatives also put forward criticisms or made reservations. In order to reconcile the various points of view and take into account the opposition raised in the course of its discussions, the Second Committee appointed a Small Committee to prepare a new text.

Recommendations of 2nd September, 1927.

The Small Committee abandoned the idea of preparing a Draft Arrangement and drew up four Draft Recommendations, which were adopted by the Second Committee and, on 2nd September, 1927, by the Plenary Session of the General Conference on Communications and Transit.

The main provisions of the four Recommendations are given hereunder.

Recommendation I defined as follows the persons to whom travelling facilities were to be granted by the issue of a uniform type of document: "... persons who are without nationality or of doubtful nationality in consequence of the war or for causes arising directly out of war, the non-delimitation of frontiers, or a conflict of laws, pending the international settlement of this matter."

So far as the subject of the present Report is concerned, three important consequences are implied in this definition:

- (1) Refugees who have become stateless as a result of denationalisation measures taken against them, in particular because of their racial origin, their religion or their political opinions, are not covered by the provisions of the 1927 Recommendations. (2) The same applies to refugees stateless in fact, i.e. persons who, although they have kept their nationality, do not in fact enjoy the protection of their Government. (3) The beneficiaries of the Recommendations are not necessarily refugees.

Recommendation I also contained the following particulars regarding the document to be issued: it was to be identical with the international booklet advocated in the report annexed to the Final Act of the Passport Conference, signed at Geneva on 18th May, 1926; it was, however, to contain the following special features:

(a) The title on the cover would be "Identity and Travelling Document".

(b) A diagonal black line one centimetre in width would be printed in the top left hand corner of the cover.

(c) At the foot of the first page, the two following statements would be printed one below the other:

" 1. The holder of the present document is not qualified to obtain a national passport (the blank will be replaced in the document by a printed indication of the country which has issued it, e.g. Austrian, French, German, Hungarian, etc.).

" 2. Information which the authority issuing the identity and travelling document may consider necessary. "

(d) In the text of the identity and travel document, the expression "actual residence" would be substituted for the word "domicile".

(e) On the fourth page, below the statement as to the countries for which the document is valid, would be printed, in conspicuous characters, the words: "The holder is authorised to return to (name of country which issued the document) during the validity of the present document." In this connection, Recommendation I added that it was under-

stood that, in exceptional cases, each country would, when issuing the document, have the right to strike out the reference to the holder's return.

Three main facts emerge from the above :

(1) The document established by the Recommendation was to be identical with the international type of booklet advocated in the report annexed to the Final Act of the Passport Conference of 1926. In principle, therefore, the document referred to in the Recommendations of 1927 was to have the following special features :

(a) The form of a booklet, similar to those in use in England, France and Germany.

(b) Paper of a quality which would preclude all risk of erasure or alteration of the writing by the use of chemicals.

(c) An indication, on the cover, of the holder's name and the serial number of the document.

(d) An indication of the number of pages.

(e) Perforations in one or several places on each page.

(f) Binding (optional).

(g) Numbered pages.

(h) Sufficient space for the full name of the holder.

(i) One complete page reserved for renewals of the document, following the page on which the period of validity of the document was indicated. (The object of this was to avoid the disadvantages entailed in scattering successive renewals throughout the document.)

(j) Additional pages forbidden.

These various features were calculated to prevent falsifications and to provide the holder with a document which would be convenient for practical use. The booklet form chosen had several advantages over that of the documents provided for in the 1922, 1924 and 1926 Arrangements, which, in some cases and in some countries, consisted of a very limited number of sheets, or even of a single sheet. Besides the fact that it was less liable to become worn, it contained a sufficient number

of pages for renewals, the various exit, transit and entry visas, and any other entries which might be necessary. Finally, one might mention a psychological factor which is perhaps not without importance: owing to its external appearance - similar to that of a national passport - the document established by the Recommendations of 1927 was likely to prove of assistance to the holder in the steps he might have to take and in his relations with the minor police officials to whose control he was subject.

(2) Apart from being identical with the international booklet type, the identity document was to present some special features *sui generis*. The object of these features was to avoid confusion; they were to distinguish the document from national passports, and to denote clearly its special character as a document intended for a person who was not a national of the State which issued it.

(3) In the same way as the previous conventions and arrangements mentioned above, with the exception of the 1922 and 1924 Arrangements, Recommendation I laid down the principle of the right of return. This rule was not, however, absolute; according to the above-mentioned Recommendation, the competent authorities, when issuing the document, were empowered to strike out, in exceptional cases, the reference to the holder's return¹.

