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The League of Nations High Commission for Refugees from Germany after 1935

Sergio Vlahovich

Master's Thesis

Advisor: Dr. Sace Elder

August 19, 2022

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Abstract

The League of Nations' effectiveness as a bureaucratic body has been hotly contested. Almost since its founding, critics of the League viewed its humanitarian and peacekeeping missions as failures. This thesis reevaluates these criticisms by studying the League's work on behalf of refugees from Germany from the end of 1935 up through the Second World War. The thesis focuses on the activities of the League after James G. McDonald, High Commissioner for Refugees Coming from Germany, resigned in December of 1935 and during the time the Intergovernmental Committee for Refugees (ICR) began its work on the issue of refugees fleeing from Nazi expansion. The thesis illustrates the limited options and complications League officials confronted while dealing with the severity of European migrations initiated by National Socialist persecution of Jews and political enemies of the Third Reich. It fills a gap in our understanding of League efforts to address the escalating problem of refugee protection. Some of the most important works of the League included its efforts to ease the difficulties faced by refugees coming from Germany, the Saar region, Austria, the Sudetenland, Poland and eventually all of Europe. This thesis shows that such works illustrate the potentials the League had when it came to encountering the question of refugees. It also argues that the League should be reassessed as an organization for refugee assistance and minority protection because it demonstrates that once the ICR emerged as an institution, the League did not halt its operations. Instead, the following thesis shows that the League's refugee works during the war helped the ICR to contribute to what the League started doing as an organization, and that was ensuring minorities and refugees their place within the global community.

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Introduction

After World War I, most of Europe finally entered an era of peace and diplomacy. But with defeat of the Central Powers brought another issue on the horizon – the treatment of minority refugees across Europe. World War I left Europe in ruins. National economies were devastated; populations became victims of war-torn, impoverished areas. Those that were negatively impacted by the war were a number of displaced individuals. In an effort to ensure that the world would not enter another deadly conflict, American President Woodrow Wilson and fellow internationalists envisioned the establishment of a global institution that could resolve disputes and help promote international cooperation through diplomatic measures.

Wilson's Fourteen Points eventually came to life, as the Paris Peace Conference would lead to the official creation of the League of Nations on January 10, 1920. Despite Wilson's optimism for the international project outlined in the League Covenant, the United States Congress did not ratify the Versailles Treaty, thus maintaining an initial low profile for America in global affairs.¹ Many European advocates of the League, on the other hand, believed that the League could serve as a positive agent for bringing rehabilitation to individuals that fell victim to the war's economic deprivations and social hardships.

Throughout the interwar period, the League would find itself dealing with questions on the status of minorities. The issue of minority protection arose during the onslaught of the Russian Civil War and when the League was reconstructing Europe's political order. Russia's internal chaos had caused millions of people to migrate out of the former empire, while minority

¹ Susan Pedersen, "Back to the League of Nations," *The American Historical Review* 112, no. 4 (2007): 1099.

populations were demanding political sovereignty within the areas that once belonged to the Central Powers.² The interwar period witnessed initial successes in its duties to assist minority populations and refugees, such as the signing of the Polish Minorities Treaty and the creation of the Nansen passport. Such efforts by the League minimized territorial disputes from escalating into large-scale conflict and were improving the lives of those that had lost their homes and livelihoods.³ However, such successes did have its limits since the League as a whole, especially the British and French, were having difficulties adapting to the new state system in order to deal with minority appeals.

Europe then would experience a renewed immigration crisis, after the National Socialists gained power in Germany in 1933. With Adolf Hitler sworn in as Germany's new chancellor, many German Jews were stripped of their national status, which resulted in many of these formerly nationalized Jews being denied access to political rights, economic benefits, and social safety nets.⁴ These pressures on the Jewish community not only encouraged Jewish emigration, but they created a new challenge for the League. In response to the Nazis' discriminatory acts against German Jewish refugees, the League created the High Commission for Refugees (Jewish and Other) Coming from Germany so that it could cooperate with governments to create resolutions that would provide financial means of assistance. In order for this High Commission to assist minorities, national governments would have had to willingly ease their immigration restrictions and authorize exceptions so that foreigners could participate in the labor force and gain access to hospitality and housing.⁵ James Grover McDonald, an American politician, was

² George Ginsburgs, "The Soviet Union and the Problem of Refugees and Displaced Persons 1917- 1956," *The American Journal of International Law* 51, no. 2 (1957), 326.

³ Mark Mazower, "Minorities and the League of Nations in Interwar Europe," *Daedalus* 126, no. 2 (1997): 50-51.

⁴ Greg Burgess, *The League of Nations and the Refugees from Nazi Germany: James G. McDonald and Hitler's Victims*, (India: Bloomsbury Publishing, 2016), 161.

⁵ Burgess, *Refugees from Nazi Germany*, 51.

appointed Chairman of the High Commission in the hopes that an American public figure such as McDonald could encourage US leaders and Jewish organizations to help raise awareness of the humanitarian crisis and promote necessary steps for the League to aid impoverished minorities in Germany.⁶

Greg Burgess has published a book on McDonald as the chairman of the High Commission and the League's refugee works in Germany. Burgess makes the case that the League had failed to provide humanitarian relief to refugees trapped in Hitler's Germany. However, historians do not fully understand the nature of the League High Commission after McDonald's departure in December of 1935, just months after the Nazis' promulgation of the infamous Nuremberg Laws. Germany's escalating persecution of Jews would test how effective League diplomacy could be in responding to a state that did not abide by international norms. While it is true that the League's efforts ultimately failed, it needs to be remembered the policies they attempted to implement and the reasons why they failed tell us much about the possibilities and limits of internationalism in the late interwar period. This thesis brings to light the activities of the League after McDonald resigned as acting High Commissioner and intends to demonstrate how the League's philosophy and practice limited its approach to resolving minority mistreatment in Nazi Germany.

Furthermore, my thesis questions the conventional wisdom that the League failed due to lack of American involvement. As Burgess suggests, it seems that the American High Commissioner McDonald had tremendous potential in formulating League refugee policy, especially when his resignation letter provided a basis as to why the moral problem of refugees could not be resolved and how the League could move forward in embracing the moral

⁶ Burgess, *Refugees from Nazi Germany*, 53-54.

implications of refugee sufferings.⁷ But Burgess also asserts that the League ultimately failed once America withdrew its support from the High Commission. By contrast, I question the primacy of the American-led Intergovernmental Committee on Refugees (ICR) by comparing it to the League's reformed High Commission on Refugees that began operation in 1936, and argue that it was not 1938, but rather 1943, when the ICR took leadership of the refugee crisis.

League of Nations

Established during the Paris Peace Conference on January 10, 1920, the League was the first global bureaucratic body to ensure peace and cooperation among all nations. Within its covenant, the League defined peace broadly to include international cooperation to solve social problems that transcended state boundaries. To gain a better understanding on such outlined functions and responsibilities, it is best to raise the introduction section of the League Covenant. It states:

In order to promote international co-operation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another...⁸

⁷ Burgess, *Refugees from Nazi Germany*, 156.

⁸ National Archives of Australia: Prime Minister's Department; A11831, Certified copies of treaties and related documents including Treaties of Peace, World War 1, chronological series, 01 January 1919 – 31 December 1928; 6, Treaty of Peace with Germany signed by the Principal Allied and Associated Powers on the one part and Germany on the other part, 28 June 1919 – 28 June 1919.

This passage illustrates what the League intended to accomplish, which was to internationalize the role of governance. Internationalizing political conduct would in effect enable states to address and respond to issues that required intergovernmental action. Such ideals were a response to the devastating effects of World War I, which left many minority groups within the collapsed empires no options for settlement, employment, and access to social services. Due to the large number of refugees that were impacted by Europe's instable and war-torn situation, while also determining the boundaries for Europe's post-war order, the League created organizations to provide aid for refugees. One of the institutions formed by the League was called the Nansen International Office for Refugees, established in 1930 after the death of Dr. Fridtjof Nansen, the League of Nations High Commissioner for Refugees.⁹ This institution would provide relief to a number of refugee groups that appealed for minority protection or wanted to escape domestic disputes over sovereign rights. After the Nazis came to power in 1933, the League would establish a High Commission to deal with refugees from Germany. However, unlike the Nansen Office, this institution would not be formally part of the League structure, and fellow American McDonald assumed the role of High Commissioner. He would resign his post in 1935 and was replaced by Sir Neil Malcom.¹⁰

As Nazism's expansion further complicated the League's progress in addressing the German refugee question, it was decided that the Nansen and High Commission offices would be liquidated and merged into a single refugee organization, headed by Sir Herbert Emerson. Shortly after the emergence of this new League High Commission for Refugees, the ICR was also developed which pledged itself to oversee the broad issue of refugees.¹¹ The establishment

⁹ Ivor C. Jackson, "Dr. Fridtjof Nansen a Pioneer in the International Protection of Refugees," *Refugee Survey Quarterly* 22, no. 1 (2003): 8.

¹⁰ Burgess, *Refugees from Nazi Germany*, 162-63.

¹¹ Burgess, *Refugees from Nazi Germany*, 163-66.

of the ICR is often seen as the birth of the modern refugee structure. However, by going through the diplomatic history of the League after 1935, this thesis will show that the League remained involved in refugee relief, and that its efforts is what contributed the ICR to formulate policies on refugee issues.

What follows next is a section on the historical discussion of the League's performance as a global body. One of the historiographical issues regarding the League is its success or effectiveness in approaching refugee grievances and needs. As the following section will demonstrate, historians are at odds with another about this issue. Nevertheless, the vast scholarship on the League will provide a general sense of what some historians have identified as the pros and cons of the League's experience dealing with the legal and humanitarian challenges for refugees.

Historiography

Historians have taken an interest in both assessing the effectiveness of the League's performance, as well as putting the League in a wider context of "internationalism." Even though the League was not successful in providing the humanitarian aid Jewish refugees needed, their works demonstrate that League officials were advocating for greater cooperation among states on behalf of stateless peoples. One example of such works is Daniel Gorman's book. He proposes that during the interwar period, as different interpretations of how states should approach issues on nationality and citizenship emerged, international-minded statesmen and activists saw the significance of politics, culture, and even sports as a means of connecting with peers outside their borders. Such examples Gorman uses are the Empire Games and the League's 1921 Convention on the Traffic in Women and Children. The Empire Games, according to Gorman, is an

excellent example where we see how leading members of the League, particularly Britain, helped develop what he calls “an international society” through the notion of cultural commonalities.¹² Instances like the 1921 Convention on the Traffic in Women and Children fundamentally changed the way the British Empire was treating the issue of human trafficking.¹³ This dense volume suggests that the League played an important part in stressing this notion of greater cooperation among all nations. However, such an emphasis was achievable through the cooperation and understanding among state and non-state actors, as well as non-Western and European societies.

Other historians such as Keith D. Watenpaugh support this claim that the theory and practice of international humanitarianism changed around the time of the League’s formation. In his article, Watenpaugh reminds us that the framers and sympathizers of the League envisioned it to be a permanent, international institution that would understand, address, and resolve the root causes of human suffering.¹⁴ Examining the League’s rescue efforts in what we now call the Armenian Genocide of 1915, he argues that private associations’ rescue Armenian survivors of Ottoman violence had inspired a sense of commitment among the League’s decision-makers to provide assistance for those devastated by the Ottoman-conducted genocide.¹⁵ The Armenian project offers an example on some of the League’s functions pertaining to helping minorities that had been impacted by imperialist rule.

Some historians have not shared Gorman’s optimism that the League served as a positive agent for change. One example is Susan Pederson, who has recently published a book on the

¹² Daniel Gorman, *The Emergence of International Society in the 1920s*, (Cambridge University Press, 2012), 161-163.

¹³ Gorman, *The Emergence*, 95.

¹⁴ Keith David Watenpaugh, “The League of Nations’ Rescue of Armenian Genocide Survivors and the Making of Modern Humanitarianism, 1920—1927.” *The American Historical Review* 115, no. 5 (2010): 1315–39.

¹⁵ Watenpaugh, “The League of Nations’ Rescue,” 1318.

works of the League's mandate system. She finds the mandate system guided by "imperial internationalization" as opposed to state individuality.¹⁶ In other words, the mandate system, in the view of Pedersen, had only reinforced imperial meanings of ethnic, religious, and other social and cultural divisions. One example she offers is Belgium's decision to stir up ethnic divisions in order to regulate the laboring industries in Rwanda and Burundi.¹⁷ Such reorganizations of Rwanda and Burundi's economic systems are examples that undermined the League trying to improve the status of minorities. Instead, it demonstrated that the League's mandate system only made it more "burdensome" for colonial populations as they were forced to face discriminatory measures of social/economic supervision under major League members.¹⁸

Scholars have also discussed the League's treatment of the issue of sovereign rights. Historians such as Carole Fink provide such legal and ideological insights when referring to the territorial issue between Poland and Ukraine during the final stages of the Great War. As the Habsburg Monarchy was moving closer to accepting surrender terms, the Polish Liquidation Commission had intentions of claiming the entire Galician region as part of the newly born Polish state.¹⁹ However, when the Ruthenian National Council claimed the eastern sector of Galicia as part of Ukraine, local Poles were outraged at their leaders for allowing the Ukrainians to extend its sovereign claims. This conflict became so intensive that it had not only sparked an ethnic conflict between Poles and Ukrainians, but also when the issue was brought to the victorious Allies for support, they could not reach a consensus. France had recognized Poland's claim of allowing Galicia to be part of Polish sovereignty, while Britain threatened that if they

¹⁶ Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire*, (New York: Oxford University Press, 2015), 12.

¹⁷ Pedersen, *The Guardians*, 12-13.

¹⁸ Pedersen, *The Guardians*, 13.

¹⁹ Carole Fink, *Defending the Rights of Others: The Great Powers, the Jews, and International Minority Protection, 1878-1938*, (Cambridge: Cambridge University Press, 2006), 103.

saw any form of expansion from Poland in the East, it would be met with swift resistance.²⁰

Fink's analysis on the Ukrainian-Polish dispute over Galicia illustrates how the League dealt with the early question of minority protection. When the League began operation, it faced an era in which sovereignty was judged through the basis of imperial claim, and if absolutely need be, conflict. The idea of an intergovernmental body such as the League raising the issue of sovereign rights and redefining the boundaries of national belonging was an initial challenge for European officials to understand when fulfilling its obligations towards minority rights and refugee protection.

Another historian by the name of Mira Siegelberg has recently published a book about the legal status of stateless people in the early 20th century. A key argument that she presents is how the rise of fascism and Nazism caused more issues for liberal positivists to promote the idea that the sovereign territorial state should not be emphasized as the fundamental source of protection and rights. Rather, all individuals, including those that lacked membership in a sovereign community, should obtain the same access of protection and rights as national citizens. As she states throughout her study, the era of imperial internationalism had claimed the right to interject the meaning of state status, which was that ethnicity played an essential component in gaining citizenship to the state.²¹ In this sense, Siegelberg's main contribution to the historical discussion in understanding the League's hesitation in addressing minority issues involves understanding how League officials were accustomed to 19th century interpretations of nationality. Due to this inclination of needing national membership to gain access to political representation, safety nets, and economic benefits, it made League officials unprepared to

²⁰ Fink, *Defending the Rights*, 102-103.

²¹ Mira L Siegelberg. *Statelessness*, (London: Harvard University Press, 2020), 146.

understand the legal challenges that were presented when the issue of stateless minorities emerged.

Some historians have emphasized that members of what Gorman describes as “international society” were making similar collaborative efforts towards international humanitarianism during the timeframe under present consideration. A great example is the collaborative work of Laura E. Brade and Rose Holmes, as they bring attention to a new prominent figure that seemed to take McDonald’s work to the next level. While they do not mention anything about McDonald, they acknowledge a man by the name of Nicholas Winton, who took a leading role in the *Kindertransports*, which was rescuing and providing housing for 669 children, along with around 15,000 other refugees supported by the Czech Refugee Trust Fund, out of Czechoslovakia between 1939 and 1940.²² Brade and Holmes believe not only Winton’s leading role in promoting collaborative and international humanitarianism should be remembered, but that the work conducted here marked a new beginning for global relations. This global humanitarian effort brought together several organizations to assist the refugees in Czechoslovakia.

When focusing on the refugee crisis in Nazi Germany, there are some historians who have transitioned to focusing on populist efforts in raising the refugee crisis. In other words, historians have emphasized how private organizations publicized the issue of refugees and urged their national governments to reexamine their options to help those that were in need of treatment. Such an example is that of Haim Genizi who brings to light the efforts made by individual Christians and Christian organizations within the United States in changing the attitudes of the Roosevelt Administration and the American people. In particular, Genizi seems

²² Laura E. Brade, and Rose Holmes, "Troublesome Sainthood: Nicholas Winton and the Contested History of Child Rescue in Prague, 1938–1940," *History and Memory* 29, no. 1 (2017): 4.

to suggest that the efforts of these Christian societies are what encouraged McDonald to press for new approaches in trying to resolve the refugee problem.²³ Genizi's article provides clarity as to why McDonald was still determined in trying to provide humanitarian aid when he faced formidable political opposition.

Scholars' understanding of the refugee crisis as a fundamental humanitarian problem has expanded, especially when considering the efforts of non-elite activists. While historians such as Genizi have emphasized the efforts of evangelical institutions within the United States, there are some historians who have acknowledged joint efforts among several countries in raising emphasis and trying to provide humanitarian assistance to Jewish refugees shortly before the start of the Second World War. Among those historians is Astrid Zajdband, whose book chapter accomplishes two things when stressing the significance of populist actors playing a role in pressing the issue of refugee humanitarian needs and making efforts so that refugees had access to such resources. Her chapter narrates the rescue schemes that were orchestrated both independently and jointly between British and German Jewish organizations.²⁴ While it is true that the social, political, and cultural landscapes differed vastly between the two nations, Zajdband suggests that since both Jewish communities were able to establish close personal and professional relations with one another due to shared goals and concerns regarding the status of Jewish individuals it enabled these rescues to be possible.

While there are historians who have emphasized the efforts made in acknowledging and resolving the refugee issues in the years leading to World War II, some historians have discussed the kinds of experiences and more specifically the adaptations Jewish communities had to

²³ Haim Genizi, "American Interfaith Cooperation on Behalf of Refugees from Nazism, 1933–1945," *American Jewish History* 70, no. 3 (1981): 348-349.

²⁴ Astrid Zajdband. "Inbetween 1938–1939," in *German Rabbis in British Exile: From 'Heimat' into the Unknown*, 101-36, 1st ed. (Boston; Berlin: De Gruyter, 2016), 102.

embrace while waiting for assistance. Marion Kaplan's book chapter is a perfect example of such a perspective, as it uses cookbooks, memoirs, and even her mother's recipe box, to demonstrate the ways in which Jews adapted to food challenges while attempting to retain food customs in a number of different cultural environments.²⁵ While her work focuses on a broader timeframe, which begins with the examination of German-Jewish foodways from the Imperial era (1871-1916), it offers detail on the varied food experiences refugees encountered as they remained in Portugal en route to safer havens during the Nazi period (1933-1945).²⁶ It also provides context on the tiny refugee settlement in Sosua in the Dominican Republic and how Central European Jews adapted to consume tropical foods. As Kaplan points out, such cooking experiences were similar for refugees living in the United States.²⁷ Kaplan's work provides an interesting perspective on the matter of providing humanitarian needs to the European Jewish refugees, as something the existing scholarship has not explored are the tensions between what League and non-League nations when it came to providing for the refugees and the tensions between food customs of the refugees and those of their host countries.

