

INTERGOVERNMENTAL COMMITTEE ON REFUGEES

Preparatory Documents

concerning the adoption

of an

**IDENTITY
AND
TRAVEL DOCUMENT**

for

refugees coming within

the mandate of the

INTERGOVERNMENTAL COMMITTEE

LONDON

1946

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FIRST PUBLISHED IN 1946

Printed in SWITZERLAND
by « Journal de Genève »

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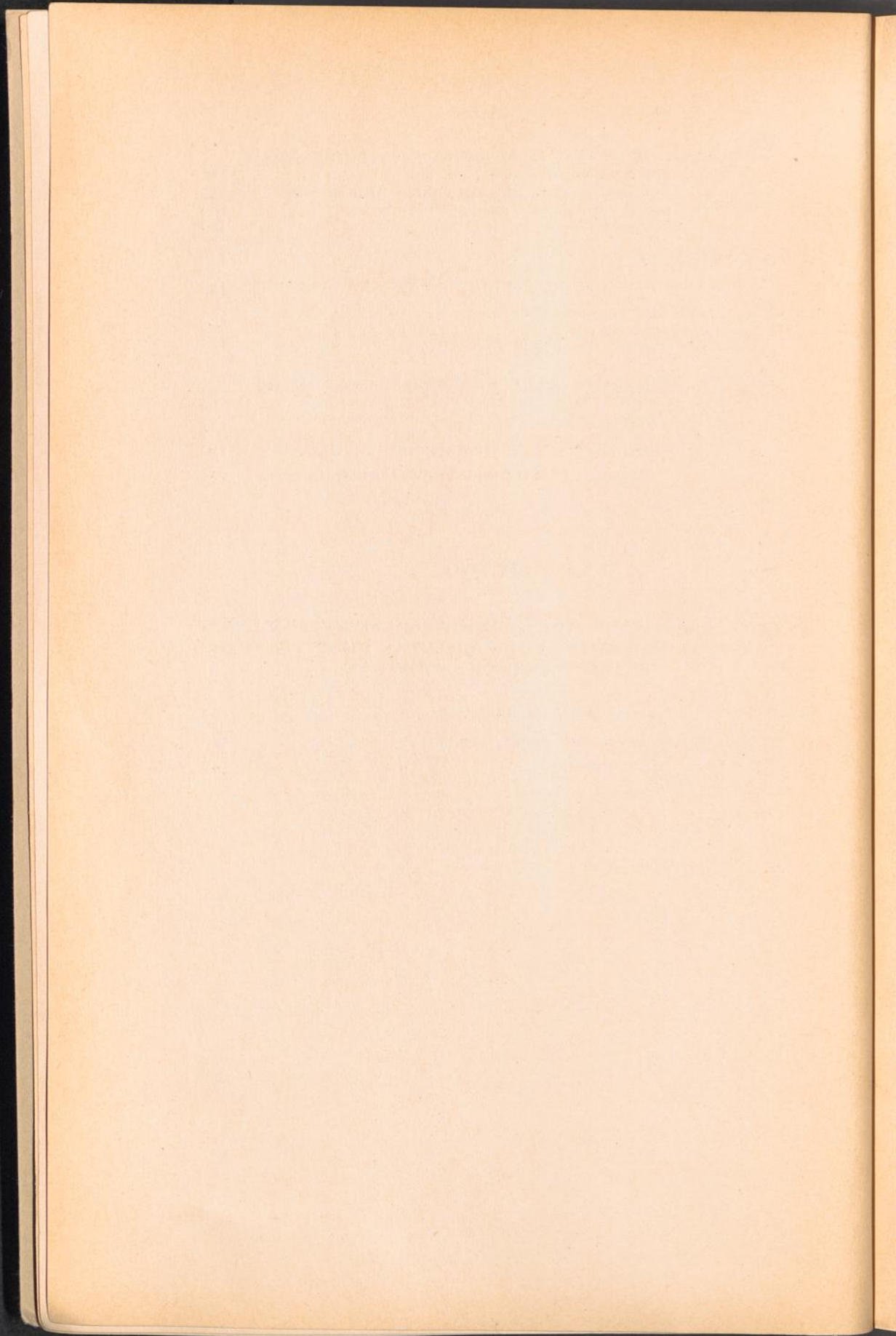
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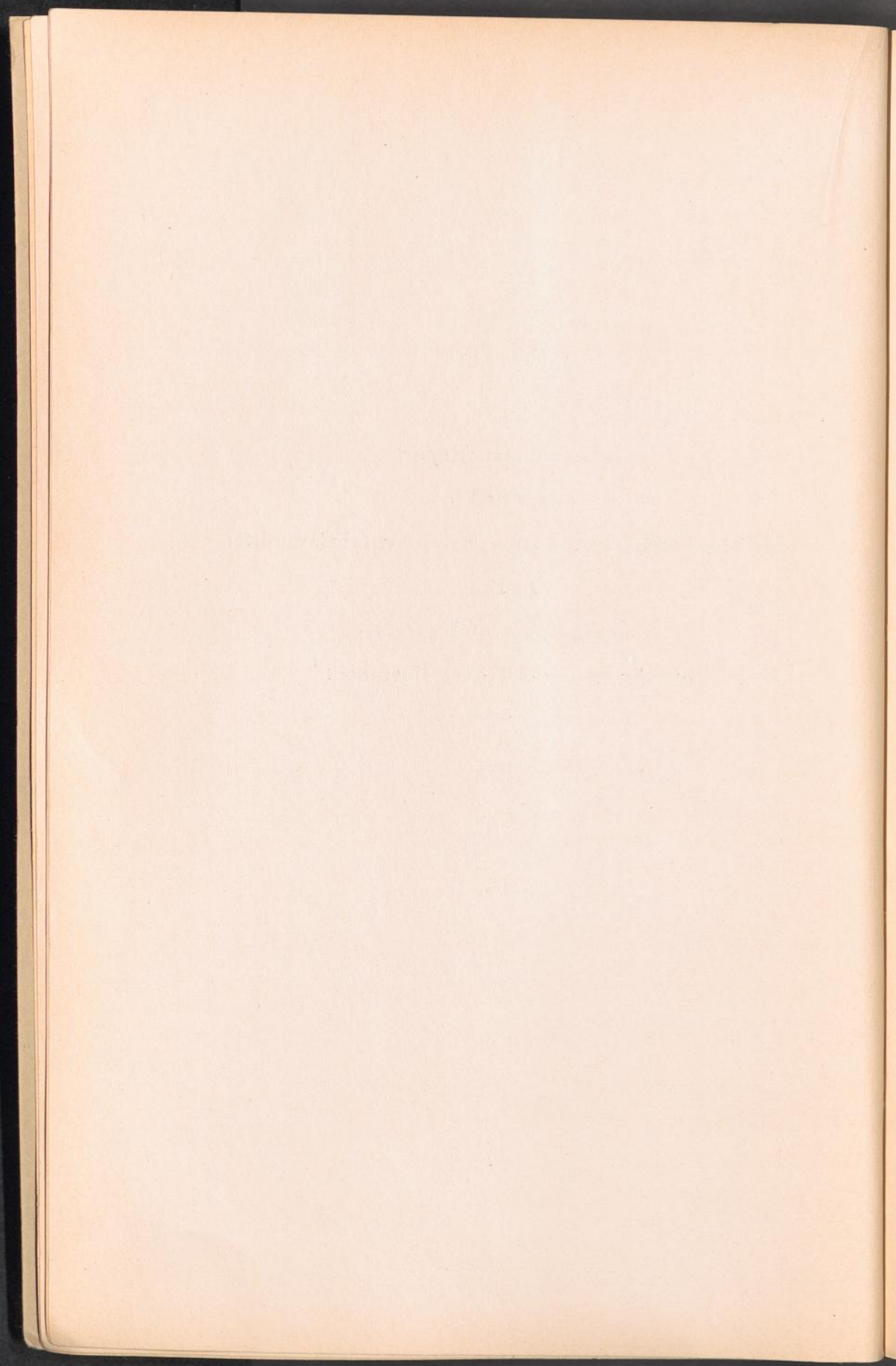
REPORT SUBMITTED BY THE COMMISSION OF EXPERTS ON IDENTITY AND TRAVEL DOCUMENTS TO THE EXECUTIVE COMMITTEE OF THE INTERGOVERNMENTAL COMMITTEE

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PART ONE

Preliminary Report
submitted by
the Head Office of the Intergovernmental Committee
to the
Commission of Experts
on Identity and Travel Documents



INTRODUCTION

At the end of the present war ¹, the Intergovernmental Committee will have to take all appropriate measures within its power to facilitate the permanent settlement of refugees coming within its mandate. There will be some refugees who are unable or unwilling to return to their respective countries of origin or former residence, and who do not enjoy the protection of any Government. Such persons will be found, when the war ends, in neutral European countries, and in Allied countries which have not been occupied or which have recently been liberated ². If these persons have to re-emigrate to countries of final settlement, it will be necessary to provide them with a document which could serve as a substitute for a national passport, which would be recognised by the countries of transit and the country of final destination, and on which the authorities of these countries would be prepared to affix the necessary visas.

The Intergovernmental Committee has not failed to recognise the importance and urgency of this problem and, on 17th August, 1944, during its Fourth Plenary Session, the Committee adopted the following Resolution :

¹ It should be noted that the greater part of this Preliminary Report was written between January and April 1945.

² This problem will not arise in the case of most displaced persons, who have been dispersed throughout various European countries as a result of the war, and who will be able and willing to return to their respective countries of origin or normal residence. The United Nations Relief and Rehabilitation Administration, in co-operation with the Governments concerned, will deal with their repatriation and make all necessary arrangements for the collective transport of persons who have a common destination and whose return has been authorised by the representative of the country concerned. No special travel document will be required by persons coming within this category.

“ The Committee, having examined the Memorandum of the Director and the Assistant Director, and recognising the need of an early examination of the question of the wider provision of internationally recognised identity and travel documents for persons coming within its mandate, whether stateless or not in fact enjoying the protection of any Government,

“ Resolves :

“ 1. that the Director be instructed to invite the Governments of Argentine, Belgium, Brazil, Chile, Czechoslovakia, France, Poland, United Kingdom and the United States of America, to appoint experts to a Commission with power to add to its members, to be convened by him for the purpose of examining the question of the adoption and issue of an internationally recognised identity and travel document for stateless persons, or persons not enjoying in fact the protection of any Government ;

“ 2. that this Commission of Experts submit a report on its findings for the consideration of the Executive Committee ;

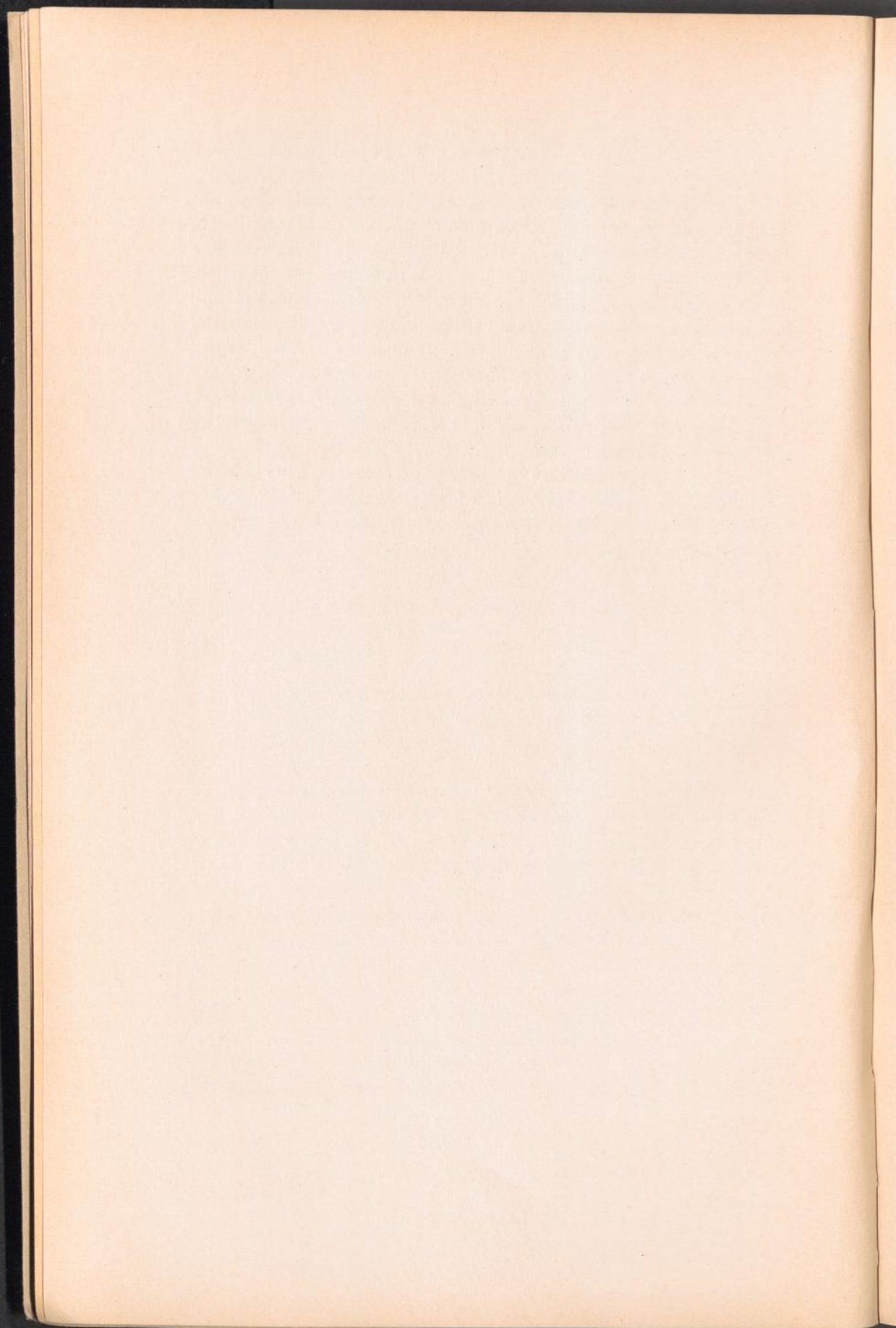
“ 3. that the Executive Committee be empowered, if it considers it desirable, to make recommendations to various Governments. ”

In conformity with the Resolution thus adopted, the Director of the Intergovernmental Committee has convened, for 28th August, 1945, a meeting of the Commission of Experts set up in the meantime. The present Report is submitted to the Commission in order to facilitate its task. The Report is divided into three sections. Section I provides a historical survey and analysis of the previous international agreements concerning the issue of special identity and travel documents to refugees or to persons without nationality or of doubtful nationality. This section contains, *inter alia*, a table, which has been made as comprehensive as possible and which compares the clauses of the various international agreements governing this subject. Section II is devoted to a study of the various

questions raised by the issue of a special identity and travel document to the refugees referred to in the present Report. This section provides both an explanation and, as it were, an anticipated comment on the various clauses of the Preliminary Draft Arrangement referred to hereafter. Section III consists of a Preliminary Draft Arrangement and a specimen identity and travel document, which are submitted for the consideration of the Commission of Experts. The Commission will note that care has been taken to submit as comprehensive a Draft Arrangement and specimen as possible. Both have been drawn up on the basis of past experience and, at the same time, an endeavour has been made to remedy certain deficiencies found in previous arrangements and conventions.

The attention of the Commission of Experts is drawn, in particular, to Section III, which forms the conclusion of this Report and which might, it seems, be used as a basis, or starting point, for the work of the Commission.

May, 1945.



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 it¹. 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 :

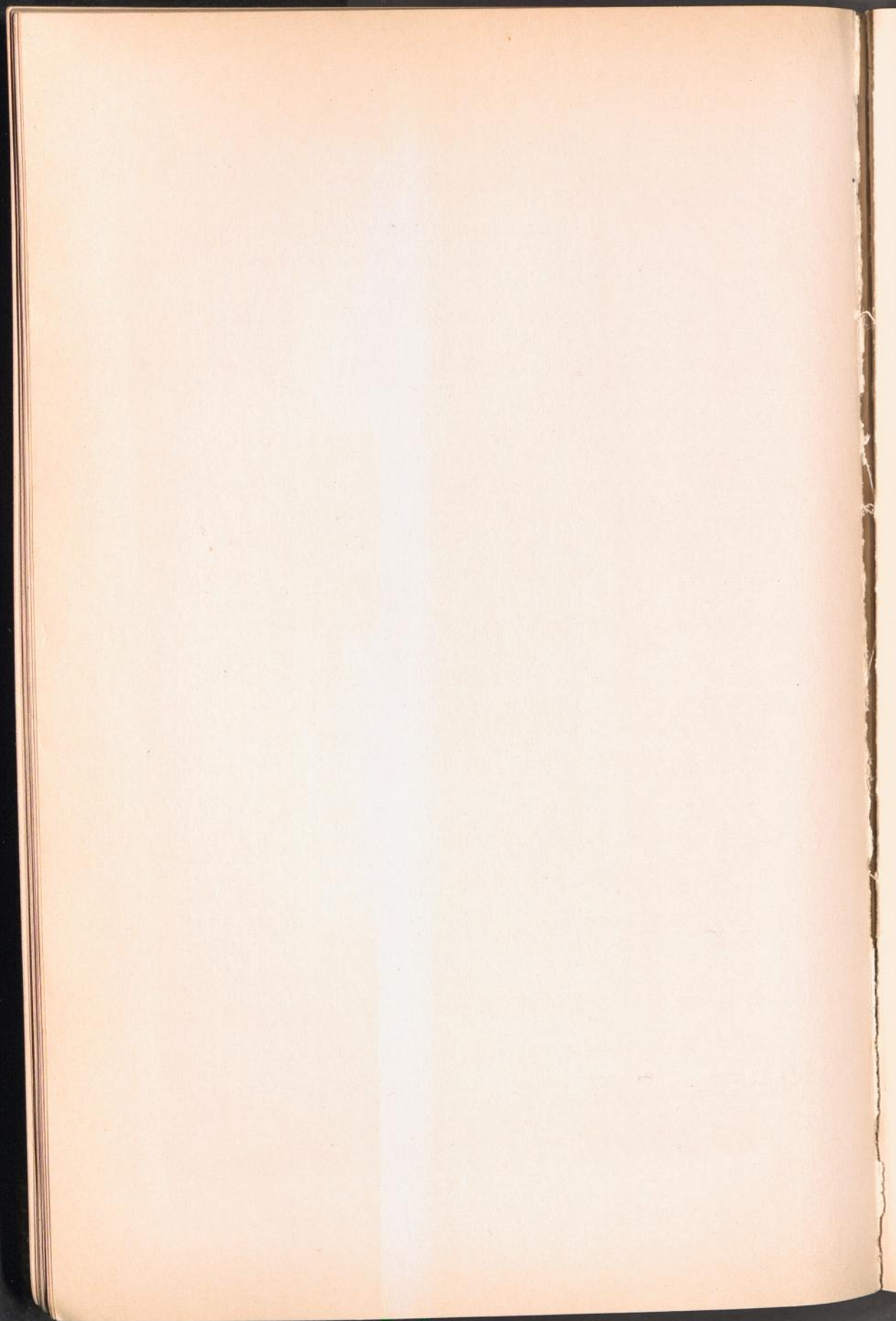
(1) In the first place, it will be seen from the above-mentioned table that, of the 43 Governments which took part in the General Conference on Communications and Transit, only 30 had conveyed their decision to the League by 30th June, 1929, and that, of these, only 16 (12 European Governments

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

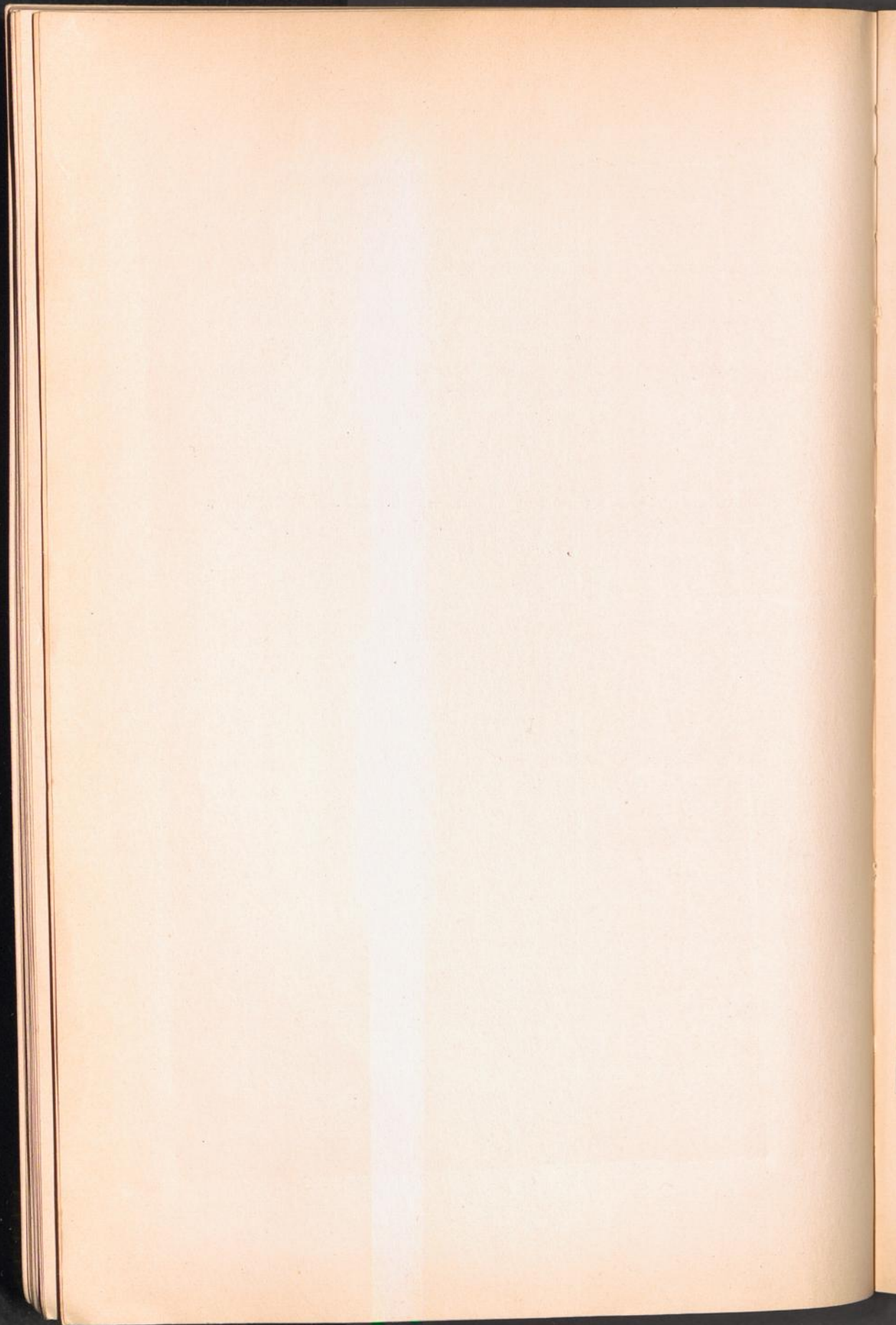
Annex 1 consists of a table summarising the action taken on the Recommendations of 1927. The blanks in this table are due to the fact that the information supplied by the Governments in their replies regarding the application of the Recommendations is sometimes incomplete.

