In September 1944, a plan of legal assistance to aliens was submitted to the International Committee by Mr. Raphaël Aghababian, a well-known Persian legal expert and diplomat resident in Rome.

This plan was further revised by the International Institute for the Unification of Civil Law, and adapted to conditions prevalent in Italy. The Italian Red Cross, desiring to apply this plan in a practical manner on their own territory, formed an independent Department for Legal Assistance to Aliens (Agius), under the chairmanship of H.E. Signor Pilotti, which immediately undertook most useful action.

As this important and urgent question seems likely to be of interest to National Red Cross Societies, the International Committee have thought proper to furnish the following short account, based on documents received from the Italian Red Cross and from the author of the plan.

The Italian Red Cross doubtless contemplate informing National Red Cross Societies in detail of their activities in this field.

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The situation of aliens - and of refugees in particular - demands, as well as hospital care or social relief, legal assistance on a far larger scale than any which a national institution, whether official or otherwise, is in a position to procure. The protection of private rights, consequent upon international agreements, and through consular or diplomatic channels has proved, before the second World War, to be inadequate as regards political refugees and stateless persons. The War and the political and economic upheavals caused thereby have made illusory any equality before the law of various categories of aliens. Temporary and often improvised enactments, the increasing interference of the State in the life of the private citizen have led to such a degree of complication and confusion in the legal field that only the establishment of an efficient system of legal assistance, to which all may have recourse, can enable an alien to defend his rights.

Following the destruction of documents, archives, records and the disorganization or reorganization of administrations the
The number of cases requiring indispensable and urgent legal advice has increased. Millions of aliens, refugees, ex-deportees, civilians, and compulsory workers are today without any legal assistance, and are anxiously awaiting the time when they can establish their own status and obtain recognition of their rights. Many of these exiles have been deprived of their identity papers; the majority are, for the time being, without financial resources.

The help which should be given them goes beyond the working possibilities of any welfare institution and its legal advisers. The task demands special knowledge concerning complex juridical situations. Attempts to fill the lacunae existing in the body of legal guarantees which a state should offer to all residents on its territory, to introduce fresh legislation consequent on the study of particular cases, and to propose considered reforms, should be directed and coordinated by a non-political, neutral welfare institution, enjoying the confidence of local, national, and international agencies participating in this work.

The novelty of this idea does not reside in the fact of bringing legal aid to aliens, but in that of establishing a permanent system, furnishing satisfactory solutions for individual cases and securing the coordination of all endeavours at perfecting present legislation.

Legal assistance does not duplicate with the kind of relief to aliens and refugees given by welfare institutions, nor with the special Conventions, which, under the auspices of the League of Nations, have attempted to amend the status of certain categories of refugees and stateless persons. Neither does it encroach on the field of consular jurisdiction, nor does it compete with national authorities and lawyers. It advises nationals only when they apply in person or through their legal representatives, with a view, for example, to conciliation with an alien party, or to secure an opinion on a point of foreign law.

In many cases, private institutions - even those having a legal department - will find it useful to resort to the proposed "legal Aid and Consultation Office" 1), either to secure particular information which they require, with the object of joint consultation, or else to gather more complete data. For its part, the L.A.C.O. will refer to these private institutions all applicants who may find there the special help it is itself unable to procure. These institutions might be represented in the committees of the L.A.C.O., thus ensuring closer cooperation with it.

The same principle of cooperation would be applied in relations with Ministeries and State Departments, legal advisers 1) In the following pages this suggested translation of "Assistance juridique" will be indicated by the abbreviation "L.A.C.O."
and members of the diplomatic and consular corps.

It is a well-known fact that foreign diplomatic representatives seldom have the staff, information or adequate means for giving their own nationals satisfactory legal aid. They will be glad to refer them - especially if the applicants are not well off - to the L.A.C.O. , where they may be advised by competent specialists, either gratuitously or in return for a donation proportionate to their means. No lawyer or consular agent can today be expected to have a thorough knowledge of all legal enactments and their interpretation, at a time when the very foundations of law are tottering and constantly being amended, when conventions and international usages are disregarded, especially in countries that have suffered from occupation, or witnessed the downfall of former régimes. Application to specialists, determination of basic rules recognized by the collective opinions of the L.A.C.O. would not fail to have the most useful results. The solutions suggested to any particular problem would establish precedents, pave the way for new customary law, and serve as material for future amendments and the adoption of international agreements.

The well-known French lawyer, J.P. Niboyet, wrote in 1928 - and the situation has grown steadily worse since: - "The time is past when a professor of international law could hope to keep abreast of progress by his own resources. The legal profession has become so complicated and available data are so abundant, that only special, well equipped agencies can attain such a goal."

Besides consular authorities, private institutions, either national, professional, religious, racial in scope, which aim at helping displaced persons and refugees, would find it useful, as we have seen, to cooperate with the L.A.C.O., while maintaining their own structure, without fear of any interference on its part in their welfare activities.

The same may be said concerning international relief agencies in behalf of refugees, insofar as the relief work they undertake is free from all political influence.