Some scholars are beginning to pay more attention to the works of other global networks, such as the Intergovernmental Committee on Refugees, as opposed to the League's policies on refugee relief. For instance, Tommie Sjöberg's analysis on the creation and operation of this new intergovernmental refugee organization suggests that the Intergovernmental Committee not only operated separately from the League, but it would remain the main international refugee agency until the United Nations created agencies to deal with the displaced peoples issue that emerged

²⁵ Marion Kaplan, and Carlo Petrini, "From the Comfort of Home to Exile: German Jews and Their Foodways," In *Global Jewish Foodways: A History*, edited by Hasia R. Diner and Simone Cinotto, 239.

²⁶ Kaplan and Petrini, "From the Comfort," 239-40.

²⁷ Kaplan and Petrini, "From the Comfort of Home," 239.

after World War II.²⁸ This suggests that Sjöberg believes that the League no longer held a position in formulating refugee policy. This academic work intends to challenge this notion, as there is evidence that demonstrates the League was trying to resolve the practical complications of resettling refugees from Germany, even as the Intergovernmental Committee started its work.

In what follows, I will provide context on how the refugee crisis in Europe after World War I presented problems not just for the refugees themselves, but also for the decision-makers of the League when trying to resolve the mistreatment of Jewish and non-Jewish refugees. In the first chapter, it will focus on the diplomatic history of the League before the time of James G. McDonald, Chairman of the High Commission for Refugees from Germany. Within this investigation of the interwar period, I will provide a description of philosophical and practical tensions European bureaucrats experienced when trying to resolve the challenges of immigration after the First World War, thus illustrating how deeply-rooted the legal complications in understanding statelessness complicated the League's ability in being able to successfully approach the German refugee crisis. I will also discuss the efforts of individuals who dealt with refugees before the High Commission was needed, thus showing that McDonald was not the only individual who understood the implications and called for steps to ensure a proper solution to the refugee question.

The second section will then address the specific problem Nazi Germany raised regarding the status and treatment of Jewish refugees. The issues that Nazism brought onto national refugees that were relinquished of their citizenship will then be compared to the legal justifications when the Nansen Passport was authorized through the Nansen International Office, and how the German refugee crisis presented legal problems different from those handled by the

²⁸ Tommie Sjöberg, *The Powers and the Persecuted: The Refugee Problem and the Intergovernmental Committee on Refugees, 1938-1947*, (Lund: Lund University Press, 1991), 15-20.

Nansen Office. Such an analysis will provide explanations on why the Special Commission was established separate from the Nansen Office for Refugees. Lastly, the third section will assess League policies responding to the growing crisis in Germany when McDonald was no longer the High Commissioner for German refugees. This part of the examination includes seeing the League responding to the expansion of the Third Reich, namely the annexation of Hitler's homeland Austria, the Sudetenland, and shortly after the Nazi invasion of Poland. One purpose of the assessment is to not only observe what the League did after McDonald stepped down as Commissioner, but also whether or not if the League changed its methodologies in approaching refugee stresses. It will also reference some of the works of the ICR to assess if it worked jointly or separately from the League on refugee humanitarian needs. The other aspect of this assessment will reveal what the League's role was in handling refugee issues when the Intergovernmental Committee emerged as another agency that sought to resolve the refugee crisis.

Chapter 1: The League Before the Rise of National Socialism

Before discussing Germany's refugee crisis in 1933, we need to understand how the League approached minority protection during the interwar period. When dealing with the issue of minority protection, League authorities believed that they were able to ensure the rights of minorities through the basis of nationality laws in place by individual nation-states. However, when the issue of statelessness, or individuals without a national status, converged with the minority refugee question, the intersection of these two issues brought to light contradictions in the League's understanding of national belonging, citizenship, collective representation, and rights. We will see here the philosophical and practical struggles that western diplomats were dealing with in regard to the major immigration situation that emerged after World War I. These struggles were more deeply rooted than some scholars may expect and are well illustrated by the unique immigration case of Prussian businessman Max Stoeck, whose citizenship status demonstrates how the Great War and its aftermath raised the issue of statelessness within international politics.²⁹

Stoeck's case is well told by historian Mira Siegelburg in her study of statelessness. In 1896, Stoeck lost his citizenship status after leaving his homeland of Prussia and immigrating to London. While Stoeck was living in Britain, the Prussian government revoked his citizenship, but he did not naturalize himself as a legal subject of the British empire. This had dire consequences for him when the Great War started, as the British government suspected Stoeck was providing intelligence for the German Reich due to his continued relations with German

²⁹ Siegelberg, *Statelessness*, 12-25.

peers through his electric-lamp corporation. After being denied English nationality by the British government, this issue of national status was brought up to the Chancery Division of the English High Court. In *Stoeck v. Public Trustee*, the court recognized Stoeck's claims of losing national membership from Germany but also ruled him as a person of "no nationality."³⁰ This ruling of "statelessness" would complicate legal understandings of sovereignty and national membership, for Stoeck was classified as an individual that had no official national belonging separate from both the British and German sovereignties. It would lead to intensive disputes on the question of the state's role in regulating one's sovereign belonging.

World War I brought significant changes to Europe's social structures and its peoples. Minority refugees were left with no means to afford housing and other safety nets since finances from national governments were being used to compensate the property and personal losses of national citizens. Relieving these post-war difficulties required intergovernmental action. The postwar settlement made the nation-state as the dominant overseer of legal belonging. However, there were two legal problems that emerged when the League tried to administer the political boundaries of Europe's post-war order.

First, there were tensions between governments who were not inclined to make decisions on citizenship and nationhood for other states. The League had to find a balance between ensuring stateless people were being sheltered and cared for, and how to determine one's belonging within a national sovereign. The second problem was that sovereign states were meant to be organized along the lines of territorial boundaries. These territorial lines were meant to represent the common cultural and/or national status of the population that was predominately present within a designated state. The question of determining territorial boundaries for minority

³⁰ Siegelberg, *Statelessness*, 12-13.

populations within ethnically rich areas was complicated since minority protection was heavily contested among minority groups that had once belonged to the imperialist Central Powers.³¹

What will emerge from this chapter offers an analytical overview of the League's progress in dealing with minority and statelessness issues starting from its beginnings as an international body to the early 1930's. As part of going through the evolution of League minority works, it will also describe the complications the League was experiencing when dealing with this critical issue. Their first major test would be how it would respond to minority grievances through their minority petition procedures. The chapter concludes with a consideration of the League's treatment of refugee crises and statelessness in the postwar period.

The League's handling of Displaced Persons – Fridtjof Nansen and the League High Commission for Refugees

Before delving into the League's difficult handling of minority protection, the successes of the League's handling of displaced peoples from war-devastated regions should be recognized. Such successes laid the groundwork for how League officials undertook other humanitarian issues. The League's first conduct of humanitarian missions would regard the status of individuals fleeing from the civil unrest that was occurring in the Soviet Union (USSR). Through the October Revolution in 1917, Russia's Provisional Government was overthrown by the revolutionary Bolsheviks, establishing themselves as the new legitimate governing force in the state. However, there were other political factions, particularly the Mensheviks, who did not accept Bolshevik rule, thus resulting to a civil war.³²

³¹ Siegelberg, *Statelessness*, 28-29.

³² Ronald Kowalski, *The Russian Revolution: 1917-1921*, (Oxfordshire: Taylor & Francis, 2005), 109-10.

Russia's domestic crisis in turn resulted in several Russian individuals to flee westward, in search for employment and settlement options. Many also did not have the proper documentation to enter European states, thus leaving them no means of mobility to find better living conditions. The status of Russian migrants worsened after the 1921 decree of the All-Russian Central Executive Committee and the Council of People's Commissars, which deprived Russian citizens legal protection from its national government for leaving the USSR without the authorization of the Soviet Government. The Russians that had left during the Revolution were considered stateless.³³ To respond to the massive migration of refugees due to the intense conditions of the Russian Revolution, the League created a High Commission for Refugees to settle the issue. This commission would be led by its Commissioner Fridtjof Nansen, who provided the refugees proper paperwork that guaranteed them the ability to cross international borders, locate themselves in areas where settlement was feasible, and involve themselves in the economies of numerous countries.³⁴

The issuance of global travel documents for Russian refugees was then requested by Nansen to be extended to Armenian refugees after reporting that approximately 320,000 Armenians were fleeing from a post-war Turkish government that was continuing the mass persecutions of Armenian minorities in September 1923. These individuals either did not have passports, or had documentation that had validity restrictions from Turkish or Allied authorities. Through the Intergovernmental Arrangements of 1924 and 1926, the League adopted a resolution that would extend the travel document provisions for Russian refugees over to the Armenian refugees.³⁵ Then, in December 1926, the League Council met to consider the

³³ James C. Hathaway, "The Evolution of Refugee Status in International Law: 1920-1950." *The International and Comparative Law Quarterly* 33, no. 2 (1984): 350-51.

³⁴ Burgess, *Refugees from Nazi Germany*, 7.

³⁵ Hathaway, "The Evolution of Refugee Status," 352-54.

extension of intergovernmental protection to other refugee groups that had been living under “analogous conditions.”³⁶ Between the years 1926 to 1928, Nansen continued to provide studies and suggestions for groups that he felt should have been included under such considerations. Nansen was able to convince the League to extend the travel provisions to another 155,000 consisting of seven more classes of refugees in June 1928.³⁷ From this series of policies, they illustrate that the League continually were urging for both the recognition and placement of refugee status to be addressed not only as a political matter, but to place them as a legitimate part of the global community. What next follows is an analysis on the League’s minority petition system, and how a number of institutional considerations presented challenges for the League in providing the same satisfactory services for mistreated minorities within Europe’s post-WWI order.

The League’s Minority Petition System

Before World War I, minority protection was not emphasized as a crucial issue in the arena of global politics. Even though the three main congresses during the nineteenth century, Vienna (1814-15), Paris (1856), and Berlin (1878), had produced treaty provisions that pledged the security and rights of all populations, the competitive interests of Europe’s imperial, war-concentrated sovereignties prevented such provisions from being enforced. However, after the First World War, minority populations in Central and Eastern Europe were left vulnerable to the post-war conditions, thus calling for immediate international action for assistance. Faced with unemployment and a lack of social safety nets, minority groups hoped that through the Paris

³⁶ Hathaway, “The Evolution of Refugee Status,” 354.

³⁷ Hathaway, “The Evolution of Refugee Status,” 354-56.

Peace Conference of 1919, the Great Powers would commit themselves to protecting minority rights.

During this intergovernmental congress, the Allied Powers arranged agreements between the new states (Poland, Czechoslovakia, and Yugoslavia) and the defeated powers (Austria, Hungary, and Bulgaria) granting political and ethnic equality to the minority sectors of their populations. The League then charged itself with enforcing these treaty obligations.³⁸

Unfortunately, with this new international agency in charge over how states could “manage” their populations created tensions over the role of international politics overseeing questions of individual treatment. When it came to the old states defining their own legislation, states were recognizing that they did not want to interfere with new states on the status of minorities.

Regarding treaty enforcement, there were limits on what the League could and would do to protect minorities when some of the new states from Europe’s newly organized post-war order were not following public expectations in protecting minorities. A minority petition system would eventually emerge from this super-governmental authority so that minority grievances could be heard.

Established in early 1920, this petition system was created for minorities to appeal to the League if they were being mistreated by state officials. League framers were tasked with ensuring that minorities within all states of post-war Europe were being granted the same political rights as those of national citizens. However, League officials were aware of flaws within the system that made it difficult for petitioners to file complaints and had intentions to reform it. Unfortunately, they were reluctant to reform their minority system because they were still inclined to not dictate the principles of national legislation and insisted that such matters

³⁸ Carole Fink, “The League of Nations and the Minorities Question,” *World Affairs* 157, no. 4 (1995): 197.

were to be determined by individual states as opposed to an intergovernmental body.³⁹ Also, the minority treaty system, created by the Great Powers, gave collective rights to minority groups within the former imperial regions that were too difficult to protect. Since the Allied Powers assumed there would be an assimilation of minority protection with collectivism, they assumed the question of minority status would not be an issue. This “assimilation thesis” is connected to the Great Power’s “civilizing” intentions of its mandate system, which was that the dominant culture of a proposed state would represent above the weaker cultures.⁴⁰

Nevertheless, according to Carole Fink, the beginning of 1920 saw the League establishing itself as the main intergovernmental institution in overseeing minority protection by the efforts of Norwegian diplomat Erik Andreas Colban. With the Central Powers defeated, this meant that the consequences of the Treaty of Brest-Litovsk were no longer applicable to Europe’s political composition. It not only ended Russian participation in the war, but it also granted German and Austro-Hungarian hegemony over the Baltic states, and recognized the independence of Ukraine, Georgia, and Finland.⁴¹ But with the treaty overturned by the Versailles Treaty, the Bolshevik government under Vladimir Lenin viewed the war’s conclusion as an opportunity to support other communist movements across Eastern Europe by moving some of its forces westward.⁴²

At the same time, however, with the emergence of an independent Polish state, Poland’s leaders viewed the conditions of both the enforced Versailles and annulled Brest treaties as opportunities in restoring its nations’ pre-1772 borders, thus resulting in the movement of Polish

³⁹ Fink, *Defending the Rights*, 270.

⁴⁰ Mazower, “Minorities and the League,” 54.

⁴¹ Thomas C. Fiddick, *Russia's Retreat From Poland 1920: From Permanent Revolution To Peaceful Coexistence*, (London: Palgrave Macmillan UK, 1990), 76.

⁴² Fiddick, *Russia's Retreat*, 88.

troops eastward authorized by Chief of State Józef Pilsudski.⁴³ Regional conflict gave rise to ethnic group demands for national self-determination, which was something Paris peacemakers in 1919 had to take into account when drawing the map of Europe along national lines. At the same time, they wanted to ensure that there were states that were able to obtain adequate resources to both support and shield themselves from the Bolshevik menace.

The Polish-Soviet war of 1920 would result in a massive migration crisis, as many of the people fleeing from war-torn Russia created a triangular effect for sovereign claim, as many German minorities in Poland appealed to the League for protection. This seemed to have caught the League Council by surprise, for the conflict not only raised questions about sovereign rights over unclaimed territories, but it introduced a new problem for the League – how it could help minority populations impacted by this nation-state conflict. Since the League Council was initially unprepared to take immediate action on German minority treatment in the midst of the Soviet-Polish war, the League Secretariat was forced to oversee procedures over international minority issues. This is when Colban would begin making his contributions, as he would serve as the director of the League Secretariat's new Administrative Commissions and the Minorities Section from 1919 until 1927.⁴⁴

During his tenure as director of this new Minorities Section, Colban made big steps in ensuring that the League would commit itself to treating minority protection with great care and detail. His first step in making the League a serious advocate for minority protection was to ensure that all smaller states both within and outside the League would properly follow the procedures in overseeing minority complaints.⁴⁵ One aspect he kept in consideration was the

⁴³ Fiddick, *Russia's Retreat*, 18.

⁴⁴ Fink, *Defending the Rights*, 275-76.

⁴⁵ Pedersen, "Back to the League," 1100.

possibility of states misrepresenting or neglecting these petitions. Poland was known for its skepticism of the League's minority procedure, as they attempted to block extensions for petitioners, and exerted administrative pressure among petitioners, especially those of German descendency. Polish officials feared that the vast volume of German petitions would create sympathetic feelings towards German sovereign rights among League officials, thus potentially overturning the guidelines of the Versailles Treaty.⁴⁶

With these issues over German and Polish sovereignty rights in the context of the minority complaint system in mind, Colban proposed a resolution that would both prohibit any state from rejecting petitions and would prepare for any public uproar that could arise in response to such complaints. That was in a hypothetical sense, if the majority of the populace within a nation-state viewed such complaints as inaccurate or exaggerated, then the League could have the right to oversee demands for minority protection. Fortunately, in October of 1920, Colban's bipartisan innovations were adopted by the League. They would establish a procedure to collect and distribute minority petitions, and a committee-of-three system that would examine petitions and make decisions on whether minority protection rights were being violated.⁴⁷ These reforms were meant to ensure that the League would be actively responding to minority issues that bounded certain Eastern and Central European states.

Despite what appeared to be an optimistic approach to dealing with minority protection violations, the minorities system was based on some conflicting ideals and practices. For example, while the council-of-three was required to investigate every petition through their own intent, they had to rely on the accused state to provide information regarding minority

⁴⁶ Henry Chalupczak, "Poland's Strategy to Neutralize the German Minority's Petitions at the League of Nations in the Interwar Period," *Studies in Politics and Society* (2012): 18-20.

⁴⁷ Fink, *Defending the Rights*, 277.

complaints.⁴⁸ This could have allowed the accused state to provide misleading information regarding the legal status of minority communities. Such a setback made it initially challenging for the League to create a centralized administrative system that was capable of handling minority grievances.

These complications regarding the minority procedure also created tension among League members, as the smaller states grew suspicious about the procedures of the minority system since they were not involved within every stage of the process. Council members began questioning their new investigative responsibilities. The organizing of minority proceedings would also receive skepticism when Britain's League of Nations Union (LNU) offered to examine and advise the council on minority conditions in Eastern and Central Europe, hoping that the League would conduct more public inquiries into minority violations.⁴⁹ Such proposals by the LNU were viewed by the secretariat as radical. For an imperialist state like Britain to take charge of the day-to-day responsibilities of minority protection would have been going against the principle of cooperation among all states, one of the main pillars of the League organization. But most importantly, for Britain to solely take responsibility over minority inquiry alone would potentially lead to biases while reviewing minority complaints.

After the LNU public proposals on Britain presiding over all minority protection issues were turned down, LNU activist Gilbert Murray would contribute to Colban's mission in making the League the main institution to oversee minority protection in Europe by making crucial institutional reorganizing proposals. Murray recommended the League establish a permanent minorities commission, which would broaden the League's responsibilities over minority

⁴⁸ Fink, "The League," 201-02.

⁴⁹ Fink, *Defending the Rights*, 277.

protection.⁵⁰ Even though Murray's vision for such an administration did not become a reality, it did inspire the adoption of a 1922 resolution that pledged all League members to not only extend their obligations towards minority groups, but to also treat their own populations through the same degree of communal acceptance as their own national citizens.⁵¹

Due to the significant inspirations from Colban and Murray, the League would experience two intersecting developments – increasing membership within the organization and an extension of minority obligations. Throughout the course of the early 1920s, the League would see the admission of smaller states such as Albania, Finland, Estonia, Latvia, and Lithuania. As the League was accepting new members, it was also embracing more issues relating to minority protection. From the May 1922 Geneva Convention between Germany and Poland to the Treaty of Lausanne, to the conclusion of the Memel Convention in 1924, these historical factors would place a total of 30 million people, 50 minority groups, and 15 states under the protection of the League.⁵²

These heavy responsibilities did not seem to intimidate Colban's Minority Section, as Colban's next step was to use the League's increased yearly budget of 1922 to create an intelligence network. This extensively-structured network would place regional specialists in charge of studying minority complaints, and then reporting back to senior officials so that they could legislate and enforce minority protection policies. Additionally, Colban would make yearly visits to Central and Eastern Europe, meet with government officials, and discreetly keep in contact with minority representatives so that the League could have close relations with individuals and governments that were concerned about minority protection.⁵³

⁵⁰ Fink, *Defending the Rights*, 277-78.

