



# MINORITIES

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# THE LEAGUE OF NATIONS

*A Discussion on the Present Situation*



Being a Report of Speeches at a Conference  
called by the Women's International League  
in London on March 21st and 22nd, 1929.



WOMEN'S INTERNATIONAL LEAGUE

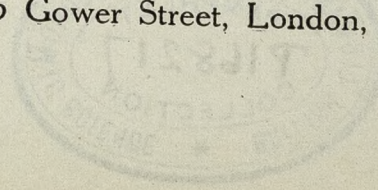
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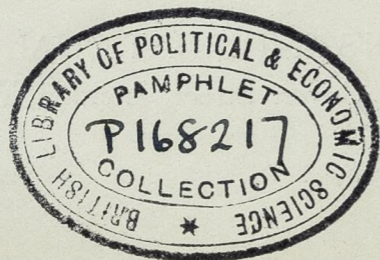
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*Minorities*



### The Object of the Conference.

The questions of how far the Minorities Treaties are being observed and of whether the League of Nations' guarantee of these Treaties is proving effective, were raised at the Ninth Assembly of the League in September, 1928, and have become an important issue at the Council meetings since that date.

Great interest has been aroused, not only in the countries where there are Minorities claiming protection but also in countries which are concerned in the problem through their responsibilities as members of the Council of the League, and indeed wherever people are considering how to remove the existing causes of international friction and so to lessen the likelihood of war.

Such friction is occurring because in certain countries Minorities complain that they are not accorded the rights granted them by the Treaties.

Various proposals have been put forward by governments, by international organisations, and by individuals who have studied the question, with a view to making the guarantee of the Council of the League more effective and securing better observance of the Treaties. The Women's International League (British Section) called a Conference in London on March 21 and 22 in order to give opportunity for a full consideration of the present situation and of these proposals.

The Conference was well attended, and among those present were members of several Foreign Legations and Consulates as well as many people connected with important international organisations.

## The Women's International League (British Section) and Minorities Problems.

K. D. COURTNEY.

There are several reasons why this Conference has been called by an international league of women.

To begin with, we have done so because as an International League we have Branches—National Sections—in many of the countries where there are Minorities; so that the Minority problem has come very much home to our League. In some countries it is difficult for the Branches to work because of the feeling between the different nationalities; in others, good work is being done in the way of attempting to achieve some kind of reconciliation between the Minorities and the Majorities. In every part of Europe where we have National Sections and where there is a Minority problem, the problem is brought very close to us with a realisation of the friction that it causes and of the real danger to peace that it is. That is one of the reasons why we felt anxious to have this Conference.

Another point: I do not wish to stress the difference between men and women—on the whole I think we are very much alike—but there are perhaps some aspects of life which are more closely brought home to women than to men, and this Minority problem is one which does come right into the homes of the people. There are parts of Europe inhabited mainly by peasants, where the people are cut off from very much knowledge of, or interest in, politics; yet this question of the treatment meted out to Minorities comes right into their very homes, and arouses in the women an interest in politics and in international politics which they might not otherwise have felt. Such questions, for instance, as to whether the children shall be taught at school in their own language or in another; whether they shall receive their religious instruction in their own language or in another—these are matters of importance to the very humblest women, and so the Minority problem makes a very great appeal to our League as being a Women's International League.

Then I venture to think there is a special reason why the British Section of the League should have called this Conference. It is true, is it not, that many of the countries in which there are Minorities are countries of, shall I say, very little political experience, or countries in which, perhaps, a political instinct is not very strongly developed. By a political instinct I mean an instinct which I think to be very strongly developed in our country, the instinct for knowing what works. Many of these countries have not yet learned what works. They have not yet awakened to the fact that it works very much better to give your Minority all possible freedom than it does to try to repress it and to squeeze it out of existence.

We have learnt that, and for the most part we practise it;

not necessarily for any high moral reason, but because it works. If only we could make the countries in question realise how much better, how much easier it is to manage things, how much simpler, how much more expedient, to practise liberality to Minorities rather than repression, I think we should open up another line of advance.

## The Historian's Review of the Situation.

DR. G. P. GOOCH.