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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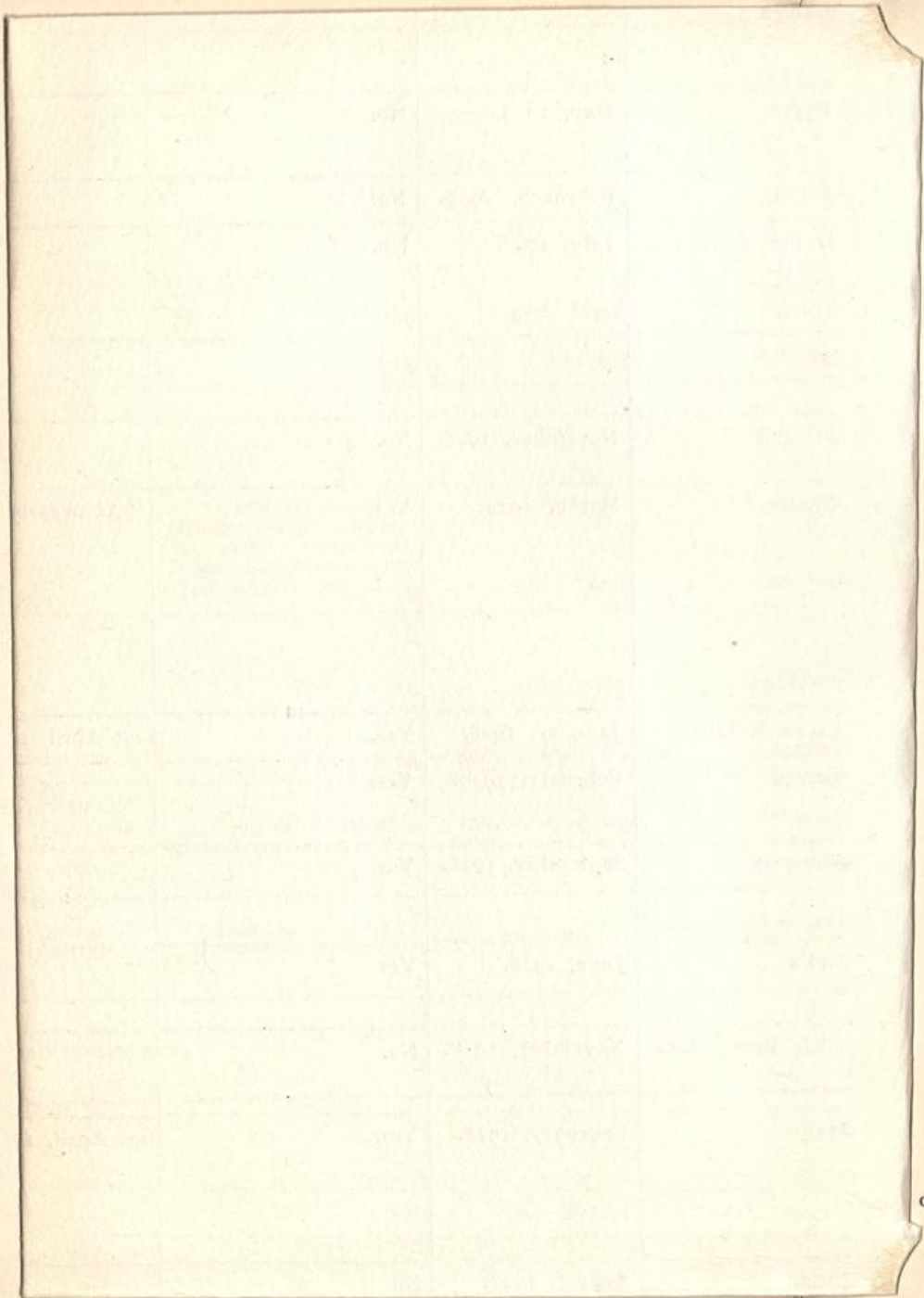
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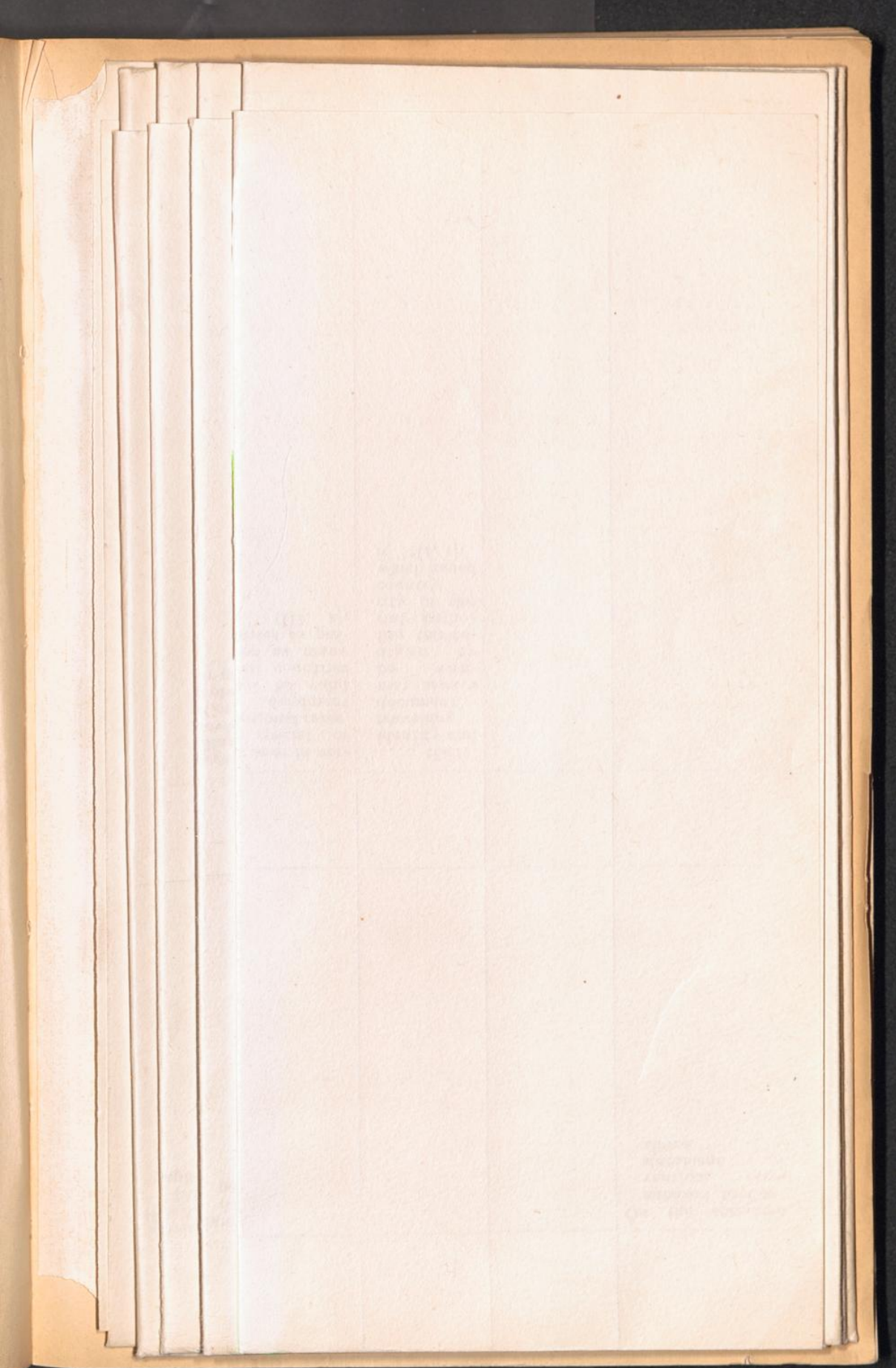


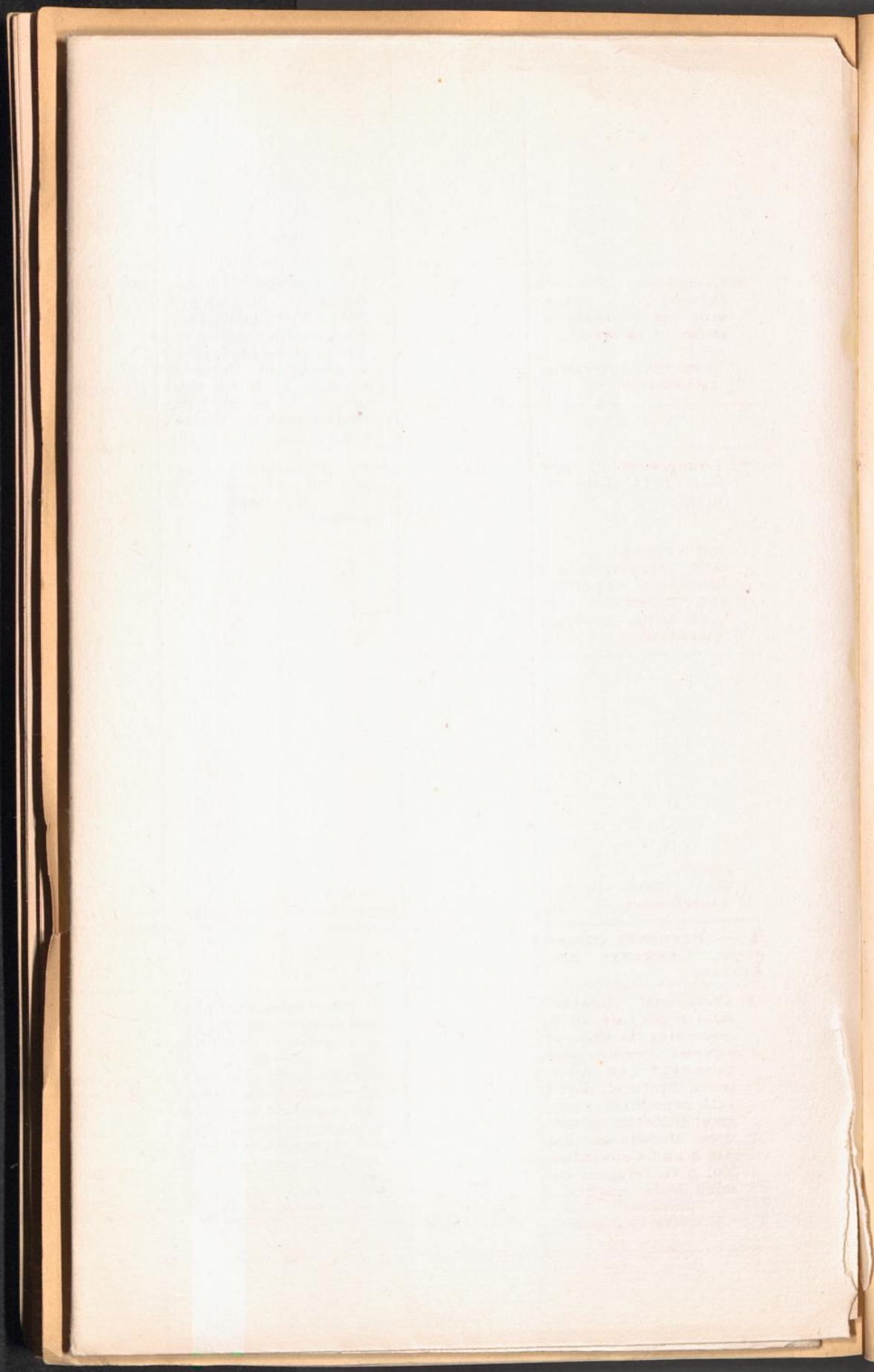
ANNEX 2

**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
Arrangement of 30th June, 1928 (extension to Assyrians, etc.)	13
Arrangement of 30th June, 1928 (legal status of Russian and Armenian refugees)	10 and Saar
Convention of 28th October, 1933	8

	Arrangement of 30th July, 1935 (extension to refugees from the Saar)	13
<i>Category B:</i>	Arrangement of 4th July, 1936 . .	7
	Convention of 10th February, 1938	3
<i>Category C:</i>	Recommendations of 2nd September, 1927	16

(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.*

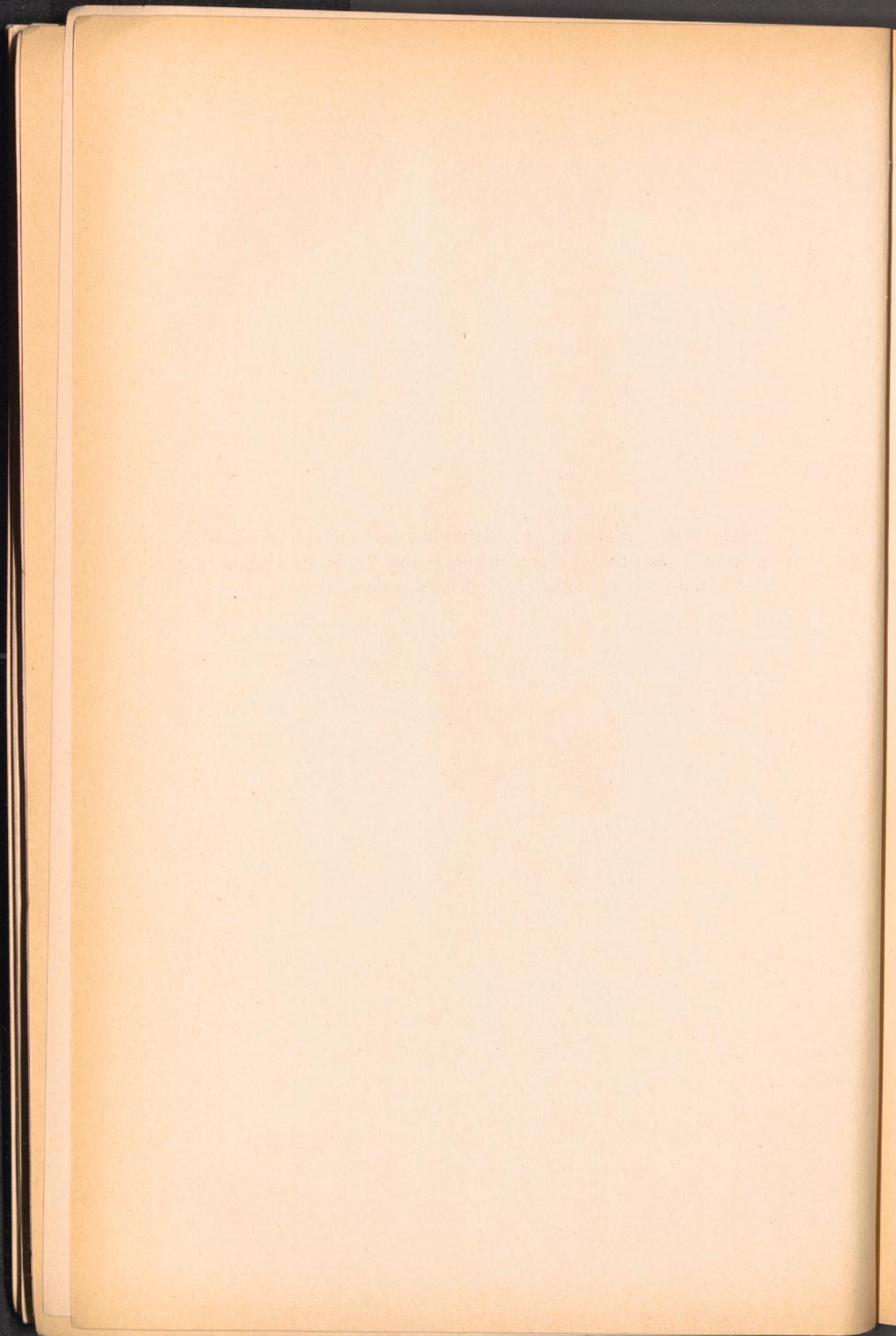
Category A: A statement indicating that the certificate was without prejudice to and in no way affected the status of the holder, appeared on the specimen annexed to the Arrangement of 30th July, 1935 (Saar refugees).

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.

SECTION II

**Study of the various questions relating to the adoption
of an identity and travel document for refugees coming within
the mandate of the Intergovernmental Committee.**



The previous section provides a survey of past experience ; the time has now come to enter upon a study of the question which is the actual subject of this Report, i.e. the adoption of an identity and travel document for refugees who come within the mandate of the Intergovernmental Committee and who are not covered by the agreements or recommendations analysed in Section I. The following questions, in particular, will be examined : general questions of procedure (mandate entrusted to the Commission of Experts and action which may be taken by the Executive Committee ; preliminary questions ; possible forms of the international agreement to be drawn up) ; authorities qualified to issue the proposed document ; beneficiaries of the document ; procedure prior to issue ; recognition of the document ; type of document and text ; languages in which the document is drawn up ; children of holder ; fees for issue of the document ; questions relating to the validity of the document (territorial validity ; period of validity ; expiration of validity ; renewal or extension of validity or issue of a new document by territorial authorities ; renewal or extension of validity or issue of a new document by consular authorities ; countries where the document ceases to be valid) ; right to leave the country ; visas (entry visas ; transit visas ; fees for visas) ; change of residence (new document ; old document) ; authorisation to return ; regulations relating to the control of foreigners ; special provisions ; status of holder ; question of diplomatic and consular protection ; documents issued prior to the coming into force of the proposed Arrangement ; forbidding of additional pages ; final clauses of the Arrangement, in particular those concerning the notification of signatures, the conditions of entry into force and denunciations.

As a general rule, each heading in the present section corresponds to one of the provisions in the Preliminary Draft Arrangement or to some feature of the specimen document annexed thereto. Thus Section II constitutes an anticipated commentary on Section III, which is composed of the Preli-

minary Draft and specimen document referred to above. It must be pointed out, in this connection, that, in the margin opposite each Article of the Preliminary Draft, there appears the number of the corresponding heading in Section II under which are given all necessary explanations and reasons justifying the inclusion of the Article in question.

I. GENERAL QUESTIONS OF PROCEDURE

(1) *Mandate entrusted to the Commission of Experts and action which may be taken by the Executive Committee.*

It will be seen from the Resolution of 17th August, 1944, that there are two aspects to the mandate entrusted to the Commission of Experts. The Commission has, in fact, been requested, in the above Resolution, (a) to examine the question of the adoption and issue of an identity and travel document for refugees coming within the mandate of the Intergovernmental Committee, and (b) to submit a report on its findings for the consideration of the Executive Committee. The present preparatory Report is designed to facilitate this twofold task.

According to the above-mentioned Resolution, the Executive Committee is empowered, if it considers it desirable, "to make recommendations to various Governments". The report of the Commission of Experts will obviously constitute an important factor in the decision the Executive Committee sees fit to take in this respect.