⁵¹ Fink, *Defending the Rights*, 278.

⁵² Fink, *Defending the Rights*, 279.

⁵³ Fink, *Defending the Rights*, 279-80.

At this point it appeared the League finally had a grasp on its commitment to deal with the issue of refugees. However, even with Colban's contributions, the League continued to encounter problems in overseeing minority protection. These initial problems did not arise among League members, but instead came from the responses of its critics. The League's opposition came from minorities and their representatives, especially those that were German. Many German minorities felt that the system was too secretive and favored administrators of the smaller states.⁵⁴ In this sense, the League was not raising the issue of reviewing minority grievances within their discussion sessions and were still inclined to let smaller states settle issues pertaining to the protection of individuals. In addition, the League system still contained some troubling aspects that continued to make it difficult for petitioners to have their appeals examined. Between the years of 1921 and 1939, nearly 950 petitions from all minority groups were sent to the League. Of those 950 petitions, only 550 were labeled as receivable, and out of those that were received by League officials, 112 were sent from German minorities in Poland.⁵⁵ These numbers suggests that the League did not have enough staff members to review all minority petitions, thus leaving many minorities without any answers in ensuring that states were providing protection for minority populations.

A final error within the League system pertained to petitions about the issue of eviction. The length of time it took to process these petitions gave smaller states the opportunity to "justify" its position for their demographic and economic complexities. For instance, in the case of German minorities in Poland, the Polish government had seized properties belonging to German minorities. When the Polish state was faced with possible charges of not providing

⁵⁴ Pedersen, *Back to the League*, 1100.

⁵⁵ Christian Raitz von Frenzt, *A Lesson Forgotten: Minority Protection under the League of Nations, The Case of the German Minority in Poland, 1920-1934*, (Hamburg: Arbeiten zur Geschichte Osteuropas, Vol 8, 1999), 110-112.

German minorities means of protection, instead of restituting their properties, it provided German minorities “monetary compensation” to migrate out of Poland.⁵⁶ With German minorities willingly leaving Poland, Polish officials used this migration of German settlers as justification for Polish nationals moving in to take residence in areas that had once been inhabited by ethnic Germans. By the time petitions about eviction reached the League, League officials were not inclined to act, since Poland had already acted in addressing their own matters regarding minority protection.⁵⁷ Though the issue of minorities in Poland had been significantly minimized, the way Poland addressed its minority issues was in a manner the League had not envisioned. It had hoped for an improvement in the conditions of German minority living conditions within the new Polish state, as opposed to their forced migration.

As the League continued to grasp its institutional weaknesses in overseeing minority petitions, it would face another issue that further ruined the League’s progress in fulfilling its obligations for minorities. The next challenge for the League would be dealing with the question of Germany’s place within the League. Ever since the League was created in 1920, there had not only been talks of considering German membership among its members, but there were initial positive attitudes within the German nation about potentially joining this intergovernmental body.⁵⁸ However, German membership was quickly rejected by the League circle as many nations felt that it was too soon to decide Germany’s place in the global community of nations. This domestic movement for League membership would slowly decline. With events such as the League Council’s decision in giving Upper Silesia to Poland and the French invasion of the Ruhr Basin, many German citizens began to believe that the League was designed to deprive Germany

⁵⁶ von Frentz, *A Lesson Forgotten*, 94-95.

⁵⁷ Pedersen, “Back to the League,” 1101.

⁵⁸ Herr Wolfgang Schwarz, “Germany and the League of Nations,” *International Affairs (Royal Institute of International Affairs 1931-1939)* 10, no. 2 (1931): 197.

of its sovereignty.⁵⁹ This is very important to keep in mind, as the question of German membership had always been within the minds of League officials ever since the organization's beginnings. However, the League was reluctant to allow the Fatherland a seat within the League, which initially led Germans to have negative impressions about the League. This would have severe implications for those that insisted Germany's place in the League was plausible and needed.

Despite the early negative developments towards possible German League admission, German Foreign Minister Gustav Stresemann sought to keep Germany's League movement alive. Even though Germany had not been formally incorporated to the League, its officials had been unable to raise concerns regarding minority mistreatment. Stresemann took charge of Germany's domestic politics in raising minority issues, as he was well known for his support of the League of German Minorities in Europe (*Verband der deutschen Minderheiten in Europa*), headed by Dr. Carl Georg Bruns.⁶⁰ When representatives of German minorities from 12 countries met in Berlin to discuss how Germany's surge of domestic conflict in the context of minority discrimination and mistreatment in November 1924, it was suggested that the only way to achieve tolerance among all of Germany's ethnic communities was by securing cultural autonomy for all. One of the ways in which this organization proposed to promote cultural autonomy was when Bruns came up with a principle that would grant ethnic minorities the right to create and administer their own schools.⁶¹

Impressed by his proposals, Stresemann not only would adopt Bruns' ideas, but he also sent a circular to all German delegates across Eastern Europe to ensure that all minority groups

⁵⁹ Schwarz, "Germany," 197-98.

⁶⁰ von Frentz, *A Lesson Forgotten*, 156.

⁶¹ von Frentz, *A Lesson Forgotten*, 156-57.

were being granted cultural autonomy. By doing this, Stresemann hoped that he would gain the support of the new-born smaller states to grant all minority communities in Germany autonomy as well. Even though he received favorable responses, Stresemann's proposals were rejected by the Bavarian and Prussian governments at the start of 1925.⁶² The rejections of Bavaria and Prussia shows that minority rights were not well-received by some German politicians, thus already suggesting to Stresemann that getting the League to accept his application for League admission would be difficult if he could not get political actors within his state to support his clause for minority protection.

This, however, did not intimidate Stresemann, as he continued his push for Germany's admission to become a permanent member of the League moving forward into the year 1925. He believed that German admission would improve diplomatic relations not just between Germany and the international community, but also between the Great War victors and the newly born, smaller European sovereignties.⁶³ Stresemann's tenure as a German politician dealing with foreign matters was unfortunately poorly timed, as he was facing a German population that had grown skeptical of the value of League membership and the Locarno treaties. These agreements were designed to both cement the post-World War I political order of the defeated Ottoman, Austro-Hungarian, Russian, and German empires and to revise Germany's relations with its neighbors.⁶⁴ In an effort to appeal to the German masses to have faith in their nation's leaders, Stresemann pledged that he would defend German interests abroad.⁶⁵

While Stresemann's public announcement was meant to calm the doubtful sentiments of the German public, it unintentionally raised concern within the League, especially among some

⁶² von Frenzt, *A Lesson Forgotten*, 156-58.

⁶³ Fink, *Defending the Rights*, 296.

⁶⁴ "The Locarno Treaties," *Advocate of Peace through Justice* 87, no. 12 (1925): 685-92.

⁶⁵ Fink, *Defending the Rights*, 296.

of the smaller states neighboring the Reich. Smaller states such as Poland and Czechoslovakia began pushing for provisions that would restrict German admission after concluding that Stresemann was attempting to dictate the direction of the League's conduct.⁶⁶ This resulted in the League Council's decision in June 1925 to once again reject Germany's application for League membership.⁶⁷ The decision made showed that the League favored Poland and Czechoslovakia's claims of Germany potentially exerting too much participation and/or influence in the direction of League policy.

It should be noted that such a decision was initially not easy to make among the League governments, as there were varying opinions towards Germany potentially joining the League. In fact, during the secret council meetings of June 9th and 10th, Britain's Foreign Secretary Sir Austen Chamberlain, along with Belgian and Swedish delegates, insisted that refusing to accept Germany's application for League acceptance would jeopardize the political revisions of the Locarno agreement. At the same time, however, Chamberlain and French Foreign Minister Aristide Briand were not enthusiastic about Germany pursuing its own campaign regarding minority grievances and the treaties' territorial provisions, for they considered Stresemann's message as a potential threat to League interests.⁶⁸ In essence, the publicity surrounding Stresemann's appeal to the German public had only complicated Germany's path toward being a contributing member that would help promote and protect the rights of minorities as the League was conflicted about whether or not Germany could be entrusted with such missions.

Not only was it difficult for Germany to gain membership into the League organization due to a misunderstanding of Stresemann's message, but there were numerous developments

⁶⁶ Fink, "The League," 201.

⁶⁷ Fink, *Defending the Rights*, 296-97.

⁶⁸ Fink, *Defending the Rights*, 297.

within the German state that further caused the League to approach Stresemann with suspicion. Firstly, there continued to be a significant political divide between the East Prussian and the Weimar Republican governments regarding Germany's commitment to being an ideal model for minority protection. The German Republic respected the rights of minorities in expressing their cultural heritage. Stresemann stressed that the Republic should provide its minorities complete control over their own social and cultural compositions. Furthermore, Stresemann was a strong advocate for "cultural separatism," thus taking the side of Danes, Poles, and Lusatians when it came to the issue of minority political rights.⁶⁹ Prussia, on the other hand, opposed Stresemann's ideals for they had more imperialistic understandings of the legal status of minorities. Prussia's Social Democratic Prime Minister Otto Braun positively viewed Prussia's process of Germanization, as he was firmly against Prussia's Polish minorities who favored the autonomy of a free, expansive Polish state.⁷⁰

As Fink explains, this fundamental clash between the Weimar Republic and Prussia had not been resolved when Germany applied for League membership. The different policy stances regarding minority treatment only seemed to confuse League interpretation if Germany could contribute to the League's goal of protecting minority rights. For instance, in February of 1926, Prussia legislated a law that restricted the capacity of Danish schools, which resulted in limiting them to just three districts within the Scheswig area. In addition, after receiving a majority vote in the Reichsrat, the Prussian government had the authority to block any national legislation that pertained to improving the treatment of Danish minorities in Prussia.⁷¹ Such instances of Prussian diplomacy made League officials speculate the possibility of Prussian politics

⁶⁹ Carole Fink, "Stresemann's Minority Policies, 1924-29," *Journal of Contemporary History* 14, no. 3 (1979): 406.

⁷⁰ Fink, *Defending the Rights*, 300.

⁷¹ Fink, *Defending the Rights*, 300.

weakening Germany's ability to ensure minority right agreements were being properly followed and enforced.

After taking Germany's difficult political developments into consideration, the League surprisingly authorized the admission of Germany into the League. But Germany's admission in September 1926 did not ensure that the League would accept the German Republic with open arms as a participant in its mission to help minorities. Once accepted, Germany initially was absent from discussion of minority rights and protection, as the League changed many of its rules that prevented Germany to participate in the Committee of Three meetings.⁷² A possible explanation as to why Stresemann did not present any initial challenges to the League's decrees in restricting Germany's involvement on the conduct of minority protection was he may have been concerned that too much interjection would possibly tarnish Germany's relations with the League. Simultaneously, however, Stresemann realized that the League, especially the British and French governments, were discouraging Germany from taking their own steps towards improving the League's mission in helping minorities in Europe.⁷³ Nevertheless, Stresemann would slowly emerge from his bubble of silence and would return to his more active efforts in addressing minority rights violations.

One of Stresemann's greatest efforts in the late 1920s was his proposal of a study committee that sought to provide recommendations on how the League could improve in its current minority petition system. In February 1929, as part of his proposed study committee, Stresemann advocated for a permanent minorities commission, to enlarge the role for petitioners in the complaint process while decreasing the administrative pressure of states, and to get rid of the three-party system overseeing minority petitions. Such brave proposals were unfortunately

⁷² Fink, "The League of Nations," 201.

⁷³ Fink, "The League of Nations," 201.

rejected by League officials, as Chamberlain was open to improving the complaint system, but did not welcome Germany's sovereign goals or minority groups advocating irredentism.⁷⁴ But, the League was open for an examination on Stresemann's study committee to revise the League's current minority system. After being examined by a council committee consisting of Britain, Spain, and Japan, Stresemann's study committee plans would be disapproved. The committee provided Berlin with a 100-page report explaining why they had declined many of Stresemann's ideas. In terms of modifying the minority system, it offered to inform petitioners regarding the acceptance of their appeals, to require the committee-of-three to report back to the League Council, and to make the League Secretariat provide annual studies on the works of the League on minority protection.⁷⁵

After the rejection of Stresemann's proposals, a final decision on the issue of minorities was set to be reached at the League Council meeting in June 1929 in Madrid. This would have been a perfect opportunity for Stresemann to make a final plea for his case, but he unfortunately was unable to make it to the Madrid session... on time at least. Instead, State Secretary Carl von Schubert served as Stresemann's substitute, and he went against the advice of Stresemann in defending his study committee proposals and instead called to end the discussion on minority petition revisions.⁷⁶ Once Stresemann found out the League drafted the Madrid Resolutions without his proposed clauses, Stresemann reluctantly accepted the terms of the agreement, which resulted in the Council to never again raise the question of minority protection within the League.

⁷⁴ Fink, *Defending the Rights*, 310-11.

⁷⁵ Fink, *Defending the Rights*, 313.

⁷⁶ Fink, "Stresemann's Minority Policies," 415.

From this section, it can be said that Stresemann's efforts were well intentioned, and that they were to become part of the League's commitment to acknowledging and resolving the hardships for minority groups in a hostile, post-war Europe. This section provides two conclusions on the matter of minority protection in the League. The first is that Germany did its best to promote ways in which the League could ensure the rights of minority groups. As described through the diplomatic experiences of Stresemann, Germany's abilities to contribute to the League's discussion on minority rights was often constrained by the League itself.

The second conclusion from the evidence above is that while the League attempted to fulfill its obligations to minority protection, their long-term skepticism of Germany being able to be a champion of minority rights had a drastic effect in the League's progress in conducting policies for minority relief. This next section will now delve deeper into the evolution of the League's philosophical struggle over minority rights and how statelessness only seemed to have further complicated the League's mission in protecting minorities.

The League's Struggle with Statelessness

When the League was grappling minority protection, it also ran into a number of individuals that were considered to be stateless, or those that did not have a legal relationship to a legitimate sovereign. In an effort to counter-act statelessness and to promote the acquisition of nationality, League officials made provisions that would allow individual states to grant refugees national membership.⁷⁷ As refugee relief work continued to be investigated by League officials, the League would encounter practical issues when the issue of statelessness intersected with

⁷⁷ Dr. Peter Hilpold, "The League of Nations and the Protection of Minorities – Rediscovering a Great Experiment," *Max Planck Yearbook of United Nations Law* v. 17 (2013): 8, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2305920

minority protection concerns. The first problem the League had to keep in mind was the issue of national belonging, as League officials encountered a number of minority refugees that did not have a national status. This inevitably brought up the other issue of the legality for a state to determine an individual's nationality. They also had to consider the extent in which international law could regulate such issues of individual status. Such legal struggles made it difficult for the League to establish a concrete, workable system that would ensure the protection of minorities, regardless of their national status.

These concerns were first presented when the League was assisting survivors of the Armenian Genocide as discussed within Watenpaugh's article. Before and during the Great War, the Ottoman empire was conducting domestic practices that League officials saw as clear violations of the fundamental rights of children and women. Women and children captured by Ottoman military personnel were sold to elite and middle-class homes within the empire's major cities.⁷⁸ In a theoretical sense, the League viewed Ottoman society as outdated and isolated from the modern understandings of the legal and moral status of individuals, which provided more broad interpretations of national belonging. The League saw this as grounds for intergovernmental intervention and to help those devastated by this inhumane chapter of human history.

Some of the League's first efforts in Turkey involved dealing with the issue of displaced peoples and bringing them back to their identifiable communities. Starting its investigation at Istanbul's Neutral House, a rescue home designed to treat unidentified refugees, the Fifth Committee of the League General Assembly knew that such a task would be difficult to accomplish considering the region's social instability and experiencing increasing waves of

⁷⁸ Keith David Watenpaugh, "The League of Nations' Rescue of Armenian Genocide Survivors and the Making of Modern Humanitarianism, 1920—1927," *The American Historical Review* 115, no. 5 (2010): 1324-26.

foreign migrants. Through the cooperative efforts of American nurse Emma Cushman and Anglo-Irish doctor W. A. Kennedy, the two serving League commissioners looked through the records of Ottoman state orphanages, where they discovered that Christian children had their names changed to those of Islamic origin.⁷⁹ Their studies estimated that almost 50 percent of all orphans in Istanbul were of Armenian descent, with another 6,000 coming from other parts of Anatolia. The studies conducted by Cushman and Kennedy were then sent to British observers and representatives of the Greek and Armenian communities. British officials were assigned to use the works of the League commissioners to help identify and return children to their communities.⁸⁰

As British aid workers were placing orphans, they realized that many either did not have legal documentation or could not provide their true identities. These displaced individuals were “encouraged” to recall any cultural customs to help British officials get an idea of with which minority community they were affiliated.⁸¹ This was somewhat troubling, not only because of any cultural biases that occurred during these placement operations, but it was an example of what Western legal experts had difficulty dealing with. They were stuck with determining who had the right, if not the means, to regulate nationality. As in the Stoeck case, British officials determining the national status of displaced Armenian refugees was challenging earlier notions about the state’s involvement in deciding the nationality of unidentified peoples. In the case of the Armenian rescue, the British were ignoring the legal arguments made when the British High Court had classified Stoeck as a man of no national status. This also went against the proposals

⁷⁹ Watenpaugh, “The League of Nations’ Rescue,” 1329-30.

⁸⁰ Watenpaugh, “The League of Nations’ Rescue,” 1330.

⁸¹ Watenpaugh, “The League of Nations’ Rescue,” 1331.

of Stresemann in response to the League's minority appeal system, who would have viewed this case as the state applying too much bureaucratic pressure.

Did this mean that the League believed there were exceptions when considering the issue of providing minority relief? The answer to this question is – it is probably safe to say that the League was not aware of such ideological contradictions. Not having a concrete basis for protecting individuals of no nationality raised questions among League officials regarding how states should approach minority protection while keeping nationality regulations and statelessness in mind.

During the spring of 1930, League members met to see how they all interpreted nationality law, as well as whether global regulation was needed to oversee such issues of membership. At the famous Hague Codification Conference, the majority of the delegates agreed on the notion that states should not be allowed to expel people with no national status.⁸² Many were aware that with the world dealing with its worst economic disaster, there were really few places stateless people could migrate and find plentiful employment and settlement options. However, the League also realized that the issue of statelessness addressed as a global humanitarian crisis would conflict with the national laws of governments that authorized the state's full control over how they oversaw procedures for national membership.⁸³ In sum, the Hague Codification Conference internationalized the issue of statelessness, but it did so in two contradictory ways. It raised the issue of statelessness as something all of the League's participants should consider. However, it did not create a consensus within the League regarding how they should approach the question of statelessness while also taking into consideration their

⁸² Siegelberg, *Statelessness*, 132.

