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FREEDOM OF MOVEMENT AND THE INTERNATIONAL REGIME OF PASSPORTS

by DANIEL C. TURACK*

The United Nations has decreed that 1968 shall be observed as the International Year for Human Rights. Article 13(2) of the Universal Declaration of Human Rights which embodies the principles on freedom of movement remains a standard still to be attained by many Members of the international community. In the vast majority of States any individual who wishes to move beyond the frontiers of his country, knows that he must prepare for such a venture by obtaining a travel document—usually a passport to either satisfy the laws of his own State or the laws of the State to which he seeks admittance, or both. In view of the relationship that the passport bears to freedom of movement, an examination of the achievements and shortcomings of some of the international organizations at the universal level concerned with the international regime of passports is justified at this time.

The League of Nations¹

With the advent of World War I stringent restrictions to travel were introduced in the interests of preserving national security. On the conclusion of hostilities, the barriers to travel were left intact for the most part. International travel in Europe, which prior to the war presented few obstacles to the crossing of national frontiers, became a nightmare as the traveller was confronted with many stumbling blocks at every frontier. Prominent among the impediments were the passport systems, customs control and the conditions under which through tickets were issued for trains traversing national boundaries.

The drafters of the Covenant of the League of Nations sought to free communications and transit from the fetters placed upon them by the war. Article 23 of the Covenant contained the principle of freedom of communications and transit which implied the initiation of more liberal passport systems.

(a) *The 1920 Passport Conference*

During its session at San Sebastian in 1920, the Council of the League reacted to a suggestion of the Council of Ambassadors which called for a solution to the obstacles to travel by inviting the Provisional Committee on Communications and Transit to study the problem. The Provisional Committee convened a special Conference of Experts, formally called the Conference on Passports, Customs

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¹ The efforts of the League of Nations in dealing with passport problems during the years 1920-1934 are dealt with by E. Reale, "Le problème des passeports", Hague Academy of International Law, 50 *Recueil des cours*, pp. 89-187 at pp. 120-140 (1934-iv).

Formalities and Through Tickets, at Paris which opened on 15 October 1920 with twenty-two Governments represented.²

On October 21st, the Conference concluded its sittings and submitted a number of recommendations contained in a Resolution³ to the Committee on Communications and Transit. The Committee approved the Resolution and forwarded it to the Council for approval. Prior to the Conference, optimists aimed for an arrangement to restore the pre-war conditions, that is, the total abolition of passports for travel in Europe. At the Conference, it became apparent that restoration of the previous system was impossible. However, definite constructive measures were presented. The Member States of the League were invited to adopt the recommended measures, which if implemented, would result in greater standardization and uniformity of practice. With respect to the ordinary passport the recommendations can be summarized as follows: the establishment of a uniform "international-type" of passport identical for all countries to supersede and replace all other types of passports currently in use; validity of the passport would be either two years with possible extension, or for a single journey; the fee charged for issuing a passport was not to be of a fiscal character or based on discrimination with respect to nationals and non-nationals.

Recommendations were made with respect to collective passports, primarily as to the fees for visas on family passports or collective passports for emigrants. Another important recommendation called for adjacent States, whenever possible, to enter into bilateral agreements to exempt from passport formalities, persons carrying some other forms of identification other than a passport; this was, of course, the preliminary step in any movement which had as its ultimate aim, the total suppression of passports for travel in Europe. The Conference was also desirous of having the Member Governments of the League inform the League in due course of the action taken to introduce the recommendations.

The "international-type" of passport proposed by the Conference as the prototype to replace all other types of ordinary passports would contain 32 pages. It would be drawn up in at least two languages, e.g. in the national language of the issuing country and in French, and would be in booklet form bound in cardboard, bearing the country's name at the top, the coat of arms in the centre and the word "Passport" at the bottom. Each Government was at liberty to include any additional information in the passport which might assist the bearer. A new passport would be issued whenever a passport's pages were filled. It was contemplated that the "international-type" of passport would be introduced by 1 July 1921 at the latest.

² Austria, Belgium, Bulgaria, China, Czechoslovakia, Denmark, France, Germany, Great Britain, Greece, Hungary, Italy, Japan, Netherlands, Norway, Poland, Portugal, Roumania, Serbia-Croatia-Slovenia, Spain, Switzerland and Uruguay.

³ League of Nations, *Official Journal, First Year, November-December 1920*, p. 58 *et seq.* [hereinafter referred to as *Official Journal*]. The Resolution may also be found in League of Nations, *Procès-Verbal of the 10th Session of the Council*, Brussels, 20-28 October 1920, Annex 126.

Examination of the model passport⁴ in Annex II to the Resolution shows the first page to contain the word "Passport", the name and coat of arms of the issuing country in the positions already mentioned, a statement to indicate that the passport contained 32 pages, an official government stamp, the number of the passport, name of the bearer, his wife's name if accompanying him, number of children and the bearer's nationality. The second page would contain personal particulars of the bearer and his wife as to profession, place and date of birth, domicile, face, colour of eyes and hair and any distinguishing marks. There is a space at the bottom of the page for entering the name, age and sex of the bearer's children. Page three contains photographs of the bearer and his wife which would be stamped with an official endorsement when affixed to the page, the signatures of the bearer and his spouse and the signature of the issuing officer. The fourth page indicates those countries for which the passport is valid, the date of expiry, the place and date of issue and spaces for renewal. Presumably the remaining blank pages were reserved for visas.

Two observations are in order concerning the Resolution's contents. First, it was very noticeable from the details pertaining to visas that this barrier to travel was widely in use and unfortunately was part of the practice of most States. Second, it was acknowledged that a State could issue one of its passports to either a national or a non-national. In the latter instance, where such practice prevailed, it served as one of the reasons why a passport was accepted as only prima facie proof of nationality and not conclusive proof of this status.

On 18 November 1920, the Secretary-General of the League forwarded the Resolution to all Member States of the Organization as well as to the governments of certain other countries, requesting them to inform him within three months of what measures they would take to give effect to all or part of the recommendations embodied in the Resolution. The request did not draw forth very much response as the Secretary-General had to write again on 7 May 1921 to the States which had not replied. Further efforts to obtain a response were made by the Assembly of the League in its resolution adopted in July 1921 and by the Secretary-General in his letter of 17 October 1921.

The answers given by thirty States⁵ revealed that most of them had given practical effect to the Resolution or were prepared to comply in the near future. Countries in Eastern Europe indicated

⁴ A model of the international-type of passport as would be delivered by the Spanish Government appears as Annex II to the Resolutions.