Looking round after the war it seems to me that the two most disappointing phenomena are the problems of armaments and Minorities. We knew that the great struggle would lead to an immense economic disorganisation, and with that we are trying to cope. But what has been so very disappointing in connection with armaments and Minorities is that we inherit these two problems from the days before the war, and that we appear to have learnt nothing from that great catastrophe.

I am old enough to remember the various controversies and crises which have grown out of the question of Minorities in the twenty or thirty years before the war. Some of my earliest recollections are connected with the Home Rule struggle, which was simply another name for the problem of a Minority. But most of the trouble from Minorities before the war was connected with the rule of the four great autocratic Empires of Europe—Germany, Austria, Russia, and Turkey.

As regards Germany, there was the problem of the French in Lorraine and of the Alsatians who, although they spoke German and were German in blood, were predominantly French in sympathy. In the north there was the problem of the Danes and in the east the problem—the gravest of the three—of the Poles. Turning to Russia, we remember the three great Minorities questions which were always cropping up—the Finns, the Poles, and the Jews. In Turkey the problem was more tragic than anywhere else. Macedonia was in a perpetual state of misery and revolt, owing to the fact that the Turks were unable or unwilling to make life bearable for their Christian Minorities. The most terrible problem of all in the years before the war—that of the Armenians—was a problem of Minorities, not of religious intolerance. The fourth of the great autocratic Powers was the Austrian Empire. That has the tragic significance for us that it was partly a question of Minorities which caused the World War, for it was the discontent of the Yugo-Slav subjects, not so much with Austria proper as with the Hungarian branch of the Dual Monarchy, which combined with the Serbian propaganda to produce the tension out of which the murder of the Archduke arose. Thus, when we look back on Europe before the war, it is a Continent filled with the problem of Minorities and their treatment.

All those four autocratic Empires have passed away, and the most tragic thing about the Minorities to-day is that the problem remains and is no better than it was before the war. Many of us, indeed, think it is worse. There are between twenty and thirty million people in Europe who are described as Minorities, and the majority of them are discontented members of the States in which they find themselves. Moreover, I fear that the idea of dealing with the question by a rearrangement of frontiers is impracticable for the present. In days to come, however, when the memories of the long struggle are dimmer and there is a greater feeling of security, I look forward to the possibility of discussing territorial revision. It is difficult to find a case where a State has freely given up any part of its possessions. As a matter of fact, I can think of only one example—when the British Government ceded the Ionian Islands to Greece over sixty years ago after occupying them for half a century. If, then, territorial change is unlikely at present, it makes the duty of dealing with Minorities along other lines more urgent than ever.

Any idea of direct pressure on the State which is maltreating its Minorities does more harm than good, just as we are told in private life, with much truth, that the way to improve an individual wrongdoer is not to tell him how bad he is but to encourage him to think there is some good in him and that everybody expects him to do the right thing and will be disappointed if he does not do it. In other words, we must proceed not by the direct pressure of threats or coercion but by the indirect pressure of public opinion and the steady stream and pull of argument.

It seems to me there are two new factors of an encouraging character which we should bear in mind when looking at the problem of Minorities to-day. The first is—and you must not think me unduly patriotic if I refer to my own country—the fact that the extension of the principle of cultural and administrative autonomy in the British Empire has been further developed with great success. Before the war we had pushed the principle of trying to satisfy our Minorities further than any country in the world, and since the war we have overcome other difficulties. First, we have solved the problem of the government of Catholic Ireland along the lines of complete Dominion autonomy; and, secondly, we have brought to an end the feeling of discontent and discomfort of the South African Dutch. About half, or perhaps a little less than half, of the Dutch population of South Africa were reasonably content with their situation before the war; but the other half, led by General Hertzog, were not content, and three years ago he came to England to the Imperial Conference, where the complete equality of the status of South Africa and all the other Dominions, not only with each other but as regards the Mother Country, was formally declared. General Hertzog had left Cape Town with a certain amount of

suspicion in his mind, but when he returned his last scruples were removed. There was no longer need for the Boers to ask for separation from the British Empire, for their claims were fully recognised. A successful object lesson, in politics as well as in other things, is worth a ton of preaching.