⁸³ Siegelburg, *Statelessness*, 131-32.

ideas about the state determining an individual's national status. Instead, it revealed the League's contrasting ideologies in understanding statelessness and its connection to minority protection.

One of the ways in which the League could not come to a common understanding of how it should interpret statelessness was related to how League governments understood the legal status of refugees within a nation-state. Such interpretations had been developed and used during the pre-WWI era of international imperialism. Even though there was a generally accepted definition of the term "refugee," which was an individual leaving or being forced to leave due to political reasons, there was never a clear consensus on the rights and privileges of refugees.⁸⁴ Because of such vague interpretations on refugees and their place within the framework of international politics, there were no clearly defined rules regarding the treatment of refugees.⁸⁵ Furthermore, providing means of assistance to refugees not only was on a smaller scale as opposed to the numbers of individuals the League faced during the interwar period, the right to provide or refuse asylum was solely determined by the state. National governments never had to resort to the guidance of an intergovernmental body that sought to address such challenges.

The onslaught of the Great War had resulted in great social and economic hardship for national citizens of its participating powers, which in the past had been addressed by state governments that provided means of assistance to their nationalized inhabitants.⁸⁶ By the time League members were exposed to the political movement of internationalism that emerged from the 1920s, there were League legal experts who were still accustomed to the legal foundations of the state defining who had access to state-provided resources such as hospitality, employment, and settlement. Such procedures were tied to how the state defined its boundaries of national

⁸⁴ Louise W. Holborn, "The Legal Status of Political Refugees, 1920-1938," *The American Journal of International Law* 32, no. 4 (1938): 680.

⁸⁵ Holborn, "Legal Status," 680-81.

⁸⁶ Holborn, "Legal Status," 681.

belonging. Many League experts still believed that nationality was an issue that should be determined by individual states as opposed to through regulation and enforcement of an international community.

As the League continued to find it difficult to place statelessness within its legal framework of state sovereignty and minority protection, statelessness and its grasp on the international order would not go away, as the League would be dealing with one of its greatest challenges yet. With the consolidated rule of the National Socialists in 1933, questions regarding the issue of statelessness would reemerge within the League's works. Unfortunately, since the League had such difficult times trying to place 1920 statelessness within their works of minority protection, this would leave the League unprepared to deal with the thousands of Jews and other minority peoples trying to escape the wrath of what would become the Third Reich.

In the meantime, by 1930, the League possibly could have benefitted from the services of Nansen. Unfortunately, Nansen passed away that year and his Commission would then be absorbed within the League of Nations Secretariat. The League then established the organization that was meant to continue the services of the League's former High Commissioner for Refugees, known as the Nansen International Office for Refugees. This organization was meant to continue coordinating global assistance to refugees that had been displaced from any major regional or international crisis. The Nansen Office would be called to sort out the issue of Jewish rights in Nazi Germany, but would their services be adequate in securing the legal protection for Hitler's victims?

Chapter 2: Jewish Captivity in Hitler's Germany

As League officials were grappling with the philosophical debates in resolving statelessness, a new refugee problem was emerging. In July 1932, the National Socialists became the largest party in the German parliament. Through the appointment of president Paul von Hindenburg, the party's leader Adolf Hitler would assume the position as Germany's chancellor in January 1933.⁸⁷ Even though it was not until the death of Hindenburg when Hitler proclaimed to be supreme leader of the entire German state, this did not stop the Nazis from initiating their campaign of terror against those they deemed "enemies of the state".

As Nazism expanded within Germany's national government, 500,000 Jewish individuals became racialized political targets.⁸⁸ Antisemitic activism increased, as Nazi sympathizers were lectured about the inferior status of Jews and blamed them for the social hardships of the early 1930s. Jews in Germany also began facing legal discrimination, as customers of Jewish businesses were intimidated from going to such stores and individual Jews faced physical assaults while law enforcement authorities did not retaliate on such accounts.⁸⁹

The Nazi's systemic process of excluding Jews from German society began on April 1, 1933, when Nazi leaders declared a national boycott against Jewish businesses.⁹⁰ This would be followed by the introduction of the Law for Reconstruction of the Professional Civil Service on April 7, which banished all Jews and other political opponents of Nazism from all civil service positions.⁹¹ This pair of anti-Semitic policies put the social status of Jews, communists,

⁸⁷ Eric D. Weitz, *Weimar Germany: Promise and Tragedy*, (Princeton: Princeton University Press, 2007), 357.

⁸⁸ Mark Wischnitzer, "Jewish Emigration from Germany 1933-1938," *Jewish Social Studies* 2, no. 1 (1940), 30.

⁸⁹ Richard Bessel, "The Nazi Capture of Power," *Journal of Contemporary History* 39, no. 2 (2004), 177.

⁹⁰ Bessel, "The Nazi Capture," 178.

⁹¹ Burgess, *Refugees from Nazi Germany*, 13-14.

socialists, and other so-called “enemies of the state” at grave risk. The Nazis’ discriminatory acts towards its enemies further escalated the demand for the League to ensure that it was obliged to ensure the protection for minorities. One example of such demands was through the Bernheim Petition, where Franz Bernheim fled Upper Silesia after he and other Jewish employees were fired from a department store in an attempt to avoid the violent wrath of the April 1st boycotts.⁹² Such experiences created another migration vacuum, as many individuals from Germany were either demanding protection from the Hitler Government or wanted to escape the political discrimination and social violence that resulted from the rise of the nation’s new regime. This turn of events in Germany went against the country’s obligations towards minority and refugee protection that it had promised to fulfill when it was accepted as a League member in 1926. Due to institutionalized anti-Semitism, ethnic minorities were beginning to be excluded from and persecuted in Germany’s new Nazified culture.⁹³

Traveling out of the country would have seemed a logical option for those experiencing the social and economic mistreatment under the newly constructed Nazi regime. For those who were able to escape Nazi Germany and secure an entry visa to the United States or elsewhere either had private wealth or family connections.⁹⁴ Unfortunately, for those without financial advantages or familial ties outside of Germany were unable to secure entry visas for other countries due to national legislation imposing restrictions on the quantity of visas that could be issued and the reasons why they were being issued. To make matters worse, while the world was grappling with its worst economic disaster, many of the traditional destinations of European

⁹² Brendan Karch, “A Jewish ‘Nature Preserve’: League of Nations Minority Protections in Nazi Upper Silesia, 1933-1937,” *Central European History* 46, no. 1 (2013), 137.

⁹³ Mazower, “Minorities and the League,” 54.

⁹⁴ Burgess, *Refugees from Nazi Germany*, 14-15.

immigration began implementing their own measures to restrict immigrant entry, thus making it more difficult for Jewish and non-Jewish refugees to travel outside of Germany.⁹⁵

This chapter will provide a comparative analysis of the refugee crisis that emerged that emerged in Nazi Germany. It will not only help us understand why the High Commission on German Refugees was established separately from the Nansen Office, but it will present the legal differences between both cases. Such differences will explain how the issue of stateless peoples in Eastern and Central Europe made it difficult for the League to approach the refugee question in Germany. Such explanations will also help explain why James McDonald would resign as the High Commissioner for Refugees Coming from Germany in 1935.

Jewish National Rights in the Post-World War I Era

Before going into the discussion on the pressing issue of Jewish protection in 1933 Germany, it needs to be recognized that the question of Jewish rights did not first appear when the Nazis assumed power. Jewish national rights had been discussed within the League in connection to their policies regarding minority protection during the immediate post-World War I period. As previously discussed, the Paris Peace Conference of 1920 was a fundamental point in the League's diplomatic history. It was not only the moment when it was expected for the League to oversee the treatment of minorities, refugees, and stateless peoples simultaneously, but there was another concern that needed to be addressed. Leaders of Jewish communities were concerned that the League would not fulfill their obligations in protecting minorities, especially since collective minority rights was both separate from and broader than Jewish national rights. In addition, with the rise of anti-Semitic sentiment in post-war Central and Eastern Europe, Jewish

⁹⁵ Burgess, *Refugees from Nazi Germany*, 15.

representatives felt that it should have been the League's responsibility to help pursue Jewish diplomacy in order to ensure the safety of Jewish individuals like they were able to accomplish with the status of displaced persons. These concerns over the League's intentions to protect minorities made Jews in Europe feel that the status of their community would also be in jeopardy. This prompted western Jewish leaders to establish links with global humanitarian organizations such as the League in order to gain collective representation.⁹⁶

While tackling the issue of Jewish protection, there was dispute over the approach to ensuring the protection of Jewish individuals. Pro-Jewish advocates such as Lucien Wolf saw the matter as pertaining to the issue of individual religious identity, while the newly emerged Zionist movement sought to create a political body that would represent a Jewish nation through League membership.⁹⁷ With the admission of smaller states that were known for their discriminatory practices against Jews such as Finland, Latvia, and Estonia, which were given limits on their obligations towards minority protection, many Jewish leaders initially felt that Jewish representation would be difficult to achieve in the League. Even though Wolf and the League did not view the status of Jewish individuals as linked to the reorganization of Europe's post-war sovereign order, it did not mean that the protection of Jewish communities within European states was never acknowledged by League officials. Wolf believed that the status of Jews was part of the question of minority protection.⁹⁸ With that in mind, he tried to persuade the League to change the ways they were overseeing the status of minorities shortly after the 1920 Paris deal. For instance, he was able to convince the League Secretariat to establish urgent procedures that would distribute petitions. He also continually encouraged the League's Permanent Court of

⁹⁶ Fink, *Defending the Rights*, 283.

⁹⁷ Chimen Abramsky, "Lucien Wolf's Efforts for the Jewish Communities in Central and Eastern Europe," *Jewish Historical Studies* 29 (1982): 291-92.

⁹⁸ Fink, *Defending the Rights*, 285-86.

International Justice to be given judicial judgement over all minority cases, despite the League Council's objections.⁹⁹

Despite the initial slow progress, Wolf managed to help the League make promising steps toward ensuring the protection of Jewish minorities. As head of the Jewish Colonization Association (ICA), he helped organize conferences in 1921 and 1922 between leading Jewish emigration committees to provide refugees humanitarian aid. These ICA conferences enabled Wolf to work closely with Nansen, who would assume fiscal responsibility for Jewish refugees. Together, they managed to provide transit permission for Russian refugees from nations neighboring the Soviet Union and were able to provide travel and resettlement possibilities in South America, Canada, and Australia.¹⁰⁰

At the same time, however, there were serious loopholes that allowed many of the League's newest members to not enforce their obligations towards minority protection. From Vienna's government denying citizenship to Galician Jews solely for racial reasons, to the violent suppression of Jews, Hungarian, and German minorities in Czechoslovakia, the League viewed such cases of minority persecution as domestic issues that were not discussed within the minority treaties or the League's Covenant. In particular, the League's new small members were given provisions that allowed them to opt the fate of individuals that differed in race or language from the majority of the territory's population.¹⁰¹

Such provisions and understandings regarding sovereignty were drawn from the League's mandate system, which was established to deal with the status of individuals within mandated states. The concerns of mandated peoples in effect led to the development of the League's

⁹⁹ Fink, *Defending the Rights*, 286.

¹⁰⁰ Michael R. Marrus, *The Unwanted: European Refugees from the First World War through the Cold War*, (Philadelphia: Temple University Press, 2002), 67-68.

¹⁰¹ Fink, *Defending the Rights*, 288-89.

commitment in addressing the concerns of the individuals that represented the majority of a sovereign state and not taking the minority sector into consideration.¹⁰² The League refusing to challenge their members handling on minorities out of respecting the lenient terms of the minority agreements that were agreed between the Great Powers and smaller European states, prevented it from adjusting its approaches towards minorities, thus leaving the fate of Jewish treatment up to the individual League states. These legal flaws not only left Jewish communities vulnerable to discriminative, violent acts from League members during the 1920s, but they help us understand the bureaucratic challenges the League would face when the refugee crisis emerged in Nazi-controlled Germany.

The Nansen Office and Germany's Refugees

When the migration problem erupted after the German Nazi seizure of power, the League believed that its Nansen Office would be able to resolve the issue. League officials were inspired by the works of Dr. Fridtjof Nansen, who served as the League High Commissioner for Refugees from 1921 to 1930. He was known for providing food, medical supplies, and proper documentation to the 800,000 refugees stranded in Constantinople that were wanting to escape the social chaos of the Russian Revolution. Such efforts were repeated for the thousands of Armenians that were settled in refugee camps in the Middle East. After Nansen passed away, the League created a bureau of the League Secretariat known as the Nansen International Office for Refugees.¹⁰³ This department would continue the refugee works of Nansen, and League officials believed that its services were appropriate in Nazi Germany.

¹⁰² Natasha Wheatley, "Mandatory Interpretation: Legal Hermeneutics and the New International Order in Arab and Jewish Petitions to the League of Nations," *Past & Present*, no. 227 (2015), 206.

¹⁰³ Burgess, *Refugees from Nazi Germany*, 16.

Initially, in 1933, officials of the Nansen Office appeared to be optimistic that it could provide its services to German refugee question. The organization had taken several steps that started to position itself as the legitimate diplomatic body to orchestrate a means of assistance. It had already established quasi-diplomatic posts in several countries to deal with reluctant governments and to see practical and legal needs of the refugees. It also organized a global network that consisted of offices and staff members that were well experienced in providing resettlement and welfare services.¹⁰⁴ Furthermore, the Nansen Office began developing plans to help the German refugees before it would assume its new role as the overseer for refugees from Germany through the 1933 Dutch resolution.¹⁰⁵

However, Geneva bureaucrats believed that if the Nansen Office were to lead efforts in providing relief to German refugees, it would need the right personality to coordinate assistance policies to refugees from Germany. T. F. Johnson was appointed Secretary General of the Nansen Office by the League Council, and would serve in the organization until its scheduled closing date of December 31st, 1938. Unfortunately, Johnson could not establish the same level of confidence within the League like his predecessor Nansen. In fact, the League's Secretary General, Sir Eric Drummond, referred to Johnson as someone with an "unfortunate personality" who was unfit to meet the job expectations of a High Commissioner. In response to Drummond's comments about his status as a bureaucrat overseeing the protection of refugees from Germany, Johnson did not think highly of the League either, calling the organization a complete disappointment to the world.¹⁰⁶ The verbal evidence above suggests that relations were

¹⁰⁴ Burgess, *Refugees from Nazi Germany*, 48.

¹⁰⁵ W Ormsby-Gore, "The Fourteenth Assembly of the League of Nations," *International Affairs (Royal Institute of International Affairs 1931-1939)* 13, no. 1 (1934): 52.

¹⁰⁶ Burgess, *Refugees from Nazi Germany*, 48-49.

weakening between the Nansen branch and League organization when Johnson was serving as Nansen's substitute in overseeing refugee concerns.

In addition to the poor relations among the two humanitarian groups during Johnson's tenure with the Nansen Office, the idea that the Nansen Office could assume responsibility for refugees from Germany overlooked one critical matter: The legal situation the refugees from Germany faced was strikingly different from the problems faced by the refugee groups during the Russian Revolution. The Intergovernmental Arrangements for the Nansen Refugees were tasked with addressing the legal problems of stateless peoples arising from their lack of identity documents. In this case, when most of the Russian and Armenian refugees had been declared stateless by the denationalization decrees of the Soviet and Turkish governments in 1921 and 1924, they were forced to relinquish their national passports and thus no longer possessed the right to diplomatic protection on an international basis.¹⁰⁷ Due to the lack of proper travel documentation and the extensive control of state borders, the Nansen Office created the "Nansen Passport." This international certificate provided resettlement options for stateless refugees, as well as official documents that granted national origin in the country of immigration.¹⁰⁸ It also enabled stateless peoples to enter the workforce, qualify for numerous means of assistance (social, economic, and medical), and granted Nansen passport carriers to return to the state that had originally issued the document.¹⁰⁹

In contrast, there was a loophole that made the situation for German refugees more difficult for the League to interject. The German refugees, whether or not they were deprived of their nationality, were still national citizens, since the Nazi regime did not terminate their

¹⁰⁷ Burgess, *Refugees from Nazi Germany*, 49.

¹⁰⁸ Isabel Kaprielian-Churchill, "Rejecting 'Misfits': Canada and the Nansen Passport," *The International Migration Review* 28, no. 2 (1994): 281.

¹⁰⁹ Churchill, "Rejecting 'Misfits'," 281-282.

passports. They were deprived of the ability to exit the country. Nansen passports were eligible for those that no longer had a national status. While McDonald wanted to oversee the issue of travel documentation and identity for refugees without proper passports, the Governing Body of the High Commission advised McDonald that it would be “inadvisable to institute a special traveling paper for German refugees.”¹¹⁰ It suggested the governments of the nations where refugees were residing should authorize all proper clearance for refugees to travel outside of the country.¹¹¹ The Administrative Body recommended that refugees residing in immigration countries should be able to acquire documents of travel and identity that would be valid for at least one year and endorsed with a return clause. In theory, League diplomats believed this would enable refugees from Germany to gain documentation faster as opposed to waiting for an agreement or convention among all League members to adopt identification and travel documents for refugees.

James G. McDonald and Emergence of the High Commission for Refugees Coming From Germany

Considering these legal limits, it was then suggested by members of the League Council in October of 1933, that the League should nominate a High Commission that would oversee the legal challenges of the entrapped refugees in the Nazi state. This High Commissioner would be tasked with negotiating and directing collaboration among all countries that had the capabilities of providing immediate relief to the refugees in the midst of the international economic disaster.¹¹² League officials believed that the best person qualified for the position of

¹¹⁰ Holborn, “Legal Status,” 692.

¹¹¹ Holborn, “Legal Status,” 692.

¹¹² League of Nations Archives, 1919-1946, “Organisation, On an International Basis, of Assistance for Refugees (Jewish and Other) Coming from Germany. Report by the Representative of Portugal (October 1933),” 2-3. <https://archives.ungeneva.org/lontad>

Commissioner should be someone that had the experience, competence, and outlook that could raise the intensity of this issue and encourage a cooperative mobilization among a number of private organizations that would provide funding for refugee relief.¹¹³

But who could fill in the shoes of an individual like Dr. Nansen to press the issue for League officials? The League was looking for someone who resembled the same personality of Nansen since he was successful in providing assistance to displaced peoples from the chaotic developments in Eastern Europe. Former American President Herbert Hoover was considered as a potential candidate, as he was known for coordinating efforts to provide food supplies to Belgium during the First World War and helping Nansen save the thousands of refugees fleeing from war-torn Russia. Even though Hoover possessed the organizational skills and the experience in providing refugees humanitarian aid, he ruined his chances of taking the position to oversee refugee issues from Germany. From his leniency towards German war reparations, to imposing protective tariffs on European exports, League officials did not view him as a qualified candidate to fix the refugee question in Germany. Considering the lack of support Hoover received on an international scale, he suggested to himself that he would be unable to rally support from the Franklin Roosevelt administration and did not consider the position.¹¹⁴

Meanwhile, British and American Jewish private organizations were taking their own steps in finding who they believed would best suit up to the task as High Commissioner for Refugees Coming from Germany. British Jews endorsed an Englishman named Viscount Robert Cecil. Cecil was an experienced and well-known individual in the League, for he played a vital role in writing the Covenant of the League during the Paris Peace meeting. He also was working for the League as a representative of the British Foreign Ministry and head of the League of

¹¹³ LNA, "Assistance for Refugees. Report by the Representative of Portugal," 5.