⁵ Australia, Austria, Belgium, Bulgaria, Canada, China, Czechoslovakia, Denmark, Finland, France, Germany, Great Britain, Greece, Hungary, India, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Roumania, the Serb-Croat-Slovene State, Siam, South Africa, Spain, Sweden, Switzerland and Venezuela. The replies are found in League of Nations, *Advisory and Technical Committee for Communications and Transit, Replies of the Governments to the Enquiry on the Application of the Resolutions relating to Passports, Customs Formalities, and Through Tickets*, Geneva, 1922 (Doc. C.183.M.101.1922.VIII).

that at the time it was too difficult to make any substantial modifications to their existing regimes. A number of countries announced a willingness to adopt the recommended measures on the condition of reciprocity.⁶

(b) *The Conferences At Porto Rosa And Graz*

The 1920 Passport Conference had an immediate impact on the States to succeed the old Habsburg Monarchy, the so-called "Succession States" of Czechoslovakia, Italy, Poland, Roumania and Yugoslavia. When representatives of these States met at the Conference at Porto Rosa⁷ on the Coast of Istria in November 1921, the matter of transportation of travellers was considered. This question led to a discussion concerning implementation of the recommendations enunciated by the 1920 Passport Conference. It was felt that a supplemental conference was necessary and to this end the representatives agreed to request the Government of the Austrian Republic to convene a conference of the Succession States at Graz on 16 January 1922 to discuss measures calculated to ensure the application of the recommendations on passports and visas adopted by the 1920 Passport Conference, and study further facilities to be granted in the future which would result in regularizing the circulation of travellers.

The Conference opened at Graz as scheduled and on 27 January 1922 an Agreement⁸ between Austria, Czechoslovakia, Hungary, Italy, Poland, Roumania and the Kingdom of the Serbs, Croats and Slovenes regarding passports and visas was signed. On the topic of the issue of passports, the Contracting Parties agreed to adopt the ordinary "international-type" of passport which could have slight modifications.⁹ Principally, they endorsed, for reasons of economy, the issuance of a passport containing only 12 pages if it were issued for a single journey and had visible difference with respect to emigrants' passports. Furthermore, the Parties found it desirable to enlarge the spaces for the description of the bearer, particularly as concerns name and profession, to insert a notation of the bearer's citizenship, and to amplify his physical description. The passport could also contain a statement to show that it was issued in the name of the chief executive.

⁶ The passport was abolished as a prerequisite for travel, on a reciprocal basis, for nationals of Belgium, France and Luxembourg. They agreed to accept an official identity card when presented in lieu of a passport, *supra* note 5, reply of France. With respect to the Belgium-France Agreement see, France, *Journal des Débats*, 20 juin 1922. A similar agreement was concluded between Norway and Sweden. Belgium concluded an agreement with the Netherlands soon afterwards abolishing the passport requirement for travel by their nationals to the other Party's territory.

⁷ See, J. T. Shotwell, "The Portorose Conference", *International Conciliation*, No. 176 (July 1922).

⁸ League of Nations, *Treaty Series*, Vol 9, p. 291. Ratifications were deposited by Austria, Hungary, Italy and Czechoslovakia at Vienna on 27 March 1922. The Agreement is also found in J. T. Shotwell, *supra* note 7 at p. 85 and League of Nations Doc. C.423.M.156.1926.VIII, Annex 1, p. 72.

⁹ The Recommendations are found in J. T. Shotwell, *supra* note 7 at pp. 90-91.

The duration of validity of the passport could not exceed two years nor be less than one year "save in exceptional cases were the passport is valid for a shorter period, but only in the case of a passport issued for a single journey". Fees levied for passports were not to depend upon countries to be visited nor was it to be in the nature of a tax; the fee was to be the same for nationals and non-nationals.

The Agreement stipulated that these provisions were also to apply to family passports which were to be available for the husband, wife and children under fifteen years of age. Fees for the family passport were to be the same as for an individual passport.

(c) *Developments Between The First And Second
Passport Conferences*

The Genoa Economic Conference held during May 1922 found merit in the recommendations announced by the 1920 Passport Conference, and urged the League to further their acceptance and application.¹⁰

Rome hosted the International Conference of Emigration and Immigration which opened on 15 May 1924 with forty-six Governments represented.¹¹ Questions of simplification of passports and consular visas were among the topics discussed at the sessions. The general consensus of the delegates favoured abolition of passports for travel as soon as possible but interim measures were necessary until the goal was attained. Such measures included a simplification of the passport system with respect to emigrants by adopting a uniform type of ordinary and family passport which could be issued at a lower cost than current charges and on a uniform basis. The delegates also wanted a simplified and accelerated procedure for issuing passports to emigrants as well as a decentralization of offices of the passport issuing authorities in order to save the emigrants the expense of travel to the office to secure the passport. Apparently, it was standard practice in most countries to interview passport applicants for the purpose of establishing positive identity and obtaining answers to supplemental questions regarding their proposed trip. These proposals were incorporated in a resolution which was adopted by the Conference during its sessions.¹²

More important than the aforementioned resolution was the Conference's recommendation which called upon all States to agree, and emigration countries in particular, to establish a uniform type of

¹⁰ *The Genoa Conference And The League of Nations* (Geneva, 1922), League of Nations Doc. C.423.M.257.1922, pp. 4-5.

¹¹ Afghanistan, Albania, Argentina, Austria, Belgium, Bolivia, Brazil, Bulgaria, Chile, China, Costa Rica, Cuba, Czechoslovakia, Danzig, Ecuador, Egypt, Estonia, France, Germany, Guatemala, Haiti, Hungary, India, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Mexico, Monaco, Netherlands, Panama, Paraguay, Persia, Peru, Poland, Portugal, Roumania, San Marino, Siam, Spain, Switzerland, U.S.A., Uruguay and Venezuela.

¹² League of Nations, *Advisory and Technical Committee for Communications and Transit*, 16th Session, 1931, Annex 5, p. 62 (League of Nations Doc. C.417.M.173.1931.VIII).

identity book¹³ which would be issued to emigrants gratis or at a minimum price.¹⁴ The identity book envisaged by the Conference would entitle the bearer to the same advantages as the passport and would contain the following data: the bearer's name, sex, age, nationality, profession, last place of residence, particulars about his family, country in which he proposed to settle and photograph.

Following the 1920 Passport Conference, the Advisory and Technical Committee for Communications and Transit continued to observe developments in the passport field. On receipt of the results of the International Conference of Emigration and Immigration, the Advisory and Technical Committee set up an ad hoc Committee of Experts to study the modes of implementing the Conference's proposals and report to its special Sub-Committee. In its report,¹⁵ the Committee of Experts associated itself with the recommendations of the 1924 Conference and supported the introduction and general use of identity books in preference to the continuation of the operating passport regime for emigrants. The experts felt that an identity book, based on the model¹⁶ attached to their report would prove of greater assistance to the emigrant than a passport, and would be indispensable to the emigrant in his own interests particularly with respect to: (a) easy and certain proof of his identity; (b) assistance to consuls; (c) facilities for establishing a domicile in the country of immigration; (d) drawing-up of official documents for the emigrant and his family such as birth certificates, a marriage certificate and a death certificate; (e) entering into labour and other contracts; (f) participation in social insurance and workmen's compensation for accidents; and, (g) travelling facilities. One might say that a passport could render the same result, however, in their experience the experts preferred to endorse the identity book concept rather than the passport for emigrants.