(2) *Preliminary questions.*

(a) What meaning must be given to the above term "recommendations"? This word must obviously be understood here, not in the narrow, technical sense attached to certain resolutions adopted by various League of Nations organisations and termed "recommendations", but in the wider sense of wishes expressed by the Executive Committee, concerning the adoption of appropriate measures to meet the needs of the situation under review.

(b) One may ask whether some of the agreements examined in Section I do not provide a ready means of achieving

the end which the Intergovernmental Committee has in view. In other words, instead of preparing, for instance, a new diplomatic instrument, would it not be simpler for the Intergovernmental Committee to consider making use of one or several of the international agreements already in existence? The answer must be in the negative. Previous conventions and arrangements (categories A and B) refer, in fact, only to certain clearly defined categories of refugees, and would not cover all the groups of refugees which the Intergovernmental Committee wishes to benefit by means of the proposed identity and travel document. Similarly, the Recommendations of 1927 (category C) do not include all the refugees with whom the Intergovernmental Committee is, or will be, concerned. Apart from the fact that the persons to whom they refer are not necessarily refugees, these Recommendations are not applicable to certain groups of refugees which the Intergovernmental Committee has especially in mind, namely persons who have been affected by denationalisation measures and persons who are stateless in fact. Moreover, Recommendations possess certain characteristics, which will be dealt with later on in this Report, and in view of which they do not appear to constitute the type of international instrument most suitable for the establishment of a new régime.

(c) One may further ask whether the Card for Emigrants established by the Arrangement of 14th June, 1929, might not be an adequate identity and travel document for the purpose in view. The reply to this question must also be in the negative. It is clear from the comparative table shown hereafter that the above-mentioned Card differs essentially from the document which it is proposed to establish, and that it in no way fulfils the purpose which the Intergovernmental Committee has in view. In this connection, particular attention must be drawn to the points mentioned in paragraphs 2(a), 2(b) and 2(c) of this table ¹.

¹ However, there is nothing to prevent the granting of a Card for Emigrants, in certain cases, to refugees who are holders of the document which it is proposed to establish. But, as in the case of emigrants who hold a national passport, this Card would then serve merely as a temporary, subsidiary document for transit purposes, the main document being that which it is proposed to establish.

Card for Emigrants	Proposed document
<p>1. <i>Period of validity.</i> Very short period (see 2(d), left-hand column).</p> <p>2. <i>Object.</i></p> <p>(a) <i>Travel</i> document which does not replace passport as identification paper. The holder of a Card for Emigrants must also be the bearer of a national passport, the number of which appears on the Card under the heading "Passport No..."</p> <p>(b) <i>Subsidiary</i> travel document. Article 4 of the Arrangement of 14th June, 1929, stipulates that the Contracting Governments undertake to allow the passage in transit of any emigrant "holding a passport and a transit card..." The Card for Emigrants is thus a subsidiary document, valid only if accompanied by a national passport, which is the main document.</p> <p>(c) <i>Incomplete</i> travel document. Intended essentially to guarantee the holder's freedom of <i>transit</i> and to avoid the necessity for consular transit visas and the levying of special control and transit charges. But although it enables the holder to pass through the country or countries of transit, it does not authorise him to enter the country of destination; for this, a national passport, duly visaed by the representative of the aforementioned country, is necessary.</p>	<p>1. <i>Period of validity.</i> One year (Article 7 of Preliminary Draft).</p> <p>2. <i>Object.</i></p> <p>(a) Intended for persons who do not possess a valid national passport. Would serve both as a travel document and as an <i>identification</i> paper.</p> <p>(b) <i>Main</i> travel document. This document, duly visaed, would suffice for all journeys, no additional official document being required.</p> <p>(c) <i>Complete</i> travel document. This document, duly visaed, would authorise the holder to enter the country of destination as well as the country or countries of transit.</p>

Card for Emigrants	Proposed document
<p>(d) The Card is valid for one journey only, from one specified country, which is often the country of origin, to another specified country (subject to 2(c) above) via one or several countries of transit.</p>	<p>(d) Would not necessarily relate to one journey only. During its period of validity, this document, duly visaed, would be valid for as many journeys as the holder wished to make.</p>
<p>(e) For emigration overseas.</p>	<p>(e) Use not restricted to emigration overseas.</p>
<p>3. <i>Beneficiaries.</i></p>	<p>3. <i>Beneficiaries.</i></p>
<p>(a) Persons enjoying the protection of a Government.</p>	<p>(a) Persons not enjoying the protection of any Government.</p>
<p>(b) Emigrants.</p>	<p>(b) Not necessarily emigrants.</p>
<p>4. <i>Issue.</i></p>	<p>4. <i>Issue.</i></p>
<p>The Card is supplied by the Government of the country of embarkation to a specially authorised shipping company, which, in turn, issues it to the emigrant.</p>	<p>The proposed document would be issued directly to the person concerned by the competent authority of the country of residence.</p>

It will be seen from the preceding remarks that, should the Executive Committee consider it desirable to make recommendations to various Governments, as it is empowered to do by the Resolution of 17th August, 1944, these recommendations should not relate to the generalisation of measures previously adopted. A subsidiary argument in favour of the adoption of new measures may be mentioned : in previous agreements and in the documents established thereby, there are certain deficiencies which could be remedied in a new international agreement.

(3) *The two possible forms of the new international agreement—recommendation(s) or arrangement.*

In view of the technical and clearly defined nature of the subject of this Report, the proposed agreement might

take the form either of one or several recommendations or of an intergovernmental arrangement. Both possibilities are examined hereunder.

(a) *Recommendation(s)*.

The term "recommendation" is used here in the special sense attached to certain resolutions adopted by League of Nations organisations. Once adopted, in accordance with one of the procedures mentioned hereafter, the recommendation or recommendations relating to the issue of the proposed document would be communicated to the Governments, which would act thereon as they considered advisable and take all appropriate steps which might be necessary.

With regard to the procedure prior to the adoption of the recommendation or recommendations, one of the two following alternatives might be considered: (i) the recommendation or recommendations would be adopted by the Executive Committee, possibly on the basis of the report of the Commission of Experts, and communicated by the Executive Committee to the various Governments; (ii) the recommendation or recommendations would not be adopted by the Executive Committee, which would confine itself to proposing to the Governments the convening of an intergovernmental conference which could adopt one or several recommendations, possibly on the basis of the report of the Commission of Experts.

It appears unlikely that the principle of recommendations will be adopted by the Executive Committee. What the Intergovernmental Committee actually wishes to obtain is the speedy adoption, by the maximum number of countries, of a uniform type of document. In this connection, it should be pointed out that the inherent weakness of a recommendation and its inferiority, in some respects, by comparison with an intergovernmental arrangement, lie in the fact that it creates no reciprocal obligations. It is merely an expression of wishes which the Governments are free to take into consideration or not. At best, that is to say if the recommendation is accepted, apart from the fact that the Governments can, at any moment and without giving notice of denunciation, abruptly cease to comply with a recommendation which they have previously

adopted, they are also free either to put it only into partial application or to modify in any way they please the regulations previously laid down in accordance with the recommendation in question. These drawbacks are particularly serious when the main object is uniformity.

Moreover, a recommendation offers more scope than an arrangement for inaction and delay. There is less chance of achieving swift and territorially widespread results than by means of an arrangement. This, too, is a serious drawback, since in view of the urgency of the matter and the fact that the refugees are scattered over a wide area, the Intergovernmental Committee is anxious for the necessary measures to be adopted quickly and applied over as wide a territory as possible. Some of the above drawbacks have already been pointed out in Section I in the course of the survey of the Recommendations of 1927.

(b) *Arrangement.*

The preceding remarks explain why it seems that preference should be given to an intergovernmental arrangement, which offers more likelihood of achieving swift, widespread and uniform results. In respect of the last point, it is fully appreciated that it is always possible for Governments to adhere to an arrangement subject to certain reservations or to denounce it, the result being, in the case of reservations, to modify the régime adopted in a manner likely to impair its uniformity, and, in the case of denunciation, to limit the extent of its application and lessen its stability. These drawbacks are, however, less marked in the case of an arrangement than in that of a recommendation. In the first place, since a recommendation can, at best, only give rise to the introduction of national legislation, it is bound to open the way to many differences in application. In the second place, an arrangement, unlike a recommendation, stipulates certain formalities and delays in regard to denunciation, thereby reducing to some extent the danger of any Government's withdrawing too easily its adherence to the arrangement.

Since an arrangement appears to be the better solution, it remains to be decided what kind of arrangement should be proposed to the Executive Committee.

Bearing in mind past experience, two kinds of arrangements may be considered; these might, for convenience, be termed Arrangement-recommendations and Arrangements proper respectively.

By Arrangement-recommendations is meant a certain group of international agreements of a hybrid character, couched in somewhat ambiguous terms—which, moreover, are legally disputable—and akin both to an arrangement and a recommendation. Some of the arrangements examined in Section I belong, in varying degrees, to this group. The Arrangement of 12th May, 1926, constitutes a particularly clear example: it is an arrangement in the sense that such is its official designation, but it also has some of the characteristics of a recommendation in so far as it is non-contractual in form. Apart from the fact that it does not begin with a clause such as "The Contracting Governments have agreed as follows", which would proclaim and emphasise its contractual nature, the terms of the various provisions which make up its substance and embody its aims are not in the nature of rules by which the Governments mean to abide. It is a list of resolutions adopted by an *ad hoc* meeting of an intergovernmental conference and contains such expressions as: "The Conference approves the principle..." or "The Conference expresses the wish..." or "The Conference considers..." or "The Conference recommends..."

It is difficult to determine the precise nature of so ambiguous an instrument. One may maintain that it is an arrangement. One may equally well maintain that, in fact, it is merely a recommendation "camouflaged", so to speak, as an arrangement. In support of the second thesis, one may contend that the Governments confine themselves to signing a recommendation, thereby incurring no formal obligations from a strictly legal point of view. A Government is not bound by any contract simply because it affixes its signature at the foot of provisions such as: "The validity should not, in principle, exceed one year" or "The Conference... approves the

principle of the affixing of return visas", "agrees that children under 15 years of age should be included on the identity certificates of their parents", "recommends that the Government issuing a national passport to a refugee should withdraw from him his... certificate", "recommends Governments to grant entrance visas free of charge to indigent refugees". To take an example from another agreement coming within this category—the Arrangement of 31st May, 1924, concerning Armenian refugees—one can hardly maintain that a Government incurs a definite obligation by signing a clause couched in the following terms: "Governments are... recommended to grant such authorisation." The most that can be said is that the Governments signing the agreement approve the wishes expressed or the principles proclaimed, and give them their moral support. But they incur no legal obligation, since their approval cannot change the non-contractual nature of the provisions or imply any obligation on the part of the Government, which is a signatory but not a Contracting Party. By signing, the Government merely expresses its acquiescence in the views of the conference. Consequently it may, for instance, introduce into its administrative regulations provisions more or less in conformity with the resolutions of the Conference—but only if it considers it desirable to do so¹.

In reply to the various points raised above, those who uphold the first thesis may assert that, by signing a text which was originally only a recommendation, the Governments have subsequently changed its nature to some extent and that, by virtue of these signatures, it has actually become an arrangement.

It will be seen that differences of opinion may arise regarding the true legal character of this kind of arrangement. At all events, it should be mentioned that, in France, the *Commission supérieure de Cassation* held the view that the Inter-

¹ With regard to the Arrangement of 12th May, 1926, those who uphold the second thesis might add that this Arrangement, like a recommendation, does not even stipulate that it must be submitted to the Governments for signature, but merely mentions, in a final paragraph, that the Conference expresses the wish that the representatives of the Governments at the next session of the Assembly of the League may be enabled to report on "the measures taken to give effect to the terms" of the Arrangement. This latter expression again emphasises the fact that the above Arrangement is in the nature of a recommendation.

governmental Arrangement of 30th June, 1928, concerning the legal status of Russian and Armenian refugees, was not an arrangement of a contractual nature binding the signatories, one of the reasons given being that it only contained recommendations.

The category of Arrangements proper, which might equally well be described as "Arrangement-agreements", is characterised by the fact that the signing of such Arrangements results, beyond any doubt, in the signatory's incurring an obligation towards his co-signatories. The Arrangement of 4th July, 1936, examined in Section I, falls within this category. It constitutes an international contract, the clauses of which the signatories are bound to observe. It contains, *inter alia*, the following opening clause which underlines its contractual nature: "The undersigned representatives, acting in the name of their respective Governments, *agree...* to adopt the following provisions."

In order to submit to the Commission of Experts a text which cannot give rise to difficulties of interpretation, it has seemed advisable to draw up a Preliminary Draft Arrangement belonging to this second category.

With regard to the formalities prior to the adoption of the proposed Arrangement, the following possibilities are submitted for the decision of the Executive Committee:

(i) The Executive Committee recommends to the Governments the convening of a Conference of Government representatives with a view to the preparation — possibly on the basis of the report of the Commission of Experts — of the text of an arrangement which would subsequently be open to signature by the Governments.

(ii) The same procedure, except that the above-mentioned representatives would be authorised to sign, on behalf of their Governments, the arrangement which they had drawn up.

(iii) The Executive Committee recommends to the Governments the adoption of an arrangement, the text of which might be prepared by the Executive Committee itself, possibly on the basis of the report of the Commission of Experts.

In this event, some duly authorised members of the Executive Committee might be in a position to sign the arrangement on behalf of their Governments.

II. AUTHORITIES QUALIFIED TO ISSUE THE DOCUMENT

The identity and travel documents referred to in the various agreements examined in Section I of the present Report are all issued by the authorities of the country in which the refugee resides. The term "issue", frequently employed in the above-mentioned agreements, has a twofold significance. In the first place, the document is actually handed to the refugee by the authorities; in the second place, it derives its legal value from the fact that it emanates from these authorities and constitutes an attribute of the sovereignty of the State in whose territory the refugee resides.

It seems advisable to inform the Commission of Experts that the following suggestion has been submitted to the Intergovernmental Committee. It has been proposed that the document should still be issued by the authorities of the country of residence, but that legally it should emanate from the Intergovernmental Committee. This suggestion has been taken into consideration in Text 2 of Article 1 of the Preliminary Draft Arrangement, which reads as follows: "... issued by the Contracting Parties, on behalf of the Intergovernmental Committee..." Text 1, on the contrary, conforms to the practice previously followed in regard to similar documents.

If Text 2 were adopted, the following considerations would apply:

The actual issue of the document would still be effected through the medium of the appropriate national authorities, acting in the capacity of agents of the Intergovernmental Committee. But the document would derive its international value and authority from the fact that it emanates from the Intergovernmental Committee, whose right, in this respect, would be recognised by the Governments. The travel document might, in that case, bear the title: "Intergovernmental Committee on Refugees — Identity and Travel Document" or some similar title.

Still assuming that Text 2 is adopted, the question of the return visa, which is an attribute of the sovereignty of the State in whose territory the refugee resides, would, of course, come within the sole jurisdiction of the appropriate national authorities. They would issue the document in their capacity of agents of the Intergovernmental Committee, but would affix the return visa in their capacity of national authorities.

Text 2 appears to offer certain advantages. In the first place, it would ensure the complete uniformity which is one of the main objects in view. A document emanating from a single authority would, of necessity, be uniform, irrespective of where it might be issued. Bearing the same statements and having the same external appearance, it could not give rise to confusion, would soon become well-known and would be easily recognised by the various police officials and authorities responsible for supervision. In the second place, it would be logical and in keeping with the protective functions of the Committee for the latter to issue a travel document.

III. BENEFICIARIES OF THE DOCUMENT

(I) *Method of definition.*

Two ways of defining the beneficiaries of the proposed Arrangement may be considered. For convenience sake, the first might be called the "empirical" or "geographical" or "categories" method, and the second the legal method. The first consists in specifying the origin of the beneficiaries. This was the method employed in previous conventions and arrangements (categories A and B). It was then obviously necessary and adequate because each of these arrangements and conventions applied to only one category of beneficiaries, all of whom had the same origin. Moreover, when each of these international agreements was drawn up, the various aspects of the position of the beneficiaries were perfectly clear. The second method is to define the beneficiaries, not by specifying their origin, but by laying down certain requirements which they must fulfil. This was the course adopted with regard to the Recommendations of 1927.

It has seemed desirable, for reasons explained hereafter, to combine the two methods. The relevant passage in Article I reads as follows: "... an identity and travel document... shall be issued... to refugees belonging to categories which have been notified to the Governments concerned by the Intergovernmental Committee as coming within its mandate, provided that the said refugees are stateless or do not in fact enjoy the protection of any Government, that they are staying lawfully in the respective territories of the Contracting Parties, and that they are not benefiting by the provisions regarding the issue of an identity and travel document contained in one of the following arrangements or conventions: Arrangements of 5th July, 1922, 31st May, 1924, 12th May, 1926, 30th June, 1928, 30th July, 1935, 4th July, 1936, and Conventions of 28th October, 1933, and 10th February, 1938."

(a) According to the above passage, the persons entitled to benefit by the provisions are defined in particular as being refugees belonging to certain categories. This stipulation is based on the first method, except that the categories are not specified in the Arrangement but will be specified by the Intergovernmental Committee at a later date.

(b) A certain number of conditions based on what has been termed the legal method are then laid down. Among the refugees belonging to the above-mentioned categories, the only persons who will be entitled to benefit by the provisions of the Arrangement will be those who are stateless or do not in fact enjoy the protection of any Government, who are staying lawfully in the respective territories of the Contracting Parties, and who are not benefiting by the provisions, regarding the issue of an identity and travel document, contained in one of the previous arrangements or conventions.

Some explanation is required in order to justify the use of this complex method.

It would have been possible to consider defining the beneficiaries merely by stating that they are refugees who come within the mandate of the Intergovernmental Committee, who are stateless or do not in fact enjoy the protection of any

Government, who are staying lawfully in the respective territories of the Contracting Parties, and who are not benefiting by the provisions of one of the above-mentioned arrangements or conventions. Such a definition would have been completely justified from a strictly legal point of view, since it would have constituted a general framework capable of including all the refugees concerned. There was, however, a serious drawback to this definition, namely, that in order to give effect to the provisions of the arrangement, the Government officials in the various countries would have been obliged to decide how the rules thus laid down should be interpreted, a task which would at times be difficult in view of the extremely wide scope of the mandate of the Intergovernmental Committee. These officials might sometimes be at a loss to know whether or not an applicant is entitled to benefit by the Arrangement. It therefore seemed advisable to state that the beneficiaries must belong to certain categories notified by the Intergovernmental Committee to the various Governments concerned. The Contracting Governments will thus be duly supplied with particulars regarding the origin of the persons entitled to receive the proposed identity and travel document.

It may further be asked why the above-mentioned categories have not been specified in the Arrangement itself, as in the case of the conventions and arrangements in categories A and B. As previously stated, each of these conventions and arrangements applied to only one category of beneficiaries, all of whom had the same origin, and whose position was well known when the above instruments were drafted. This does not apply in the case of the beneficiaries of the Arrangement now proposed. In the first place, the latter, like the Recommendations of 1927, is intended to cover many groups of persons of different origins, and it was consequently considered inadvisable to complicate the Draft Arrangement by including a long list of categories. In the second place—and this is a very important point—such a list, however carefully drawn up, would run the risk of being incomplete. While it is already justifiable to expect that many groups of refugees will need to be provided with the proposed document, it would be somewhat hazardous to attempt to specify all such groups in advance. The problems

relating to certain categories of refugees will depend upon political conditions in Europe and developments which it is impossible to forecast at the present time. Thus, any list of categories drawn up now would necessarily be of a somewhat theoretical nature and, in consequence, premature.

Finally, it might be argued that it would have been sufficient to define the beneficiaries merely by stating that they must belong to categories to be notified by the Intergovernmental Committee. In spite of its apparent simplicity and logic, this solution was not adopted, because it seemed advisable to define clearly the field of application of the present Arrangement by indicating the limits imposed by the conditions mentioned above in (b), in order that the facilities offered by the Arrangement might be granted only to refugees who really need and deserve them.

(2) *The four requirements.*

It is now advisable to examine in greater detail the definition previously given of the beneficiaries of the Arrangement. It will be seen from the relevant provisions of Article 1 that the proposed document may be issued to any person fulfilling the four following requirements. He must :

(1) belong to one of the categories coming within the mandate of the Intergovernmental Committee and notified as such by the latter to the Governments concerned ;

(2) be stateless in law or in fact ;

(3) not be benefiting by previous conventions or arrangements concerning the issue of special identity and travel documents ;

(4) be staying lawfully in the territory of a Contracting Party.

First requirement : to belong to one of the categories coming within the mandate of the Intergovernmental Committee and notified as such by the latter to the Governments concerned.

The Resolution adopted on 17th August, 1944, by the Intergovernmental Committee in the course of its Plenary Session lays down that the document in question is intended for

persons coming within the mandate of the Intergovernmental Committee. It should be recalled, in this connection, that the mandate of the latter covers "as may be found necessary and practicable... those persons, wherever they may be, who, as a result of events in Europe, have had to leave, or may have to leave their countries of residence because of the danger to their lives or liberties on account of their race, religion or political beliefs." ¹

It will be seen that the Committee's mandate covers an extremely wide field and might sometimes give rise to difficulties of interpretation. In consequence, as has previously been pointed out in the part dealing with the method of definition, it seemed advisable to state that the beneficiaries must belong to categories of refugees coming within the mandate of the Committee and notified, for the purpose of the Arrangement, to the various Governments; the latter would thus be in possession of all the information likely to define and to facilitate their task.