¹¹⁴ Burgess, *Refugees from Nazi Germany*, 50.

Nations Association in Britain. In comparison, American Jews also nominated a League veteran by the name of General Jan Smuts. Smuts also possessed political expertise, as he served as the prime minister of South Africa and was a key mediator at the 1919 Paris Conference for what would eventually become the British Commonwealth.¹¹⁵

While the League did consider Cecil and Smuts as potential candidates due to their diplomatic specialization, they were also concerned with the nationality of the High Commission. Specifically, the League was looking for someone of American descent that would ideally help America grow out of its shell of isolationism and get the United States to join the League. If not that, the League at least sought to get America more involved in European-based international matters. This is when the famous James McDonald begins to emerge in the global context of refugee rescue. He was endorsed by Felix Warburg and James Rosenburg of the American Jewish Joint Distribution Committee. Both men argued strongly that because of McDonald's experience with the Rockefeller Foundation he was able to gain an expertise in international affairs by meeting with officials of Jewish organizations in America, Britain, and Europe.¹¹⁶ His association and popularity with private Jewish organizations made McDonald appear as a man who could best sympathize with the poor refugee treatment of the Nazi regime and its implications.

In addition, McDonald was well respected by European governments for his advocacy on German affairs. He helped establish healthier relations between America, Europe, and the League organization during his term as chair of the American Foreign Policy Association. McDonald also was able to establish healthy diplomatic contact with members of the Nazi regime such as Ernst Hanfstaengl and Hjalmar Schacht, thus showing that he was able to discuss

¹¹⁵ Burgess, *Refugees from Nazi Germany*, 51.

¹¹⁶ Burgess, *Refugees from Nazi Germany*, 51-52.

matters with Germany's new hostile government through professional composure.¹¹⁷ His work impressed many within the League, especially League Secretary General League Joseph Avenol, who personally endorsed McDonald as a candidate for High Commissioner.¹¹⁸ Due to the amount of confidence that both American private Jewish organizations and influential Anglo-American political actors, President Roosevelt went ahead and formally nominated McDonald as the High Commission for Refugees Coming from Germany despite his initial reluctance. The League Council quickly advanced his appointment although British Jewish organizations still favored Robert Cecil and did not trust McDonald for being too close to the German government.¹¹⁹ Nevertheless, his appointment as the commissioner of this newly founded special commission in promoting and improving the well-being of refugees victimized by the rise of Nazism was confirmed on October 26th, 1933.

Inadequacies of McDonald's High Commission Towards Rescuing Victims of Nazism

With the establishment of a new institution that would oversee the escalation of the German refugee crisis secured, the League was hopeful that under McDonald's supervision it could successfully navigate and resolve the refugee issue. Unfortunately for Mr. McDonald, his time with the High Commission would be short-lived due to some escalating setbacks that prompted him to resign. The first pertained to the source of funding. Right from the beginning the League had failed to construct a reliable backbone that could provide a substantial number of resources for refugees. While McDonald's High Commission was promoted by the League, it lacked a key ingredient that made the Nansen Office a more successful refugee relief program – centralization

¹¹⁷ Gerhard L. Weinburg, *The Foreign Policy of Hitler's Germany: Diplomatic Revolution in Europe, 1933-36*, (Chicago and London: University of Chicago Press, 1970), 135-36.

¹¹⁸ Burgess, *Refugees from Nazi Germany*, 52.

¹¹⁹ Burgess, *Refugees from Nazi Germany*, 52-53.

in financing. In other words, all the funding the Nansen Office was receiving for both its operational budget and resources they were distributing to refugees were coming from the banks of national governments, both League and non-League members. However, when the League Assembly resolution in October of 1933 was passed to appoint a commission separate from the Nansen Office, it also outlined the League's expectations on how private institutions would contribute to the cause in providing refugee assistance.¹²⁰

Even though nations were invited to assist refugees, there were some proponents of the resolution that highlighted the major roles for private institutions in the functioning and organization of the High Commission. Firstly, it was suggested that the expenses for the collaborative works between the High Commissioner's office and a governing body consisting of states and possibly private organizations willing to provide refugee relief should be financed by funds contributed voluntarily through private or other sources.¹²¹ Secondly, the final request within the memorandum noted, "[T]he Assembly expresses the firm hope that private organizations will collaborate in every way with the High Commissioner for the success of this relief action."¹²² These initial expectations of having private institutions take the responsibility in providing funds for refugee aid indicates both the structural problems that the High Commission would soon experience, especially towards its downfall.

Another issue that the High Commission encountered was the League's failed aspirations of getting the American government more involved in Nazi Germany's refugee crisis. This setback is related to the prior problem of funding. Due to the lack of a centralized, reliable form

¹²⁰ Burgess, *Refugees from Nazi Germany*, 69.

¹²¹ *Foreign Relations of the United States Diplomatic Papers*, 1933, Europe, Volume II, eds. Matilda F. Axton, Rogers P. Churchill, N. O. Sappington, Morrison B. Giffen, Francis C. Prescott (Washington: United States Government Printing Office, 1949), "The Secretary of State to President Roosevelt", pg. 368.

¹²² LNA, "Assistance for Refugees. Report by the Representative of Portugal," 4.

of finances, the High Commission was experiencing a shortage of funds needed to fulfill their obligations to provide humanitarian assistance. After McDonald's fundraising campaign failed, sometime before the end of 1934, it was highly recommended by the Governing Body of the High Commission for the Commissioner call for an urgent meeting of any organizations interested in the refugee problem and able to provide financial contributions.¹²³ At this point, McDonald knew that through a continuation of resorting to private organizations for funding the operations of the High Commission it would further lead towards a slippery slope of bankruptcy. He then believed that it would be best to confront the fiscal problems of the Commission with American government officials.

On January 2, 1935, McDonald wrote a report to the American Assistant Secretary of State Wilbur J. Carr. In his letter, he requested the American government provide the High Commission a contribution towards its administrative expenses. Even though Jewish and non-Jewish organizations had managed to raise nearly 6 million US dollars, McDonald stressed how the financial needs for refugees, especially for emigration purposes, were still very costly.¹²⁴ He then went on to say that the resources of the organizations that had been donated were completely drained over the course of the institution's two years.¹²⁵ While it at first appeared that McDonald was only dependent on the Americans, he informed the Secretary of State Department of Sweden's "definite unconditional commitment" to donate towards the 1935 budget of the Commission. In addition, McDonald stated that Czechoslovakia, Denmark, and other smaller

¹²³ *Foreign Relations of the United States Diplomatic Papers*, 1934, Europe, Volume II, eds. Kieran J. Carroll, Newton O. Sappington, Francis C. Prescott (Washington: United States Government Printing Office, 1951), Document 255, "Recommendations Adopted by the Governing Body of the High Commission for Refugees (Jewish and Other) Coming from Germany".

¹²⁴ *Foreign Relations of the United States Diplomatic Papers*, 1935, Europe, Volume II, eds. Rogers P. Churchill and N. O. Sappington (Washington: United States Government Printing Office, 1952), Document 308, "The High Commissioner for Refugees (Jewish and Other) Coming from Germany (McDonald) to the Assistant Secretary of State (Carr)".

¹²⁵ *Foreign Relations*, Churchill and Sappington, Doc. 308.

countries had indicated their willingness to donate and suggested that it was likely that the Great Powers on the Governing Body (France, Italy, and Great Britain) would follow suit if the US provided a contribution of their own.¹²⁶

The possibility of a coalition between the United States, the Great Powers of the League, and the smaller nations of Europe appeared to be the High Commission's best chance in accomplishing its mission to rescue the refugees trapped in Hitler's totalitarian state. However, it appeared that some within the US government did not share the same sentiments as McDonald, for there were mixed interpretations on America's potential involvement in providing donations to the High Commission Office. At first, when William Phillips, the Under Secretary of State, responded to McDonald's inquiry about requesting for American contributions, he claimed that President Franklin was under the impression that the High Commission had already received financial contributions from all governments that were interested in the refugee issue without a pledge of fiscal support from the US.¹²⁷

Then within his second response to the American Representative on the Committee for Refugees from Germany J. P. Chamberlain on February the 25th, William Philips, the Under Secretary of State, claimed that the President would ask Congress to approve a financial donation to be made out to McDonald's Commission Office only if the Great Powers of the League would oblige themselves to make similar contributions.¹²⁸ One week later, Mr. Chamberlain reported back to Philips saying that McDonald suggested that the US executive branch should not move

¹²⁶ *Foreign Relations*, Churchill and Sappington, Doc. 308.

¹²⁷ *Foreign Relations of the United States Diplomatic Papers*, 1935, Europe, Volume II, eds. Rogers P. Churchill and N. O. Sappington (Washington: United States Government Printing Office, 1952), Document 309, "The Under Secretary of State (Phillips) to the American Representative on the Committee for Refugees from Germany (Chamberlain)".

¹²⁸ *Foreign Relations of the United States Diplomatic Papers*, 1935, Europe, Volume II, eds. Rogers P. Churchill and N. O. Sappington (Washington: United States Government Printing Office, 1952), Document 313, "The Under Secretary of State (Phillips) to the American Representative on the Committee for Refugees from Germany (Chamberlain)".

forward with its notion to ask for American involvement in raising funds for the High Commission's operations due to a number of other countries becoming more reluctant in providing funding for the Commission's budget.¹²⁹ Had there been a more mutual understanding among American officials on the High Commission's desperate need for funds, McDonald's theory of bringing the United States closer to the High Commission might have led more countries, particularly the bigger nations of the League, to either pledge or provide more contributions that the Commission was seeking for its day-to-day operations.

As the diplomatic coalition between the United States and Europe to raise funds for McDonald's Commission collapsed, McDonald made one final effort to get as many refugees as possible out of Nazi Germany. McDonald and his colleague Samuel Guy Inman, a specialist in Latin American policies and the secretary of the American Committee on Cooperation in Latin America, went on a tour to South America. They were investigating the economic and social conditions of Latin American countries so that they could devise plans for refugee resettlement and livelihoods. Part of their mission was to initiate negotiations with the countries that appeared to be sufficient for settlement and economic purposes. McDonald's studies indicated that Brazil and Argentina possessed an enormous amount of land that could have been used for living development and opening many economic opportunities for refugees.¹³⁰

Unfortunately, the main obstacle that prevented the large-scale settlement of refugees from taking place in these bigger South American nations was due to their political atmospheres. In Brazil, a fascist movement inspired by German National Socialism had fundamentally

¹²⁹ *Foreign Relations of the United States Diplomatic Papers, 1935, Europe, Volume II*, eds. Rogers P. Churchill and N. O. Sappington (Washington: United States Government Printing Office, 1952), Document 314, "The American Representative on the Committee for Refugees From Germany (Chamberlain) to the Under Secretary of State (Phillips)".

¹³⁰ Burgess, *Refugees from Nazi Germany*, 131.

changed the course of its domestic politics, as new immigration restrictions were written into its new constitution on July 16, 1934. In this newly adopted constitution, a fixed quota of 3,090 immigrants of German ethnicity a year was established, and only 10% of that quota could either be Jews or refugees. With such strict migration policies in mind, the Brazilian government insisted that the only way they would be able to take in mass numbers of refugees was if they were identified as stateless. Since the majority were identified as Jewish German citizens, their migration channels within the country were much more regulated as opposed to those of stateless status.¹³¹

Similarly, Argentina's massive wave of ultra-nationalist sentiment in its political realm led to a number of exclusionist policies, which especially pertained to a resistant coalition against foreign meddling in its political affairs and the invitation of foreigners.¹³² Inman's analysis also proved to be disappointing. While he affirmed that there were fewer bureaucratic obstacles for refugees to gain entry into smaller Latin American states, opportunities for labor were more limited as opposed to Brazil and Argentina.¹³³ In essence, the High Commission was forced to acknowledge that the issue of refugee resettlement could only be resolved through the willingness of nations in granting the right to seek refuge in their territories.

To make matters worse, when the 1935 Saar Plebiscite occurred, it presented a new legal challenge that League officials had never considered in the past – regional nationality. When Germany lost the First World War, one of the repercussions was losing approximately 13% of its territory. One of the regions that the Germans were forced to relinquish was the Saar region. Shortly after Hitler's rise to power, the Saar would also experience an accelerating rise of anti-

¹³¹ Burgess, *Refugees from Nazi Germany*, 130-131.

¹³² Burgess, *Refugees from Nazi Germany*, 132.

¹³³ Burgess, *Refugees from Nazi Germany*, 133.

Semitism through the establishment of its own National Socialist party under the direction of Alois Spaniol.¹³⁴ Along with these similar political developments of radicalization, there were growing sentiments for the Saar region to reunite itself with Germany. At the same time, however, groups such as the communists, socialists, and Jews expressed negative opinions regarding reunification. Coincidentally, this spurred Spaniol's party, as well as the other right-wing and moderate rightist parties, to form the so-called Deutsche Front, and conduct a violent campaign to ease any opposition. When it came for the Saar to decide its fate to either remain independent or reunify with Germany, election results showed that approximately 90% of the Saar people favored reunification.¹³⁵ The Saar reuniting itself with the Reich only intensified the refugee crisis, as out of the 3300 inhabitants within the territory, about 1500 of them came from Germany to take refuge in the Saar after 1933.¹³⁶

On May 24, 1935, the Council of the League of Nations adopted a resolution that would give refugees from the Saar identity certificates.¹³⁷ Countries such as France, Bulgaria, Denmark, and Estonia were optimistic that assistance to the emigrants from the Saar should be considered to be part of the League's responsibilities.¹³⁸ While the majority of both League and non-League members that responded to the extension of the Nansen passport were enthusiastic, there were concerns raised by some national governments. Governments like the Austrian government rejected the adoption of a special category of identity certificates since there was a small number of Saar refugees in their nation. Austrian officials viewed that the expense and labor involved in issuing a new type of identity document would not be justified. The United Kingdom did not

¹³⁴ C. J. Hill, "Great Britain and the Saar Plebiscite of 13 January 1935." *Journal of Contemporary History* 9, no. 2 (1974): 122-123.

¹³⁵ Hill, "Great Britain and the Saar," 123-24.

¹³⁶ Holborn, "Legal Status," 694.

¹³⁷ "Refugees from the Saar," *League of Nations Official Journal* 16, no. 12 (December 1935), 1683-1684.

¹³⁸ "Saar," *LNOJ* 16, 1683-1684.

have any objections to the adoption of such a plan, unless the issuing of the certificate would only be viable for one year.¹³⁹ From the initial stages of adopting Nansen documentation for Saar refugees, there was an expectation that such an extension was not intended for long-term resettlement and employment opportunities. This suggests that the League had either miscalculated or had not given adequate consideration of the consequences of constant, short-term migration patterns.

As a result, the Council of the League had entrusted the Nansen International Office with the protection of Saar refugees, where the institution made an effort to move forward with extending the Nansen passport system to this new group of refugees. However, the Nansen passport was only extended to those who were native to the Saar and did not have possession of passports that proved their national origin.¹⁴⁰ Those that had come from Germany could not have access to such documents, which required the High Commission for Refugees from Germany to create a new basis for emigration and aid for non-nationals.

Taking matters from bad to worse for the League, McDonald composed a long letter that not only announced his resignation as head of the Commission on Refugees from Germany, but his grievances on why the Commission failed in providing assistance to the German Jewish refugees. McDonald raised the issue that during the last meeting of the Permanent Committee of the Governing Body of the High Commission on October 16th, 1935, many, including McDonald, felt that the work of assistance in countries of refuge could have been conducted more efficiently had the organization been under the direct authority of the League.¹⁴¹ He

¹³⁹ "Saar," LON Journal 16, 1683-1684.

¹⁴⁰ "Refugees from the Saar," LNOJ 16, 1681-1689; Holborn, "Legal Status," 694.

¹⁴¹ League of Nations Archives, 1919-1946, "Letter of Resignation of James G. McDonald, High Commissioner for Refugees (Jewish and Other) Coming from Germany Addressed to the Secretary General of the League of Nations," 6.

claimed that creating the High Commission separate from the League organization in order to avoid a veto on creating a commission that would deal with the refugee problem in Germany, who was a League member before its withdrawal in October 1933, weakened its capabilities from the beginning.¹⁴²

Another aspect that McDonald raised was the Reich's newest set of policies that further escalated the refugee crisis. Attached to his resignation memorandum, McDonald provides a comprehensive analysis of the guidelines of German legislation, as well as the effects of those policies, particularly the Nuremburg Laws. The Nuremburg Laws were a series of laws that dictated the civic rights of Jews and other individuals that were not considered to be German-blooded.¹⁴³ While the Nazi government's laws dated to September 15, 1935, McDonald observed that Nazi ideological concepts of citizenship and race were traced as far back to when the party was first established in February of 1920. These post war-era proposals called for the denationalization of Jewish and other "non-German" individuals and were to be subjected to laws concerning foreigners and guests.¹⁴⁴ This suggests that McDonald was surprised and disappointed that the League appeared to be unaware that a Nazi transition of power in Germany would eventually result in political acts that sought to deprive Jews and non-Germans of their rights and privileges.

The raising of these legal issues contradicted his criticism that the League failed to address the refugee problem through a humanitarian lens, for he does raise the moral implications of anti-Semitic policy. McDonald mentioned how the targeted subjects of Nazi exclusion policies were forced to relinquish their livelihoods from the cultural, political, and

¹⁴² LNA, "Letter of Resignation," 6.

¹⁴³ LNA, "Letter of Resignation," 8.

¹⁴⁴ LNA, "Letter of Resignation," 8-10.

intellectual sectors of German society. Newspaper publications, which were directly sponsored by the Nazi state, encouraged those of “Aryan” status, especially children to hate, spy, attack and segregate themselves from “non-Aryan” folk.¹⁴⁵ Such acknowledgements of the devastating social effects of Nazi-sponsored exclusion illustrates McDonald’s initial concerns about how Nazism had accelerated the challenges to the refugee question for aid. They also show that McDonald was suggesting if League intervention was not established, poor refugee treatment would only worsen and create more difficulties for the League going forward. Whether McDonald’s resignation of the League was solely connected to the passage of the Nuremburg Laws is a whole different dilemma, but the circumstantial evidence could support such a theory. What is clear, however, is that what McDonald claimed was keeping such legal issues in mind would improve the way the League devised and organized solutions towards refugee protection.

Despite the initial optimism in the creation of the High Commission for Refugees Coming from Germany with McDonald serving as its leader and replacing the Nansen Office to oversee the refugee crisis in Germany, it was then declared that December 1935 would mark the final month of McDonald’s tenure as Commission. The resignation of McDonald made it appear that the League would have to consider a liquidation of the institution and become the sole beneficiary to address and resolve the issue of Germany’s entrapped refugees. While the League struggled in tackling the escalating difficulties of refugees within Nazi territory, a new institution called the Intergovernmental Committee for Refugees was established to consider the problem of refugees in Central Europe. But was this organization created to take over or contribute to the League’s mission of saving thousands from Hitler’s tyranny?