In preparation for a second passport conference, the Advisory and Technical Committee devised and addressed a questionnaire on passport and visa practices to the League Members as well as to Ecuador, Germany and the United States of America. The questionnaire was designed to see what measures had been taken by the addressees to implement the recommendations of the aforementioned conferences and to aid the imminent conference as to what steps might be taken

¹³ The prototype of identity book proposed is found in League of Nations, *Advisory and Technical Committee for Communications and Transit, Passport Conference, 1925, Annex, Appendix 1* (League of Nations Doc. C.639.M.218.1925.VIII), or in League of Nations Doc. C.423.M.156.1926.VIII, Annex III, Appendix 1.

¹⁴ League of Nations, *Advisory and Technical Committee for Communications and Transit, Passport Conference, Preparatory Documents, Report adopted by the Sub-Committee on the Passport Regime in Paris, October 5, 1925, Annex, p. 4* (League of Nations Doc. C.639.M.218.1925.VIII).

¹⁵ *Id.*

¹⁶ League of Nations, *Organization for Communications and Transit, Passport Conference, Geneva, May 12th to 18th, 1926, Annex 3, Appendix 1* (League of Nations Doc. C.423.M.156.1926.VIII).

to improve the system. Replies from forty-one States¹⁷ indicated that suppression of the passport for crossing national boundaries on short visits was not popular. Obviously tourism was underdeveloped and its potential to the national economy was still unheralded. Twenty-seven States either adopted the international-type of passport with slight modifications or were about to do so in the immediate future. Twenty countries issued a recognized travel document which was valid for two years or more. Fees for the issue of passports did not reflect, for the majority of countries, implementation of the 1920 Passport Conference recommendations. Only one country issued their nationals, who intended to emigrate, a passport which differed from the ordinary passport, and only one country issued emigrants with the ordinary passport free of charge.¹⁸ Six States indicated specifically that they did not issue a family passport while twenty-six States responded that the fee was the same for family passports as for the individual passport.

(d) *The Second Conference on the International Regime of Passports*

In 1925 the Advisory and Technical Committee on Communications and Transit decided that the time was ripe for a fresh examination of the passport regime in order to infuse further momentum to meet the requirements of the changing times. The Committee instructed its special Sub-Committee to study the question as a whole and to prepare an agenda for a conference. On 5 October 1925, the Sub-Committee completed its task and submitted a report¹⁹ to the Advisory and Technical Committee. The Second Passport Conference convened by the League Council opened at Geneva on 12 May 1926 with thirty-eight Governments represented.²⁰ The programme of the Conference was based largely on the contents of a resolution of the Sixth Assembly of the League which recommended that steps be taken towards suppressing the passport regime to the widest extent possible, in order to mitigate the disadvantages and expenses perpetuated by that system.

¹⁷ Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Cuba, Czechoslovakia, Denmark, Estonia, France, Germany, Great Britain, Guatemala, Hungary, India, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Palestine, Panama, Poland, Roumania, Kingdom of the Serbs, Croats and Slovenes, Siam, Sweden, Switzerland, Union of South Africa, U.S.A., Uruguay, Venezuela.

¹⁸ League of Nations, *Advisory and Technical Committee for Communications and Transit, Replies of the Governments To The Questionnaire Regarding Passport Regulations*, 1925, and Addenda (League of Nations Doc. 405.M.143.1925.VIII); League of Nations, *Organization for Communications and Transit, Passport Conference*, Geneva, May 12th to 18th, 1926, Annex 8 (League of Nations Doc. C.423.M.156.1926.VIII).

¹⁹ League of Nations, *Advisory and Technical Committee for Communications and Transit, Passport Conference, Preparatory Documents*, Geneva, October 12, 1925 (League of Nations Doc. C.639.M.218.1925.VIII).

²⁰ Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Cuba, Czechoslovakia, Danzig, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary, India, Ireland, Italy, Japan, Latvia, Liberia, Netherlands, Nicaragua, Norway, Poland, Portugal, Roumania, Kingdom of the Serbs, Croats and Slovenes, Siam, Spain, Sweden, Switzerland, Turkey, Union of South Africa and Uruguay.

The participants at the Conference decided that the time had not arrived for the total abolition of passports on a universal basis. As the passport remained the most conventional inter-State travel document, the Conference offered recommendations to improve it. Discussions revealed a large number of States now issued a better quality international-type of passport at a reasonable fee and with a validity of at least two years. At the suggestion of the German delegation, the Conference studied the question of identity documents for persons without nationality. Prior to the Conference the German Consul-General wrote to the Secretary-General of the League on the subject of the issue of uniform internationally recognized passports to persons without nationality; he stated:

“As a consequence of the far-reaching political changes of the last ten years, many people have lost touch with the countries to which they formerly belonged, and in many cases have lost their previous nationality, without being in a position either to recover it or to acquire a new nationality within a reasonable space of time. These persons without nationality are not as a rule in possession of the papers of identity required by the regulations of the States in which they reside, and their freedom of movement is therefore, in many cases, much restricted.

“In the case of one group of such persons, namely, Russian refugees, a uniform internationally recognised passport—the so-called Nansen passport—has been issued on the initiative of the League of Nations and has been adopted and recognized by a large number of States.

“For persons who do not belong to this group, however, there is no corresponding document of identity. We believe that most States have taken to providing such persons with provisional passports. These, however, are not always recognised by certain States to which their holders wish to travel and, according to the experience acquired in Germany, this circumstance is often a cause of great hardship to individuals. In order to remedy this situation the German Government ventures to propose as a subject for discussion the general introduction of a uniform identity certificate . . . for all persons who are not able to obtain national passports.”²¹

The Conference found merit in the German proposal and requested in the Final Act that the League prepare, with the assistance of experts of those States most immediately concerned, a draft arrangement based upon the principle of the introduction of an internationally recognized identity document.²²

The proposed special identity book for emigrants was unanimously rejected. A wide divergence of opinion on the question failed to narrow down the issues. Countries of immigration did not require the type of data found in the model document and regarded much of the information therein as superfluous. The physical structure of the model was unacceptable as it lent itself to easy forgery. Some States envisaged the document as co-existing with, and supplemental to, the passport, which would defeat the very purpose of its existence. Shipping companies which carried the emigrants looked upon the proposed document as an additional time-waster that would increase red tape

²¹ League of Nations, *Organization for Communication and Transit, Passport Conference*, Geneva, May 12th to 18th, 1926, Annex 2, Appendix (League of Nations Doc. C.423.M.156.1926.VIII).