¹ When the Committee was set up in July, 1938, the classes of persons coming within its mandate were defined as follows:

"(1) persons who have not already left their country of origin (Germany including Austria), but who must emigrate on account of their political opinions, religious beliefs, or racial origin; (2) persons as defined in (1) who have already left their country of origin and who have not yet established themselves permanently elsewhere."

After the annexation of the Sudeten areas, persons of German origin who had been obliged to leave their own country and had settled in that territory were included in the mandate of the Committee.

At first, the essential purpose of the Committee was to achieve, by means of negotiations with the German authorities, an organised system of emigration of all those persons who had been obliged to leave their country of origin. Conversations took place between December 1938 and August 1939, but no conclusive results were reached. The outbreak of hostilities put a sudden end to these endeavours.

The problem of forced migration having been greatly aggravated by the war, the Governments of the United Kingdom and the United States appointed representatives authorised to examine the refugee problem and to propose relief measures. A Conference of delegates of the two Governments was held in Bermuda in April 1943. One of the Recommendations adopted by the Conference related to the reorganisation of the Committee and the extension of its mandate. This Recommendation was submitted to the Intergovernmental Committee, with the result that the Executive Committee, at its meeting of 4th August, 1943, adopted, *inter alia*, a Recommendation giving a new definition of persons coming within the mandate of the Intergovernmental Committee.

Second requirement: to be stateless in law or in fact.

(a) *Persons stateless in law.*

The Resolution of 17th August, 1944, stipulates *inter alia* that the proposed document is intended for stateless persons, without specifically enumerating the causes of statelessness. Subject, therefore, to the other conditions laid down by the Preliminary Draft, refugees who belong to the above-mentioned categories and who are stateless for any reason whatsoever, particularly as a result of denationalisation measures, shall be qualified to obtain the new identity and travel document.

Here again, the Preliminary Draft submitted to the Commission of Experts differs from the Recommendations of 1927. The latter referred to persons whose statelessness arose from a limited number of clearly defined causes, i.e. war or causes arising directly out of war, non-delimitation of frontiers, or a conflict of laws. The Recommendations did not cover persons who had lost their nationality as a result of denationalisation measures.

Right of option. — One of the United Nations' solemnly declared war aims is the repeal of the discriminatory measures taken by enemy countries, particularly against the Jews, in violation of the principle of the equality of all citizens in the eyes of the law. Anti-Jewish measures, including those relating to the denationalisation of Jews, will certainly be repealed either by decision of the Allied Occupation Authorities or by a decision on the part of the Governments set up in place of the totalitarian Governments. The repeal of these measures will naturally be followed by the reinstatement of the persons affected thereby in the nationality of which they had been deprived.

It should, however, be borne in mind that many Jews originating from totalitarian countries, and above all from Germany, will be unwilling to return to countries where they have undergone indescribable suffering, and where their co-religionists—and, in many cases, their own relatives—have been persecuted or murdered. Many of them will have severed all ties with their former homeland, with which they will wish to have

no further connection. In this respect it has been maintained that it would hardly be fair to compel these Jews to accept the nationality thus open to them again, since it has already been agreed that there can be no question of compelling them to return to their country of origin. It seems, therefore, not impossible that these Jews might be granted some right of option, in one of the two following forms, according to the country of origin of the persons concerned :

(a) The persons concerned are automatically reinstated in the nationality of which they have been deprived. The reinstatement is *ex tunc*, that is to say it becomes effective from the date of denationalisation, the latter being regarded as null and void and the persons concerned being considered as never having lost their nationality. They may, however, nullify their reinstatement by making a declaration to that effect within a prescribed period and subject to certain conditions. By availing themselves of this right of option, the persons concerned will retain their status of stateless persons ¹. Such a right of option would not be an entirely new legal departure ; it would be similar in nature to the right, provided for in the legislation of certain countries, to renounce nationality in certain circumstances ².

(b) The persons concerned remain stateless unless, by an appropriate declaration, they make known their desire to be reinstated in their former nationality, *ex tunc* or *ex nunc* as the case may be. This arrangement, which is extremely severe as far as the country of origin is concerned, might be regarded as

¹ It is possible that, in addition, the persons concerned may be granted the right, not to nullify the reinstatement, but to limit the period of its effectiveness. In this case, they would be granted the right to decide, by making an appropriate declaration, that the recovery of nationality would take effect *ex nunc*, that is to say from the date of the above-mentioned declaration. This would enable them to safeguard the rights which they have acquired during their period of statelessness, and which are inherent in their status of stateless persons. Strictly speaking, however, this question is outside the scope of this Report since the persons concerned would, in any case, cease to be stateless from the date of the declaration.

² As regards Great Britain, for example, see Section 14 of the British Nationality and Status of Aliens Act, 1914 ; as regards the United States, see Act of Congress of 27th July, 1868, which declares that the renunciation of nationality is a natural right which anyone may exercise.

fitting in the case of Jews from Germany, in view of the particularly heinous forms of racial persecution in that country and of the severance—usually complete—of moral ties between German Jews and their former country. Moreover, among the Jewish victims of the totalitarian Powers, the German Jews are the least inclined to return to their country of origin ¹.

In any event, should the victims of racial persecution in certain Axis countries be granted the right to remain stateless if they expressly indicate their desire to do so, these as it were "voluntarily" stateless persons would, if they fulfilled the other requirements laid down in the Arrangement, be qualified to obtain the document referred to therein ².

It need hardly be stated that the above considerations in no way detract from the principle that every effort should be made to help in creating, in the countries concerned, conditions likely to encourage the voluntary return of refugees.

¹ The question is rather delicate as regards Jews of Austrian origin, since they acquired German "Staatsangehörigkeit" in consequence of the annexation of Austria, but were subsequently deprived of it. According to the Moscow Declaration of October, 1943, Great Britain, the U.S.S.R. and the United States regard the annexation of Austria by the Reich as null and void. It seems, therefore, that, according to this Declaration, the denationalisation, in conformity with German law, of Jews of Austrian origin, would not be recognised, and that the latter would have to be regarded as never having lost their Austrian nationality. However, since many Austrian refugees will probably refuse to return to Austria and will have severed all connection with their country of origin, it seems possible that they may be granted a right of option in one form or another.

² Under Section 2, sub-section 1, of the Reich Law on Citizenship of 15th September, 1935, (R.G.B.I/1146), Jews, as defined in Section 5 of the First Rules of Procedure established under the law of 14th November, 1935, (R.G.B.I/1333), are German nationals ("Staatsangehörige"), although they are not "Citizens of the Reich". According to law, German Jews who have not left Germany during the war have kept their German nationality, since the law of 25th November, 1941, whereby Jews living abroad were denationalised, does not apply to them. It is conceivable that the right to renounce their nationality, by means of a declaration to be made within a period prescribed by law, may be granted to such of these Jews as may wish to dissociate themselves from Germany and who intend to leave the country. It should be noted that, in such a case, these "voluntarily" stateless persons would not be refugees and would not come within the mandate of the Intergovernmental Committee.

(b) *Persons stateless in fact.*

It will be remembered that, as a result of the determined opposition displayed in the course of the discussions which preceded the adoption of the Recommendations of 1927, the General Conference on Communications and Transit of 1927 did not extend the benefit of these Recommendations to persons stateless in fact. On the other hand, according to the Resolution of 17th August, 1944, previously referred to, the Intergovernmental Committee considered that the proposed document should also be issued to persons who, legally, have not lost their nationality, but who do not enjoy the protection of their Government and cannot therefore obtain from the Consuls of their country either a national passport or the renewal or extension of the passport which they hold. The persons in question—political refugees, for example—have not been formally denationalised but are, in fact, stateless.

The inclusion of persons who are stateless in fact is justified, since the latter come within the mandate of the Intergovernmental Committee, which will, *inter alia*, have to facilitate their emigration and final settlement. It is obvious that the Committee will be unable to carry out this task unless the refugees concerned are provided with travel documents.

Persons of doubtful nationality. — There are cases in which it is difficult to determine immediately whether a person does or does not possess a nationality. In such cases, the nationality or lack of nationality of the person concerned can be established only by means of legal proceedings, which sometimes take a considerable time.

It goes without saying that a person of doubtful nationality does not enjoy the protection of any Government. He is, to say the least, stateless in fact, and must consequently be allowed to benefit by the provisions of the proposed Arrangement.

The above-mentioned legal proceedings may reveal that the person concerned does not possess a nationality; in this case, in his newly established status of a person stateless in law, he will still be entitled to the identity and travel document which he held as a person stateless in fact. These proceedings

may, on the other hand, establish his nationality. In that case, he will be entitled to receive a national passport, the special document which he previously held being withdrawn, in accordance with the provisions of Article 14 of the Preliminary Draft, by the authority issuing the national passport.

In either case, it would be unfair to make the element of doubt involved a reason for refusing to issue an identity and travel document to a person who is deprived, temporarily or otherwise, of the protection of a Government, and to force him to remain where he is, perhaps for some considerable time, when he may have pressing and urgent reasons for travelling.

Third requirement: not to be benefiting by previous Conventions or Arrangements concerning the issue of special identity and travel documents.

The Conventions and Arrangements referred to are the following: Arrangement of 5th July, 1922, Arrangement of 31st May, 1924, Arrangement of 12th May, 1926, Arrangement of 30th June, 1928, Convention of 28th October, 1933, Arrangement of 30th July, 1935, Provisional Arrangement of 4th July, 1936, and Convention of 10th February, 1938. The Russian, Armenian and assimilated refugees, and the German and Austrian refugees who are entitled to benefit by the above-mentioned international Agreements, will therefore not be qualified to receive the proposed document.

Derogation referred to in paragraph 2 of Article 2. — The above expression “not to be benefiting by previous Conventions or Arrangements, etc...” has been employed deliberately instead of the expression “not to be covered by previous Conventions or Arrangements...” It is, indeed, advisable to make provision for refugees belonging to one of the categories mentioned in the preceding paragraph who may be staying in a country which has adhered to the proposed Arrangement, but which has not adhered to the agreement or agreements covering the category to which they belong.

It seemed only fair to provide for this contingency. This has been done in paragraph 2 of Article 2, which reads as follows: “The provisions of the Arrangement shall apply to

refugees specified in the Arrangements or Conventions mentioned in Article 1, but who, because they are staying in the territory of a Contracting Party which has not adhered to the Arrangements or Conventions under which they fall, are unable to claim the benefits thereof”.

It would seem to be unjust to maintain, for purely formal reasons, that because he is covered by previous Arrangements or Conventions and is, by mischance, living in a country which has not ratified or signed one or several of these instruments but has, on the other hand, signed the proposed Arrangement, a refugee coming within the mandate of the Intergovernmental Committee should be deprived of all means of travelling. It would be all the more unjust in view of the fact that other refugees belonging to the same category can obtain, in countries which have signed and ratified the above-mentioned instruments, the document which is refused him, and that, in the country where he is staying, refugees of another origin are entitled to the document which is refused him, although he may have more urgent reasons than they for travelling. It would also be hardly fair to maintain that the refugee concerned must wait until the country in which he is staying has signed or ratified the Arrangement or Convention covering his case. The provisions of paragraph 2 of Article 2 of the proposed Arrangement would not only regulate the position of new categories of refugees, but would also permit a rapid settlement of the position of refugees belonging to earlier categories who might find themselves in the predicament described above ¹.

¹ The above solution seems to be the simplest, the most rapid and the most effective. But four other methods might be considered, namely :

(a) Approaching the States concerned with a view to inducing them to ratify or sign the previous Conventions and Arrangements. The drawbacks to this method lie in the number and diversity of the steps which would have to be taken and the limited chances of achieving immediate results. It would be unfair if the persons concerned had to bear the consequences of the slowness of this method, and were prevented from travelling, perhaps for a very long time, until the necessary ratifications or signatures had been obtained.

(b) A Recommendation annexed to the Arrangement, expressing the hope that the countries concerned would take the necessary measures with regard to the required ratifications or signatures. This method, apart from being slow, would offer no definite guarantee of success and would involve the same drawbacks as (a).

Fourth requirement: to be staying lawfully in the territory of a Contracting Party.

This requirement is mentioned in Article 1. Comment on this point is unnecessary, every State having the right to insist on compliance with its regulations governing the residence of aliens and consequently to restrict the benefit of the proposed document to persons who are staying lawfully in its territory.

It was felt however that one should take into consideration the position of certain refugees, which is sometimes deserving of sympathy, and which may induce the authorities to make allowances in their case. It is for this reason that paragraph 1 of Article 2, without laying down any hard and fast rule, leaves the Governments concerned free to extend the benefit of the document in question, if they consider it desirable, to refugees who report themselves to the authorities and thereby regularise their position. The transitory nature of this provision is a logical consequence of the terms of the above-mentioned paragraph, which stipulates that the refugees concerned must report themselves to the authorities within a certain period.

Two other possible requirements. — The addition of two further requirements in respect of beneficiaries might be considered. Although these do not appear to be of great practical importance, they are nevertheless submitted for the consideration of the Commission of Experts.

(1) According to the Arrangement of 5th July, 1922, Nansen certificates were to be issued to Russian refugees "who should apply for them". As pointed out in Section I of

(c) A special clause in the Draft Arrangement whereby the Contracting Parties which had not adhered to previous Arrangements or Conventions or to certain of these, would declare their adherence to such of the provisions of these Arrangements or Conventions as related to the issue of an identity and travel document.

(d) When adhering to the proposed Arrangement, the Governments concerned could declare that, in so doing, they adhered to the relevant clauses of previous Conventions and Arrangements. In this connection, it should be remembered that, when signing the Arrangement of 12th May, 1926, the representative of the Republic of Cuba added a statement to the effect that this signature entailed the adherence of the Republic of Cuba to the 1922 and 1924 Arrangements.

the present Report, this clause was inserted so as to take into consideration a memorandum submitted by a group of Russian lawyers, who expressed the opinion that the certificate should be issued only to refugees who applied for it of their own free will, and that it should not be forced on refugees who possessed documents guaranteeing them the necessary facilities.

The Commission of Experts is asked to decide whether this precedent should be taken into consideration, and a clause added to Article 1, to the effect that the proposed document should be issued only to refugees, qualified to receive it, who apply for it.

(2) The second question concerns the two following classes of persons :

(a) Nationals of a country which has been at war with the United Nations who are denationalised by the authorities in power in that country after its defeat, because of their participation in the former totalitarian régime, or who, for the same reason, no longer in fact enjoy the protection of their Government. The following imaginary case might be taken as an illustration : A Nazi leader who has fled to a neutral country is denationalised by the competent authorities in the post-Hitlerian régime and applies to the authorities of the above-mentioned neutral country for the identity and travel document established by the proposed Arrangement, claiming that he is stateless and that he has left his own country because of the danger to his life or liberty on account of his " political beliefs ".

(b) Persons whose country of origin has been at war with the totalitarian Powers or has been occupied by the latter, and who have been denationalised or deprived of the protection of their Government because they have assisted the totalitarian Powers. The case in question concerns individuals commonly called " quislings " or " collaborators " who, after fleeing to a neutral country, might claim, on the grounds described above, that they are qualified to obtain the proposed document.

It seemed unnecessary to make provision for such cases in the Draft Arrangement. It is hardly likely that, even if they were

in a neutral country, these persons—some of whom will be war criminals—would think, paradoxically, of applying for the proposed document. However, if the Commission of Experts considers it desirable from a strictly legal point of view, the following article might be added to the Draft Arrangement :

“ Any person who, by reason either of his participation in a totalitarian régime or his collaboration with totalitarian powers, has been deprived of his nationality or does not in fact enjoy the protection of the Government of his country, shall be excluded from the benefit of the present Arrangement ”.

IV. PROCEDURE PRIOR TO ISSUE

The above heading refers to the formalities, enquiries and attestations necessary to satisfy the authority which issues the document that the applicant is entitled to benefit by the provisions of the Arrangement.

With regard to persons covered by the Conventions and Arrangements relating in particular to Russian and Armenian refugees, the procedure varied according to the country concerned. In some countries, the organisations representing the refugees were authorised to certify that the person in question was a *bona fide* refugee belonging to a category entitled to benefit by the Agreement in question. In others, this declaration had to be certified by the accredited representative of the League of Nations High Commissioner. In certain countries, the authorities issued the document on the basis of the information in their possession concerning the refugee in question. Finally, there were countries which issued the document on the recommendation of the accredited representative of the High Commissioner.

It has seemed inadvisable to include provisions regarding this point, either in principle or in detail, in the Draft Arrangement. In the first place, it was not considered necessary to lay down as a general rule that applications submitted by refugees must be verified by the Contracting Parties. It goes without saying that the competent authorities must satisfy themselves

that an applicant is qualified to benefit by the provisions of the Arrangement. This is an elementary duty which it seemed unnecessary to lay down as a general rule. In the second place, it would have been inadvisable, when dealing with a question of administrative practice, to lay down in detail hard and fast rules which would necessarily be theoretical, and which would make no allowance for varying local conditions.

V. RECOGNITION

It goes without saying that each Contracting Party must undertake, not only to issue the document established by the Arrangement, but also to recognise the document when it has been issued by other Governments. This is the purpose of Article 9 of the Preliminary Draft.

The possibility that certain Governments of the Western Hemisphere may be unwilling to undertake to issue special documents should be foreseen. In such a case, it might be suggested to the Governments concerned that they should stipulate, when signing the Arrangement, that their signature only entails an obligation on their part to recognise the validity of the document referred to therein.

VI. TYPE OF DOCUMENT AND TEXT

It was considered inadvisable to complicate Article 3 of the Preliminary Draft by describing in minute detail the form of document proposed. However, in order to provide the fullest possible information, especially in view of the particular importance of this point, it seemed best to annex a specimen document to the Arrangement. Paragraph 1 of Article 3 is therefore confined to the following stipulation: "The identity and travel document referred to in the present Arrangement shall be similar to the attached specimen (see Annex)." The experts will find the specimen document at the end of the present Report. Their attention is drawn to the following points:

(a) Firstly, two considerations of a general nature: (aa) The specimen document contains such of the statements or

special features of the documents established by the various international Agreements examined in Section I as it seemed most advisable to retain ; it is also partly based on the recommendations of the Report annexed to the Final Act of the Passport Conference of 1926 ; in addition, there are certain innovations. (*bb*) It seemed advisable, in the interest both of the Governments and of the refugees, to establish a more comprehensive identity and travel document than those previously introduced.

(*b*) The document is in the form of a booklet. It will have a binding, thereby avoiding the drawbacks of some of the documents previously established. The new document will consequently last longer and remain in better condition.

(*c*) It has been impossible, for obvious technical reasons, to include in the above-mentioned specimen three special features which would be of assistance in preventing falsifications. These features, two of which are in accordance with the recommendations of the Report annexed to the Final Act of the Passport Conference of 1926, are mentioned at the beginning of the Annex to Section III.

(*d*) The Report annexed to the Final Act of the Passport Conference of 1926 fixed the minimum number of pages for a passport at 16. It was considered advisable to make provision for 32 pages in the new document, so as to avoid the inconvenience caused—particularly as regards visas—by an insufficient number of pages. This has seemed all the more advisable in view of the fact that the validity of the document can be extended over a period of years, and that the spaces reserved for visas do not begin until page 7¹.

(*e*) In accordance with the recommendations of the Report annexed to the Final Act referred to above, and in order to prevent falsifications, the words : “ This document contains 32 pages, exclusive of cover ” appear on each page of the booklet.

¹ Should the Commission of Experts deem it advisable for the additional entries suggested hereafter in (*o*) to appear in the identity and travel document, the space reserved for visas might even not begin until page 10.

(f) The proposed size of the booklet is that of the British passport, *i.e.* approximately $15 \times 10\frac{1}{2}$ cm.

(g) The following remarks relate to the front of the *cover* :

(*aa*) As regards the title which is to appear on the cover and on page 1, two alternatives are shown in the specimen. The final choice of title would depend upon whether Text 1 or Text 2 of Article 1 of the Preliminary Draft had been adopted.

(*bb*) It would be helpful, especially in the initial stages of the new system, if the new document were easily identifiable by the police and the officials responsible for supervision in the various countries. With this end in view and, at the same time, in order to indicate its special nature, the document bears two horizontal black lines, each half a centimetre wide, in the centre of the cover, with a space of half a centimetre between them.

(*cc*) In accordance with the recommendations of the Report referred to above in (*e*), the serial number of the document, as well as the name and forenames of the holder and an indication of the number of pages in the document, are also shown. As in the case of the British passport, the date of issue of the document is also indicated.

(*h*) In addition to the serial number of the document, which appears on each page, the following details are given on *page 1* :

(*aa*) Date of expiration of the document.

(*bb*) Name and forenames of holder.

(*cc*) An entry, where necessary, to the effect that he is accompanied by his wife and child or children.