With regard to the question of return, Recommendation I also included the following clause: "It is... understood that countries adopting the present recommendations will continue to accept, under the same conditions as heretofore, the document valid for the journey but containing no mention of return

¹ This last stipulation in Recommendation I is worthy of notice. It should be compared with the following passage of a communication, dated 15th August, 1927, in which the Netherlands Government submitted its observations on the work of the Committee of Experts: "Secondly, the Netherlands Government would point out that, according to the wording of Article 3, the clause stating that "the bearer is authorised to return to..... during the validity of the present passport" may be cancelled at a date subsequent to that of the issue of the passport; in consequence, the clause in question is of very doubtful value. The wording of Article 3 should be amended so as to show clearly that the indication in question concerning the return cannot be changed after the issue of the passport."

habitually issued by Governments which shall make a declaration to this effect to the Secretariat of the League of Nations."

Recommendation II suggested that the Government which had issued the identity and travelling document be entitled to extend the validity of the document through its officials at home or its representatives abroad; that it should be able, in the same way, to renew¹ the document or prepare a new one when the original document had expired; that the authorities of the country in which the holder of the identity and travel document happened to be might, if the document had expired, prepare a new one; that the authority issuing a new identity and travel document should withdraw the document which had expired. In this connection, it should be pointed out that the Recommendation did not stipulate that, if the document thus withdrawn had been issued by the authorities of another country, it should be returned to those authorities². Another point which should be noted is that Recommendation II laid down that the territorial authority always had the right to withdraw the document.

In Recommendation III, it was suggested that the period of validity of the identity and travelling document should, in principle, be six months; that, save in certain special or exceptional cases, the document should be valid for all countries or for as many countries as possible; that each Government should be left free to make such provision as it might consider necessary for the visaing of the document in question, though it should endeavour to grant visas under as simple and favourable conditions as possible; that, in the matter of charges levied for

¹ In the French text of the Recommendation, the words actually used are "prolonger la validité", which do not correspond to the English version ("renew the document") and which would make the passage in question merely a repetition of the preceding passage. The expression "prolonger la validité" has therefore been replaced, in the French version of the present report, by "renouveler la validité". The correction of this error in drafting or translation seemed all the more justified in view of the fact that this passage of the Recommendation reproduces Article 4 of a Draft Arrangement previously drawn up by the experts, but not adopted, and in which the corresponding passage in the French text did indeed contain the expression "renouveler la validité".

² The 1926 Arrangement, for example, stipulated that a Government issuing a national passport to a refugee should withdraw his certificate and return it to the authority which had issued it.

the issue of the identity and travelling document and the granting of visas, the provisions set out in the Final Act of the Passport Conference held at Geneva on 18th May, 1926, should, if possible, be observed.

With regard to this last point, it will be seen from the above-mentioned provisions of the Final Act that the intention was :

(a) With regard to the fees charged for issue of the document : that these fees should be fixed in such a manner as to bring in revenue to the States not exceeding the expenditure involved in preparing the passports and issuing them to the persons concerned.

(b) With regard to the fees charged for visas : (aa) that they should not exceed ten gold francs for entrance visas having a long period of validity or giving the right to several journeys, five gold francs for entrance visas valid for a single journey, and one gold franc for transit visas, whether for a long period, for several journeys, or for a single return journey ; (bb) that these fees should not vary according to the itinerary followed by the traveller or the flag of the ship on which he embarked ; (cc) that provision for exemption from fees, or for reduced fees, should be made in public and official regulations defining the categories of persons entitled thereto, and specifying the conditions to be fulfilled to obtain this privilege ; (dd) that in exceptional cases where, for genuine and legitimate reasons, a visa expired before it had been used, a fresh visa should be granted, or the original visa extended, free of charge.

Recommendation IV suggested that documents issued, before the coming into force of the foregoing provisions, to persons without nationality or of doubtful nationality should remain valid until they expired.

Finally, taking into consideration the concern expressed regarding various points in the course of the discussions and preliminary meetings, the Conference reminded the Governments :

(1) That the issue of an identity and travelling document did not entitle the holder to claim the protection of the diplomatic and consular authorities of the country which had issued

it, and that it did not confer on these authorities a right of protection.

(2) That neither the issue of the identity and travelling document nor the entries thereon determined or affected the actual status of the holder, in particular with regard to nationality, as this document, though based on well-founded presumptions, could not prevail against a legally established status.