²² League of Nations, *Passport Conference*, May 12th to 18th, 1926, p. 9. (League of Nations Doc. C.320.M.119.1926.VIII).

unless completely substituted for the passport. Finally, there was the absence of a uniform definition of an emigrant which was a prerequisite for any international agreement.

Proposals for the total abolition of passports were deemed to be too radical at the time although from the discussions it emerged that several European countries were in favour of bilateral agreement between neighbouring countries to suppress the passport requirement for travel between their territories by their nationals, e.g. Belgium and the Netherlands, and, Latvia and Estonia. The Conference, in recognizing the value of passports as establishing identity, the right to travel and the general consensus that it was necessary to the crossing of frontiers, recommended bilateral or multilateral agreements to facilitate passage of frontiers.

On the issue of passports, the Conference supported the international-type of passport, and recommended that States not already using it, do so, and incorporate the improvements listed in the annex to the report of the Conference. These improvements included various precautions that might be taken against fraud; that a full page should be used for renewals to follow the page on which the period of validity is shown; and, a prohibition against inserting additional pages into the passport. The annex reflects agreement with respect to family passports, that is, the family passport could be used by the head of the family when travelling alone, but not by the wife or children travelling without him. Widows, however, were considered as being the head of the family. Lastly, the Conference saw no objection to the use of collective lists in lieu of passports, for collective journeys by members of clubs or societies, if Governments could be satisfied about conditions enabling them to keep a check.

The Conference recommended that the duration of validity of a passport be a minimum of two years, and if possible, approach a validity of five years. Ordinarily, passports were to be valid for all foreign countries or for as many countries as possible. Passport fees were recommended to equal the expenditure involved by the Government in the preparation and issue of the document.

Unfortunately, proposals submitted by the Hungarian delegation which invited the Conference to consider the objects of a passport and a possible code of passport regulations²³ failed to gain approval. Both subjects if aired at a forum attended by so many experts on passports might have brought agreement and uniformity of practice. Indeed, both proposals are still in need of investigation today.

(e) *The Third General Conference On Communications And Transit*

In accordance with the resolution of the Second Passport Conference as regards travel facilities for persons without nationality, the Advisory and Technical Committee instituted a preliminary enquiry into the question raised in the resolution and asked the League

²³ League of Nations, *Organisation for Communication and Transit, Passport Conference*, Geneva, May 12th to 18th, 1926, p. 53 and Annex 13 (League of Nations Doc. C.423.M.156.1926.VIII).

Council either to convene an international conference in 1927 to deal with the matter or to add it to the agenda of the Third General Conference on Communications and Transit. The latter course of action was approved. A Committee of Experts carried out the preliminary enquiry and made their report to the Advisory and Technical Committee on 13 January 1927.²⁴ Although the terms of reference asked that the study be concerned with "persons without nationality", the experts expanded these terms to include persons of doubtful nationality, a classification of persons who also experienced difficulty in obtaining passports to enable them to travel, e.g. persons whose nationality was not in doubt but to whom their own diplomatic or consular authorities refused to grant a national passport for various reasons; the expanded terms were broad enough to include persons already entitled to receive the Nansen passport. Furthermore, the experts interpreted their assignment as intending the facilitation to travel of these persons by some international identity document, and they believed that that document should be a passport. Accordingly, they recommended a passport modelled on the specimen recommended by the 1926 Passport Conference with some special features to distinguish it from the ordinary passport which would be issued to these groups of persons by the authorities of their State of residence.

A draft arrangement providing for the establishment of a passport for persons without national passports and draft recommendations to carry out the programme were annexed to the report of the Committee of Experts. These drafts were turned over to one of three committees set up by the Third General Conference which in turn handed the drafts to its Sub-Committee for further study. The Sub-Committee submitted a report²⁵ and four recommendations²⁶ which were eventually presented to the Conference on 2 September 1927. On the same date the Conference adopted the recommendations without further comment.

Recommendation one calls for the issue of a uniform model document identical to the international-type of passport advocated by the 1926 Conference with a number of slight modifications, to persons without a nationality or of doubtful nationality in consequence of the war, or for causes arising directly out of the war, or due to the non-delimitation of frontiers or a conflict of laws. Modifications included the title on the cover which would become "Identity and Travelling Document" instead of "Passport", a one centimetre wide black line drawn in the left top corner of the cover and at the foot of the first page the following two statements would be printed one below the other:

²⁴ League of Nations, *Third General Conference On Communications And Transit, Preparatory Documents*, Vol. II, Geneva, March 1927, p. 8; *ibid.*, Vol. III, Geneva, November 22, 1927, Annex 1, p. 31. (League of Nations Doc. No. C.558(b).M.200(b).1927.VIII).

²⁵ League of Nations, *Third General Conference On Communications And Transit*, Vol. III, Geneva, November 22, 1927, Annex 9 (League of Nations Doc. C.558(b).M.200(b).1927.VIII).

²⁶ *Id.*, Annex 8.

- "1. The holder of the present document is not qualified to obtain a national . . . passport.²⁷
2. Information which the authority issuing the identity and travelling document may consider necessary."

In the indications concerning identity and journey, the expression "actual residence" would be substituted for "domicile".

On the fourth page of the identity and travelling document beneath the statement mentioning those countries for which the document is valid, a statement would appear to indicate that the bearer was authorized to return to the issuing country during the validity of the document. A State could strike out the return clause when issuing the document. States adopting the recommendations will accept the document as valid for the journey with or without the return clause and will notify the Secretariat of the League of its intention to do so.

In the second Recommendation, it was understood that a Government issuing the identity and travelling document could extend its validity, renew it, withdraw it at any time or issue a new document when it expires. The authorities of the territory in which a bearer of this document happens to be could issue him with their identity and travelling document if the document which he presently holds, expires. Whenever a new document was issued, the expired document would be withdrawn.

Recommendation three deals with visas and otherwise provides that the document be valid for six months and valid for all countries or as many countries as possible. In the fourth Recommendation, a country accepting the foregoing Recommendation was asked to permit any travel document which it had already issued to these classes of persons, to expire, and further brought to notice the following essential points: that issue of the identity and travelling document did not entitle the holder to claim protection from the issuing country; that the issue of the document did not confer a right to protect upon the issuing authority; that neither the issue of the document nor the entries thereon could determine or affect the holder's actual status, particularly as to his nationality; that the Recommendations do not affect the laws or regulations of any country concerning entry, residence and establishment or persons to whom the Recommendations apply; that the Recommendations do not affect any resolution or agreement concerning Russian, Armenian or similar classes of refugees already adopted or to be adopted subsequently.

(f) *Implementation of the Recommendations of the 1926 Passport Conference and the 1927 General Conference*

During its sessions in 1928 the Advisory and Technical Committee for Communications and Transit decided to launch two inquiries on what action had been taken by Governments with regard to the recommendations adopted by the 1926 Passport Conference and the

²⁷ The blank would be replaced in the document by a printed indication of the country which issued it, e.g., Austria, France, Germany, etc.