(*dd*) The following indications, some of which are particularly important, and which it was consequently considered necessary to include on the first page :

“ (1) This document is issued in accordance with the Intergovernmental Arrangement of.....

“ (2) The holder of this document is placed under the protection of the Intergovernmental Committee on Refugees.

“(3) The holder of this document does not enjoy, in law or in fact, the protection of any Government. He is not qualified to obtain a..... national passport. (Indicate here the country whose authorities are issuing the document.)

“(4) This document is issued solely with a view to providing the holder with a document which can serve as a temporary passport. It is without prejudice to and in no way affects the holder's nationality. It is forbidden to add slips or pages to this document, which would, in such a case, become invalid.

“(5) (a) The holder is authorised to return to..... (State here the country whose authorities are issuing the document) at any time during the period of validity of the present document.

“(b) The holder is authorised to return to..... (State here the country whose authorities are issuing the document) on or before..... (The period during which the holder is allowed to return must not be less than three months.)

“The authority issuing the document will strike out whichever statement does not apply and fill in the blank(s) in the remaining statement.

“(6) The present document ceases to be valid if the holder enters..... territory. (Indicate, if necessary, the holder's country of origin.)

“(7) On the expiration of its validity, the present document must be returned to the authority which issued it, or, if the holder is temporarily abroad, to the consular representative of the country where it was issued.

“(8) Should the holder take up residence in a country other than that which issued the present document, he must apply to the competent authorities for a new document.”

(i) *Page 2* contains various particulars regarding the holder and gives a description of him. Various indications concerning the child or children of the holder are also included on this page.

(j) Spaces are provided on *page 3* for the photograph and signature of the holder and for particulars regarding his child or children. Furthermore, in view of the regulations in force in some countries of immigration, it has been considered advisable to introduce a new feature not found in previous documents, *i.e.*, a space for finger-prints.

(k) *Page 4* contains the following statement and headings :

(aa) " This document is valid for all countries, with the exception of the country which may be indicated in No. 6 on page 1¹ and any other exceptions mentioned hereunder." On the dotted line provided for this purpose, the authority issuing the document may indicate the countries for which the document is not valid. It has seemed natural, in accordance with the provisions of Article 6 of the Preliminary Draft, to proceed on the assumption that the document will, as a rule, be valid for all countries or for the largest possible number of countries.

(bb) " Document or documents on the basis of which the present document is issued ". It has been felt that this entry, which does not appear in the documents established by previous Conventions or Arrangements, might be of assistance to the Governments, especially the Governments of the countries of final destination.

(cc) " Any other particulars which the authority issuing the document may consider necessary...". A more or less similar entry appears in the document referred to in the Recommendations of 1927. The following statement has been added to the above entry, in order to serve as a reminder to the authorities issuing the document : " particularly when the holder is of doubtful nationality

¹ *i.e.*, the holder's country of origin.

and legal proceedings have been instituted with a view to determining his nationality or lack of nationality."

(*dd*) Particulars of place and date of issue.

(*ee*) Headings of spaces reserved for the signature and seal of the authority which issues the document and certifies the authenticity of the photographs, signature and fingerprints on page 3.

(*ff*) Particulars of charge made for issue.

(*l*) Pages 5 and 6 are reserved for extensions or renewals of validity.

(*m*) Pages 7 to 30 are reserved for visas. In accordance with the Recommendations of the report annexed to the Final Act of the Passport Conference of 1926, the following sentence appears at the top of each of these pages: "The name of the holder of the document must be repeated in each visa." This would render fraudulent substitution more difficult.

(*n*) Pages 31 and 32 will contain practical information, expressed as clearly and simply as possible. This information will relate to those provisions of the Arrangement a knowledge of which is most likely to be of assistance to the holder of the travel document, as well as to the Government officials in the various countries.

These pages will also contain, for the benefit of the above-mentioned officials, concise information regarding the Intergovernmental Committee, and a list of the Member Governments. The addresses of the delegations of the Intergovernmental Committee in the various countries will also be given for the holder's information.

(*o*) It is fully appreciated that the inclusion, in the proposed document, of a great many printed headings would involve certain drawbacks. However, it might be in the interest of the Governments and, in some cases, of the holder himself, if certain additional headings were included. These entries might appear on pages 8, 9 and 10 respectively, under the following headings: (1) health certificate; (2) vaccination

certificate ; (3) certificate of good morals. Certain countries do, in fact, require immigrants to produce such certificates¹.

These certificates would thus be contained in the document itself and there would be less risk of the holder's mislaying them. Moreover, the relevant heading at the top of pages 8, 9 and 10 would remind the holder or the competent authorities of the necessity or usefulness of these three certificates.

The question of including additional headings is submitted for the consideration of the Commission of Experts.

VII. LANGUAGES USED IN THE DOCUMENT

The Preliminary Draft—like the Arrangement of 5th July, 1922, and subsequent Arrangements and Conventions—stipulates, in paragraph 2 of Article 3, that the document shall be drawn up in at least two languages—French and the national language or languages of the issuing authority.

VIII. CHILDREN OF HOLDER

The Arrangements of 12th May, 1926, 30th July, 1935, and 4th July, 1936, and the Convention of 10th February, 1938, stipulated that children under either 15 or 16 years of age, according to the Agreement in question, should be included on the certificates of their parent or parents. A similar provision has been included in Article 4.

IX. FEES CHARGED FOR ISSUE OF THE DOCUMENT

The Arrangement of 12th May, 1926, completing and amending the 1922 and 1924 Arrangements, stipulated that the fee for issue of the certificate should be the same as that charged for issue of a national passport. The Arrangement of 30th July, 1935, concerning Saar refugees showed an improvement in this respect by stipulating that the document should be issued at

¹ These items appear in the Emigrant's Identity Book submitted by MM. Deroover and Perassi on 29th August, 1925, to the Sub-Committee of the Advisory and Technical Committee of the Organisation for Communications and Transit (Appendix 1 to the annex to Annex 3, p. 77, League of Nations document C.423.M.156.1926.VIII).

the lowest scale of charges applicable to national passports (No. 9). The Arrangement of 4th July, 1936, and the Convention of 10th February, 1938, contained similar provisions. The Recommendations of 1927 expressed the wish that the relevant provisions of the Final Act of the Passport Conference be observed. These provisions read as follows: "The Conference recommends that the fees charged for the issue of passports should be fixed in such a manner as to bring in revenue to the States not exceeding the expenditure involved in the preparation of the passports and their issue to the persons concerned".

It was considered desirable to reproduce, in Article 5 of the Preliminary Draft, the provisions of the 1935 and 1936 Arrangements and of the 1938 Convention, which are favourable to the refugees and more precise than the provisions of the above-mentioned Final Act.

With regard to destitute persons, the 1922, 1924 and 1935 Arrangements stipulated that the certificate should be issued free of charge, except in the event of legal provision to the contrary. The 1936 Arrangement and the 1938 Convention recommended that, in the case of indigent persons, travel documents should be issued entirely free of charge. Article 5 of the Preliminary Draft also stipulates that indigent persons shall receive the document free of charge.

X. QUESTIONS RELATING TO THE VALIDITY OF THE DOCUMENT

(1) *Territorial validity.*

Of all the Agreements examined in Section I, only the Recommendations of 1927 deal with this point. Recommendation III expresses the wish "that, save in certain special or exceptional cases, this document should be valid for all countries, or for as many countries as possible". This text has been reproduced, in a slightly different form, in Article 6 of the Preliminary Draft.

(2) *Period of validity.*

It will be seen that the various Agreements examined in Section I differ with regard to the period of validity. Such

is the state of indecision reflected in these differences that some of the instruments in question (as shown by the following summary) successively stipulate or recommend different periods of validity for the same category of refugees or for related categories.

The 1922 Arrangement contains no provision relating to the period of validity of the document which it establishes. The same applies to the 1924 Arrangement, the only difference being that the specimen certificate attached thereto bears the following rather vague statement, which constitutes a kind of recommendation or implied wish: "A minimum period of two years is suggested." The 1926 Arrangement stipulates that the period of validity of the certificate should not, in principle, exceed one year. The Recommendations of 1927 fix the period of validity at six months, in principle. The 1933 Convention states that it must not be less than one year. The 1935 Arrangement fixes it at one year, without stipulating, however, that this is the minimum period. Finally, the 1936 Arrangement and the 1938 Convention lay down that the period of validity shall, as a general rule, be one year.

On the other hand, the Passport Conference recommended that all countries should adopt a minimum validity of two years for passports. However, the special nature of the proposed document makes it necessary to exercise more frequent supervision than in the case of ordinary passports. It has therefore seemed advisable to provide for a period of validity of one year (Article 7 of the Preliminary Draft), without qualifying this provision by such expressions as "as a general rule" or "in principle", which would be likely to impair the uniformity of the régime.

(3) *Expiration of validity.*

The following statement appears on the specimen certificates attached to the 1936 Arrangement and 1938 Convention respectively: "On the expiration (in French: "Après l'expiration") of its validity, the present certificate must be returned to the issuing authority." But this statement does not provide for the possibility of a document expiring while the holder is temporarily abroad. Moreover, as regards the French text, the

expression "après l'expiration..." is vague, and may give rise to confusion ; it seems better to use the expression "à l'expiration", which emphasises the necessity of returning the document as soon as its validity expires. The following statement, which takes the two above-mentioned points into consideration, therefore appears under No. 7 on page 1 of the specimen annexed to the Preliminary Draft :

" On the expiration (French text : " A l'expiration ") of its validity, the present document must be returned to the authority which issued it, or, if the holder is temporarily abroad, to the consular representative of the country where it was issued."

- (4) *Renewal or extension of validity or issue of a new document by territorial authorities.*

Paragraph 1 of Article 8 of the Preliminary Draft stipulates that the renewal or extension of the validity¹ of the document is a matter for the authority which issued it, so long as the holder resides in the territory of the said authority, and that the same applies to the issue of a new document. These provisions are based on similar stipulations in the 1922 and 1924 Arrangements, which, however, only provide for renewal.

- (5) *Renewal or extension of validity or issue of a new document by consular authorities.*

The extension of a special identity and travel document by Consuls was first provided for in the Recommendations of 1927. Provisions regarding such extension were subsequently included in the 1933 Convention, the 1936 Arrangement and the 1938 Convention.

Paragraph 2 of Article 8 of the Preliminary Draft reads as follows : " In the case of a refugee who holds a document

¹ In this connection, the difference between the expressions " extension or prolongation of validity " and " renewal of validity " should be borne in mind. As indicated in the report, dated 13th January, 1927, of the League of Nations Advisory and Technical Committee for Communications and Transit, " the validity of a passport can only be prolonged if the latter has not yet expired." On the other hand, once the validity of the document has expired, it has to be " renewed ".

containing an authorisation to return, during the period of its validity, to the country which issued it, the Consuls of that country, specially authorised for the purpose, shall be empowered to extend or renew the validity of the document or to issue a new document, for a period which shall not, in each case, exceed six months."

The following points are submitted for the attention of the Commission of Experts :

(a) With the exception of the Recommendations of 1927, the Agreements mentioned above only provide for extension of the validity of the document by Consuls. It seemed appropriate to stipulate that the latter should also be empowered to renew the document or even to issue a new document. It is obvious, however, that in the event of renewal or issue of a new document, the maximum period of six months must be calculated not from the day on which the request for renewal or issue of a new document is made, but from the date of expiration of the validity of the document which is in the possession of the holder when he makes such a request.

(b) None of the previous texts mentioned above specifies that a document can only be renewed if it contains permission to return. It seemed logical and necessary to add this stipulation in order to preclude the possibility—however remote it may be in actual practice—of a Consul's renewing a document which does not confer on its holder the right to return to the country which the Consul represents.

It should also be mentioned that the permission to return must have been granted for the whole of the period of validity of the document. A Consul will thus be unable to extend or renew a document which contains an authorisation to return valid for a shorter period than the period of validity of the document itself (see Article 15 of the Preliminary Draft). This point may best be illustrated by giving an example. A refugee is the holder of an identity and travel document issued by the authorities of Country A which is valid until 31st December, 1945, but which contains an authorisation to return expiring on 30th August, 1945. This refugee has been in Country B since

30th July, 1945. On 30th December, 1945, he goes to the Consulate of Country A to apply for an extension of his identity document. The Consul of Country A will be unable to grant such an extension, since the holder of the document no longer has the right to return to Country A and it would consequently be pointless to extend the document ; it is to the authorities of Country B that the refugee must apply for a new document, which may, if necessary, be used by him for returning to Country A, if he obtains the visa required for this purpose.

(c) It is felt that the above-mentioned period of six months should be the maximum, so that a refugee should not stay for too long a period in any given country with an identity and travel document issued by another country. There are two alternatives : either the refugee intends to return to the country where the document was issued, in which case the period of six months seems reasonable ; or he has left that country with no intention of returning, in which case he has only to apply for a new document to the authorities of the country in which he intends to settle ; if he wishes to return to the former country for a relatively short stay, he will have to obtain an entry visa, which will be affixed on his new document.

(d) The various forms of extension of the document which have been considered above in no way entitle the refugee to the protection of Consuls, nor do they confer on the latter any right of protection (see sub-section XVI of the present section).

(e) Article 8, paragraph 2, of the Preliminary Draft stipulates that the Consuls must be " specially authorised ". The advisability of granting such authorisation is a matter for the Governments concerned alone. The latter must have the sole right to decide whether, and in what circumstances, a Consul may extend or renew an identity document, issue a new document, or extend an authorisation to return.

(6) *Country where the document ceases to be valid.*

It is stated, on the specimen documents attached to the 1922, 1924 and 1936 Arrangements and the 1938 Convention, that the document ceases to be valid in a country, mentioned by name, which is the holder's country of origin. As the proposed

document is intended for refugees of various origins, it is not possible to include a printed statement indicating one particular country. A dotted space, which can, if necessary, be filled in by the authority which issues the document, has therefore been provided under No. 6 on page 1 of the specimen which appears in Section III of the present Report. It should be emphasised that this is only intended to meet a contingency, and that the document will not necessarily, in every case, cease to be valid in the holder's country of origin—which is another reason for not including a printed statement. It is, for instance, quite conceivable that, after the victory of the United Nations, a Jew of German origin, who has not taken advantage of the offer of reinstatement in German nationality, may nevertheless have the right to enter German territory.

XI. RIGHT TO LEAVE THE COUNTRY

This right is mentioned only in the 1936 Arrangement (Article 3, paragraph 2) and the 1938 Convention (Article 4, paragraph 1 (a)). Although such a right is elemental and would seem to be unquestionable, it was considered desirable to mention it in paragraph 1 of Article 15 of the Preliminary Draft.

XII. VISAS

(1) *Entry visas.*

The 1922, 1924 and 1935 Arrangements stipulated that the refugee might, in certain circumstances, be admitted into the State which he wished to enter, if the competent authorities of that State affixed the necessary visa directly on the identity and travel document, or if its consular authorities issued to the bearer a new document authorising him to enter the said country. The 1936 Arrangement and the 1938 Convention merely refer to the affixing of visas directly on the identity document. Only this latter procedure has been provided for in Article 10 of the Preliminary Draft, since space has been allowed for all necessary visas on the specimen document which appears in Section III.

(2) *Transit visas.*

The Arrangements of 5th July, 1922, and 31st May, 1924, merely stipulated, in substance, that transit visas should be issued on condition that the refugees concerned had obtained the visa of the country of final destination. The Recommendations of 1927 expressed the wish that visas should be granted under as simple and favourable conditions as possible. The Arrangement of 30th June, 1928, concerning the legal status of Russian and Armenian refugees, recommended that certificates should be visaed in the simplest possible manner and with the minimum of formalities. Finally, according to the Arrangement of 4th July, 1936, and the 1938 Convention, the Contracting Parties agreed to grant facilities for the issue of transit visas. This last formula has been adopted, with some slight alterations, in Article 11.

(3) *Fees for various visas.*

With respect to fees for issue of the various visas, the Arrangement of 12th May, 1926, expressed the wish that the Governments would give favourable consideration to the proposals of the International Labour Office with regard to possible reductions. The Recommendations of 1927 laid down the same provisions in respect of fees for visas as in the matter of fees for issue of the document (see sub-section X).

The 1933 Convention stipulated that the cost of visas should be established according to the lowest tariff applied to visas on foreign passports. Similar provisions were included in the Arrangements of 30th July, 1935, and 4th July, 1936, and in the 1938 Convention.

Article 12 of the Preliminary Draft is based on the provisions of the Conventions and Arrangements mentioned in the preceding paragraph. This article also refers to exit visas, for which no provision was made in the above Conventions and Arrangements, but which are, on the other hand, mentioned in the 1926 Arrangement.

With regard to destitute refugees, the 1926, 1935 and 1936 Arrangements, and the 1933 and 1938 Conventions stipulate that visas shall be granted free of charge. Article 12 of the Preliminary Draft contains similar provisions.

XIII. CHANGE OF RESIDENCE

(1) *New document.*

Article 3, paragraph 2(c), of the 1938 Convention makes the following stipulation with regard to change of residence :

“ Should a refugee lawfully take up residence in another territory to which the Convention applies, the authorities of that territory shall be required to supply him with a new travel document.”

It has been considered inadvisable to reproduce the above text, which refers only to the obligation devolving upon the authority of the new country of settlement. Not only this obligation, but also that which rests with the refugee himself, should be mentioned. Article 13 of the Preliminary Draft has therefore been worded as follows :

“ Any refugee changing his place of residence and lawfully taking up residence in a territory to which the present Arrangement applies, shall apply for a new document to the competent authority of the said territory, which shall supply him with such a document.”

Moreover, an entry reminding the holder of the steps which he must take in such a case has been included under No. 8 on page 1 of the specimen annexed to the Preliminary Draft.

(2) *Old document.*

Article 14 of the Preliminary Draft reads as follows :

“ The authority issuing a new document shall withdraw the old document.”

This article covers all cases in which a new document is issued. It will therefore apply not only in the circumstances mentioned above under (1), but also to cases in which the new document is issued by the authority which issued the previous document—either because all the pages in the latter have been used or because the document has expired. It will also apply when the new document is a national passport issued to a person whose nationality has been determined by means of legal proceedings.

In the drafting of Article 14, Recommendation II of 1927 has been borne in mind. Paragraph 3 of this Recommendation reads as follows: "That the authority issuing a new identity and travelling document should withdraw the document which has expired." The words "which has expired" have, however, been omitted from Article 14 of the Preliminary Draft, since the old document may not have expired.

XIV. AUTHORISATION TO RETURN

The certificates issued to Russian and Armenian refugees during the first few years were not valid for return unless they contained a special statement to the contrary. Later on, from the time of the Arrangement of 12th May, 1926, the exception became the rule; thereafter, the certificate was valid for return unless it bore a statement to the contrary. The Recommendations of 1927 also laid down the principle of the authorisation to return. As regards documents issued to refugees from Germany under the 1936 Arrangement and the 1938 Convention, the rule adopted was that the certificate was valid for return, the Governments having the right, however, in exceptional cases, to limit the period during which the refugee might return.

Thus, from 1926 onwards, there was a marked evolution in favour of the right of return. It has not seemed possible to go against this tendency, especially since it must be admitted that a travel document which contains no authorisation to return loses a great deal of its value and does little to facilitate travel for the holder.

Article 15 of the Draft Arrangement therefore stipulates, in paragraph 1, that the travel document entitles the holder to return, during the period of its validity, to the territory where it was issued.

However, it has been considered desirable to work out as flexible a formula as possible. Paragraph 2 of Article 15 therefore stipulates that the Contracting Governments reserve the right to limit the period during which the refugee may return. Two points should be noted in this connection. Firstly, this limitation

is likely to be prejudicial to the interests of the refugees because it involves a restriction of their freedom of movement ; it has therefore seemed advisable to make it clear that such a limitation will only be imposed in cases which the Governments consider exceptional. Secondly, it has seemed useful, in the interest of the refugees, to specify that the period during which the holder of the proposed document is allowed to return should not be less than three months.

In consequence, the following statements appear under No. 5 on page 1 of the specimen identity and travel document :

“(a) The holder is authorised to return to..... (State here the country whose authorities are issuing the document) at any time during the period of validity of the present document.

“(b) The holder is authorised to return to..... (State here the country whose authorities are issuing the document) on or before..... (The period during which the holder is allowed to return must not be less than three months).

“The authority issuing the document will strike out whichever statement does not apply, and fill in the blank(s) in the remaining statement.”

XV. REGULATIONS RELATING TO THE CONTROL OF FOREIGNERS ;
SPECIAL PROVISIONS ; STATUS OF HOLDER

(1) *Regulations relating to the control of foreigners.*

The 1922 Arrangement contained the following stipulation :
“It (the certificate) shall not infringe the laws and regulations in force in any State with regard to the control of foreigners.”
The 1924 and 1936 Arrangements and the 1938 Convention contained similar provisions.

It has seemed preferable to use as a basis the wording of the Recommendations of 1927, which is more appropriate. Paragraph 1 of Article 16 of the Preliminary Draft therefore reads as follows :

“The present provisions in no way affect the laws and regulations governing the conditions of admission to, and

residence and establishment in, the territories of the Contracting Party to which the present Arrangement applies.”