The more we can talk to our friends in foreign countries who have Minorities problems the better. We must talk not only to the people who are suffering but to those who are responsible for the suffering, showing them what we have done in our own Empire, pointing out how much courage it required but how richly the experiment has succeeded. We can realise how terrifying is the idea that the unity of the State may go to pieces if Minorities obtain autonomy; for we too were full of apprehensions as to what use our Minorities would make of their extended rights. A still more encouraging factor is that we have at last international machinery for dealing with the problem. I will mention two examples of efforts before the war which were excellent in intention but disappointing in their results. The first was when Russia was trampling on the Finnish constitution. The outrage went on from year to year in a growing crescendo, and at last became so bad, from our West European point of view, that there was a genuine uprising of opinion. A petition was organised over here, but the difficulty was to get it into the hands of the Tsar or his Government. It reached the British Embassy at St. Petersburg, but the Government refused to receive it, and, from the point of view of international law, they were within their rights. Since no one had a legal right to meddle with the problem of Finnish constitutional rights, the agitation was a failure which did more harm than good. My second illustration relates to when President Roosevelt took up the question of protection of the Jews in Roumania. Having a considerable body of Jewish citizens in the United States, he attempted intervention in Roumania, not only without success but with the result that it became difficult, if not impossible, for the Jews to escape from the country where they were being ill-treated. Before that they were ill-treated but could escape; afterwards they continued to be ill-treated and were unable to escape. I mention those two attempts at intervention on behalf of Minorities to show you how much better the circumstances are in post-war Europe, even though the Minorities Treaties apply to only a few States. The problem is as grave as ever, the grievance as extensive as before the war; but the machinery for dealing with it is enormously improved.

As regards the prospects of extending the powers of the League, we all feel that, whatever be the report at the next meeting of the Council, it is impossible for its authors not to recommend, and the Council itself not to take, some steps forward. There is little doubt that there will be more publicity. I look forward not to great immediate results but to increasing

concentration of public opinion on this trouble, which has been simmering all these years. It was the German-Polish controversy which made the kettle boil over and it is a blessing that it did. It will now be impossible for the matter to be shelved, and there is a chance for constructive statesmanship during the coming Council Meeting and the next Assembly at Geneva.

I will end with the great saying of Lord Acton, with which I should like to associate myself, that one of the surest tests of the standard of civilisation reached by any country is the provision that it makes for the rights of Minorities.

### A Survey.—I.

MADAM BAKKER VAN BOSSE. (Holland.)

A few words about the origin of the problem of the Protection of Minorities as we know it to exist at present. The Minorities Treaties go back in a certain sense to Wilson, who is their spiritual father. It was Wilson who proclaimed the right of self-determination for the small people, and who wanted to make the protection of Minorities an essential factor of the Peace Settlements. Unfortunately he has not succeeded, because of the demands of international politics. At present the Covenant ignores the problem of Minorities altogether. Instead there is a system of Treaties dealing with the subject. These Treaties are, in a way, the negation of the principle of self-determination that Wilson wanted to realise: the consolation prize for the nations deprived of their hope of realising self-determination. The separate Treaties which were forced upon certain European States have given rise, in these circumstances, to a great feeling of dissatisfaction on both sides.

These Treaties extend only to the Central Powers—Germany is in a way an exception—and to other States in South and Central Europe that have been created or considerably enlarged by the Peace settlement; and these countries have been dissatisfied at the outset that they, and they alone, have been obliged to accept these Minority obligations.

In a famous letter by Clemenceau he describes these obligations as "general principles of government", and the signatory States have claimed that, whereas they might be willing to accept what is very often a serious encroachment on their so-called "sovereignty," provided that it were extended to all the States, they consider the imposition of these restrictions upon them alone as a deep humiliation, and a contradiction to the accepted principle of the equality of States. Whenever we work for a better guarantee of Minority obligations it is this obstacle which is so difficult to overcome. In view of this, the Association of International Societies for the League of Nations has passed more than one resolution to the effect that the protection of national Minorities should not be restricted to these States only. The

League itself has taken a small step in this direction when it adopted the resolution in which the hope was expressed that other States should also show to their Minorities at least the same degree of tolerance and generosity that the signatory States were asked to show to their Minorities (1922). However, if we wish to bring about a generalisation of Minorities protection we should not lose sight of the following difficulties. The existing Minorities Treaties are a bulwark against the greater and severer forms of injustice in this particular aspect. Minorities Protection, undoubtedly, is most painfully needed in certain parts of Southern and Eastern Europe. Other national groups are not always in the same position; in Western European States, for instance, Minority problems usually bear a very different aspect and can mostly be solved through national legislation without there being any necessity for international interference. If we endeavour to bring about a uniform system of Minorities Protection all the States will try to cut down their own obligations to the lowest degree possible, and we might thus run the risk of getting the beneficent effects of international protection minimised or even entirely lost.

