The following observations from the viewpoints of international law are made on the conclusion by Department 3 on the possibilities of a treaty settlement on the treatment of Jews in the individual states of Europe:

1) The treatment of foreign citizens is usually regulated by trade and residence treaties between the country of residence and the country of origin, which are applied to Jews and other citizens equally. These treaties are also valid for Jews, in order to relieve the obligation on the part of the country of residence to provide the state with the understanding that the treaty revisions the possibilities appear sufficient.

a) The states which pursue a Jewish policy similar to that of the German Reich have allowed by one bilateral treaty not to use the rights resulting from the existing trade and residence treaties for the benefit of their Jewish citizens which are in contrast to legislation in force prevailing in the state of residence. The Legal Department has already pointed out this possibility in an earlier submission for the purpose of applying the German legislation on Jews to Jewish citizens residing in Germany and in question.

b) The states in question are also aware of a collective treaty between their Jewish citizens in the territory of the other treaty partners are subject to their legislation on Jews without regard to existing trade and residence treaties. Such a treaty would, of course, only be effective beyond the purview of the treaty and would therefore not affect the rights of Jewish citizens of third countries. The suggestion

of Department 3, to propose such a collective treaty between the signatories of the Anti-
Counterpart need not meet with the opposite
enlightened by Department C itself, that Italy,
Spain, and Hungary still politely con at this time
agree to be tied down by such an approach to the
Jewish question. The collective treaty would there-
fore for the time being be at least confined to the
smaller circle of such states as can be expected
to be agreeable to such a treaty. Slovakia, Rumania,
Bulgaria, and possibly Greece can be counted
down these.

But even a collective treaty confined to
these states would not be an easy matter to accomplish.
The difficulties would arise primarily from economic
considerations. The extent of the assets of Jewish
citizens of the individual countries which are
potential partners in the collective treaty deposited
in the territory of other treaty partners are bound
to be quite different. The potential partners of the
projected collective treaty will therefore easily
fail to suffer losses by dissimilar protection of
the assets of their Jewish citizens in other places
which will not be balanced by the assets of Jewish
nationalities residing on their own territory. They might
therefore insist on an economic adjustment of the
movement of assets created by the application of
the legislation as Jews on the part of the potential
partner states of the collective treaty to Jewish
citizens of other partner states in their territory.
At least the states within the potential signatories
to the collective treaty will want assurances that
they will not have to accept on their territory
their Jewish citizens living in another partner
state without their permission. These difficulties

discuss

questions can probably be solved better in bilateral
treaties rather than in a collective treaty. Therefore
the approach listed under 1) would be preferable,
even though it would only lead to a step-by-step
realization of the aims projected by Department B.

2) The legal framework assumed that the
international agreement suggested by Department B
is to cover only the treatment of such Jewish
citizens of potential partner states who do not
 reside in their home-states. The assumption of
international obligations on the part of a state
in regard to the treatment of a group of its
citizens in its own territory seems theoretically
possible but unjust in international usage. So
assume such an obligation would as a rule be
considered as interfering with the national sovereignty.
An international agreement between states promising
a similar principle to that of countries regarding the
principe of their own Jewish citizens in their own territory
cannot therefore hardly be considered.

3) In respect to the treatment of Jewish citizens
of states at war with Germany it is observed that here
from the point of view of the other states under
circumstances — no member of an enemy state are
involved. For instance Spain and Bulgaria are not
at war with us, while Hungary and Poland are already
at war with the Soviet Union and England and Poland
are at war only with the Soviet Union.

Insomuch as the states under consideration are
donc in peace with those states of Jews residing in their
territory the rights of those Jews are still governed
by the native and residence treaties prevailing between
state of residence and state of domicile. A legal
possibility

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for the calculation of those treaty obligations
are therefore only by reference to the amount of
the home state, which can not be counted on in the
case of states now engaged in hostilities with Germany.

Insomuch as the states in question are themselves
at war with the home states of the Jews residing in
their territory the principles relating to the treat-
ment of enemy nationals are applicable, as was
clearly stated in previous paragraph 2.

Herewith

(together with enclosures
(handwritten)
via the Department 1st (§) (written)
Initial §)
submitted to the State Secretary
Berlin, 31 December 1941

(signature) A. ZUBER
(initials) "Z" (written)
(initials) "ZT" (written)
CERTIFICATE OF TRADUCTION

I, Wolfgang Van Ameroodt, U.S. Army, ADG, A-15534, hereby certify that I am thoroughly conversant with the English and German languages and that the above is a true and correct translation of document No. DC- 4500

Wolfgang Van Ameroodt
U.S. Army, ADG, A-15534