¹⁴⁵ LNA, “Letter of Resignation,” 7.

Chapter 3: The Continuation of the Jewish Refugee Crisis and Expansion of Nazism

Historians such as Burgess have assumed that McDonald's resignation in 1935 signaled that the League would no longer play a role in refugee affairs. It is not necessarily true to say that once McDonald left the Commission, the League was no longer involved in German refugee affairs. It is also an exaggeration to suggest that when the Intergovernmental Committee for Refugees was formed in August 1938, this American-led establishment took over the policy making for the Jewish refugee crisis. Instead, what this chapter will reveal is even before the arrival of the U.S.-led Intergovernmental Committee, the League attempted to take it upon itself to extend McDonald's hopes that a solution to the German refugee crisis could be reached.

If we recall from the previous chapter, McDonald had provided a number of complaints in his resignation letter as to what led to the High Commission's failure in fixing the German refugee issue. One of McDonald's biggest complaints was the League making the High Commission a separate agency of the League. Since the Commission Office was not formally part of the League, private contributions were used to cover both the operational and administrative costs of the office.¹⁴⁶ While McDonald did raise the legal issues of the Jewish refugee crisis, he also raised the moral implications of anti-Semitic policy. For instance, when referencing the Nuremburg Laws, he discussed how the Nazis exclusion policies not only heavily impacted the lives of Jews through an economic perspective, but they escalated into being a very personal issue for Jewish people. They were forced to relinquish their citizenship and employment opportunities and were being intimidated by both Nazi state rhetoric and National Socialist activism.¹⁴⁷

¹⁴⁶ LNA, "Letter of Resignation," 6.

¹⁴⁷ LNA, "Letter of Resignation," 8-10.

After the appointment of McDonald's successor Sir Neil Malcolm in February 1936, the League did make some institutional changes. Firstly, the High Commission under Malcolm did become part of the League, which enabled the Office to receive direct financial contributions from any state affiliated with the League to cover administrative costs. It also would receive guidance through the League Secretariat on how to approach the refugee issue as opposed to having its own governing body.¹⁴⁸ While the League started to respond to McDonald's final inquiries, the pressing issue for the League was would it consider the moral questions involved in the refugee issue and convert from approaching the protection of Jewish refugees from a political standpoint to a humanitarian lens. When approaching the status of German refugees, the League had hoped that a diplomatic solution could be negotiated with the German Nazi government. However, after McDonald was unable to persuade Nazi officials from reconsidering its immoral treatment of their political targets, the League realized that they needed transition from diplomacy to intergovernmental action if they wanted to reach a definite solution.

This chapter will now delve into the League's political history after 1935, starting with the extended discussion on the status of refugees from the Saar up to the midst of the second major war in Europe. What these next sections will entail are the ways in which the League tried to respond to the escalation of the German refugee crisis due to the territorial expansion of Nazism. The first part of the chapter will entail not only the institutional changes the League began making after McDonald resigned as High Commissioner, but it will reveal the geopolitical developments and continued organizational struggles that complicated the League's progress in coming up with a definite solution to the intensified refugee problem. It also will provide detail on the ways in which the League would operate when the Intergovernmental

¹⁴⁸ Alessandra Roversi, "The Evolution of the Refugee Regime and Institutional Responses: Legacies from the Nansen Period," *Refugee Survey Quarterly* 22, no. 1 (2003): 28.

Committee was created as a refugee relief organization. This section intends to test Burgess' claim that McDonald's resignation in 1935 signaled the end of the League's involvement providing direct refugee assistance and his assumption that the Intergovernmental Committee replaced the League as the sole refugee agency tasked with providing refugee relief in 1938.

The Triangular Effect: The League, the High Commission, and the Nansen International Office for Refugees

McDonald's plea for reform appeared to have a fundamental impact in the way the League would restructure itself in response to the acceleration of the refugee problem. To begin the new year and a new administrative chapter for the League, their first task was to create a statute regarding the status of Saar refugees after the League Council proposed to individual governments in extending the Nansen passport system to the Saar refugees.¹⁴⁹ Through a report by the Rapporteur of the Ecuador Representative Gonzalo Zaldumbide, a proposal was passed on January 20, 1936 to take provisional measures in regards to the protection and treatment of the Saar refugees. They decided to refrain from creating a permanent institution to oversee the German refugee problem and instead passed the League Committee's recommendation in creating a provisional character. This temporary character would involve the appointment of a President of the Governing Body of the Nansen Office and a new High Commissioner for Refugees coming from Germany.¹⁵⁰ Mr. Zaldumbide also added in his proposal that the League Council should appoint a League Committee consisting of seven League members to provide practical proposals to both offices of refugee protection. In essence, what the League was passing

¹⁴⁹ League of Nations Archives, 1919-1946, "Refugees from the Saar: Extension of the Nansen Passport System to these Refugees," 1-2.

¹⁵⁰ League of Nations Archives, 1919-1946, "International Assistance to Refugees. Reports and Resolutions Adopted by the Council of the League of Nations at its Nineteenth Session (January 20th, 22nd, and 24th, 1936)," 1-3.

was a resolution that would combine the functions of the Nansen Office and the High Commission for German refugees towards the same issue, thus bringing both institutions under the direct authority of the League. Three days later, Norwegian member of the Permanent Court of Arbitration, Michael Hansson, was appointed as the President of the Governing Body of the Nansen International Office for Refugees.¹⁵¹ The next day, Malcolm, former President of the Council of the Royal Institute of International Affairs, was appointed the new High Commissioner of the League Nations to deal with refugees coming from Germany.¹⁵²

Not only would there be a new League Commission on Refugees, but the League began making efforts to financially support the new Commission's operations. McDonald had reminded how difficult it was for private Jewish organizations in being responsible for the financial expenses of refugee assistance.¹⁵³ However, while the League Committee had considered that the various tasks associated with refugee protection to be within the province of private organizations, they granted Malcolm the ability to establish a system of liaisons that he believed would be more effective.¹⁵⁴ These organizational reforms appeared to be responding to McDonald's wishes. Would these reforms in 1936 be enough to find homes for people who were fleeing from their homelands that were being taken over by the Third Reich? In simplest terms, the answer to that question is unfortunately not. It needs to be remembered, however, that the reason for such a negative response to this inquiry is not simply because the League lacked any bureaucratic efforts in responding to the escalation of the refugee crisis. Rather, the series of complicated explanations that will follow shows that there were yet again more international

¹⁵¹ LNA, "International Assistance," 1.

¹⁵² "International Assistance to Refugees," League of Nations Official Journal 17, no. 3 (March 1936), 296.

¹⁵³ LNA, "Letter of Resignation," 6.

¹⁵⁴ LNA, "International Assistance," 3.

developments that seemed to further complicate the League's efforts in resolving the tragic dilemma of refugee mistreatment.

Even though the League was able to establish a statute for the Saar refugees, they were already experiencing problems with settling refugee classes they were already supervising. When responding to the circular letter dated July 19, 1935, on the issue of settling Russian, Armenian, Assyrian, and other refugee classes, several national governments indicated reluctance at providing means of assistance to refugees that the League had pledged to help through the services of its Nansen Office. Delegates from the Belgian, Dutch, and Italian governments responded that it could not afford any material aid for refugees due to their densely populated homelands that needed economic support. Responding on behalf of the Secretary of the Foreign Office Sir Samuel Hoare, Adrian Holman protested in a similar manner, but offered to allow refuge to those that held "definite prospects of employment". Enrique J. Gajardo, Head of the Permanent Chilean Bureau, claimed with the exception of the Magallanes, the Chilean government had no more vacant lands available since they had been occupied by naturalized foreigners and were only allowing the entry of foreigners for exceptions that he did not go into detail.¹⁵⁵ If the League was having trouble with continuing to settle the refugee classes that were placed under the authority of the Nansen Office, the next problem for the League was how it could afford to pay for the settlement expenses for the Saar refugees.

When the Council of the League of Nations outlined the High Commissioner's duties, members of the Council agreed that the High Commissioner would need to prepare and arrange for an Inter-Governmental Conference which would discuss for a system of legal protection for refugees coming from Germany.¹⁵⁶ Though the passage of a passport for German refugees was

¹⁵⁵ "International Assistance to Refugees," 299-301.

¹⁵⁶ "International Assistance to Refugees," League of Nations Official Journal 17, no. 5 (May 1936), 522.

relatively easy, League officials would have to be aware that the issuing of a travel certificate would guarantee refugees the ability to resettle and allow them to seek employment opportunities. This led to the League Council's proposal to ask state members of the League that had authorized the Nansen passport system to extend its provisions to the refugees that were wanting to leave the Saar region on July 30, 1935.¹⁵⁷ When states were responding to the Council's inquiry, they received mainly positive responses. The League did receive, however, a critical memorandum from the government of India on its reaction to extending the Nansen Passport system to Saar refugees. Responding on behalf of its Secretary of State in February of 1936, Indian Office official E. J. Turner stated that the Government of India would allow such provisions to be applied towards those wanting to leave the Saar as long as it could retain its right in limiting any holder of the Nansen Certificate from re-entering its state after the expiration of the certificate's appliance date.¹⁵⁸ The response from the Indian government illustrates that the League Council was also facing challenges where individual governments were open to applying the Nansen passport to the Saar refugees, but only if the League would not intervene in the ways care-giving states were overseeing their own immigration policies. This suggests that care-giving states seen the issuance of Nansen documents as for short-term practicality as opposed to long-term.

Nevertheless, Malcolm, along with League and non-League contracting states, met in Geneva on July 4, 1936, to discuss the provisions for travel documentation of German refugees. Even though the League was able to agree on a statute for German refugees, there were some troubling aspects within the guidelines the League agreed to when concerning the treatment of

¹⁵⁷ League of Nations Archives, 1919-1946, "Refugees from the Saar: Extension of the Nansen Passport System to these Refugees," (Jul. 30, 1935), LNP C.L.120.1935.XII, 1.

¹⁵⁸ "International Assistance," 523.

German refugees. Article I of the Provisional Arrangement concerning the status of Refugees coming from Germany, defined the term “refugee coming from Germany” as “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.”¹⁵⁹ The definition of refugees from Germany did not include those that would be placed within annexed territories. This made it difficult for the League, by international regulation, to respond when faced with the issue of refugees that were trapped within Austria, which annexed itself with the Nazi Reich when the League would enforce this provision one month before Anschluss happened in 1938.

Also, in Article 2 of this temporary arrangement, the section outlining the guidelines of issue and renewal made it affordable and less difficult for those eligible to obtain this new travel certification. However, the passport would only be valid for one year from the date it would be issued. Furthermore, consuls that had authorization from the issuing nation could extend the certificates’ validity for a period up to six months.¹⁶⁰ Such time restraints suggest that the High Commission was not intending to create travel legislation that would make it more practical for German refugees to establish long-term resettlement and labor opportunities.

In addition to the strict time constraints placed on refugees, these provisional measures also granted several flexible guidelines in which contracting states were allowed to change their administrative measures regarding the issue, renewal, and validity of the Nansen passport. For instance, one of the provisions of Article 3 noted that the Contracting Governments reserved the right to limit the period during which the refugee may had wanted to seek refuge again.

¹⁵⁹ “Inter-Governmental Conference for the Adoption of a Statute for Refugees Coming from Germany (Geneva, July 2nd-4th, 1936),” *League of Nations Official Journal* 17, no. 12 (December 1936): 1419.

¹⁶⁰ “Inter-Governmental Conference,” 1419.

Similarly, the last point of Article 4 noted that while the concerned Governments were technically not allowed to send refugees back to the Reich unless they had been warned and refused to make arrangements to immigrate to another nation, it also gave contracting states the ability to cancel or withdraw identity certificates.¹⁶¹

Finally, Article 12 of the Final Clauses, which pertained only to League and non-Member states that possessed colonies, protectorates, or any other overseas territory, outlined that any government accepting the arrangement was not assuming any obligation in respect to any of its mandated abroad territories. Even though it included a clause that allowed any government to apply the acceptance of this new travel document to any of their territories it wished to apply, there was another clause that allowed signatory states to limit where the Nansen passport could be used. In other words, mandated territories of the signatory states were not obligated to authorize the usage of the Nansen passport for refugee access if the motherland decided to extend the Nansen passport for Saar refugees.¹⁶² Such clauses resemble the legal concerns raised by the Indian government on agreeing to the adoption of the Nansen passport in being extended to the Saar refugees earlier in 1936 and some of the European governments decisions in 1935 to not authorize the settlement of refugees within their colonial possessions when asked by the League Council to allow Russian, Armenian, and other refugees eligible for the Nansen passport.¹⁶³ These lenient guidelines on what signatory states were allowed to do with the Nansen passport did not create a strong enough sense of urgency among the League in making sure the Saar refugees were gaining access to transnational borders and receiving the means of assistance they needed to survive.

¹⁶¹ "Inter-Governmental Conference," 1421.

¹⁶² "Inter-Governmental Conference," 1423.

¹⁶³ "International Assistance," 523, and "International Assistance to Refugees," *League of Nations Official Journal* 17, no. 3 (March 1936): 298.

To make matters worse for the League, it appeared bringing the Nansen Office and the High Commission under its direct authority was leading to some serious fiscal difficulties. With the Nansen Office and High Commission part of the League organization, the League needed to make sure that it had enough funding for both organizations so that they could afford resources required for international refugee assistance. With the Nansen Office overseeing the Saar refugees along with the numerous refugee groups in Eastern Europe, donations were highly needed if the League was going to provide assistance to refugees of the Saar. The Governing Body of the Nansen Office estimated that in 1937 1,922 refugees had been assisted by the Office through the expense of just 61,000 Swiss francs.¹⁶⁴ The Office emphasized that these small contributions were used to pay for the cost of regularizing naturalization papers, travel expenses, medical treatment, training for new job professions, purchase of clothing, and other means of assistance, and called for an extension of such assistance so that the refugees could become more skilled workers and thus become self-supporting.¹⁶⁵

In the context of the Saar refugee problem, the seventeenth Assembly of the League had voted a credit of 200,000 Swiss francs for the settlement of Saar refugees in South America through the arrangement concluded with the Paraguayan government.¹⁶⁶ This contribution would cover transport costs from a European port to Asunción, the purchase of twelve hectares of land for each family, the construction of a small housing project, the boring of a well, a small supply of poultry, and house maintenance for one year.¹⁶⁷ Despite the vote in authorizing 200,000 Swiss francs to be used towards the evacuation, resettlement, and employment efforts towards the Saar

¹⁶⁴ League of Nations – Nansen International Office for Refugees, “Report of the Governing Body for the Year ending June 30th, 1937,” (Geneva, Aug. 20, 1937), LNP A.21. 1937. XII, 10.

¹⁶⁵ LN – Nansen Office, “Report of the Governing,” 10.

¹⁶⁶ LN – Nansen Office, “Report of the Governing,” 10-11.

¹⁶⁷ LN – Nansen Office, “Report of the Governing,” 11.

refugees, the League only provided 102,900 Swiss francs, and approximately 70,875 of that credit went towards the evacuation to Paraguay alone.¹⁶⁸ The Office also noted that while it was appreciative of League's direct contributions, it was needing more funds to cover the Saar refugee budget. It explained that the League's proposed contributions of 234,153 Swiss francs for the years 1937 and 1938 would leave another 13,072 francs for work in Syria and another 20,000 for the Saar, as 169,197 Swiss francs was already given to the Office for 1937 alone.¹⁶⁹

While the Supervisory Commission of the League had raised the question of supplementary credit to the League Assembly on May 7, 1937, the Office concluded that even with the inclusion of supplementary credit, the budget of the Nansen Office for 1938 would be smaller than that of the previous year. Inevitably, the Assembly would come to the conclusion that the Nansen Office could only afford a partial resolution to the Nansen refugee problem due to an insufficiency of available resources. The League Council would then adopt President Hansson's suggestion that the best alternative would be for the states hosting Nansen-documented refugees would become the refugees' caretakers.¹⁷⁰ Due to these limits on what the Nansen Office could do to help Nansen-documented refugees, the Council's resolution also included the Nansen Office and High Commission's liquidation date to be set for December 31st, 1938.

Before this call for the liquidation of both refugee organizations, both the League and Malcolm were making efforts to help the refugees that would not be able to stay in the caretaking states. On February 10, 1938, the League would convene again in Geneva to adopt an international convention for refugees coming from Germany. Keeping the resolution of the

¹⁶⁸ LN – Nansen Office, "Report of the Governing," 20.

¹⁶⁹ LN – Nansen Office, "Report of the Governing," 12.

¹⁷⁰ League of Nations – Nansen International Office for Refugees, "International Assistance to Refugees," (Geneva, Aug. 25, 1938), LNP A.27. 1938. XII, 1.

eighteenth Assembly, which recognized the transfer of sovereignty between the French and German governments of the Saar, and the 1936 provisional arrangement on creating a statute for German refugees in consideration, the League intended to establish conditions that would make it more practical for refugees to be “absorbed” within the League and non-League member states. This convention concerning the status of German refugees included creating a separate identity certificate that refugees from Germany would be able to use to settle in any country that refugees were able to remain. Within such agreement, there were some promising aspects that illustrated the League had some consideration for the ethical necessities in approaching the refugee crisis. For instance, Article 8 in the section on the legal standing of refugees expressed that refugees within the territories they were allowed to take shelter and receive aid were to be entitled to the same rights and privileges as those of nationals.¹⁷¹ This call for considering the status of refugees equal to that of national citizens shows that League officials were attempting to shift the philosophical interpretation of refugee’s place in the international community.

In addition, in his section on the welfare and relief for refugees, Article 11 outlined that refugees, whether they were unemployed, disabled, women that were either pregnant or in childbed, were to receive the most favorable relief and assistance in accordance with national law.¹⁷² This was a moment in the League’s diplomatic history that saw Western bureaucrats adopting provisions that would provide individuals humanitarian aid of a wide range of demographics.

While the League’s agreement started to highlight humanitarian implications of the refugee crisis, there were some parts made within the arrangement that overturned some

¹⁷¹ "Instruments of the International Conference for the Adoption of a Convention Concerning the Status of Refugees Coming from Germany," League of Nations Official Journal 19, no. Issues 3 and 4: 273.

¹⁷² "Instruments of the International," 275.

provisions from a previous agreement. For example, Article 9 of the 1938 Convention concerning Refugees from Germany was meant to reproduce the Article 7 of October 1933 Convention, which overturned any measures that restricted refugees access to the national labor market of a care-taking state. However, it did not reproduce the final condition of the 1933 agreement, which guaranteed refugees means of providing for themselves if they were an ex-combatant of the First World War.¹⁷³ This convention was a response to the 1933 Law for Restoration of the Professional Civil Service, which included a clause that exempted Jews and other political opponents of civil service positions if they were veterans of the Great War.¹⁷⁴

Why League bureaucrats no longer guaranteed refugees of veteran status employment opportunities is not clear. However, this clause does illustrate a shift in the League's position regarding the protection of refugees from Germany, which shows they no longer considered former participants of the war as those that could have the same exceptions in seeking employment like civilians. As the year 1938 progressed, so did Hitler's plans for expansion. What will be witnessed now is how the reunification of Austria and Germany further complicated the League's progress in addressing the issue of German refugees, especially going forward with their new agreement concerning the status of refugees from Nazi-held Germany.