(3) That the Recommendations in no way affected the laws and regulations governing, in the various countries, the conditions of admission to, and residence and settlement in, their respective territories ; neither did they affect the special provisions of the laws and regulations concerning persons to whom the said Recommendations applied.

(4) That they in no way affected the resolutions adopted or to be adopted, or the agreements concluded or to be concluded, concerning Russian and Armenian refugees or other similar classes of refugees.

The Council of the League of Nations placed the results of the work of the Conference before the Eighth Assembly of the League. In a Resolution dated 26th September, 1927, the Assembly decided to request the States which were Members of the League to give the Recommendations adopted by the Conference their sympathetic consideration.

Annex 1 to the present Section consists of a synoptic table showing the main features of the action taken by various Governments on the Recommendations of 1927, as indicated in their respective replies to the enquiry on the application of the said Recommendations and the enquiry on the application of the Recommendations of the Passport Conference of 1926.

In this connection, it seems desirable to make two observations of a general nature which illustrate the limited application of the Recommendations of 1927 :

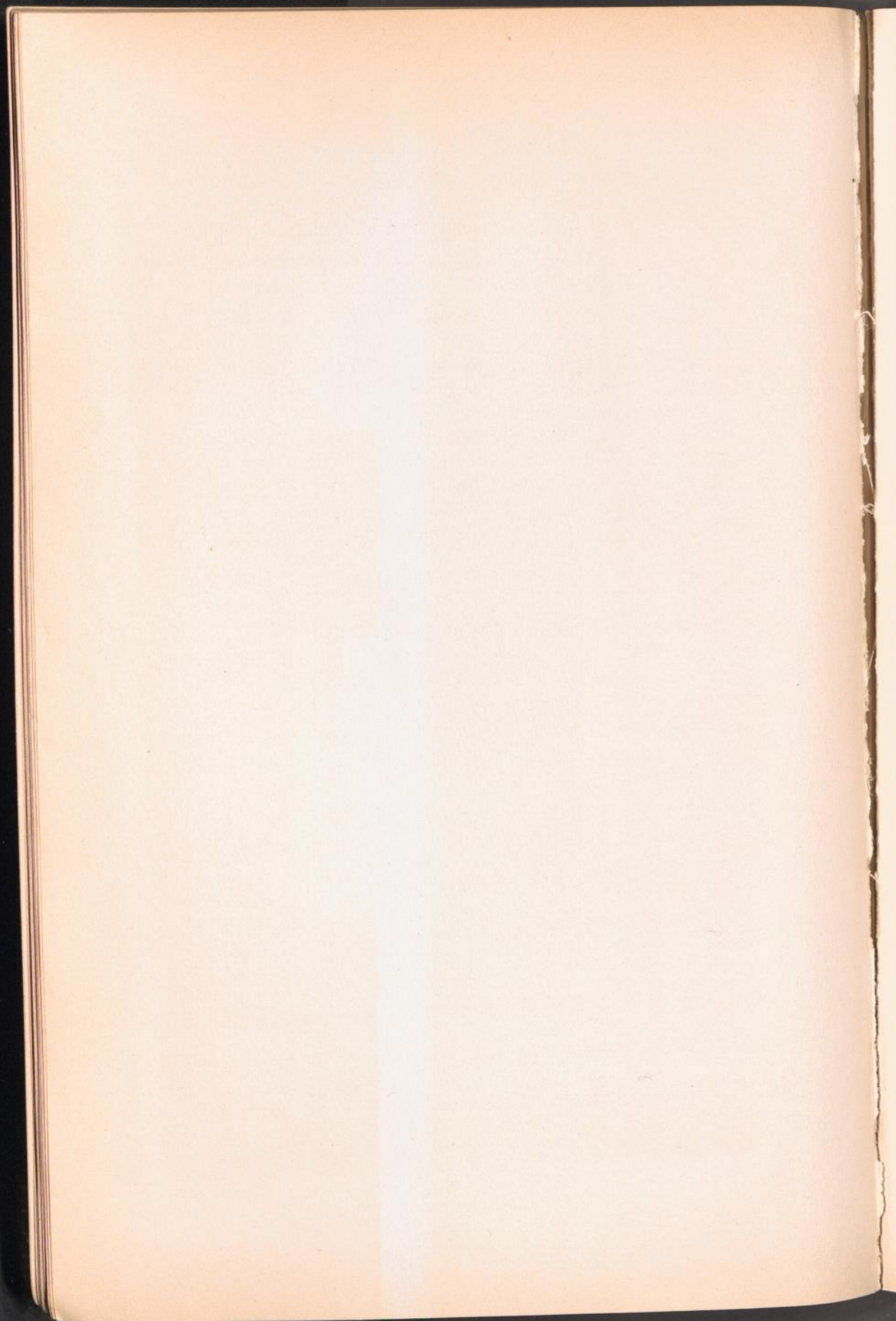
(1) In the first place, it will be seen from the above-mentioned table that, of the 43 Governments which took part in the General Conference on Communications and Transit, only 30 had conveyed their decision to the League by 30th June, 1929, and that, of these, only 16 (12 European Governments