1927 General Conference on Communications and Transit. On instructions from the Advisory and Technical Committee, the Secretary-General of the League forwarded a circular letter to the Governments on each topic. In looking first to the results of the 1926 Passport Conference, we note that thirty-one Governments responded.²⁸ Generally,²⁹ these recommendations were widely accepted and applied. Bilateral agreements for waiver of the passport requirement had been concluded by Greece with Albania and the Kingdom of the Serbs, Croats and Slovenes, and by Poland with Germany and Czechoslovakia.

Thirty Governments replied to the other enquiry and indicated a variety of practices.³⁰ With the exception of Latvia, all of the Governments stated that they recognized the Identity and Travelling Document for purposes of entry and sojourn in their territory. Only fifteen Governments either issued or were about to issue the document.³¹ Canada, Denmark, the Netherlands, Siam and Sweden responded that they would not issue the proposed document as they issued their own type of document in such circumstances. Belgium and Estonia were not going to issue the recommended document as they issued these categories of persons with a version of the Nansen passport. Finally, Egypt, Finland and Japan answered that they found no need to issue such a document at the time.

(g) *Final Developments*

Mention should be made, I believe, of the European Conference on Cards for Emigrants in Transit convened by the League at Geneva during June 1929, which resulted in the conclusion of an Agreement abolishing visas for emigrants in transit.³² The question of passports only arose indirectly without any formative steps being taken, however the Conference was important in that its above-mentioned accomplishment facilitated the path of the emigrant who went overseas from Europe.

The Advisory and Technical Committee kept a supervisory watch over the progress made by the League Members in adopting the various recommendations of the international conferences, occasion-

²⁸ League of Nations, *Advisory and Technical Committee for Communications and Transit, Action Taken By Governments On The Recommendations Adopted By The Second Conference On The International Regime Of Passports, Geneva, 1929* (League of Nations Doc. C.133.M.48.1929.VIII).

²⁹ I say "generally" because the document listed in the last footnote contains only extracts of the Replies, hence only a few sentences may appear under the heading of a country to show that it had implemented the recommendations, for the most part.

³⁰ League of Nations, *Advisory and Technical Committee for Communications and Transit, Action Taken By Governments On The Recommendations Of The Third General Conference On Communications And Transit Concerning Identity And Travelling Documents For Persons Without Nationality Or Of Doubtful Nationality, Geneva, June 1929* (League of Nations Doc. C.245-M.84.1929.VIII).

³¹ Australia, Austria, Bulgaria, France, Germany, Great Britain, Greece, Hungary, India, Italy, Luxembourg, Norway, Portugal, South Africa and Switzerland.

³² League of Nations, *Organization For Communications and Transit, European Conference On Cards For Emigrants In Transit, Geneva, June 10th to 14th, 1929* (League of Nations Doc. C.326.M.112.1929.VIII).

ally directing an inquiry to ascertain the state of their implementation. In 1935 a special study was undertaken by a group of experts on tourist traffic set up by the Economic Committee which considered various means of promoting and developing international tourism. In the course of their examination, the experts wanted an up-to-date picture as regards passports and the acceptance of documents in lieu of passports. Their study³³ contains a recommendation that the efforts of the 1926 Passport Conference should be implemented. They found the practice of some States making the passport fees so high to their own nationals who wanted to travel outside of their country that other countries were provoked or encouraged to retaliate by raising their passport fees.³⁴ The Advisory and Technical Committee also considered this study at its session in November 1935³⁵ and instructed the Secretariat to inquire of the Governments concerned the extent of their application of the recommendations of the 1926 Passport Conference. Thirty-six Governments answered to the Secretary-General's inquiry,³⁶ and indicated that further bilateral and multilateral agreements had been concluded for waiver of the passport requirement. Most prominent among these agreements was the Agreement between the Scandinavian countries, Denmark, Finland, Iceland, Norway and Sweden on the topic which was in operation in some of the countries since 1929. Under the Agreement, the nationals of any of the Parties could enter the other countries without a passport if they possessed a "Northern travelling-card (Nordisk Rejsekort)" which was issued at a modest sum. Bilateral agreements calling for reciprocal suppression of the passport requirement for travel by their nationals as tourists to the other's territory were concluded by Belgium with France, Luxembourg, Monaco and the Netherlands, between Denmark and Germany, by the United States of America with Canada and Mexico, by Italy with Austria and Switzerland, by Japan with China and Manchukuo, by Switzerland and Liechtenstein with France, Belgium and Luxembourg.

Because of the general nature of some of the replies, it is difficult to draw a detailed analysis without getting a distorted picture. Consequently, I find that the great majority of replies reflect an acceptance of the recommendations apposite to the international-type of passport, and the duration and extent of the document's validity. The

³³ League of Nations, *Economic Committee, Survey of Tourist Traffic considered as an International Economic Factor*, Geneva, January 22, 1936 (League of Nations Doc. C.3.M.3.1936.II.B).

³⁴ *Id.*, Annex III.

³⁵ League of Nations, *Advisory and Technical Committee for Communications and Transit*, 19th Session, Geneva, 1935, pp. 119-121 (League of Nations Doc. C.458.M.240.1935.VIII).

³⁶ League of Nations, *Advisory and Technical Committee for Communications and Transit, Passport System, Replies from Governments*, Geneva, August 31, 1937 (League of Nations Doc. The Governments to reply were: Australia, Austria, Belgium, Bulgaria, Canada, China, Czechoslovakia, Danzig, Denmark, Estonia, Finland, France, Greece, Hungary, Iceland, India, Iran, Iraq, Ireland, Italy, Japan, Latvia, Liechtenstein, Monaco, Netherlands, New Zealand, Norway, Poland, Siam, Sweden, Switzerland, Union of South Africa, United Kingdom, U.S.S.R., U.S.A. and Yugoslavia. League of Nations Doc. C.356.M.241.1937.VIII).

data relating to fees cannot be used to appraise the situation although reliance on the 1935 study by the experts responsible to the Economic Committee would suggest that most Governments had not accepted the 1926 Passport Conference recommendation. No indication was offered as to the acceptability of the recommendation which called for greater facility for obtaining passports through decentralization of passport offices.

The United Nations

The end of the Second World War brought a new interest in the international regime of passports. Some Governments in Europe became immediately concerned with facilitating travel, particularly for minor frontier traffic³⁷ or frontier workers,³⁸ while others sought to establish greater freedom of movement for their nationals³⁹ by abandoning the passport requirement through bilateral agreement.