The Third Reich Expands – The Refugee Crisis Escalates

As predicted by McDonald, the conditions of refugee treatment in Nazi Germany only intensified. But the intensity of the refugee situation would not only escalate within the mainland Reich. With the Führer wanting to expand Germany's borders, refugee mistreatment in Europe

¹⁷³ "Instruments of the International," 273.

¹⁷⁴ German History in Documents and Images, "Law for the Restoration of the Professional Civil Service (April 7, 1933)" <https://ghdi.ghi-dc.org/home.cfm>

became a bigger issue for the League. On March 12th, 1938, troops of the German Eighth Army rolled through the Austrian borders, thus signaling the beginning of Hitler's first major imperial aspiration – the reunification of Austria and Germany.¹⁷⁵ While Anschluss was viewed positively by its sympathizers, the reunion of the German Reich and Austria would be an extension of the Nazi's brutal terror on Jewish communities outside of the German homeland. Within the first days of reunification, 500 Jewish leaders were arrested. Jewish businesses, newspaper publications, and offices were pillaged. Jews were condemned from their living spaces and expelled from professional and cultural fields like universities and art museums.¹⁷⁶ Any Jew that had more than \$2,000 of currency value were not only forced to register their personal properties to the Nazi regime, but were subject to have their property confiscated by the regime.¹⁷⁷

Due to the political circumstances of Anschluss, there were significant impacts on the composition of Austria's Jewish community. The mortality rate among Jews in Vienna went from six to nearly fifty per day as a result of a number of factors such as starvation, physical assaults, and suicides. The approximately 30,000 individuals who managed to avoid the social horrors of Nazified annexation requested travel visas before the American consulate, with another 10,000 wanting to migrate to Australia.¹⁷⁸ Since the process for these refugees to leave Austria started more slowly than the Nazis had expected, they began to develop new ways in expelling their targets. For example, there was a case in early April 1938, when fifty-one Jews in the Burgenland were kicked out of their homes, forced to board an unsanitary barge, and were left stranded in the Danube River (or no man's land) near the Hungarian coast without food,

¹⁷⁵ Saul S. Friedman, *No Haven for the Oppressed: United States Policy Toward Jewish Refugees, 1938-1945*, (Detroit: Wayne State University Press, 2017), 37-38.

¹⁷⁶ Gerhard Botz, "The Jews of Vienna from the 'Anschluß' to the Holocaust [1987]," *Historical Social Research / Historische Sozialforschung. Supplement*, no. 28 (2016): 320-22.

¹⁷⁷ Friedman, *No Haven*, 38-39; and Abraham J. Edelheit, "Jewish Responses to the Nazi Threat, 1933-1939: An Evaluation," *Jewish Political Studies Review* 6, no. 1/2 (1994): 143.

¹⁷⁸ Friedman, *No Haven*, 39-40.

money, and adequate clothing. These Jewish refugees turned to the neighboring countries of Austria, Czechoslovakia, and Hungary for assistance, but all denied them access.¹⁷⁹

Emoldened by the lack of outcry from the League and no willingness to help the stranded Jewish refugees from the neighboring states of Anschluss, the Nazis would continue their institutional terror through the rest of 1938, especially after the infamous Munich Pact. Under the terms of the agreement, France and Britain granted Germany permission to annex the Sudetenland with the rest of the Nazi Reich. Shortly after the pact that relinquished Czechoslovakian sovereignty from the Sudetenland region, there were a series of Jewish mistreatment cases taking place in areas that were classified as “no man’s land”, or areas where lines of sovereignty were either difficult or unable to be drawn. In September, more than 20,000 Jews were expelled from the Sudetenland. Then, in late October, around 18,000 Polish Jews residing in Germany were rounded up in the middle of the night, driven to swampy areas bordering Poland, and were instructed them to run while SS guards were shooting at them. At this point of the Nazi program, the Nazis sought to use their “living space” for German colonization and to do so they needed to displace “unwanted” Jews. This is when the Nazis began to use the terrain near their newly acquired territory as dumping areas for unwanted peoples. Jews were forced to rest in stables or along the roads of Slovakian cities, and had to sleep on straw while facing a deadly European cold front. Due to such conditions, many contracted and eventually died of certain illnesses such as typhus and typhoid. The most intense episodes of Jewish mistreatment occurred in Nitra, Zilina, Michalovce, and Prestany.¹⁸⁰

The atrocities committed in Austria and the Sudetenland were precisely reflecting what McDonald had expected in 1935 – an escalation of the refugee question if the League would not

¹⁷⁹ Friedman, *No Haven*, 40.

¹⁸⁰ Friedman, *No Haven*, 40-41.

readjust themselves in how they were approaching the issue. Such turn of events made League officials reconsider their institutional structure and methodologies in helping the numerous refugee groups under the supervision of both the Nansen Office and High Commission for German Refugees. After the annexation of Austria and the Sudetenland, both Malcolm and League Secretary-General Drummond asked the individual League states to extend the provisions of the Convention in February 1938 to the refugees that formerly constituted Austria and Sudetenland. As a result, League members would adopt a statute that included refugees from both regions to be included in the convention that sought to protect refugees from Germany.¹⁸¹

However, with the liquidation of the Nansen institution marked for the end of 1938, states that had pledged to provide assistance for both Nansen and German refugees had to consider the absorption of both refugee groups. In its report in drawing a solution for refugee relief on May 14, 1938, the League Council Committee calculated that there would be a combined total of about 750,000 refugees between both organizations that need to be under consideration for assistance.¹⁸² Of those 750,000 refugees, 150,000 were refugees that had left German territory, with close to 120,000 having already reached the nations they were wanting to settle permanently. It was further concluded by the League Council Committee that both refugee categories would be able to develop solutions within “a limited time.” These developments persuaded the League Assembly at its eighteenth ordinary session to discontinue the services of the Office of the High Commissioner for German Refugees, which also would be set for the end of 1938.¹⁸³ The report from the Council provides a rather confusing interpretation on the refugee

¹⁸¹ "Refugees Coming from the Territory Which Formerly Constituted Austria," League of Nations Official Journal 19, no. 7 (July 1938), 646-647; and League of Nations Archives, 1919-1946, "Refugees from Territories Formerly part of Czechoslovakia – Sudetenland Refugees – Definition and Status of such Refugees (Geneva, Dec. 14, 1938)," 7.

¹⁸² League of Nations Secretary-General, "International Assistance to Refugees" (Geneva, Aug. 25, 1938), LNP A. 27. 1938. XII, 1.

¹⁸³ LN Secretary-General, "International Assistance," 1.

crisis. In one retrospect, League officials believed that the German refugee issue was under the process of being resolved. However, it is peculiar that the Council was unable to provide the specifics on when the German refugee issue could have been resolved indefinitely. The vague response to when the question of refugees coming from German territory suggests that when the Nazis were accumulating more territory the League was not fully sure of themselves when they could reach a solution that would help those fleeing from the annexed territories. Furthermore, it can be suggested that at this point of European diplomacy, the League knew that the refugee crisis regarding the Nazis' violations of human rights was evolving from bad to worse.¹⁸⁴

That said, the League's story on refugee relief was far from over as the League Committee suggested that the Council should provide instructions for the Secretary-General, Drummond, to formulate a detailed plan for providing global assistance to refugees after consulting with both Johnson and Malcolm. It was decided between the three agents, that the functions of Johnson's Nansen Office and Malcolm's Commission would be merged into one organization under the League's authority, thus placing refugees from Germany, the Saar, Armenian, and Russian refugees under the care of a single governing body.¹⁸⁵ When national governments responded to the League Committee's proposal in moving forward to outline a new plan for refugee rescue, those that responded showed overall optimism. There were, however, some concerns raised by individual League states before the League proceeded to create a new bureaucratic body that would oversee refugee difficulties. The response from the United Kingdom government expressed optimism in moving forward with the merger of the High Commission and Nansen Office responsibilities. It did, though, propose that the budget for this new organization should not exceed the total of the existing budgets of both the Nansen Office

¹⁸⁴ LN Secretary-General, "International Assistance," 1.

¹⁸⁵ LN Secretary-General, "International Assistance," 2 and 5.

and High Commission for Refugees.¹⁸⁶ Such a proposal had set fiscal expectations that would limit the League expense and ability in providing assistance to all refugee groups that the League would become responsible for.

Furthermore, the Greek government was one of the few respondents that did not approve the Committee's consideration of absorbing all refugee groups into care-taking nations. It stated that the 1,300,000 national refugees that had already been absorbed had become "a very heavy burden on the country."¹⁸⁷ Officials expressed the concern that Greece did not have enough economic resources to provide assistance to those they had already authorized refuge, and that absorbing Nansen refugees would only exacerbate their abilities in providing fiscal relief to refugees. It was also reported that the care-taking nations of France, Syria, and Bulgaria were also experiencing difficulties in absorbing the 120,000 Armenian refugees since they had already been providing so much care to those of Russian decent.¹⁸⁸

These financial expectations on the new bureaucratic organization that would oversee issues of all refugee classes and the rising concerns of individual states providing refugee care themselves suggests that by 1938 it was becoming more difficult for the League in coming up with solutions that would ensure all refugees were receiving the adequate means of assistance. If the League itself was still dealing with a limited budget to help refugees, and if individual League states were unable to provide social services and economic benefits to individuals that no longer had political protection, this gave refugees, especially Jews wanting to escape Nazi persecution, very few options to migrate to.

¹⁸⁶ LN Secretary-General, "International Assistance," 3.

¹⁸⁷ LN Secretary-General, "International Assistance," 3.

¹⁸⁸ LN Secretary-General, "International Assistance," 3.

What the League decided to do was go through the Council's proposals to create a single refugee organization known as the League High Commission for Refugees. This institution would provide direct assistance to all the refugee classes that were under the supervision of both the Nansen Office and High Commission for German refugees. While the League successfully was able to create an institution that would be under League authority, it unfortunately ran into funding issues. With complaints regarding the fiscal difficulties faced by both the League and its individual members, the League could only afford a limited annual budget of 194,500 Swiss francs for the new High Commission's operations for 1939.¹⁸⁹ Even though Drummond suggested to the Supervisory Commission that it should approve another 20,000 Swiss francs to be added to the 1939 budget for the High Commission, such additions would not be able to match the yearly budgets of the two previous refugee institutions, which both averaged 378,487 Swiss francs.¹⁹⁰ With the League dealing with a smaller annual budget to provide resources for refugees, this made it even more difficult for the League to afford resources that refugees escaping from the Reich needed.

The Intergovernmental Committee: Intersection or Disjunction with the League?

While the League was continuing to oversee Europe's massive refugee situation, the American government, especially Roosevelt, began taking notice and interest on the League's handling of European refugee assistance. According to Friedman's studies, Roosevelt was inspired by the League's attentiveness in attempting to approach the question of refugees. He was also convinced that the League and its operatives were unable to resolve the refugee problem. This led to Roosevelt and Secretary of State Cordell Hull's invitation to nations across the globe to an

¹⁸⁹ LN Secretary-General, "International Assistance," 8.

¹⁹⁰ LN Secretary-General, "International Assistance," 8-9.

international conference concerning the status of refugees, otherwise known as the Evian Conference.¹⁹¹ One day later, March 24, 1938, Hull released a long statement that not only expressed American interest in the refugee issue but also declared that the government of America wanted to help lead towards a quick solution with other institutions that were trying to resolve the refugee crisis.¹⁹² Hull's statement received striking interest from League officials. This inspired officials at the Evian Conference to develop hard principles related to the handling of the refugee problem that American officials such as Roosevelt and Hull were enthusiastic about.

Some of the most influential principles established at the Evian Conference included:

- 1) all groups of refugees would not be specifically distinguished from one another;
- 2) no work of the Intergovernmental Committee would intervene with the activities of existing organizations conducting refugee aid efforts; and
- 3) no nation was not required to make changes to their current immigration regulations in order to accommodate refugees.¹⁹³

Some of these principles outlined differed from the ways the League had been approaching refugee assistance before 1938. For instance, the League had been identifying different refugee classes, and were approaching each case of refugee mistreatment separately as opposed to a universal scale. In addition, many of the provisions the League was encouraging its members to adopt when it came to the question of absorption never specified that League members were not required to amend their immigration systems. This meant that it may had been necessary for League states to make additional measures in the ways they regulated immigration

¹⁹¹ Friedman, *No Haven*, 52-53.

¹⁹² Friedman, *No Haven*, 53.

¹⁹³ Friedman, *No Haven*, 53.

if they wanted to provide refugees hospitality. The principles nevertheless showed that this American-led committee began to create a new level of urgency, leadership, and cooperation among Western diplomats in addressing the humanitarian struggles of Europe's refugee crisis. But to what extent were there cooperative measures in conducting refugee rescue between both institutions?

In simplest terms, there was little cooperation or contact between the League and the Intergovernmental Committee when it came to tackling the issue of refugees jointly during the late interwar period. One of the earliest works conducted by the Intergovernmental Committee independently on refugee policy involved confronting the German government of its inhumane treatment of those they labeled as "enemies of the state". Intergovernmental officials believed that they could resolve the refugee problem on their own through diplomacy. Unfortunately, they would find out what the League had already known, that it would be impossible to reach a diplomatic solution involving the German Nazi government. On October 13, 1938, George Rublee, an official from the Department of State, reported to the Intergovernmental Committee's chairman Myron C. Taylor that President Roosevelt's-proposed approach in confronting the German government for its atrocities against Jewish and non-German refugees only resulted in the Third Reich's reluctance in meeting with Intergovernmental officials.¹⁹⁴ During dinner for the American Committee meeting in London, American Ambassador to Britain Joseph Kennedy managed to speak with German Ambassador Joachim von Ribbentrop asking if they could talk about the numbers of individuals that were experiencing discriminatory hardship under Nazi leadership. Ribbentrop stated that Hitler was not ready to discuss the matter.¹⁹⁵ In his

¹⁹⁴ George Rublee to Tyler Myron, October 14, 1938, edited by John Mendelsohn, *The Holocaust*, Vol. 6. *Jewish Emigration 1938-1940 – Rublee Negotiations and the Intergovernmental Committee* (New York: Garland Publishing, 1982): 2-3.

¹⁹⁵ Rublee to Myron, Mendelsohn, 3.

Intergovernmental Committee report to Taylor on November 7, Rublee reported back that he was unable to formally meet with German officials on the matter of refugees as Ribbentrop opposed any further discussions on the matter of refugees.¹⁹⁶ While he did acknowledge that the Foreign Office reported that Goering would be in England between November 20th and mid-December, there did not appear to be any incentive among Rublee to address the refugee issue to the leader of the Luftwaffe.¹⁹⁷ It was concluded by Rublee that the unwillingness from Nazi officials to participate in talks over the refugee problem meant that any appeal to Hitler would produce ineffective results.

Furthermore, when the League and Intergovernmental Committee came in contact with one another when trying to sort out the Sudetenland Situation, they failed to produce a cooperative resolution. While Rublee happily accompanied Malcolm to fly to Prague to discuss the question of German annexation of Sudeten territory in relation to the issue of the Czech refugee situation, he did not find Malcolm's performance as High Commissioner impressive. In his letter to George L. Warren, President of the Intergovernmental Advisory Committee on Political Refugees, on his observations in Malcolm's efforts in Prague, Rublee stated that Malcolm was able to do very little in changing the detrimental consequences of the Sudetenland.¹⁹⁸ He also stated that the League had criticized Malcolm for attending the Prague negotiations since the League had not recognized the transfer of Sudeten areas to Germany.¹⁹⁹ Rublee's negative views towards Malcolm taking a vital charge in the issue of the Sudetenland

¹⁹⁶ Rublee to Myron, November 7, 1938, Mendelsohn, 5.

¹⁹⁷ Rublee to Myron, November 7, 1938, Mendelsohn, 5-6.

¹⁹⁸ George Rublee to George L. Warren, November 7, 1938, edited by John Mendelsohn, *The Holocaust*, Vol. 6. *Jewish Emigration 1938-1940 – Rublee Negotiations and the Intergovernmental Committee* (New York: Garland Publishing, 1982), 7.

¹⁹⁹ Rublee to Warren, Mendelsohn, 7.

refugee crisis illustrates that both the League and the Intergovernmental Committee did not see the value in Malcolm trying to resolve the humanitarian difficulties of the Czech refugees.

In addition to the Intergovernmental Committee's poor impression of Malcolm heading the High Commission Office, the American-led organization expressed having difficulties with the British government entirely. Rublee mentioned discussion over a so-called "Transfer Plan" that did not meet British expectations of such a plan. For instance, when Lord Winterton responded to the Intergovernmental Committee's memorandum on a plan to transfer the Sudeten refugees over to South America, Rublee wrote that the British government proposed to distinguish between Jewish and other involuntary emigrants; a revision in which the American government was trying to avoid from being adopted.²⁰⁰ Rublee found the proposal to be very objectionable, for he saw such revisions would provide the British a tendency to dictate which refugees would be accepted within their homeland and which be allowed access to their colonies.²⁰¹ Furthermore, Rublee insisted that if other countries such as those in South America learned that Britain was restricting refugees from entering their homeland, it might jeopardize the plan for transferring refugees. For instance, he had discussed with Heilo Lobo, a Brazilian diplomat, that if Jews were to be admitted to Brazil and other South American countries they should not point out that the majority of refugees were Jewish since this would give an incentive among the pro anti-Semitic governments to refuse such refugees entry.²⁰² Even with the American government taking charge in 1938, the legal matter of refugees was still within the arena of global politics. While Rublee's perception on League and British government activities on refugees suggests that American officials were trying to put forward recommendations that

²⁰⁰ Rublee to Warren, Mendelsohn, 7.

²⁰¹ Rublee to Warren, Mendelsohn, 8.

²⁰² Rublee to Warren, Mendelsohn, 8.

individuals such as McDonald would have appreciated, the Intergovernmental Committee found itself hitting a dead-end trying to come up with a resolution for refugees. What can also be determined from the records is that cooperation was very low between the two organizations during the late interwar period.

At the turn of 1939, the League would begin the new year with what League officials would hope to be a fresh start in tackling refugee crisis. With the Nansen Office and High Commission for Refugees from Germany terminated, Sir Herbert Emerson would begin his appointed position as the League of Nation's High Commissioner for Refugees, thus assuming responsibility of all refugee classes that was once was overseen by the two previous institutions.²⁰³ The League's first order of business was to develop policies that concerned the status of refugees from the Sudetenland. At the League's Council meeting in January, the Council extended the powers of the High Commissioner to include the refugees from the Sudetenland in the context of refugee protection.²⁰⁴

1939 was not only a year that witnessed the League's extension in its responsibilities towards regarding refugees, but it was also a year in which the League tried to reflect and reassess where there were at in terms of their progress as a global organization in providing international assistance to refugees. Political Scientist Louise Holborn noted how the League had handicapped itself in their work for refugees and had failed to treat refugee works in the context of humanitarianism as opposed through a legal context.²⁰⁵ Along with this reconsideration on how the League approached refugee works, it initially appeared that the League and the Intergovernmental Committee began to reevaluate their relations after the unfortunate turn of

²⁰³ Louise W. Holborn, "The League of Nations and the Refugee Problem," *The Annals of the American Academy of Political and Social Science* 203 (1939): 134.