(2) *Special provisions.*

With regard to the special regulations concerning the holders of identity and travel documents, paragraph 2 of Article 16 is based on the Recommendations of 1927.

(3) *Status of holder.*

Certain refugees who have been denationalised may consider that their denationalisation was as illegal as it was unjust; again, refugees of doubtful nationality may, rightly or wrongly, lay claim to a certain nationality; finally, persons stateless in fact possess a definite nationality. In consequence, it is advisable to avoid giving refugees the impression that their acceptance of the proposed document would imply a renunciation of their nationality, or of what they consider to be their nationality. Since the Arrangement is to be drawn up solely for practical purposes, it has seemed necessary to point out that neither the issue of the document nor the entries made thereon determine or affect the actual status of the holder and that, in particular, they can in no way influence the legal determination of his nationality.

No provision to this effect was included in the Agreements drawn up between 1922 and 1933. On the other hand, the specimen annexed to the 1935 Arrangement bore a statement indicating that the certificate was without prejudice to and in no way affected the holder's nationality. Identical statements appear on the specimen certificates annexed to the 1936 Arrangement and the 1938 Convention.

The statement mentioned in the preceding paragraph appears under No. 4 on page 1 of the proposed document. In addition, Article 17 of the Preliminary Draft reads as follows: “Neither the issue of the document nor the entries made thereon determine or affect the actual status of the holder, particularly as regards nationality.”

XVI. PROTECTION

At the meetings held prior to the adoption of the Recommendations of 1927, it appeared to certain delegates that the renewal or extension of the validity of the document by Consuls would involve the recognition of the right of the latter to protect the holder of the document.

As pointed out in the Report adopted by the Third General Conference on Communications and Transit of 1927, the granting to Consuls of the power to renew and extend documents can obviously not be regarded as conferring on them a right of protection in respect of the holders, nor does it entitle the latter to claim such protection. The granting of such power is purely a practical measure. It is normal that when a document contains an authorisation to return to a given country, the Consuls of that country should be able to renew or extend the document if the holder is temporarily abroad.

While the above-mentioned Recommendations were being drafted, the British and Netherlands Governments expressed the view that it was necessary to make it clear beyond doubt that the issue of the proposed document did not confer on its holder the right of protection by the consular authorities of the country which had issued it¹. Article 18 of the Preliminary Draft takes into consideration the concern thus expressed².

XVII. DOCUMENTS ISSUED PRIOR TO ENTRY INTO FORCE OF ARRANGEMENT

Of all the Agreements examined in Section I, only the Recommendations of 1927 contain provisions regarding this

¹ See Minutes of the Second Committee (C.558(b).M.200(b).1927. VIII, pp. 21 and 53).

² At the meetings held prior to the adoption of the Recommendations of 1927, a rather similar fear was expressed on another point, namely that the holder of the document might be recognised "as being in some way a national of the issuing country". No such confusion can arise regarding the proposed document since the specimen submitted to the Commission of Experts bears the following statement under No. 3 on page 1 :

"The holder of this document does not enjoy, in law or in fact, the protection of any Government. He is not qualified to obtain a national passport (indicate here the country whose authorities are issuing the document)."

point. Similar provisions are included in Article 19 of the Preliminary Draft, which reads as follows :

“Identity and travel documents issued before the entry into force of the present Arrangement to persons referred to in Articles 1 and 2 shall remain valid until they have expired.”

It must be remembered that, for administrative reasons, a certain time—possibly a fairly long time—is bound to elapse between the date on which the Arrangement will come into force and the time when it will be possible to begin the actual issue of the new documents. If the old documents were automatically cancelled, it would be absolutely necessary to issue new documents immediately to all persons concerned. In practice, this would be impossible. It was therefore advisable to make it clear, for the benefit of refugees who might need to travel during the transitional period, that documents previously issued would remain valid until they expired, in order that the change from the old to the new régime might be effected as smoothly as possible.

XVIII. ADDITIONAL PAGES OR SLIPS

Only the specimen annexed to the 1935 Arrangement contains a statement forbidding the addition of new pages or slips to the certificate. In view of the number of pages in the specimen annexed to the Preliminary Draft, it will seldom happen that all the pages are completely filled before the document expires¹. A statement forbidding additional pages or slips has nevertheless been included under No. 4 on page 1 of the specimen document, in conformity with the relevant recommendations of the Report annexed to the Final Act of the Passport Conference of 1926 and with the decisions of the Paris Conference of 1920, according to which any passport which has been completely filled must be replaced by a new document.

¹ According to a statement made by the British delegate at the Passport Conference of 1926, official statistics show that the number of British passports which become full before the date of expiration is extremely small, and that this occurs only in one case out of 10,000.

XIX. FINAL CLAUSES RELATING TO PROCEDURE

Articles 20, 21, 22 and 23 of the Preliminary Draft refer to procedure. Two remarks may be made in this connection.

(1) With the exception of the 1936 Arrangement, previous Arrangements belong to the category of instruments which have been called Arrangement-Recommendations. Their formal character is reduced to a minimum, and the final clauses relating to procedure are rudimentary and incomplete. When such clauses exist, they refer only to the following points :

(i) What is called, in these Arrangements, not "signature", but "adhesion" or "adoption". The Arrangements of 5th July, 1922, 31st May, 1924, 12th May, 1926, 30th June, 1928 (Assyrians), 30th June, 1928 (legal status), and 30th July, 1935, contain very brief clauses on this subject.

(ii) Communication of the above-mentioned adhesion or adoption to the Secretary-General of the League of Nations. Clauses regarding this point, which are also very brief, appear in the Arrangements of 1922, 1924 and 1935. On the other hand, this subject is not mentioned in the Arrangements of 1926, 1928 (Assyrians) and 1928 (legal status).

(iii) Communication of the above-mentioned adhesion or adoption to the other Governments by the Secretary-General of the League of Nations. This is the case as regards the 1922, 1924 and 1935 Arrangements, but not as regards the 1926 Arrangement and the two 1928 Arrangements.

(iv) The date of entry into force. Only the 1922, 1924 and 1935 Arrangements contain stipulations regarding this point.

In drawing up the Preliminary Draft, an attempt has been made to work out final clauses which are less incomplete. These clauses cover the following points :

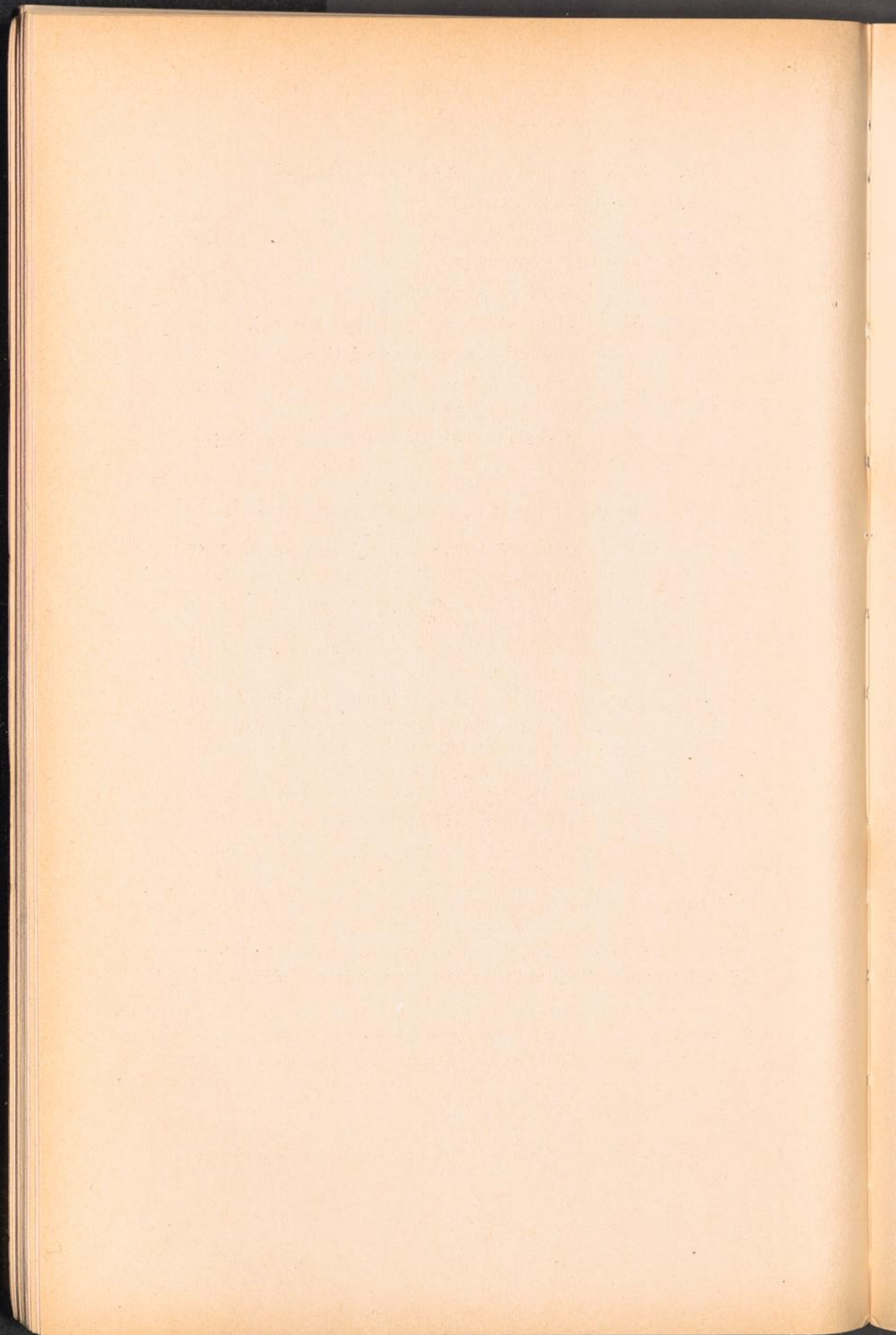
(i) Date of the Arrangement.

- (ii) Place of signature of the Arrangement.
- (iii) Possible signatories.
- (iv) Notification of signatures by the Director of the Intergovernmental Committee.
- (v) Conditions of entry into force.
- (vi) Period after which denunciation is possible.
- (vii) Formalities relating to denunciation.
- (viii) Notification of denunciations by the Director of the Intergovernmental Committee.
- (ix) Period which must elapse before a denunciation comes into effect.

(2) Some of the above clauses require explanation :

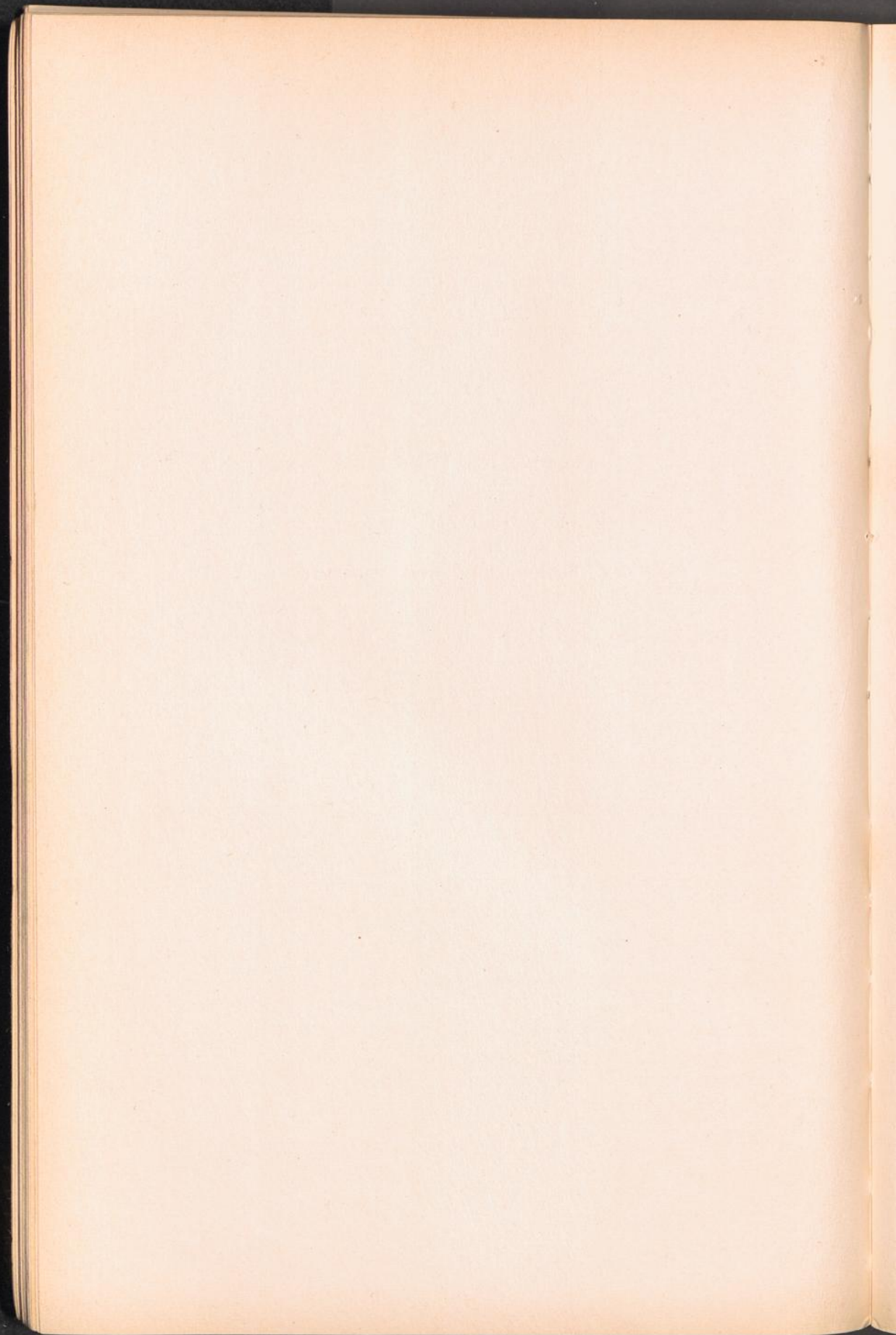
(a) Article 22 lays down that the Arrangement shall come into force sixty days after the Director has received signatures on behalf of at least two Governments, and that, in respect of each of the Governments on whose behalf a signature is subsequently deposited, the Arrangement shall come into force on the sixtieth day after the date of such deposit. This relatively long delay is justified in view of the fact that each Contracting Government will, in all probability, not begin to prepare the document until the Arrangement has been signed, and that a relatively long time should be allowed for the actual preparation of the document which, in view of its nature, will require special attention.

(b) With regard to the period laid down in paragraph 1 of Article 23 in respect of denunciations, it should be pointed out that the longer the period which must elapse before an Arrangement can be denounced, the more efficient the barrier to denunciations, which obviously have the effect of endangering the stability of the conventional régime.



SECTION III

**Preliminary Draft Arrangement
and
Specimen Identity and Travel Document.**



A Preliminary Draft Arrangement, the text of which is given in the present section, is submitted to the Commission of Experts. A specimen identity and travel document is annexed to the Preliminary Draft.

The Commission of Experts will note that an attempt has been made to submit as comprehensive a Preliminary Draft Arrangement and specimen document as possible—more complete, in some respects, than previous arrangements and specimen documents. The Preliminary Draft and specimen document have been drawn up largely on the basis of past experience as embodied by the various international instruments and specimen identity documents studied in Section I. In this respect, an eclectic method has been adopted, and passages have been taken, according to the subject, from the international instrument or specimen document which appeared to contain the most satisfactory provisions or statements. Moreover, certain articles of the Preliminary Draft combine the provisions of several international instruments. In some cases, these provisions have been only partly reproduced, the relevant stipulations of previous agreements being modified or adapted to meet the particular end in view. In other cases, entirely new provisions have been introduced. In addition, the Preliminary Draft and specimen document sometimes contain alternative readings submitted for the consideration of the Commission of Experts, who will decide which should be retained.

It must be pointed out that the numbers shown under the marginal headings of the Preliminary Draft refer to the subsections in Section II in which the provisions of the Preliminary Draft are commented upon.

PRELIMINARY DRAFT ARRANGEMENT

The Contracting Governments,

Having examined a Resolution adopted by the Intergovernmental Committee on Refugees at its Plenary Session on 17th August, 1944, and a Recommendation of the Executive Committee of the Intergovernmental Committee on Refugees dated....., concerning the establishment of an identity and travel document for refugees coming within the mandate of the Intergovernmental Committee on Refugees,

Having regard to the international measures previously taken in the matter of identity and travel documents for certain categories of refugees,

Convinced of the necessity of taking similar measures on behalf of the refugees referred to in the above-mentioned Resolution and Recommendation, with a view, in particular, to facilitating the re-emigration of these refugees,

Considering that the making of arrangements for the emigration of refugees who cannot be absorbed in the countries in which they have taken refuge is an essential part of the work undertaken for the benefit of the said refugees,

Have agreed as follows :

Article 1

Subject to the further provisions laid down in Article 2, an identity and travel document, in accordance with the provisions of Article 3, shall be (*text 1*: issued by the Contracting Parties) (*text 2*: issued by the Contracting Parties on behalf of the Intergovernmental Committee) to refugees belonging to categories which have been notified to the Governments concerned by the Intergovernmental Committee as coming within its mandate, provided that the said refugees are stateless or do not in fact enjoy the protection of any Government, that they are staying lawfully in the respective territories of the Contracting Parties, and that they are not benefiting by the provisions regarding the issue of an identity and travel document contained in one of the following Arrangements or Conventions : Arrangements of 5th July, 1922, 31st May, 1924, 12th May, 1926, 30th June, 1928, 30th July, 1935, 4th July, 1936, and Conventions of 28th October, 1933, and 10th February, 1938.

Authority issuing
the document; be-
neficiaries (II, III).

Article 2

1. As a transitional measure, the document referred to in Article 1 may be issued to refugees who, while fulfilling the other conditions laid down by the present Arrangement, are not staying lawfully in the respective territories of the Contracting Parties on the date of the coming into force of the present Arrangement, provided that they report themselves to the authorities within a period to be prescribed by the Government concerned and which shall not be less than three months.

Derogations to certain provisions of Article 1.
(1) Unlawful residence of refugees (III).

2. The provisions of the present Arrangement shall apply to refugees specified in the arrangements or conventions mentioned in Article 1, but who, because they are staying in the territory of a Contracting Party which has not adhered to the arrangements or conventions under which they fall, are unable to claim the benefits thereof.

(2) Refugees specified in previous arrangements and conventions (III).

Article 3

1. The identity and travel document referred to in the present Arrangement shall be similar to the attached specimen (see Annex).

Specimen (VI).

2. It shall be made out in at least two languages—French and the national language or languages of the authority which issues the document.

Languages (VII).

Article 4

Children under 16 years of age shall be included on the document of their parent or parents.

Children (VIII).

Article 5

The fees charged for issue of the travel document shall not exceed the lowest scale of charges for national passports. Indigent persons shall receive the document entirely free of charge.

Fees for issue (IX).

Article 6

Territorial validity
(X, 2).

Save in special or exceptional cases, the document shall be valid for all countries or for the largest possible number of countries.

Article 7

Period of validity
(X, 2).

The document shall be valid for one year from the date of issue.

Article 8

(1) Renewal, extension or issue of new document by territorial authorities (X, 4).

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder resides in the territory of the said authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the former document.

(2) Renewal, extension or issue of new document by Consuls (X, 5).

2. In the case of a refugee who holds a document containing an authorisation to return, during the period of its validity, to the country which issued it, the Consuls of that country, specially authorised for the purpose, shall be empowered to extend or renew the validity of the document, or to issue a new document, for a period which shall not, in each case, exceed six months.

Article 9

Recognition (V).

Each Contracting Party shall recognise the validity of the documents issued by the other Parties in accordance with the provisions of the present Arrangement.

Article 10

Entry visa (XII, 1).

The competent authorities of the country to which the refugee desires to proceed shall, if they are prepared to admit him, affix a visa on the document of which he is the holder.

Article 11

Transit visas (XII, 2).

The authorities of the territories to which the present Arrangement applies undertake to grant facilities for the issue of

transit visas to refugees who have obtained visas for the territory of final destination.

Article 12

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports. In the case of indigent persons, visas shall be issued entirely free of charge.

Fees for visas (XII 3).

Article 13

Any refugee changing his place of residence, and lawfully taking up residence in a territory to which the present Arrangement applies, shall apply for a new document to the competent authority of the said territory, which shall supply him with such a document.

Change of residence.
(1) New document (XIII, 1).

Article 14

The authority issuing a new document shall withdraw the old document.

(2) Old document (XIII, 2).

Article 15

1. The travel document shall entitle the holder to leave the territory where it has been issued, and to return thereto during the period of validity of the said document.

Right to leave the country (XI) and authorisation to return (XIV).

2. The Contracting Governments reserve the right, in exceptional cases, to limit the period during which the refugee may return, the said period being not less than three months.