and 4 non-European Governments) had, at that date, adopted the Recommendations. These were the Governments of the following countries: Australia, Austria, Bulgaria, France, Germany, Great Britain, Greece, Hungary, India, Italy, Kingdom of the Serbs, Croats and Slovenes, Luxemburg, New Zealand¹, Norway, Portugal and South Africa.

(2) In the second place, a careful study of the full text of the replies shows that some Governments, when notifying the League of their acceptance, had limited the scope of this acceptance by reservations or restrictive clauses. The following examples may be mentioned in this connection. The German Government indicated its intention of adopting special identity documents, but added that it would comply "as far as possible" with the Recommendations of the Third General Conference on Communications and Transit. The Portuguese Government accepted these Recommendations "in principle". The Government of the Kingdom of Serbs, Croats and Slovenes stated that it reserved the right to decide, in each individual case, whether the identity and travel document should be issued, whether it should be valid for the return journey and whether, when the document expired, a renewal should be granted. The replies received from Greece and Italy also contained reservations. Finally, the Australian and British Governments stated that they would issue documents containing no mention of return, a reservation which naturally lessened the effect of their acceptance.

It will be seen that the Recommendations have achieved only limited results. The full and universal adoption and recognition of a uniform identity and travel document is far from being accomplished. In actual fact, each Government acts as it thinks fit and decides, in each particular case, whether the issue or recognition of the document in question is desirable, and in what circumstances it might issue or recognise such a document.

¹ New Zealand did not reply to the enquiry on the application of the Recommendations of 1927, but informed the League of Nations, when replying to the enquiry on the application of the Recommendations of the Passport Conference, that the Recommendations of 1927 had been put into effect.



ANNEXES 1, 2 AND 3 TO SECTION I

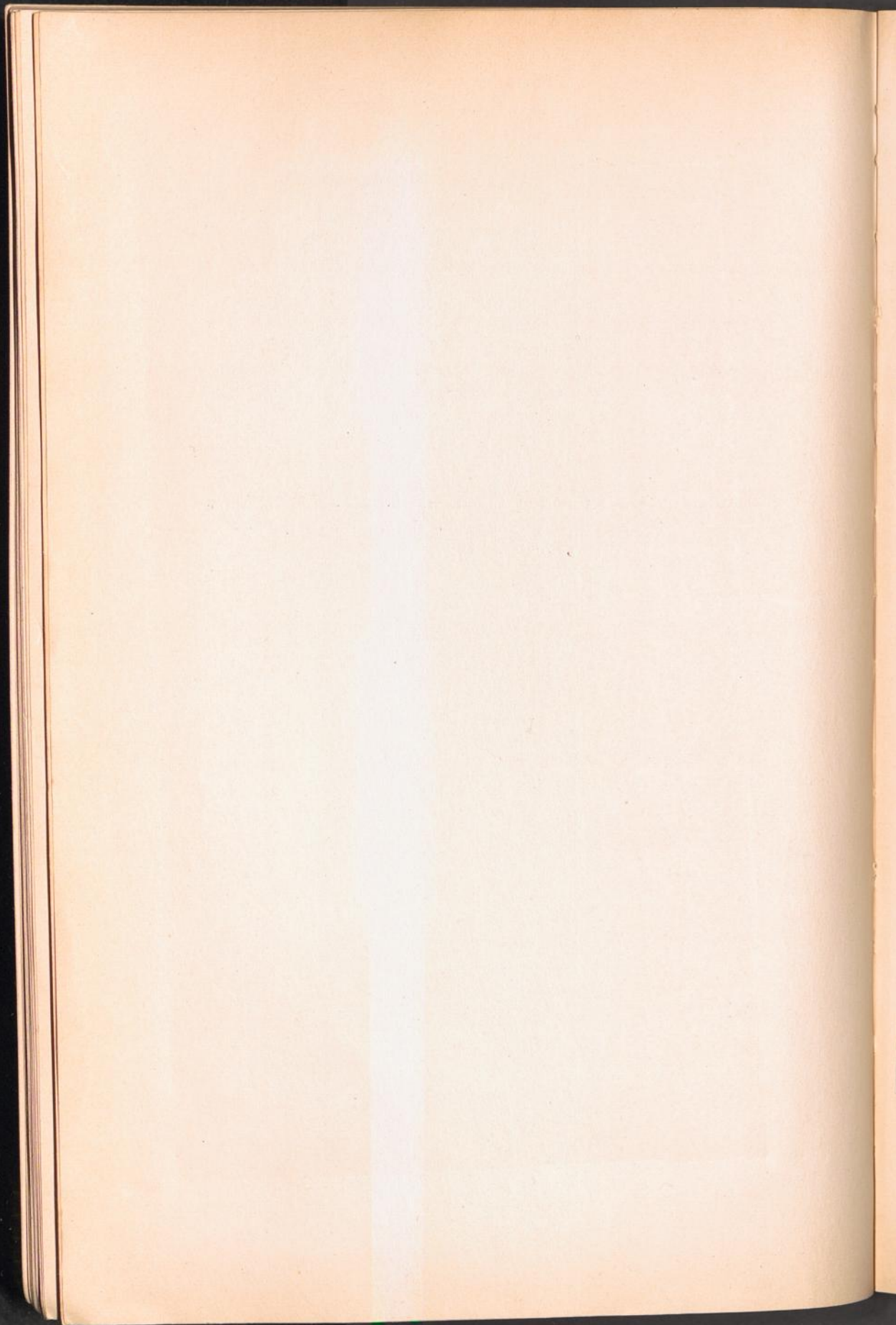
Annex 1 consists of a table summarising the action taken on the Recommendations of 1927. The blanks in this table are due to the fact that the information supplied by the Governments in their replies regarding the application of the Recommendations is sometimes incomplete.