²⁰⁴ Holborn, "The League of Nations," 134.

²⁰⁵ Holborn, "The League of Nations," 135.

events between Malcolm, the League, and the Committee regarding the Sudetenland dilemma. On February 16, 1939, Winterton wrote, on behalf of the American-led Committee, to Emerson that after its February 14th meeting, the Intergovernmental Committee urged closer co-operation between the Committee and the League of Nations High Commissioner in handling Europe's refugee crisis.²⁰⁶ One day later, Emerson expressed gratitude for the Committee's concerns in its relations with the League, and accepted Winterton's invitation to conduct complementary refugee policy.²⁰⁷ With this hopeful reassurance in working jointly, at least in a theoretical sense, it looked like both organizations were wanting to take 1939 as a fresh start in promoting and protecting the lives of the thousands of refugees impacted by Nazi expansion. However, this new beginning to provide more effective means of direct assistance would be interrupted with the world's most catastrophic test yet...the outbreak of the Second World War.

At first, it appeared that the large-scale conflict brought a major interruption in the discussion on refugee works for League officials. League bureaucrats struggled to propose a plan for assisting those that were devastated by the increasing struggles of the conflict. In fact, after February of 1939, there appears to be no more discussion among League officials on how they could improve their system in providing direct assistance to refugees within their official journal, especially when Nazi Germany fired the first shots in Europe against League member Poland in September 1939. The outbreak of another world war became the League's biggest global concern, as they viewed their new serious obligation was trying to punish Germany for its act of aggression against Poland.²⁰⁸

²⁰⁶ "International Assistance to Refugees," League of Nations Official Journal 20, no. Issues 3 and 4 (March-April 1939): 229.

²⁰⁷ "International Assistance to Refugees," 229-30.

²⁰⁸ League of Nations Archives, 1919-1946, "From Government of the United Kingdom to the Council and Members of the League (September 18th, 1939)," 3-5.

However, as the war progressed, a number of League reports submitted by then-acting Secretary-General Drummond suggests that the refugee issue remained foremost in the minds of League officials. As the refugee crisis intensified due to the prolongation of the war in Europe, Drummond's reports on the League's activities during the war indicates that the League started to understand the implications of Europe's mass refugee problem. In an annual League report for 1941-1942, Emerson acknowledged that once the war came to an end, there would be many foreign refugees wanting to return to their homelands. While he stated that many of the refugees that were imprisoned in concentration camps, deported for labor, or those that emigrated to escape from war-zones would be able to make such arrangements either independently or by concerned governments, Emerson believes that such arrangements would not be sufficient enough, as he recalled that it took Dr. Nansen nearly two years to provide living means to nearly half-a-million of refugees in Europe and Asia.²⁰⁹ This criticism claims to highlight that Emerson not only predicted the displaced persons' dilemma that would emerge after the World War II's conclusion, but he knew that immediate intergovernmental action would be required to help those impacted by the war, thus providing a fundamental basis for post-war international politics in approaching the refugee crisis.

At the same time, however, Emerson was concerned about the status of national citizens within impoverished European states. He believed that emphasizing too much focus on providing aid to foreign refugees could possibly lead to another displacement crisis of individuals that already were under the protection of a national government, especially in areas where regime changes preferred the return of immigrants as opposed to providing assistance for nationals.

Considering the League's experience in approaching the refugee problem for the previous twenty

²⁰⁹ League of Nations, Secretary General, *Report on the Work of the League, 1941-1942*, (Geneva, May 1942) C.35. M.35.1942r; 66.

years, Emerson believed that providing relief for individuals impacted by the war would involve more than solely relying on the financial contributions of private organizations, nor did he expect for certain emigration countries to continue to absorb refugees within their territorial spaces.²¹⁰

Emerson's claims demonstrate that he understood the League's methodological weaknesses that were preventing itself from providing direct assistance to a vast range of refugee classes. Did this mean that Emerson's criticisms would lead to developments that the League would be able to fix the refugee crisis that started in Germany and expanded across Europe?

Under Emerson's leadership of its High Commission for Refugees, the League was trying to reestablish itself as a global agency to provide direct assistance to refugees. The new High Commission for refugees was starting to bring back an institutional personality that it had been lacking since McDonald's departure of the High Commissioner for German Refugees in 1935. But this does not mean that the League was tackling the refugee problem as if it was the only refugee assistance institution. During the war, the League was starting to provide statistics to other agencies, such as the Intergovernmental Committee, and individual national governments that had the capability, if not the possibility, of providing hospitality and financial assistance to refugees wanting to escape a war-phased Europe.

Starting in 1942, the League would continue to provide statistics on the number of refugees that were fleeing to countries that declared neutrality from the conflict, particularly Switzerland and Spain. Drummond's report on Emerson's studies showed that at the beginning of 1942 there were about 6,000 German and Austrian refugees that were able to find asylum prior to the war's outbreak. Through the Emigration Office of the Swiss Federal Police, it was estimated that 2,000 of them were able to be resettled in oversea countries. Unfortunately, it was

²¹⁰ LN, *Work of the League 1941-1942*, 67.

also estimated that about 15,000 individuals were able to successfully take refuge in Switzerland after “clandestinely” crossing the border.²¹¹ The Swiss state also was running low in providing funds for re-emigration. Similarly, Spain had received around 15,000 refugees by the autumn of 1942. But it acquired a rather diverse number of refugees, as many were of Polish, Czech, Yugoslavian, and formerly Russian decent that were unable to depart from Spain.²¹² The Secretary-General’s report indicates that Emerson saw the value of neutral-declared states in Europe, for Emerson believed that such states could have been used as sanctuary areas where refugees could obtain documentation to migrate and gain forms of assistance either directly from the care-giving state or a refugee agency. However, it was claimed that Emerson realized that the WWII-neutral countries alone could not afford to provide adequate resources to the growing number of refugees.

After raising this urgent problem to the American and British governments, the United States suggested that it should help support the neutral countries in their abilities to house refugees until they could be repatriated once the war ended through the administrative powers of a new intergovernmental body. These proposals were then sent and approved by the Executive Committee of the Intergovernmental Refugees Committee. While there were no arrangements made to help those that were stranded in Spain, such proposals did pave the way towards a transfer scheme negotiated between the British Treasury and the American Federal Government that would provide remittances to persons living in the United Kingdom that were close relatives to those that were unable to leave Switzerland, Sweden, unoccupied France and the Iberian

²¹¹ League of Nations, Secretary General, *Report on the Work of the League, 1942-1943*, (Geneva: LNP, September 1943). C.25. M25.1943r.; 70.

²¹² “LN, *Work of the League 1942-1943*, 71.

Peninsula.²¹³ These diplomatic transitions suggests that because of his studies as the League's High Commissioner, Emerson was able to establish strong communication lines between the Intergovernmental Committee, individual national states, and the League in responding to urgent developments of the refugee crisis.

Not only were Emerson's works from the High Commission claimed to have created greater cooperation between the League and the Intergovernmental Committee during the war, but they helped gain the support of other organs that would pledge in providing support for refugees. Drummond reported in 1943 that a governmental character had emerged between the League High Commission, the Intergovernmental Committee, the United Nations Relief and Rehabilitation Administration, and the War Refugee Board, which pledged that all the following intergovernmental agencies would communicate with one another to work on solutions for refugee assistance.²¹⁴ Emerson received credit for his consistent acknowledgement of the pressing concerns of refugees in Europe during the war because his efforts were claimed to have helped raise the importance of taking intergovernmental action. This mobilization within the League and other intergovernmental agencies close to the League not only resulted in a greater conscience about the wartime struggles of refugees, but Drummond went on to say that it led to a number of diplomatic developments that would ensure refugees were being provided the services they needed in order to escape a war-devastated Europe both during the conflict and its immediate post-war period.

What also should be noted about Drummond's 1943 report on the League's activities is its heavy detail about its connections with the Intergovernmental Committee. In particular, he

²¹³ League of Nations, Secretary General, *Report on the Work of the League during the War*, (Geneva: LNP, October 1945); A.6. 1946pl; "International Assistance to Refugees", 114.

²¹⁴ League of Nations, Secretary General, *Report on the Work of the League 1943-1944*, (Geneva: LNP, April 1945); C.14. M.14.1945Kw; "International Assistance to Refugees", 69

discussed the adoption of recommendations that reorganized the Intergovernmental Committee. In London on August 4th, 1943, the Committee adopted a number of important recommendations in connection to its role in refugee work. Membership to the Committee was enlarged due to the decision to enlarge its responsibility to respond to the wars danger it caused on both the lives and civil liberties of refugees. The adoption of this recommendation further guaranteed the Intergovernmental Committee being the chief organ tasked with resolving the refugee crisis; the same institution that Emerson was instructed to maintain relations with by the League Assembly of 1938. The most important decision adopted by the Committee related to the financing of refugee assistance, which involved working with the governments of the United Kingdom and America and inviting other governments to help afford the transportation and living expenses for refugees and gain access to proper travel documentation.²¹⁵ Though Drummond added in his report that such contributions were to be added to the donations made by private institutions, it can be suggested that Intergovernmental Committee officials were aware that the contributions from private organizations would not enough to cover the numerous expenses involved with providing refugee aid.

In the end, these reports provide a number of explanations about the League's wartime refugee policies. The first discovery is that Emerson was a well-known and well-endorsed individual within the League, as the Secretary-General's reports appear to give Emerson an enormous amount of credit as to how the League was reaffirming itself as a refugee relief administration. But the most important aspect learned from these records is if we reference the words of the League Secretary-General it is true to say that the League was no longer the sole administrator of the great refugee problem, and that the Intergovernmental Committee became

²¹⁵ LN, *Work of the League 1943-1944*, 67-69.

the chief political body tasked with solving it. At the same time, however, it does not necessarily mean that the League completely ended its operations regarding refugee protection. It instead served a secondary role in the refugee problem by the course of the war, which was to provide intelligence to the Intergovernmental Committee and nations concerned about the refugee situation on the number of refugees that had been taken refuge and how many refugees were left that still needed care across Europe. Such reports on the work of Emerson and its connection to the global bureaucratic developments is not entirely clear and could possibly be a complete exaggeration. Nevertheless, they claim that the League High Commission still served as a functional body that was involved in addressing the refugee crisis during the war.

Conclusion

Despite the disappointing performance from the League before Europe's second major conflict, the League's value on refugee policy should not be overlooked, but not necessarily overly praised. This piece agrees with Burgess' claim that by the time the American-promoted Intergovernmental Committee was established, it would become a major agency that would oversee the issue of refugees victimized by peacetime and wartime Nazism. It is thus also true to say that the League unfortunately failed to maintain itself as a champion, if not an agency that had the competence in ensuring the protection of all refugees. But what this thesis also brings to light are the ways in which the League continued to function after the ICR emerged in 1938.

During the 1920s, the League was known for its successful interwar refugee policy under the admired Nansen, who was able to provide travel documentation and direct aid to hundreds of thousands of Russian and Armenian refugees. After his unfortunate death, the League would establish the Nansen Office to hopefully continue the successful refugee works that had been conducted under the League's first High Commissioner.²¹⁶ However, the rise of the Nazis in Germany created a new kind of refugee issue—one involving a League member. Due to this concerning development within the League, it was forced to create an autonomous Commission that would deal with the German refugee crisis.²¹⁷ While the League had full confidence that American diplomat McDonald would be able to come up with a solution, the High Commission for German Refugees was unfortunately under-resourced when it was first created. It was dependent on private organizations for funding, which could not provide enough finances to cover all migration expenses. With Germany withdrawing from the League in October 1933, and McDonald resigning his post as High Commissioner for refugees from Germany at the end of

²¹⁶ Burgess, *Refugees from Nazi Germany*, 7.

²¹⁷ Marrus, *The Unwanted*, 161.

1935, the League attempted to change its approach towards the German refugee crisis. With Sir Malcolm taking McDonald's place as the overseer of the refugee problem, the League placed the High Commission under its thumb, which enabled the Commission to receive finances and advice in addressing the refugee crisis caused by the German Nazi government.²¹⁸

Despite its institutional reorganization, the League not only continued to run into fiscal difficulties just like when the Commission was not a direct League agency. Furthermore, when it was communicating with states that were concerned about the status of refugees as the German refugee crisis escalated, both the High Commission and Nansen Office learned that there was only so much space and resources that individual care-giving nations were willing to afford to provide shelter and fiscal responsibilities. To make issues worse, with the Nazi regime expanding its borders, the number of people that the League would be responsible for would continue to substantially increase as more and more people were trying to escape the horrors of systemic Nazism and social anti-Semitism. It was then decided by the League Council to officially liquidate both offices by the end of 1938 and bring all refugee classes under the responsibility of one High Commission. At the same time, the US government became interested in the League's refugee policies and established its own global organization known as the Intergovernmental Committee for Refugees. The ICR would become the chief organ that was responsible for formulating solutions to the refugee problem that worsened under the League's watch.

However, the above evidence claims that under Emerson's leadership as the new League High Commissioner for Refugees, the League still served as a functional international refugee relief agency. They also suggest that the League was trying to improve or reposition its value

²¹⁸ Roversi, "The Evolution of the Refugee Regime," 28.

towards resolving the refugee issue. Drummond reflected that the war experience reminded League officials that the legal protection of refugees was a vital purpose as to why the League was formed in the first place. Such reminders as to why the League was established can possibly help us understand as to what prompted the High Commission's success in establishing a civil documents service which enabled refugees to acquire documentation required for re-emigrating overseas or acts of civil life.²¹⁹

Drummond also claimed that Emerson had stated that the war made many within the League circle believe that the need and scope for refugee protection would not only need to be greater than in previous years of the League agency but believed that it should remain as a significant responsibility of any international refugee authority.²²⁰ What would transpire shortly after World War II would be the rise of other global agencies that sought to address and resolve postwar refugee problems. Perhaps the most important institution that would rise after 1945 was the Intergovernmental Committee for European Migration (ICEM). In the early 1950s, many nations in Western Europe were becoming overpopulated due to a combination of the numerous displaced individuals that had migrated from Eastern Europe and its high birth rates.²²¹ Such population increases were starting to put serious weight on the plans for Europe's economic recovery, as many individuals were unemployed, separated from their families, and had no access to living necessities. To address issues related to Europe's surplus in population and migration, the US Congress passed a Mutual Security Act, as well as an appropriations act that allocated \$10 million to support what would eventually become as the ICEM.²²² This operational

²¹⁹ LN, *Work of the League during the War*, 114.

²²⁰ LN, *Work of the League during the War*, 114.

²²¹ Jérôme Elie, "The Historical Roots of Cooperation Between the UN High Commissioner for Refugees and the International Organization for Migration," *Global Governance* 16, no. 3 (2010): 349.

²²² Richard Perruchoud, "From the Intergovernmental Committee for European Migration to the International Organization for Migration," *International Journal of Refugee Law* 1, no. 4 (1989): 502.

organization would receive strong financial support from the United States; the institution would also serve as a tool that enabled states to manage and structure migration flows. Written in Article 1.2 of its Constitution, the ICEM pledged that it would:

“...make arrangements for the transport of migrants, for whom existing facilities were inadequate and who could not otherwise be moved, from European countries having surplus populations to countries overseas which offered opportunities for orderly immigration [and]...to promote the increase of the volume of migration from Europe by providing...services in the processing, reception, first placement and settlement of migrants which other international institutions are not in a position to supply.”²²³

The emphasis on transportation illustrates that the ICEM understood that when supporting migration efforts, they needed to take into consideration that there were adequate resources for refugee relief, thus creating a balance between the resources a state could provide and its inhabitants that were living and seeking refuge in. This is a prime example on the evolution of intergovernmental refugee settlement works, for such efforts are not only reflections of what the League was trying to accomplish, but also the ICEM appeared to have learned from the limitations of League refugee policy in regard to fiscal and settlement shortages.

Finally, it can be said that the League’s focus on refugee issues contributed to the U.S. government becoming a key player in international politics. Under President Harry Truman, the United States became a formal member and a driving force within the organization that would replace the League as the main global political body that would promote international cooperation – the United Nations (UN). The United States joining the UN demonstrated the

²²³ Elie, “The Historical Roots,” 350.

country had come out of its shell of isolationism and realized what McDonald had tried to get across through the minds of American officials nearly a decade ago, which was that America had a significant role in not just the course of global affairs, but also in the promotion of humanitarianism, an ideal that sprouted from the heavily focused refugee works of the League.

After analyzing the dense evolution of the League's administrative history dealing with refugees, there are a couple conclusions that can be drawn from this thesis. This study is not by any means defending the notion that the League was a flawless, successful institution on refugee assistance. It is instead describing a new perspective on the legacy of the League. There is a more detailed analysis on the League's activities from its birth in 1919 up to 1935 when McDonald stepped down as the High Commissioner tasked with settling the question of German refugees. This thesis provides a better understanding on the League's diplomatic history in the context of the German refugee crisis after 1935 and up towards the end of World War II. When comparing the governmental experiences of the League from the 1920s to those of the second half of the interwar period and during the outbreak of the Second World War, the League had always raised the question of refugee mistreatment and were trying to develop policies that would lessen or resolve the difficulties refugees experienced due to the rise and expansion of Nazism. What this thesis also accomplishes is reminding scholars the contrasting circumstances that were involved during each decade of the League's existence and how they made it not only different, but more complicated for the League in fulfilling its obligations towards refugee protection. These complications in turn help us understand the limits on what the League could or were willing to do when grappling refugee problems.

While there were ways that limited the League's ability to coordinate refugee policy during the interwar and World War II eras, it is true to say that it paved the way for the ICR to

charge in dealing with the refugee question, but the League did not halt its operations as a refugee network. The League was supposedly communicating with other organizations, namely the ICR, and was providing information and potential ideas on how refugee issues can be dealt with. While collaboration did not exist during the late interwar period, cooperation appeared to improve during the League's tenure as a secondary agent when other institutions joined the coalition to improve the lives of refugees.

One last conclusion that can be taken away from this study on the League's diplomatic history dealing with refugee works is that by the early 1930s since the League was short on resources, it relied on diplomatic personalities to get its missions accomplished. That explains why there was so much admiration and constant referencing of an individual like Nansen, who dealt with refugee questions very well, when the League created the institutions that would emerge after his death. When understanding the evolution of the League's progress on refugee problems, this piece reveals that it was more about creating individual personalities as opposed to self-sustaining institutions. The League believed that they had to rely on interpersonal relations as opposed to a number of agents that had the capacity to meet the League's expectations and hopes. McDonald was put in charge of the High Commission for German Refugees not only because of his political expertise, but for his interpersonal connections. While Malcolm was unable to match the individual qualities as his predecessor, the League had confidence that Emerson could fill in the shoes of a great refugee commissioner like Nansen. Emerson's migration to the ICR was emblematic for the League because not only was another international institution interested in his services, but it reveals what the League was struggling to do all along, which was to find someone with the right personality to solve the refugee crisis.

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