Article 16

1. The present provisions in no way affect the laws and regulations governing the conditions of admission to, and residence and establishment in, the territories of the Contracting Party to which the present Arrangement applies.

Regulations relating to control of foreigners (XV, 1).

2. Nor do they affect the special provisions concerning persons coming under the present Arrangement in the territories of the Contracting Party to which it applies.

Special provisions (XV, 2).

Article 17

Status of holder
(XV 3).

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

Article 18

Protection (XVI).

The issue of the document does not in any way entitle the holder to the protection of the diplomatic and consular authorities of the country which issued it, and does not confer on these authorities a right of protection.

Article 19

Documents issued
prior to coming into
force of Arrangement
(XVII).

Identity and travel documents issued before the entry into force of the present Arrangement to persons referred to in Articles 1 and 2 shall remain valid until they have expired.

Article 20

Signature of the
Arrangement
(XIX).

The present Arrangement, of which the English and French texts are both authentic, shall bear today's date and shall remain open for signature, in London, by the Members of the Intergovernmental Committee, as well as by those non-member Governments to which a copy of the Arrangement has been communicated for this purpose by the Executive Committee of the Intergovernmental Committee on Refugees.

Article 21

Notification of si-
gnatures by the Di-
rector of the Inter-
governmental Com-
mittee (XIX).

The Director of the Intergovernmental Committee shall give notice of each signature received to all Members of the Intergovernmental Committee and to the other Governments mentioned in the preceding Article, specifying the date of its receipt.

Article 22

Entry into force
(XIX).

I. The present Arrangement shall come into force sixty days after the Director of the Intergovernmental Committee 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, the present Arrangement shall come into force on the sixtieth day after the date of such deposit.

Article 23

1. The present Arrangement may be denounced by any one of the Contracting Governments after the expiry of a period of one year as from the date on which it came into force in respect of the Government in question, by written notification addressed to the Director of the Intergovernmental Committee, who shall inform all the Members of the Intergovernmental Committee, and the other Governments referred to in Article 20, of each notification, specifying the date of its receipt.

Denunciation
(XIX).

2. The denunciation shall come into effect six months after the date of its receipt by the Director, and shall operate only in respect of the Government which has transmitted such notification.

Done in London the..... in a single copy, which shall remain deposited in the archives of the Intergovernmental Committee and certified true copies of which shall be transmitted to all Members of the Intergovernmental Committee and to the other Governments referred to in Article 20.

Annex

SPECIMEN IDENTITY AND TRAVEL DOCUMENT

Note.—The document will contain the three special features described below, in order to prevent falsifications :

(a) The paper used will be of such a type as to preclude all risk of erasure or alteration with the aid of chemicals.

(b) The pages will be perforated in several places.

(c) The words “ Intergovernmental Arrangement of ” will be printed in continuous repetition on each page of the document.

(Cover)

Size : 15 × 10½ cm.

(Date of issue)

(No. of document)

(Text 1 :)

IDENTITY AND TRAVEL DOCUMENT

(Intergovernmental Arrangement of)

(Text 2 :)

INTERGOVERNMENTAL COMMITTEE
ON REFUGEES

IDENTITY AND TRAVEL DOCUMENT

(Intergovernmental Arrangement of)

[REDACTED]

[REDACTED]

Name of holder.....

Forename(s) of holder

This document contains 32 pages, exclusive of cover.

1.

No.....

IDENTITY AND TRAVEL DOCUMENT

Alternative texts	}	(1) issued on behalf of the Intergovernmental Committee on Refugees
		(2) for refugees coming within the mandate of the Intergovernmental Committee on Refugees

This document expires on unless its validity is extended or renewed.

Name.....

Forename(s)

Accompanied by his wife and child (children).

1. This document is issued in accordance with the Intergovernmental Arrangement of
2. The holder of this document is placed under the protection of the Intergovernmental Committee on Refugees.
3. The holder of this document does not enjoy, in law or in fact, the protection of any Government. He is not qualified to obtain a national passport. (Indicate here the country whose authorities are issuing the document.)
4. This document is issued solely with a view to providing the holder with a document which can serve as a temporary passport. It is without prejudice to and in no way affects the holder's nationality. It is forbidden to add slips or pages to this document, which would, in such a case, become invalid.
5. (a) The holder is authorised to return to (State here the country whose authorities are issuing the document) at any time during the period of validity of the present document.
 (b) The holder is authorised to return to (State here the country whose authorities are issuing the document) on or before (The period during which the holder is allowed to return must not be less than three months.)

The authority issuing the document will strike out whichever statement does not apply and fill in the blank(s) in the remaining statement.

6. The present document ceases to be valid if the holder enters territory. (Indicate, if necessary, the holder's country of origin.)
7. On the expiration of its validity, the present document must be returned to the authority which issued it, or, if the holder is temporarily abroad, to the consular representative of the country where it was issued.
8. Should the holder take up residence in a country other than that which issued the present document, he must apply to the competent authorities for a new document.

This document contains 32 pages, exclusive of cover.

(Page 2)

2.

No

Civil status.....
Place and date of birth.....
Place and date of marriage.....
Occupation.....
Present address.....
Name and forename(s) of father.....
Name and forename(s) of mother.....

Description

Height .. ft. .. ins.
Hair.....
Eyes.....
Eyebrows.....
Forehead.....
Nose.....
Mouth.....
Moustache.....
Beard.....
Chin.....
Face.....
Complexion.....
Special peculiarities.....

Children under 16 years of age

	Name	Forename(s)	Place and date of birth	Sex
1.
2.
3.
4.
5.
6.
7.
8.

This document contains 32 pages, exclusive of cover.

(Page 3)

3.

No

Photograph of holder

Finger-prints of holder

*Photograph(s) of child (or children)
accompanying holder*

Signature of holder.....

This document contains 32 pages, exclusive of cover.

(Page 4)

4.

No

1. This document is valid for all countries, with the exception of the country which may be indicated in No. 6 on Page 1, and any other exceptions mentioned hereunder.

.....
.....
.....

2. Document or documents on the basis of which the present document is issued :

.....
.....
.....

3. Any other particulars which the authority issuing the document may consider necessary, particularly when the holder is of doubtful nationality and legal proceedings have been instituted with a view to determining his nationality or lack of nationality :

.....
.....
.....

Issued at.....

Date

Signature and seal of authority issuing the document, certifying that the photograph(s) on Page 3 is that of the holder * are those of the holder and his child (children) * and that the signature and fingerprints are those of the holder.

Fee paid :

This document contains 32 pages, exclusive of cover.

*Strike out whatever does not apply.

5.

No.....

Extension or renewal of validity

Fee paid : From

To

Done at Date

Signature and seal of authority
extending or renewing the
validity of the document.

Extension or renewal of validity

Fee paid : From

To

Done at Date

Signature and seal of authority
extending or renewing the
validity of the document.

(Page 6)

6.

No.....

Extension or renewal of validity

Fee paid : From

To

Done at Date

Signature and seal of authority
extending or renewing the
validity of the document.

Extension or renewal of validity

Fee paid : From

To

Done at Date

Signature and seal of authority
extending or renewing the
validity of the document.

This document contains 32 pages, exclusive of cover.

(Pages 7—30)

No.....

Visas

The name of the holder of the document must be repeated
in each visa.

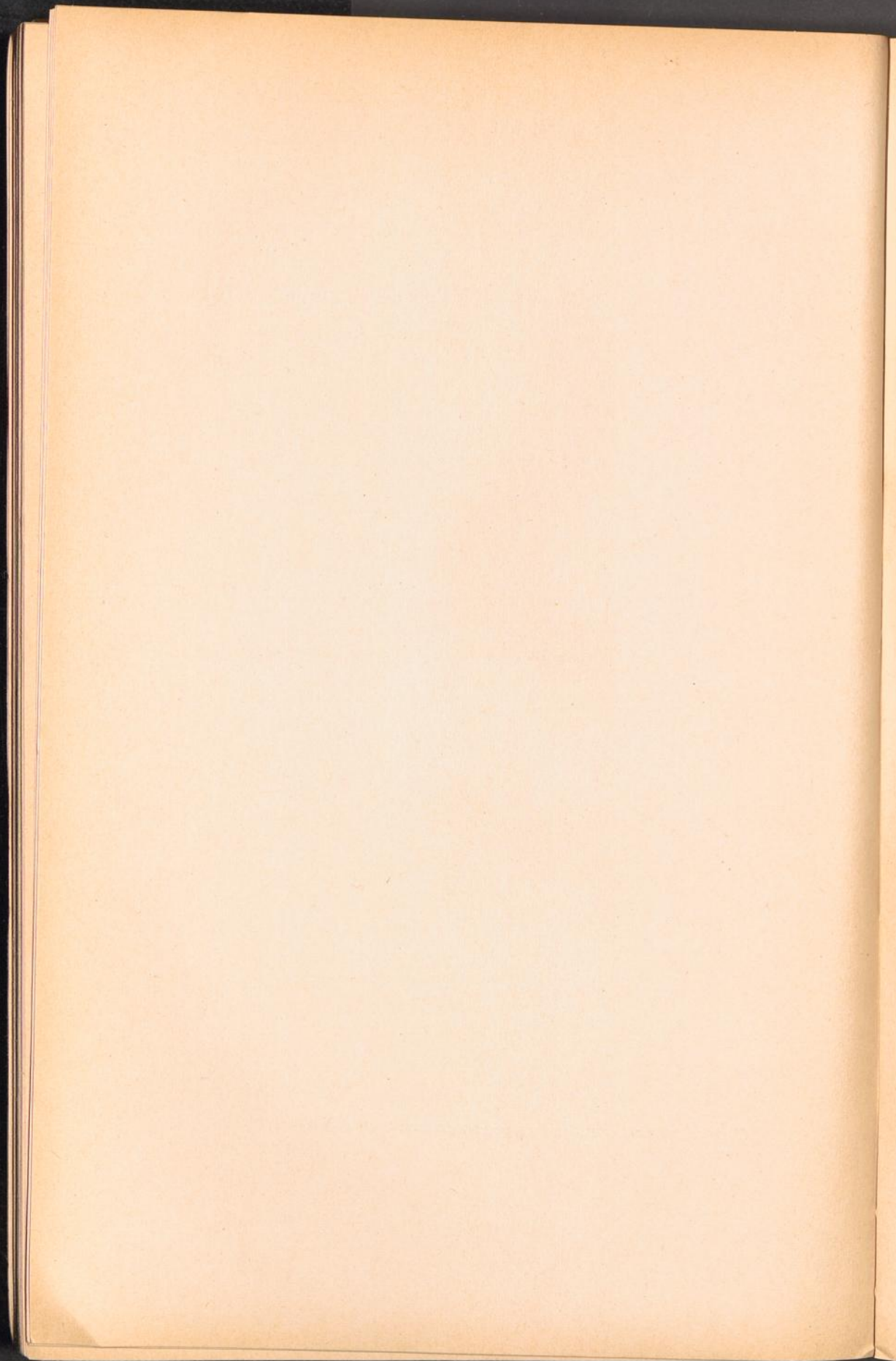
This document contains 32 pages, exclusive of cover.

(Pages 31 and 32)

Information

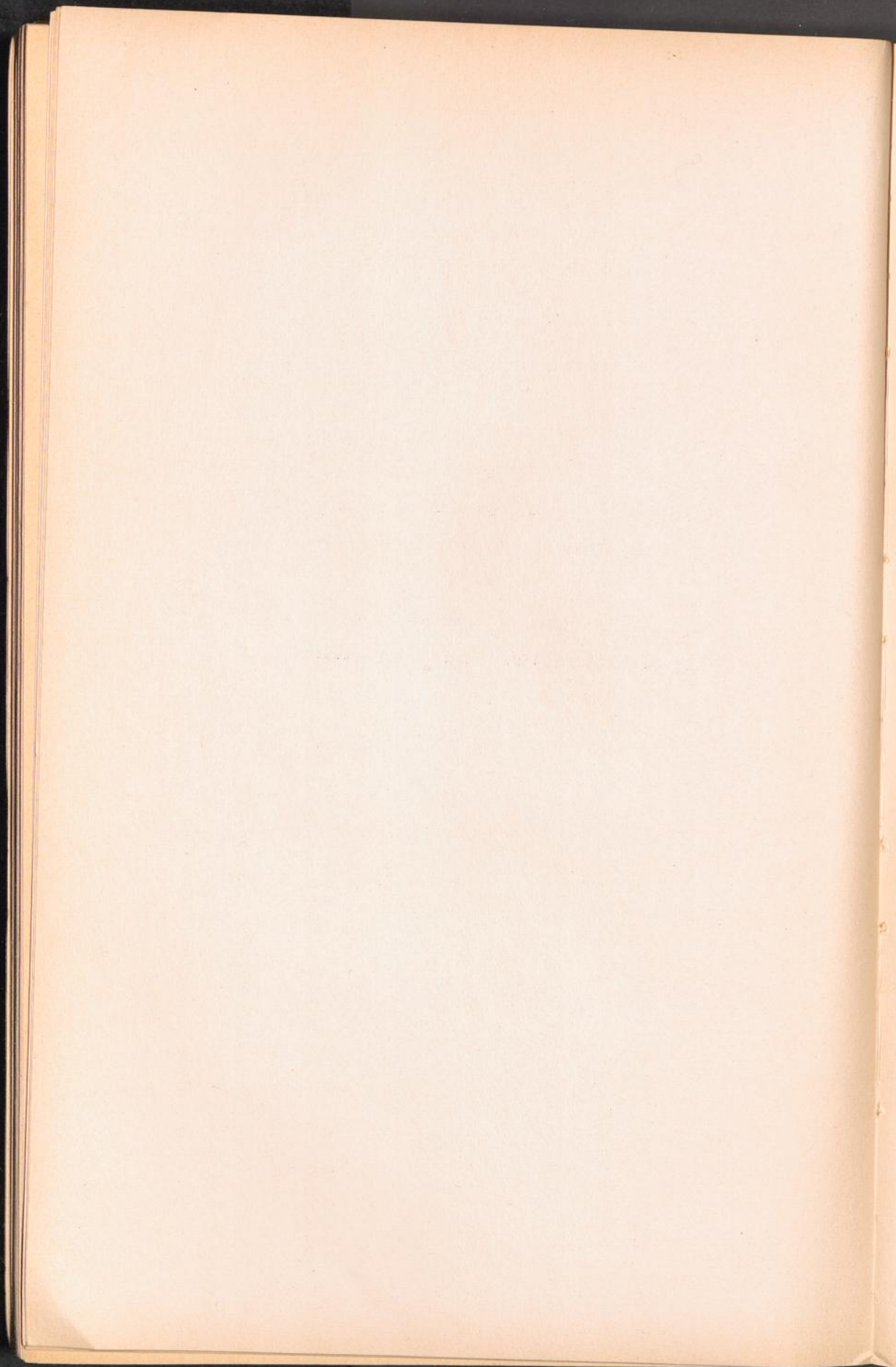
(See Section II, sub-section VI (n), for particulars to be entered on these two pages.)

This document contains 32 pages, exclusive of cover.



PART TWO

Report
submitted by the Commission of Experts
on Identity and Travel Documents
to the
Executive Committee
of the Intergovernmental Committee



Report of the Commission of Experts ¹.

I. — In the course of its Fourth Plenary Session, the Intergovernmental Committee adopted the following resolution, dated 17th August, 1944 :

“ The Committee, having examined the Memorandum of the Director and the Assistant Director, and recognising the need of an early examination of the question of the wider provision of internationally recognised identity and travel documents for persons coming within its mandate, whether stateless or not in fact enjoying the protection of any Government ;

“ Resolves :

“ 1. That the Director be instructed to invite the Governments of Argentine, Belgium, Brazil, Chile, Czechoslovakia, France, Poland, United Kingdom and the United States of America, to appoint experts to a Commission with power to add to its members, to be convened by him for the purpose of examining the question of the adoption and issue of an internationally recognised identity and travel document for stateless persons, or persons not enjoying in fact the protection of any Government ;

“ 2. That this Commission of Experts submit a report on its findings for the consideration of the Executive Committee ;

“ 3. That the Executive Committee be empowered, if it considers it desirable, to make Recommendations to various Governments.”

¹ The recommendations of this Report were unanimously adopted by the Executive Committee of the Intergovernmental Committee in the course of its meeting held on 2nd October, 1945.

II. — In pursuance of the above resolution, the Director of the Intergovernmental Committee convened a meeting of the Commission of Experts on Identity and Travel Documents for 28th August, 1945. The Commission was composed of M. J. Schneider and M. de Foy (Belgium), Senhor Francisco Eulalio do Nascimento e Silva (Brazil), Señor Don Santiago Rogers (Chile), M. Karel Vaněk (Czechoslovakia), M. Grammont, assisted at one of the meetings by M. Gauthier (France), Mr. C.D. Carew Robinson, C.B. and Mr. W. R. Perks (United Kingdom), and Mr. Richard A. Johnson (United States of America).

M. Burnay and M. Lacroix (U.N.R.R.A.) and Colonel de Watteville (International Red Cross Committee) took part, as observers, in the work of the Commission.

The Commission held five meetings in London, on 28th, 29th and 31st August, 1945. Mr. C. D. Carew Robinson, C. B., was appointed Chairman and Rapporteur. The Commission decided not to exercise its right of co-option.

III. — In order to facilitate the work of the experts, the Intergovernmental Committee sent them, on 7th August, 1945, a preliminary Report on the adoption of an identity and travel document for refugees coming within the mandate of the Intergovernmental Committee. This Report, which was compiled by the staff of the Intergovernmental Committee, contains approximately 160 pages and is divided into three sections. Section I provides a historical survey and analysis of international action previously taken in connection with the issue of identity and travel documents to refugees or to persons without nationality or of doubtful nationality. Section II is devoted to a study of the various questions relating to the adoption of an identity and travel document for the refugees referred to in the above resolution of 17th August, 1944. Section III contains a Preliminary Draft Arrangement and a specimen identity and travel document.

IV. — At the opening of its first meeting, the Commission heard statements by Sir Herbert Emerson (Director of the Intergovernmental Committee on Refugees) and Dr. G. G. Kull-

mann (Assistant Director), who stressed the practical need for the proposed document and defined the principal aspects of the problem before the experts. In the course of the brief general discussion which followed, the Commission decided to use the report mentioned in the preceding paragraph as a basis for its work.

In the course of its first four meetings, the Commission examined the Preliminary Draft Arrangement submitted by the Intergovernmental Committee. It has retained the general pattern of this Preliminary Draft and of the specimen document annexed thereto. Three amendments must however be mentioned. In the first place, the experts amended Article 1 of the Preliminary Draft Arrangement. As a result of this amendment, Article 1 now replaces, instead of merely supplementing, the clauses relating to the issue of a travel document which are contained in the Provisional Arrangement of 4th July, 1936, and the Convention of 10th February, 1938, concerning refugees coming from Germany and Austria. This amendment appeared necessary in view of the limited application of the Arrangement of 4th July, 1936, and of the Convention of 10th February, 1938. In the second place, and in order to avoid any confusion with the identity certificates issued to aliens in various countries, the experts have deemed it advisable to call the proposed document a "travel document" instead of an "identity and travel document". This has the added advantage of stressing its essential purpose. Thirdly, in order clearly to indicate the international character of the proposed document and its origin, the Commission considered that the title printed on the cover and on the first page of the specimen document should be modified to read: "Travel Document (Intergovernmental Arrangement of....., concluded under the auspices of the Intergovernmental Committee on Refugees.)" The other amendments made by the Commission are of a purely technical nature. The amended Draft Arrangement and specimen travel document are annexed to this report.

The Commission wishes to state that, in adopting Article 6, —which provides that, save in special or exceptional cases, the document shall be valid for the largest possible number of countries—it has taken into account, not only the need to make

it easier for refugees to find new homes, but also the interests of the countries of first refuge.