Annex 2 consists of a table summarising the various arrangements and conventions concerning specified categories of refugees and the Recommendations of the Third General Conference on Communications and Transit. This table serves a twofold purpose : on the one hand, it is a sort of aide-mémoire showing the provisions of each of the thirteen international instruments examined in Section I ; on the other hand, it will facilitate comparison of the respective provisions of the said instruments.

Annex 3 recapitulates, in a shorter and simpler form, the main provisions of the above conventions, arrangements and recommendations.

ANNEX I

**Synoptic table showing action taken on the Recommendations
of the Third General Conference on Communications and
Transit of 1927.**



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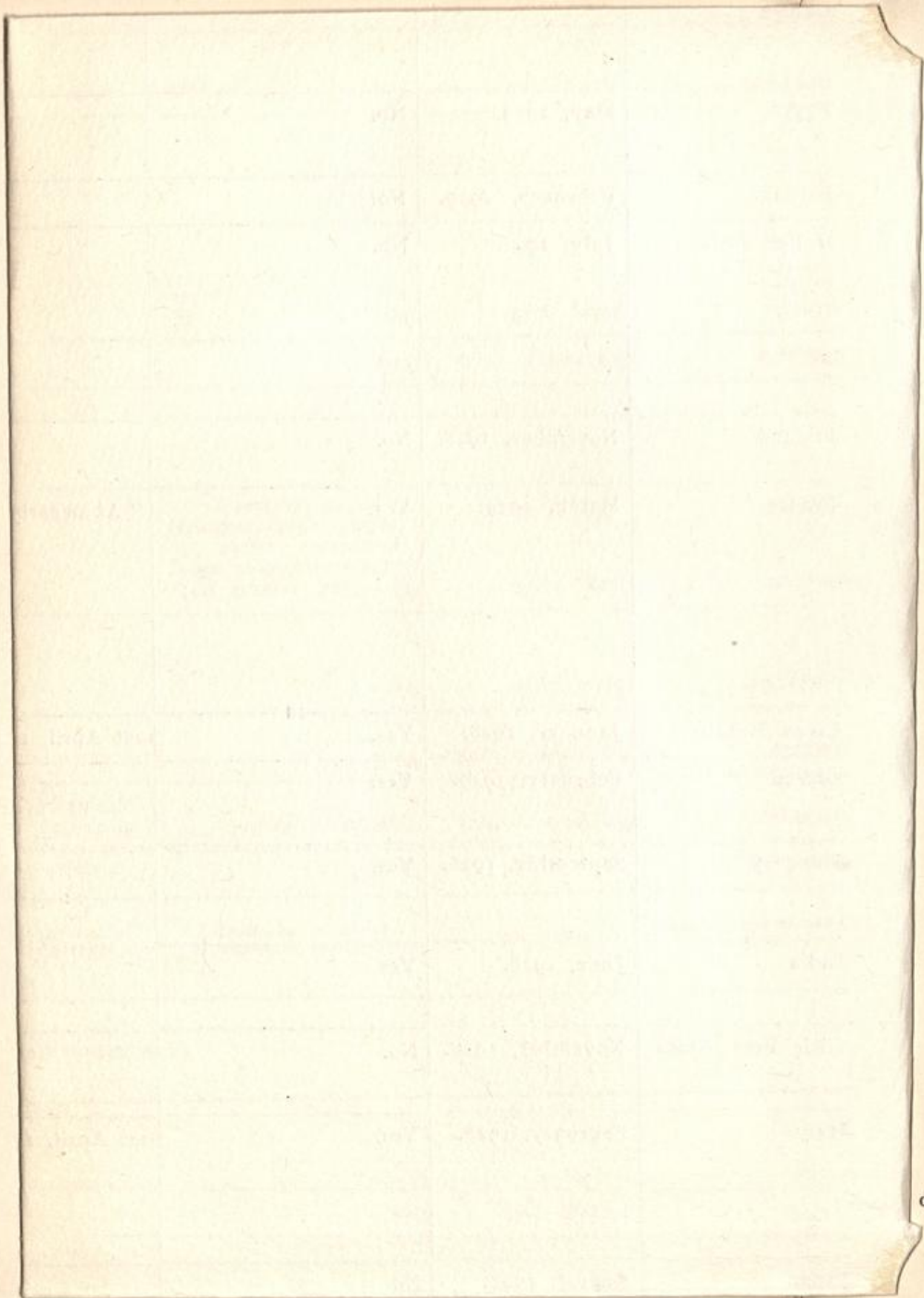
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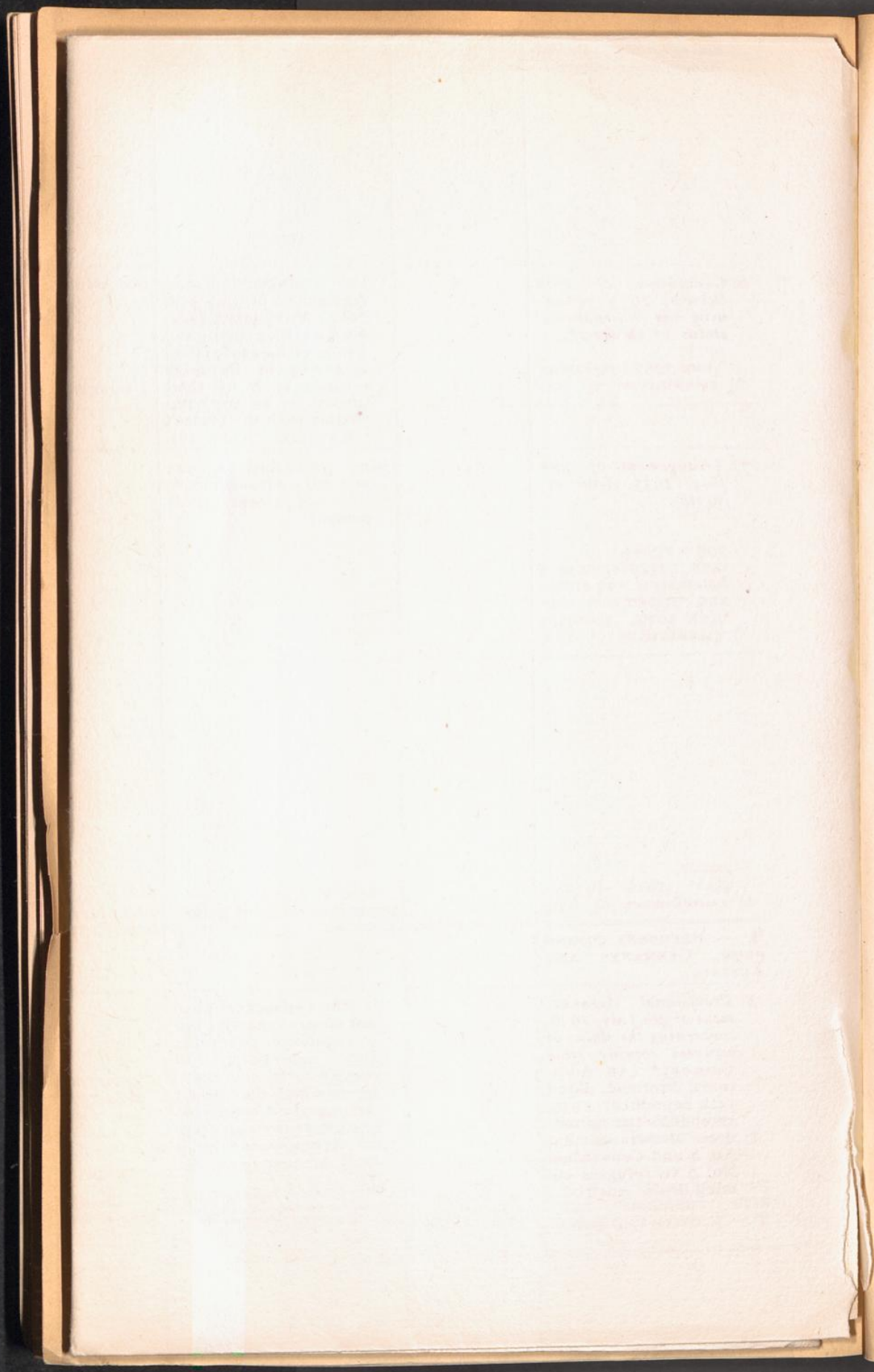
ANNEX 2