With the establishment of the United Nations, the related subjects of passports and frontier formalities were by virtue of the broad terms of Article 62 of the United Nations Charter, within the purview of the Economic and Social Council (hereinafter referred to as the Council). The Council soon concerned itself with these subjects and on 21 June 1946, adopted a resolution calling for a committee of experts to be constituted as soon as possible to take preparatory steps for a world conference on passports and frontier formalities. This type of conference was favoured by some countries particularly hard hit by the war as it was felt that the effects of the conference would rejuvenate economies by stimulating tourism thus aiding the balance of payments.

(a) *The Meeting of Experts to Prepare for a World Conference on Passport and Frontier Formalities*

The Meeting of the Committee of Experts⁴⁰ was held in Geneva during 14-25 April 1947 and resulted in the preparation of a Report⁴¹ subsequently submitted to the Council. In examining the recommendations of the Meeting which deal specifically with passports, we find a

³⁷ See the Agreement between France and Belgium concerning minor frontier traffic signed at Paris on May 1945 which provided for the use of a "frontier permit", United Nations, *Treaty Series*, Vol. 23, p. 215.

³⁸ The Agreement mentioned in the last footnote also revived the Agreement between Belgium and France regarding frontier workers which had been signed at Paris on 9 May 1935 providing for crossing the frontier with a "frontier card", League of Nations, *Treaty Series*, Vol. 162, p. 437.

³⁹ See the Exchange of Notes Between Belgium and Luxembourg at Brussels on 17 and 28 April 1945 constituting an Agreement on the re-establishment of the free movement of persons thereby allowing frontier-crossing with only an identity card, United Nations, *Treaty Series*, Vol. 41, p. 265.

⁴⁰ Governments officially represented on the Committee of Experts were Argentina, Australia, Belgium, Bolivia, Canada, China, Chile, Colombia, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, India, Iraq, Lebanon, Luxembourg, Mexico, Netherlands, Norway, Poland, Sweden, Turkey, Union of South Africa, United Kingdom, U.S.A. and Venezuela.

⁴¹ Economic and Social Council, *Official Records*, Second Year, 5th Session, Supplement No. 1, 1947 (United Nations Doc. E/436). The recommendations of the Committee of Experts are found in the Appendix to the Report.

recognition that the pre-1914 conditions simply did not exist at the time to warrant a return to the no-passport-for-travel concept. However, it was felt that on a limited basis the suppression of passports was feasible, and the Committee of Experts encouraged bilateral and multilateral agreement along these lines. Full support was given to the use of the international-type of passport recommended by the 1920 and 1926 Passport Conferences or an improved version thereof as long as it incorporated the international-type characteristics. The aim, in this context, was to achieve a universally recognized type of document which would defy any unauthorized alterations, contain a suitable description of the bearer and a clear definition of his national status.

As for the extent and duration of validity of the passport, the Meeting recommended only a two-year period and if possible, a validity of five years, which took into account the practice of States already issuing passports valid for five years. The Experts supported easy renewals of the passport for the same period as the initial issue but total validity was not to extend beyond ten years. Passports were to be valid for all foreign countries or as many countries as possible, and issued at a fee not exceeding the cost of preparation and issue. On the subject of formalities for obtaining passports the Meeting were disposed to endorse maximum simplification as well as decentralization of passport offices in order to be within reasonable reach of the applicant.

Collective passports were also considered by the Committee of Experts which generally advocated their use only for special purposes with proper safeguards. They did however, indicate that a more liberal use of this document could be made by mutual agreement. Fees envisaged for a collective passport were to be the same as for a single passport.

As for frontier formalities, the Experts recommended that passport control on entry and exit of a territory should be expeditious. Retention of the traveller's passport by the host country as a standard practice was totally unacceptable, but it could be exercised in a situation if "the interests of justice or public order" of the host country were affected. The final recommendation proposed that another Meeting take place on the same subjects after a suitable interval, hence the idea of a world conference to follow the present Meeting was untenable.

(b) *Acceptance and Implementation of the Recommendations*

The Report and recommendations of the Meeting were communicated to the Member States of the United Nations by the Secretary-General who was requested by the Council to collect information from the Member States concerning their practices and the extent of their willingness to conform to the recommendations of the Experts where their practices differed. The Member States were also informed of the Council's view that it was desirable to reduce, simplify and unify passport and frontier formalities to the point that it would be consistent with national security. Between 1947 and 1951,

replies were received from forty-seven Governments⁴² which showed widespread uniformity of practice in conformity with the 1947 recommendations. Some fourteen bilateral agreements were reported to have been concluded in the post-war period to reciprocally abolish the passport requirement,⁴³ whereby each State would accept and recognize identity cards or tourist cards⁴⁴ as a suitable travel document. This co-operation was most significant to tourism in view of the simplified procedure in obtaining the alternative travel document to that demanded in the issuance of passports. The "international-type of passport" appeared to be widely used as the established form of passport. State-practice with respect to the extent and duration of validity of the passport was in the great majority of replies coincidental with the 1947 recommendation. The same may be said of the recommendation advocating that passports be valid for as many countries as possible.

A study of the replies by the States does not reveal very much progress in decentralization of passport offices, or simplification of the procedure to obtain a passport. Adoption and use of the collective passport out side of the European countries did not gain much support. On the other hand, there appeared to be a greater liberalization of attitude towards frontier formalities. Retention of the visitor's passport by the host State during the duration of his stay was still practised by a few States on the ground of security.

The Secretary-General continued to follow the progress on implementation of the 1947 recommendations and periodically reported⁴⁵ on the state of developments to the Transport and Communications Commission of the Economic and Social Council. In response to an inquiry addressed to the Member Governments of the United Nations by the Secretary-General in 1955 and 1956 as to the implementation

⁴² The replies can be found in United Nations Doc. E/517, 2 August 1947; E/CN.2/28/Part II, April 1948; E/CN.2/63/Part II, 11 March 1949; and, E/CN.2/99, 26 January 1951.

⁴³ United Nations Doc. E/CN.2/99, 26 January 1951, p. 92. See also, United Nations Doc. E/CN.2/124, 17 October 1952, Annex 2, p. 16. Not all of the bilateral agreements were registered with the United Nations. Agreements were concluded between Belgium and France, United Nations, *Treaty Series*, Vol. 30, p. 45, Vol. 31, p. 489, Vol. 65, p. 139, Vol. 47, p. 365, Vol. 48, p. 306, Vol. 71, p. 313; Belgium and Luxembourg, United Nations, *Treaty Series*, Vol. 41, p. 13, Vol. 65, p. 147, Vol. 79, p. 328; Belgium and the Netherlands, United Nations, *Treaty Series*, Vol. 68, p. 45; Argentina and Brazil; Canada and the United States of America; Mexico and the United States of America; France and Luxembourg; France and Switzerland; Colombia and Ecuador; Costa Rica and El Salvador; Guatemala and El Salvador; Guatemala and Costa Rica; Luxembourg and Monaco; and, Luxembourg and the Netherlands. In addition to the 14 above-mentioned bilateral treaties, the following bilateral agreements abolishing the passport requirement were also concluded during 1947-1951, Belgium and Monaco, United Nations, *Treaty Series*, Vol. 51, p. 93; Belgium and Switzerland, United Nations, *Treaty Series*, Vol. 71, p. 91; Belgium and Austria, United Nations, *Treaty Series*, Vol. 110, p. 45.