V. — The Commission noted that its terms of reference (paragraph 1 of the Resolution, dated 17th August, 1944, of the Plenary Meeting of the Intergovernmental Committee) referred to the question of the adoption and issue of a travel document. The Commission, while entertaining some doubts as to whether its powers are sufficiently wide for the purpose, ventures nevertheless to submit to the Executive Committee the following suggestions as to the procedure most likely to ensure an early and widespread adoption of the Draft Arrangement by the Governments concerned :

1. That, if approved by the Executive Committee, the Draft Arrangement and specimen travel document be communicated to Member Governments and to such non-member Governments as the Executive Committee may consider necessary ;

2. That, at the same time, the Governments referred to above be advised of the Intergovernmental Committee's intention to convene an Intergovernmental Conference for the purpose of the final examination and adoption of the Arrangement, and that they be invited to inform the Director of the Intergovernmental Committee whether they would be willing to participate in such a Conference ;

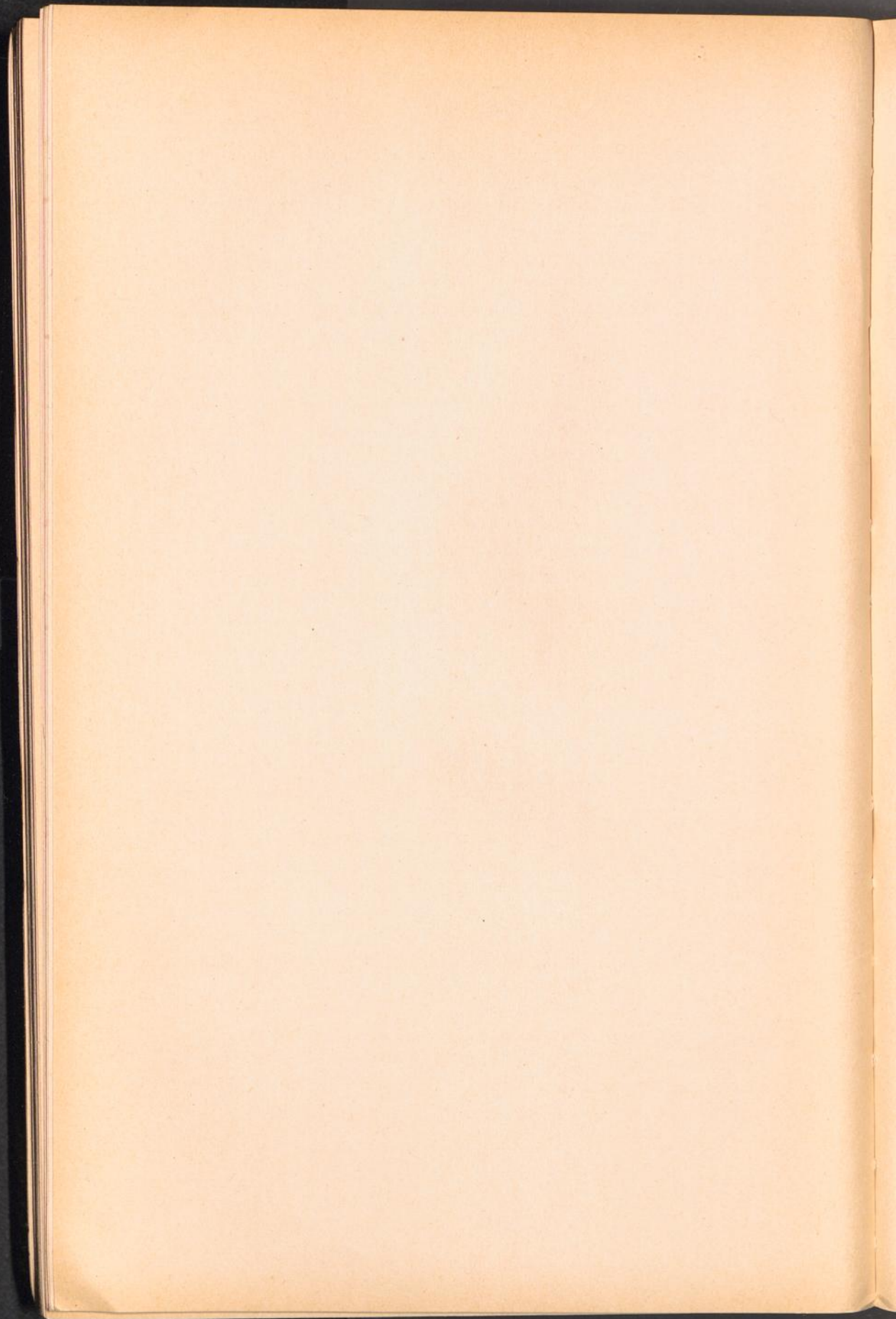
3. That in sending thereafter a formal invitation to the Governments which have intimated their desire to participate in the Conference, the Executive Committee invite the said Governments to empower their delegates to sign the Arrangement.

VI. — The Commission was unanimous in congratulating the Directorate of the Intergovernmental Committee on the remarkable preliminary Report on the adoption of an identity and travel document for refugees coming within the mandate of the Intergovernmental Committee, which had been submitted to the experts. In view of the great importance of this valuable

Report, which provides a very thorough and comprehensive study of the subject, the Commission recommends to the Executive Committee that it be printed and given the widest possible circulation.

31st August, 1945.

C. D. CAREW ROBINSON
Chairman and Rapporteur.



DRAFT INTERGOVERNMENTAL ARRANGEMENT CONCERNING THE
ISSUE OF A TRAVEL DOCUMENT TO REFUGEES COMING WITHIN
THE MANDATE OF THE INTERGOVERNMENTAL COMMITTEE

The Contracting Governments,

Having examined a Resolution adopted by the Intergovernmental Committee on Refugees at its Plenary Session on 17th August, 1944, and a Recommendation of the Executive Committee of the Intergovernmental Committee on Refugees, dated....., concerning the establishment of an identity and travel document for refugees coming within the mandate of the Intergovernmental Committee on Refugees,

Having regard to the international measures previously taken in the matter of identity and travel documents for certain categories of refugees,

Convinced of the necessity of taking similar measures on behalf of the refugees referred to in the above-mentioned Resolution and Recommendation, with a view, in particular, to facilitating the movement of these refugees,

Considering that the making of arrangements for the emigration of refugees who cannot be absorbed in the countries in which they have taken refuge is an essential part of the work undertaken for the benefit of the said refugees,

Have agreed as follows :

Article 1

Authority issuing
the document ; be-
neficiaries.

Subject to the further provisions laid down in Articles 2 and 16, a travel document, in accordance with the provisions of Article 3, shall be issued by the Contracting Parties to refugees belonging to categories which have been notified to the Governments concerned by the Intergovernmental Committee on Refugees as coming within its mandate, provided that the said refugees are stateless or do not in fact enjoy the protection of any Government, that they are staying lawfully in the respective territories of the Contracting Parties, and that they are not benefiting by the provisions regarding the issue of a travel document contained in one of the following Arrangements or Conventions : Arrangements of 5th July, 1922, 31st May, 1924, 12th May, 1926, 30th June, 1928, 30th July, 1935, and Convention of 28th October, 1933.

Article 2

Unlawful residence
of refugees.

As a transitional measure, the document referred to in Article 1 may, at the discretion of the Government concerned, be issued to refugees who, while fulfilling the other conditions laid down by the present Arrangement, are not staying lawfully in the respective territories of the Contracting Parties on the date of the coming into force of the present Arrangement, provided that they report themselves to the authorities within a period to be prescribed by the Government concerned and which shall not be less than three months.

Article 3

Specimen.

1. The travel document referred to in the present Arrangement shall be similar to the attached specimen (see Annex).

Languages.

2. It shall be made out in at least two languages—French, and the national language or languages of the authority which issues the document.

Article 4

Children.

Children under 16 years of age may be included on the document of either parent.

Article 5

The fees charged for issue of the travel document shall not exceed the lowest scale of charges for national passports. Fees for issue.

Article 6

Save in special or exceptional cases, the document shall be valid for the largest possible number of countries. Territorial validity.

Article 7

The document shall have a validity of either one or two years, at the discretion of the issuing authority. Period of validity-

Article 8

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder resides lawfully in the territory of the said authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the former document. (1) Renewal, extension or issue of new document by territorial authorities.

2. Diplomatic or consular authorities, specially authorised for the purpose, shall be empowered to extend, for a period not exceeding six months, the validity of travel documents issued by their Governments. (2) Extension by diplomatic or consular authorities.

Article 9

Each Contracting Party shall recognise the validity of the documents issued by the other Parties in accordance with the provisions of the present Arrangement. Recognition.

Article 10

The competent authorities of the country to which the refugee desires to proceed shall, if they are prepared to admit him, affix a visa on the document of which he is the holder. Entry visa.

Article 11

Transit visas.

The authorities of the territories to which the present Arrangement applies undertake to grant facilities for the issue of transit visas to refugees who have obtained visas for the territory of final destination.

Article 12

Fees for visas.

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

Article 13

Change of residence.

When a refugee has lawfully taken up residence in another territory to which the present Arrangement applies, the power to issue a new travel document will be transferred to the competent authority of that territory, to which the refugee shall be entitled to apply.

Article 14

Withdrawal of old document.

The authority issuing a new document shall withdraw the old document.

Article 15

Right to leave the country and authorisation to return.

1. The travel document shall entitle the holder to leave the territory where it has been issued and to return thereto during the period of validity of the said document.

2. The Contracting Governments reserve the right, in exceptional cases, to limit the period during which the refugee may return, the said period being not less than three months.

Article 16

Regulations relating to control of foreigners.

1. The present provisions in no way affect the laws and regulations governing the conditions of admission to, residence

and establishment in, and departure from, the territories of the Contracting Party to which the present Arrangement applies.

2. Nor do they affect the special provisions concerning persons coming under the present Arrangement in the territories of the Contracting Party to which it applies.

Special provisions.

Article 17

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

Status of holder.

Article 18

The issue of the document does not in any way entitle the holder to the protection of the diplomatic and consular authorities of the country which issued it, and does not confer on these authorities a right of protection.

Protection.

Article 19

Travel documents issued before the entry into force of the present Arrangement to persons referred to in Articles 1 and 2 shall remain valid until they have expired.

Documents issued prior to coming into force of Arrangement.

Article 20

The present Arrangement, of which the English and French texts are both authentic, shall bear today's date and shall remain open for signature, in London, by the Members of the Intergovernmental Committee, as well as by those non-member Governments to which the Executive Committee of the Intergovernmental Committee on Refugees may decide to communicate a copy of the Arrangement for this purpose.

Signature of the Arrangement.

Article 21

The Director of the Intergovernmental Committee shall give notice of each signature received to all Governments mentioned in the preceding Article, specifying the date of its receipt.

Notification of signatures by the Director of the Intergovernmental Committee.

Article 22

Entry into force.

1. The present Arrangement shall come into force sixty days after the Director of the Intergovernmental Committee 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, the present Arrangement shall come into force on the sixtieth day after the date of such deposit.

Article 23

Denunciation.

1. The present Arrangement may be denounced by any one of the Contracting Governments after the expiry of a period of one year as from the date on which it came into force in respect of the Government in question, by written notification addressed to the Director of the Intergovernmental Committee, who shall inform all Governments referred to in Article 20 of each notification, specifying the date of its receipt.

2. The denunciation shall come into effect six months after the date of its receipt by the Director, and shall operate only in respect of the Government which has transmitted such notification.

Done in London, the....., in a single copy, which shall remain deposited in the archives of the Intergovernmental Committee, and certified true copies of which shall be transmitted to all Governments referred to in Article 20.

Annex

SPECIMEN TRAVEL DOCUMENT

Note.—The document will be in booklet form and will contain the three special features described below, in order to prevent falsifications :

(a) The paper used will be of such a type as to preclude all risk of erasure or alteration with the aid of chemicals.

(b) The pages will be perforated in several places.

(c) The words “ Intergovernmental Arrangement of ” will be printed in continuous repetition on each page of the document.

I.

TRAVEL DOCUMENT

(Intergovernmental Arrangement of
concluded under the auspices of the Intergovernmental
Committee on Refugees.)

This document expires on unless its
validity is extended or renewed.

Name

Forename(s)

Accompanied by child (children).

1. The holder of this document comes within the mandate of the Intergovernmental Committee on Refugees.
2. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport, which he has been unable to obtain. It is without prejudice to and in no way affects the holder's nationality.
3. * (a) The holder is authorised to return to (State here the country whose authorities are issuing the document) at any time during the period of validity of the present document.
- * (b) The holder is authorised to return to (State here the country whose authorities are issuing the document) on or before (The period during which the holder is allowed to return must not be less than three months.)
- * *(The authority issuing the document will strike out whichever statement does not apply and fill in the blank(s) in the remaining statement.)*
4. The present document ceases to be valid if the holder enters territory. (Indicate, if necessary, the holder's country of origin.)
5. Should the holder take up residence in a country other than that which issued the present document, he must, if he wishes to travel again, apply to the competent authorities of his country of residence for a new document.

This document contains 32 pages, exclusive of cover.

2.

Civil status.....
 Place and date of birth.....
 * Place and date of marriage.....
 Occupation.....
 Present residence.....
 * Maiden name and forename(s) of wife.....
 * Name and forename(s) of husband.....
 Name and forename(s) of father.....
 Name and forename(s) of mother.....

Description

Height.....
 Hair.....
 Colour of eyes.....
 Nose.....
 Shape of face.....
 Complexion.....
 Special peculiarities.....

Children under 16 years of age

Name	Forename(s)	Place and date of birth	Sex
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

This document contains 32 pages, exclusive of cover.

* Strike out whatever does not apply.

3.

Photograph of holder

Finger-prints of holder (if required)

Signature of holder.....

This document contains 32 pages, exclusive of cover.

4.

1. This document is valid for all countries, with the exception of the country which may be indicated in No. 4 on page 1, and any other exceptions mentioned hereunder.

.....
.....
.....

2. Document or documents on the basis of which the present document is issued :

.....
.....
.....

Issued at

Date

Signature and seal of authority
issuing the document :

Fee paid :

This document contains 32 pages, exclusive of cover.

Extension or renewal of validity

Fee paid : From

To

Done at Date.....

Signature and seal of authority
extending or renewing the
validity of the document.

Extension or renewal of validity

Fee paid : From

To

Done at Date.....

Signature and seal of authority
extending or renewing the
validity of the document.

This document contains 32 pages, exclusive of cover.

6.

Extension or renewal of validity

Fee paid : From

To

Done at Date.....

Signature and seal of authority
extending or renewing the
validity of the document.

Extension or renewal of validity

Fee paid : From

To

Done at Date.....

Signature and seal of authority
extending or renewing the
validity of the document.

This document contains 32 pages, exclusive of cover.

(7-32)

Visas

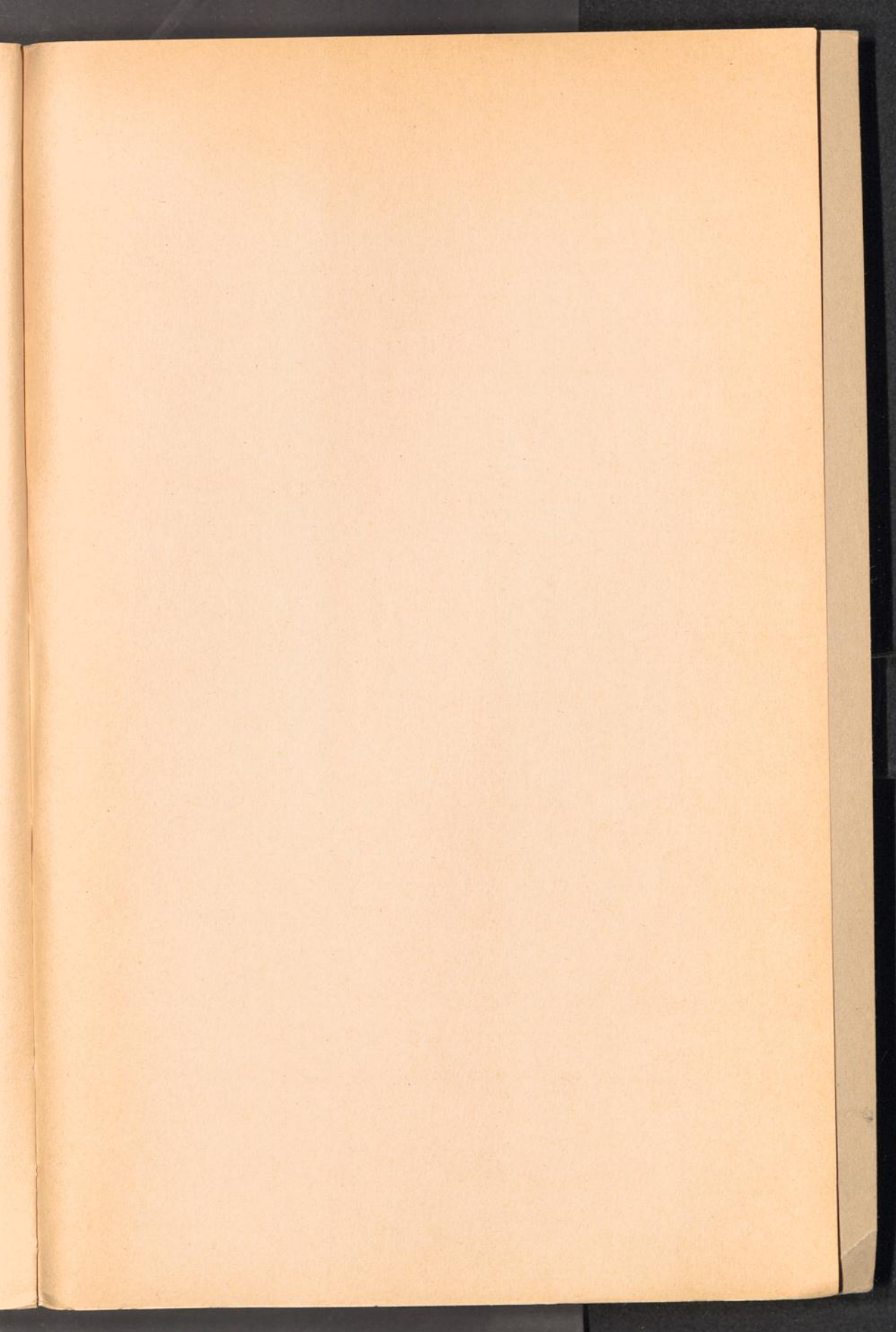
The name of the holder of the document must be repeated
in each visa.

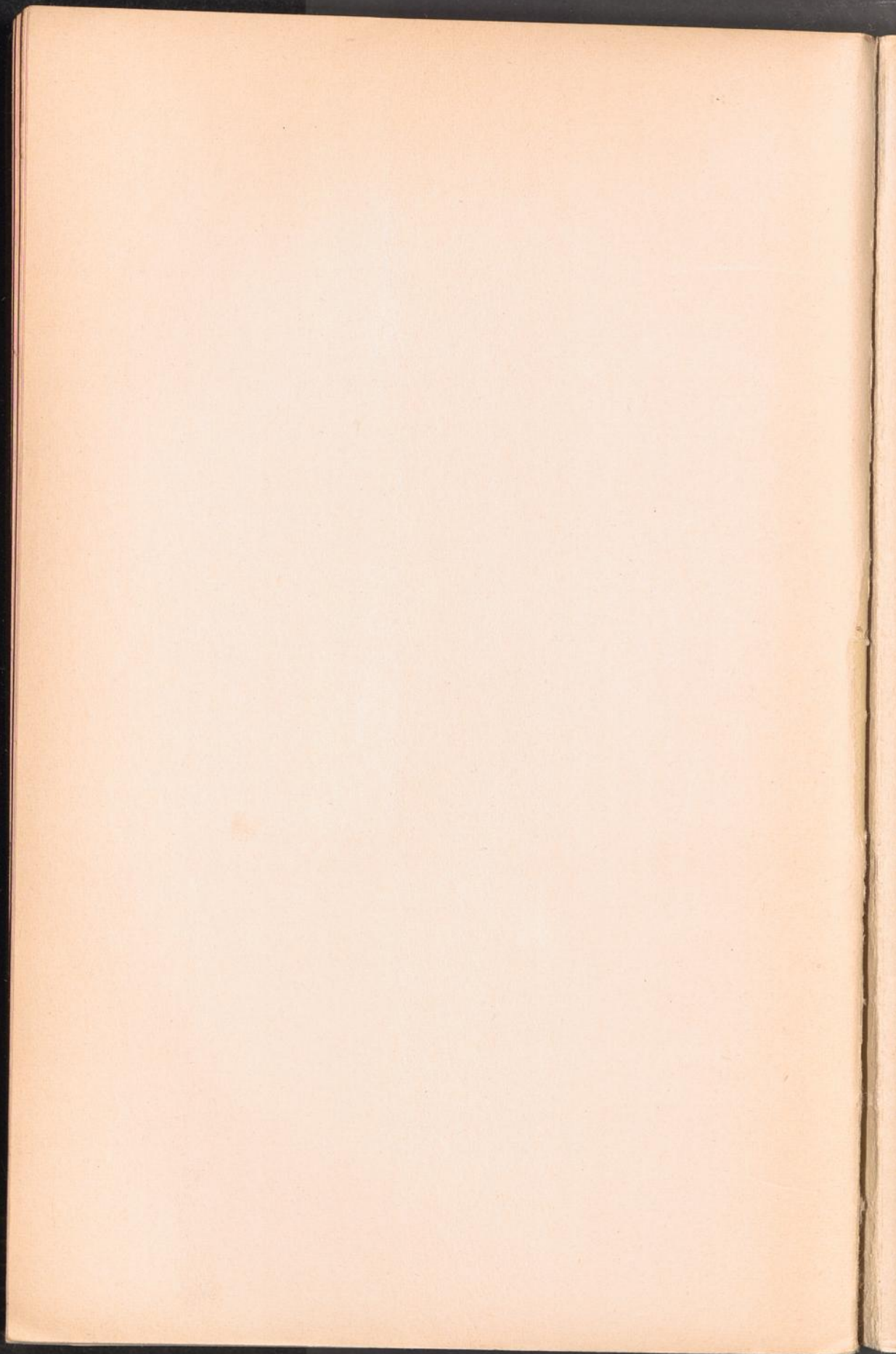
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