Another difficulty is that, if you wish to generalise, you are forced to come to a definition of the words "national Minority." The Treaties give no such definition, taking for granted the existence of the racial, linguistic and religious groups which they are meant to protect. Instead of the term "racial Minority," we now generally speak of "national Minority," this being scientifically more correct. In the introductory memorandum of the Estonian law regarding national Minorities such a Minority is defined as a group of people differing from the majority group, and both desirous and capable of upholding its own special form of culture. It is these two characteristics of being both willing and able that we should bear in mind as being essential in the making up of a national Minority.

Another difficulty is this: how are we to get a decision as to whether or not a national Minority in any given case may be said to exist? Even at present we find among certain Governments a tendency to deny that national Minorities exist among them. For instance, in Yugo-Slavia the Macedonian population feels itself to be Bulgarian for the greater part, whereas the Yugo-Slavian Government upholds that they are Serbs and therefore not entitled to be considered as a Minority at all. The same question assumes a slightly different aspect when it comes to the decision for the individual. How is the individual to decide, or who is to decide for the individual, to which group he belongs?

We feel that it is intolerable that a person should not be able to decide for himself to which school he should send his children and in what language they are to receive religious instruction.

As to the contents of these Minorities Treaties I shall be brief. They treat of the equality of Minority and Majority groups. The equality must exist in fact as well as in law. They give freedom

of language and religion; freedom to found schools and social and charitable institutions; and they even give to any considerable Minority the right to draw to a certain extent upon the public funds for the maintenance of these schools and institutions. The whole system is placed under the guarantee of the League of Nations, and each State which is a member of the Council may draw the Council's attention to any infraction or danger of infraction. If there is a difference of opinion between a member of the Council and the Government concerned, the matter can be laid before the Court of Justice at The Hague.

The procedure is dealt with in the following manner. For each petition sent in to the Council a Committee of Three is appointed, and this Committee virtually decides if a case is to be taken up or not. The findings of these Committees are secret and this lack of publicity is generally considered as the most serious objection against the existing Minority procedure. When the Minority complains the complaint is sent to the Secretariat. The Secretariat sends a formal notice of receipt and that is all the informant very often ever hears about his petition. This state of affairs has given rise to a feeling of intense dissatisfaction because the petitioner does not know when, if, and how his petition has been dealt with, or, if not, why. The same complaints may come in over and over again and they have no feeling at all that their case has been gone into. As Professor Bovet said last year at The Hague:—"If the League of Nations can be said to live in a house of glass, there is in that house one dark chamber and that is the procedure in Minority petitions."

Apart from the publicity of the procedure several other improvements have been suggested, but I must leave the details to other speakers. What I wish to emphasise is that, apart from these partial improvements, the general and more fundamental aspects of the question must not be lost sight of. It might greatly help the development and solution of the problem of national Minorities in Europe if an advisory committee were to be appointed by the League of Nations: a body of experts instructed to deal with the whole aspect of the Minority problem. Two restrictions, however, should be made. Firstly, the work of such a committee should be restricted to Minorities in Europe only. Minority questions out of Europe present such a totally different aspect that by bringing the two together we should obscure the issues. Before taking up the greater problem of non-European Minorities and races we ought to tackle first the special European Minority questions. Secondly, such a body of experts should exclude rigorously all questions of international politics and all attempts at a revision of the Peace Treaties. National Minorities have come to stay, and the problems connected will remain whatever may be changed in the territorial settlement.

It is one of the most gratifying results of the last discussions in the Council that the permanent character of national Minorities has

been acknowledged and that the theory which the Council upheld in 1925—that Minority groups should be assimilated as quickly as possible into the Majority in which they were incorporated, it being the object of the Minorities Treaties to bring about this assimilation as smoothly as possible—that this theory has now been, let us hope, definitely abandoned. As Dr. Wilfan remarked in a recent interview, national Minorities have a definite task to accomplish in international intercourse: that of spreading the forms of culture, the fruits of science and literature from other countries, and thus helping to establish an international solidarity based on mutual understanding and appreciation. That task can only be accomplished if they are treated with generosity and tolerance.