The international agreements relating to refugees drawn up by the League of Nations are still applied by the High Commissariat for Refugees, which has, since 1938, taken the place of the Nansen Office. These agreements show important practical lacunae. The system of help which they established is founded on a number of diplomatic agreements, which are closely interrelated, but which have not been ratified by all States. The most recent Conventions, especially that of 1933, have not been ratified by certain States which had ratified the preceding ones. The consequence is a confused and often puzzling legal situation. Only lawyers who are thoroughly conversant with the subject could decide what regulations are applicable in any particular case, and will be recognized as valid in the foreign country where the alien is anxious to have his rights admitted. Such a task goes beyond the competency of a State Department. A well-grounded legal assistance organization, able to assume consular functions, such as
are laid down in Article 15 of the Agreement of 1933 and in Article 1 of that of 1928, could normally contribute, in conjunction with the High Commissariat, to the defence of the refugee's rights, in obedience rather to the rules of common sense and logic than to written regulations. The latter are indeed inadequate to establish customary law in equity, in the absence of any ratification of new international agreements. We should add that among the numerous activities of the High Commissariat, legal assistance to refugees appears as a secondary matter only, and is subordinate to matters of relief in kind and employment.

To sum up, the constitution of the L.A.C.O. would supplement the work of refugee relief done by the High Commissariat - the more so as this latter organization proposes, when the revision of pre-war agreements is under discussion, to give special consideration to the protection of political and legal interests, not only in general matters, but also in private affairs, where practical steps may be of great value to the party interested. (1)

The High Commissariat might be represented by a delegate in the Managing Committee of each Legal Aid and Consultation Office.

Furthermore, close cooperation might also be established between the L.A.C.O. and the Intergovernmental Committee for Refugees. This Committee, established in 1938, has the purpose of contributing to the solution of various problems following the forced emigration of hundreds of thousands from Germany and Austria, due to their race, religion or political opinions. The Committee was reorganized in 1943, so as to include all persons who, for the same motives, and in consequence of events in Europe, have been obliged to leave their country of residence. The Committee assumes, in some countries, the official protection of German, Austrian and Spanish refugees, and will eventually undertake the definite establishment of refugees not repatriated by U.N.R.R.A.

This body also cooperates with other international organizations, such as the High Commissariat for Refugees and the International Committee of the Red Cross, as well as with Welfare Associations.

The International Migration Service (I.M.S.) has actually included in its sphere legal assistance from a social point of view, within the framework of subjects connected with the Law of emigration and of family relations. The I.M.S., which is interested in the task of reuniting dispersed families, has only a limited staff and means, but would certainly find useful support in the L.A.C.O., which could function as a legal section of the I.M.S. The L.A.C.O. might also make use of the vast network of auxiliary branches and correspondents.

(1) See Sir Herbert Emerson's Report, (High Commissariat for Refugees), Publication of the League of Nations, C.79, M.79, etc.
of the I.M.S. throughout the world. The cooperation of both institutions might be strengthened by an exchange of delegates in their managing boards and committees, especially with a view to the drafting of registrar's documents, e.g. birth and marriage certificates, statements concerning missing persons, inheritances, wills, and so forth.

The International Relief Committee for Intellectual Refugees and the International Student Relief would both have fresh possibilities of enlarging their particular field of work in cooperation with the L.A.C.O., in the numerous cases where a solution often depends on general administrative or legislative measures, and even on international agreements, (reconstitution and recognition of scholastic and university certificates and diplomas, procuring of written evidence required from foreign students, recognition of professional diplomas, applications for scholarships, authors' rights, etc.)

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Referring once more to "Agius", which is an independent department of the Italian Red Cross, this department grants legal advice to aliens, including stateless persons, and employs all means proper for ensuring the protection of their rights; applications to administrative or legal authorities; drafting of petitions, prosecutions and similar documents; conciliation or arbitration of disputes in which one of the parties is an alien; considered opinions and information given to consular and diplomatic representatives regarding the position of aliens, according to the Italian law; publication of information on international legislation and jurisprudence regarding the status of aliens; communication to the responsible authorities of measures which experience has shown to be opportune in matter of legal protection of aliens, and so forth.

The nationality of applicants for advice is just as varied as their social position. The work of the "Agius" has proved to be most effective in the many questions it has had to deal with and clear up: cases of uncertain nationality, procuring of identity papers, registrar's certificates, documents establishing the family status of children, inheritances, payment of bank accounts, demands for compensation in case of accident, information as to emigration to various countries, right of renting flats or rooms, restoring of Jewish rights to property, recognition of scholastic and university certificates and diplomas, and so on.
A special Committee has been appointed to receive and centralize data which may be useful for the formal declaration of births, marriages and presumed deaths, or the disappearance of aliens, in Italy. This body further hears witnesses and collects attestation concerning aliens who have died in hospitals, prisons or concentration camps.

All such verbal information and written data, preserved in perishable archives, are invaluable as a means of obtaining or reconstituting official identity papers, and of validating the rights of aliens.

There can be no doubt about the conclusive results obtained in Italy. It is desirable that in every country a similar organization should be set up on the Italian model, as an independent institution adapted to local conditions, working in cooperation with expert lawyers and delegates of other welfare institutions for the purpose of giving legal aid to aliens of all categories, especially to the destitute and refugees. It is also to be hoped that an international institution may become the liaison centre between these various offices, and encourage the setting up of similar agencies in the various countries.

It would seem that the Red Cross cannot remain indifferent to this problem. The task is that of creating a new code of law, for the purpose of defending and protecting the rights of the homeless and stateless, the victims of chaotic conditions of our time, who should be assisted to find their proper and adequate place in our social system.