⁴⁴ United Nations Doc. E/CN.2/99/Add.1, 16 March 1951, pp. 8-9; E/CN.2/63/Part I, 14 March 1949, p. 5. These documents were accepted for short-term visits not extending, in most cases beyond three months.

⁴⁵ See, United Nations Doc. E/CN.2/103, 21 February 1951; E/CN.2/124, 17 October 1952; E/CN.2/123, 29 September 1952; E/CN.2/153, 2 December 1954; E/CN.2/142, 19 February 1953; E/CN.2/164, 21 February 1955; and E/CN.2/185, 14 November 1956.

of the 1947 recommendations, comments received from thirty-nine Governments⁴⁶ reflected greater uniformity than at any previous time. The trend of concluding administrative arrangements by neighbouring countries or countries in the same region which abolished or simplified frontier formalities was showing a marked activity.^{46a}

The comments supported the view that there were also developments in these areas on the regional plane in Europe, under the auspices of the Council of Europe and the Organisation for European Economic Co-operation, and in the Americas by the Organization of American States. In fact, as was pointed out in the critical Austrian reply, the 1947 recommendations were obsolete in view of the wider and more concrete recommendations of the European international organizations. Despite this apparent lag by the United Nations behind the regional organizations, the vast majority of States considered the holding of another meeting similar to the 1947 Meeting of the Committee of Experts to be premature at the time.

In 1959 the Transport and Communications Commission held its final session. It submitted a draft resolution to the Council which that body approved (Resolution 724 B (XXVIII)) requesting the Secretary-General to gather up-to-date information from the Member Governments and present recommendations for development in the fields of international travel and tourism; the Secretary-General was also to be informed of the desirability of having an international conference on these topics. In accordance with his directions, the Secretary-General drew up a questionnaire which was circulated to Member Governments on 11 August 1960. The following year the Secretary-General presented a note to the Council outlining the development of international travel and tourism including a tabulation of answers⁴⁷ to the questionnaire, thus revealing certain state practices, and the desirability of convening an international conference. The Secretary-General was asked by the Committee to prepare for the conference. With assistance from a group of seven experts, the Secretary-General laid the ground work for the conference during 1962 and 1963.⁴⁸

(c) *The United Nations Conference on International
Travel and Tourism*

The United Nations Conference on International Travel and Tourism opened in Rome on 21 August 1963 with eighty-seven States

⁴⁶ United Nations Doc. E/2933, 23 November 1956 and Addenda. See also United Nations Doc. E/CN.2/190, 1 May 1959.

^{46a} For example see the Scandinavian agreements of 14 July 1952, United Nations, *Treaty Series*, Vol. 198, pp. 37 and 47, the agreement of 22 May 1954, United Nations, *Treaty Series*, Vol. 199, p. 29 and United Nations Doc. 2933, 23 November 1956, p. 123; and the Benelux Agreements of 11 April 1960, United Nations, *Treaty Series*, Vol. 374, p. 3, and 19 September 1960, *European Yearbook*, Vol. VIII, 1960, p. 169.

⁴⁷ United Nations Doc. E/3438/Addendum 1, 27 February 1961 and Addenda. Eventually fifty Governments replied to the questionnaire.

⁴⁸ United Nations Doc. E/3590, 22 March 1962 and Addendum.

represented.⁴⁹ On the subject of passports, the Conference found the most suitable international travel document to be the passport, and therefore could not find it feasible to recommend its abolition on a world-wide basis. Nevertheless, all governments were invited to examine their passport laws and regulations periodically with a view to minimizing the requirements for issue of the passport which would be compatible with their national interests and security. Member States were invited to study existing regional practices whereby official documents of identification such as national identity cards were accepted in lieu of passports, in order to appraise their own situation, that is, whether they were able to make such a change. If a change was feasible, an alternative travel document to the passport was not to be instituted unless its cost to the traveller would be lower than that of the passport. Whenever a State abolished the passport requirement unilaterally, it was asked to inform other governments of its practice.

With respect to the actual passport-issuing procedure, the Conference recommended that such procedures be simplified as much as possible through decentralization of the passport offices and the elimination of the requirement "to produce a certificate of good conduct, documentary evidence of financial status, a security or any other guarantee for the repatriation of the person concerned, except where justified for special reasons".

A wider acceptance of collective passports as valid travel documents was advocated either on a unilateral basis or through international agreement. The practice of some States requiring children under 16 years of age to possess an individual passport for entry to its country was emphatically discouraged, if the child was entering in the company of a parent or guardian and was adequately described in the passport of such accompanying adult.

Five years was advocated as the period of validity of a passport at the time of its initial issue, with such validity being recognized by the issuing country for an unlimited number of journeys. Passports were to be valid for all countries, but if exceptions were made, the limitations would be clearly stated in the document. Renewal procedure should not require presentation of the documents required on

⁴⁹ *United Nations Conference on International Travel and Tourism*, Rome, 21 August—5 September 1963, *Recommendations on International Travel and Tourism*, United Nations Doc. E/CONF.47/18, United Nations Publication, Sales No. 64:I:6. The States represented were Afghanistan, Algeria, Argentina, Australia, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian S.S.R., Cambodia, Cameroon, Canada, Ceylon, Chad, Chile, China, Colombia, Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Dominican Republic, El Salvador, Federal Republic of Germany, Finland, France, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Japan, Jordan, Kuwait, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Mali, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Roumania, San Marino, Saudi Arabia, Senegal, Somalia, Republic of South Africa, Spain, Sudan, Sweden, Switzerland, Syria, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian S.S.R., U.S.S.R., United Arab Republic, United Kingdom, United States of America, Venezuela, and Yugoslavia.

the first passport application. The Conference recommended that the period of validity of the renewed passport be the same as the initial period of validity.

It was contemplated that the passport would remain in the possession of its bearer during the period of its validity, and would not be surrendered when the bearer returned from his journey. Authorities of the host country were not to withdraw the passport from its bearer except for affixing their stamp or visa. Fees charged for the issue or renewal of a passport were not to exceed the cost of the operation if indeed, a fee had to be charged.