**Synoptic table showing the provisions of the Arrangements,
Conventions and Recommendations concerning the issue
of special identity and travel documents ¹**

¹ The Arrangements and Conventions marked with an asterisk do not deal exclusively with identity and travel documents.







ANNEX 3

**Summary of the main provisions of the various Arrangements,
Conventions and Recommendations concerning the issue
of special identity and travel documents.**

In the summary given below, the various international agreements have been divided into the three following categories :

Category A: Arrangements and Convention concerning Russian, Armenian, Assyrian, Assyro-Chaldean and assimilated refugees, Turkish refugees and refugees from the Saar.

Category B: Arrangement and Convention concerning refugees coming from Germany and Austria.

Category C: Recommendations concerning persons without nationality or of doubtful nationality, referred to in the Recommendations of 1927.

(1) *Number of States which have adhered to the Arrangements or ratified the Conventions or put the Recommendations into effect.*

<i>Category A:</i> Arrangement of 5th July, 1922 (Russians)	53
Arrangement of 31st May, 1924 (Armenians)	35
Arrangement of 12th May, 1926 (Russians and Armenians), supplementing and amending the two previous Arrangements	23
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(2) *Effect on laws and regulations regarding control of aliens and conditions of admission, residence or settlement.*

Category A: The certificate must not infringe the laws and regulations regarding the control of foreigners.

Category B: Similar provisions.

Category C: Similar provisions.

(3) *Effect on special regulations regarding the persons concerned.*

Category A: The Nansen certificate in no way affects the above-mentioned regulations.

Category B: No provisions regarding this point in the clauses concerning the issue of an identity and travel document.

Category C: Clause similar to that mentioned in Category A.

(4) *Right of return.*

Category A: At first, the certificate was not valid for return unless it contained a special statement to the contrary. From the time of the Arrangement of 12th May, 1926, it became the rule for the certificate to be valid for return unless it contained a special statement to the contrary.

Category B: The certificate is, as a rule, valid for return. The Government which issues it may, however, limit the period during which the refugee is allowed to return.

Category C: The document is valid for return, save in exceptional cases.

(5) *Renewal or extension.*

Category A: This is a matter for the State which issues the document, so long as the refugee resides in its territory. Furthermore, the 1933 Convention stipulates that the Consuls of the Contracting Parties shall be qualified to extend these certificates for a period not exceeding six months.

Category B: Same provisions.

Category C: Same provisions, except that no limit is fixed for the duration of the period of extension by Consuls.

(6) *Form of document.*

Category A: "Nansen Certificate."

Category B: Similar to Nansen certificate but with some modifications.

Category C: Document in accordance with international booklet type (Passport Conference of 1926) but with certain special features:

(i) The title on the cover is "Identity and Travelling Document".

(ii) Diagonal black line in top left-hand corner of cover.