The Conference drew attention to the availability of advice from Interpol on measures which could be taken to prevent falsification of passports. Standardization of passports was recommended to include: format, not to exceed $4\frac{1}{8}$ x $6\frac{1}{8}$ inches; the document should contain at least 32 pages; special quality paper to render any erasure, over-written words, figures or alterations apparent; the document would be in booklet form to prevent removal or replacement of the inner pages; two languages should be used in the passport, the language of the country of issue and either English or French; any observations, practical instructions and recommendations concerning the passport's use should be placed on one or more leaves adhesively attached to the inside cover; perforation of pages was useless; the cover should bear the equivalent of the word "passport" in the national language of the country of issue, the country's name and, if appropriate, the country's emblem; the first and second pages should contain the name of the issuing country, the bearer's personal particulars and a heading concerning children if they are to be covered by the passport; entries not written and not in Latin characters were to be accompanied by their transcription in Latin characters; the surname of the bearer was to be written in block letters or typed; nationality of the bearer should be clearly apparent. Description of the bearer could be limited to the following three headings: height; colour of eyes; special peculiarities. The third page would contain the bearer's photograph and the photographs of any children accompanying the bearer if indeed, photographs of the children were to appear in the document. The fourth page would specify the territorial validity of the passport, the duration of its validity, the date of issue, bear the stamp of the issuing authority and if desirable, the signature of that authority. Pages five and six would be reserved for renewal or extension of the passport's validity, and page six would also contain any special observations or requirements of the issuing State.

The Conference noted that in the event that a State's practices were already more generous than its recommendations, the proposals were not to cause any reduction to such practices. Finally, the Conference affirmed the ideal expressed in the Universal Declaration of Human Rights, that everyone had the right to freedom of movement including freedom of transit, the right to leave any country including his own and the right to return to his country.

(d) *Events Following the 1963 United Nations Conference*

On 6 December 1963 the Economic and Social Council, after considering the report of the Conference, adopted Resolution 995(XXXVI) calling on the Governments of the Members of the United Nations and the Specialized Agencies to consider and implement the recommendations of the Conference. The Council requested the Secretary-General to report to it during 1966 on the state of acceptance and application of the recommendations.

On 5 January 1966, the Secretary-General presented his report⁵⁰ in compliance with the above resolution, based on replies to a questionnaire distributed to the Member Governments of the United Nations and Specialized Agencies. Specifically, the Secretary-General noted that new agreements had been concluded between Arab countries, African countries, Western European countries and Latin American countries which allowed travel within the same region or sub-region without passports.⁵¹ In a number of countries in all regions progress was noted in connection with the formalities pertaining to the issue and renewal of passports, their period of validity and unilateral recognition of collective passports. Negatively, the replies recorded that some States required a separate passport for children less than 16 years of age who were travelling with a parent or legal guardian and whose particulars were included in the passport of this adult. Fees charged for issuance or renewal of passports far exceeded the cost of operations in some countries. The report did not contain any proposal for standardization of passports as most States refused to include a specimen of their passport in their reply as requested. A challenge to consider the preparation of a standard model for passports which goes beyond the standardization recommended by the Rome Conference ends the report.

Conclusions

The League of Nations was the great progenitor of international organizations to tackle the international regime of passports. During its existence, the League contributed much of the spade work which has endowed us with the standardization of passports that we enjoy today. Before the League focussed attention on this subject a wilderness of single instances prevailed by way of state practices. It was under the League's auspices that the 1920 and 1926 Passport Conferences developed a uniform international-type of passport, the perfected descendant of which is in current use. Very early the need was seen for increasing the validity of a passport both in its duration of time and geographical extent. In 1920, general usage represented a period of validity of less than one year; gradually the accepted

⁵⁰ United Nations Doc. E/4145, 5 January 1966. The report was based on replies received from thirty-nine Governments (the replies are not attached to this document). By 8 June 1966, twenty-six other Governments replied to the questionnaire, but these additional answers did not, according to the Secretary-General, appreciably alter the conclusions of the report, United Nations Doc. E/4145/Add.1, 8 June 1966.

⁵¹ These agreements are not yet registered with the United Nations.

standard became a two-year period and arrived at today's recognized standard which is a minimum of two years approaching five years. At present, the ordinary passport issued by most countries is valid for travel to almost every country in the world, the only exception being those instances when protection could not be rendered to the bearer or for reasons of national interest and security.

Although the League tried to dissuade States from making fees for issue of a passport a lucrative source of revenue, it met with only sporadic success, as has its successor. Decentralization of passport-issuing authorities, and simple renewal procedures have been won over the years although there is still room for improvement with respect to the former. The League was also instrumental in advocating greater use and acceptance of collective passports and family passports for groups of travellers. It was recognized in 1920 that the pre-1914 conditions, when passports were not required for travel, were no longer present, and the hope of abolishing the passport requirement faded. Nevertheless, what could not be restored on a universal basis, could be realized on a lesser plane, and the League advocated with some impact, the conclusion of bilateral and multilateral agreements to suppress the passport requirement for short-term visitors. Furthermore, one cannot overlook the remarkable effort of the League in developing the Identity and Travelling Document eventually issued to persons without a nationality or of doubtful nationality.

The United Nations recognized soon after its inception the need for furthering the efforts initiated by the League in bringing about greater uniformity to the passport regime. Whereas the League enjoyed more or less the sole responsibility for developments in the passport field, the United Nations has been only one of a number of international organizations carrying out a programme in this area. It is perhaps the challenge from these regional organizations which has resulted in less tangible achievements from the United Nations.

Regrettably, the League failed to take any further steps on the proposal made by Hungary to the 1926 Passport Conference to study the functions of a passport. The United Nations has not taken up consideration of this question. With the benefit of hindsight, it can be said that perhaps the majority of the world's family of nations would have taken a different view with respect to the individual's right to travel had there been an evaluation of the passport's functions.

Although the United Nations has convened an international Meeting of Experts on passports and a Conference on international travel and tourism during which passports were widely discussed and concrete recommendations adopted, it has not yet prepared a compilation of the passport laws of its Members and the Member States of the Specialized Agencies similar to the works produced on nationality. The fruit of such an undertaking would stimulate greater activity in an area deserving of independent research. The United Nations is not solely to blame for many States continue to blanket their passport laws and regulations in a mysterious cloak of darkness. This enigmatic

attitude of Governments is verified by the statement in the Secretary-General's 1966 report on implementation of the 1963 recommendations wherein he noted that very few countries complied with his request to submit a specimen of their passports.

Perhaps the United Nations could remedy these shortcomings in the near future. It has encouraged the replacement of passports by national identity cards for travel by nationals between neighbouring or contiguous countries. There has been a hint that an improved standard model for passports might be prepared. Such a project if developed, accepted and eventually implemented by the world's political entities would ease the burden of every immigration officer whose task has never been an easy one. It would also provide the bearer with a more readily identifiable and acceptable travel document.

Finally, the passport has been used as an instrument to infringe the fundamental human right of freedom of movement. Knowledge of a country's passports laws, regulations and related procedures is the first step in making any inroad against this impediment to freedom to travel—on a world-wide basis that first step has yet to be taken.