(iii) Two statements at foot of first page:

"The holder... is not qualified to obtain a national passport."

and "Information which the authority issuing the identity and travelling document may consider necessary".

(iv) Printed statement on fourth page: "The holder is authorised to return to during the validity of the present document."

(7) *Issuing authority.*

Category A: Authorities of country of residence.

Category B: Authorities of country of residence.

Category C: Authorities of country of residence.

(8) *Country where the certificate ceases to be valid.*

Category A: Russia, Turkey or Germany, as the case may be.

Category B: Germany.

Category C: No statement regarding this point.

(9) *Visas—particularly transit visas.*

Category A: The Arrangement of 30th June, 1928, recommends that the certificates be visaed in the simplest possible manner.

Category B: The countries of transit undertake to grant facilities for the issue of visas.

Category C: It is recommended that the Governments should endeavour to grant visas under as simple and favourable conditions as possible.

(10) *Languages used in document.*

Category A: At least two - language of issuing authority, and French.

Category B: Same provisions.

Category C: No statement regarding this point.

(11) *Period of validity.*

Category A: Certain differences may be noted in this connection :

(a) The 1922 Arrangement did not lay down any period of validity.

(b) Subsequently, the following statement was included in the specimen certificate for Armenian refugees, annexed to the Arrangement of 31st May, 1924: " A minimum period of two years is suggested. "

(c) The Arrangement of 12th May, 1926, stipulated that " the period of validity... should not, in principle, exceed one year ".

(d) The 1933 Convention mentioned a period of one year, not as a maximum, but as a minimum: "not less than one year" (Article 2).

(e) Finally, the Arrangement of 30th July, 1935 (Saar refugees) stipulated a fixed period of one year.

Category B: Valid, as a rule, for one year as from date of issue.

Category C: Six months, in principle.

(12) *Children.*

Category A: Children under 15 years of age are included on the certificate of their parent or parents (1926 Arrangement).

Category B: Same provisions, the maximum age being increased to 16 years (1936 Arrangement).

Category C: No provision regarding this point.

(13) *Issue of new document — Expiration of validity.*

Category A:

(a) Any Government issuing a national passport to a refugee should withdraw his certificate and return it to the authority which issued it (1926 Arrangement, resolution No. 5).

(b) Statement indicating that, on the expiration of its validity, the certificate must be returned to the Ministry of Foreign Affairs at (Arrangement of 30th July, 1935).

Category B: On the expiration of its validity, the certificate must be returned to the issuing authority.

Category C: The authority which issues a new document must withdraw the document which has expired (Recommendation II, 3).

(14) *Fee for issue of certificate.*

Category A: According to the 1926 Arrangement, this fee should be the same as that for national passports. The 1935

Arrangement is even more favourable to refugees since it stipulates that the fees charged for issue of the certificate should be fixed according to the lowest tariff applied to national passports. The certificate is issued free of charge to destitute persons, except in the event of legal provision to the contrary (1922, 1924 and 1935 Arrangements).

Category B: The fee for issue shall not exceed the lowest scale of charges applied to national passports. It is recommended that certificates be issued free of charge to destitute persons.

Category C: The provisions set out in the Final Act of the Passport Conference of 1926 must be observed.

(15) *Fees for entry, exit and transit visas.*

Category A: The 1926 Arrangement recommends that the Governments grant visas free of charge to indigent refugees, and expresses the wish that Governments will regard favourably the proposals of the I.L.O. concerning possible reductions in the fees for visas.

The 1933 Convention stipulates that the cost of visas shall, subject to their issue free of charge to indigent persons, be established according to the lowest tariff applied to visas on foreign passports.

Category B: The fees for issue of visas shall not exceed the lowest tariff for visas on foreign passports. It is recommended that visas should be issued free of charge to destitute refugees.

Category C: Provisions of the Final Act of the Passport Conference of 1926.

(16) *Special fee.*

Category A: Nansen stamp introduced by the 1926 Arrangement.

Category B: No special fee similar to the Nansen stamp.

Category C: No special fee similar to the Nansen stamp.

(17) *Effect of the certificate on status of holder.*

Category A: A statement indicating that the certificate was without prejudice to and in no way affected the status of the holder, appeared on the specimen annexed to the Arrangement of 30th July, 1935 (Saar refugees).

Category B: Similar statement on specimen certificates annexed to Arrangement of 4th July, 1936, and 1938 Convention.

Category C: Neither the issue of the document nor the entries made thereon determine or affect the actual status of the holder, particularly as regards nationality.