May I end by saying how extremely glad I am that the women are taking up this matter? The vital issues are most intimately connected with the family and the home life: the bringing up of the children, the questions of language, religion and instruction concern the women directly, and perhaps even more than the men. Further, if we wish to bring about a lasting change we must work on public opinion both in and out of the countries concerned. We must try to bring about a better understanding between Minority and Majority groups, and there again you cannot change a people's mentality without getting hold of the mothers of the coming generation.

The Minority problem offers definite concrete possibilities of conquering our personal and national limitations, and if we can succeed to a certain extent in replacing racial hatred and antagonism by mutual tolerance and understanding we shall have removed one of the real causes of a possible future war.

## A Survey.—II.

THE RIGHT HON. SIR WILLOUGHBY DICKINSON, K.B.E.

This Conference has been organised by the Women's International League for the purpose of discussing what are known as racial, linguistic and religious Minorities.

As with most human problems, this question can be considered from two points of view: the sentimental and the scientific. I will confess that it was sentiment that first aroused my interest. I was travelling in the East of Europe in the years immediately succeeding the war and I had specially good opportunities of learning the views of persons belonging to the religious Minorities; and in these countries religious and racial Minorities are almost synonymous.

Two facts impressed themselves on my mind. The first was that the greater number of the people who form these Minorities are men and women in very humble walks of life. They are peasants, small tradesmen, school teachers, and such like. They are not politicians. They are not "agitators." No doubt there are agitators amongst them, agents from Budapest or Berlin

who, thanks to the unwise policies followed at the close of the war by the Roumanian and Polish Governments, found in these Minorities a fertile soil for irredentist propaganda; but, so far as the mass of these people is concerned, international politics play very little part within their intellectual horizon. They are a simple folk, firmly attached to their homes, ready to forget much, even the loss of their original fatherland, provided they can continue to live the simple life that they and their fathers have enjoyed in the past.

This is an important consideration in view of the assertion that the present trouble is due to political machinations and the disloyalty of the Minorities. There is a grave risk lest those who are investigating this problem and have no acquaintance with the countries concerned may be misled by this argument. It is not improbable that there are individuals in every country who are disloyal to their new State; but with the bulk of the Minorities it is not disloyalty which is operating in their minds, but discontent. And if this discontent has legitimate grounds for existence, the remedy will be found in the removal of those grounds rather than by a ruthless suppression of every action that has a semblance of disloyalty.

The second fact which I learned is that the "Minority problem" arises out of matters which at first sight appear to be of small importance. Such questions as whether a child shall be taught one language or two languages seem to be hardly worth while troubling the Council about. Or when a poster is torn down by State officials because it is not in the language of the State, few would consider this as calling for the intervention of the League. And yet, with the people in the locality, these and hundreds of other similar episodes possess an immense importance. And it is largely due to the simple character of the folk affected by these events. It is a great occurrence when a peasant's child presents himself for a scholarship. If he fails owing to the requirement that examination papers must be written in a language in which the boy is only partially proficient, whilst another boy, with far less mental equipment, gains the scholarship, the whole peasant community becomes exasperated. It is in the multitude of small injustices done to small people that lies the gist of the "Minority problem." There are some twenty to thirty millions of these Minorities in Europe, and you cannot go on hurting the feelings of these folk without endangering the peace of the world. This lesson ought to have been learnt by the experiences of pre-war years, but in these matters mankind seems incapable of learning anything. Racial antipathy and religious intolerance are governed neither by decency nor by common sense.

This brings me out of the realm of sentiment into that of science. Our problem is essentially one that needs to be looked

at in the cold light of reason. We are bound to realise that those who administer the countries where these Minorities are have real difficulties to overcome. They have to maintain the power of their State and to see that law and order prevail. They have also to reckon with the sentiment of the Majorities, who see no reason why the Minorities should have any special privileges in the way of education or language. They have to bear in mind that many of their people believe that the only way to solve the question of racial Minorities is to get rid of them, either by making them leave the country or by compelling them to adopt the language of the Majority and become absorbed in the Majority. This view has been openly proclaimed by the Italian Government in regard to its German-speaking subjects, and is one that is held by many administrators in Eastern Europe. These people regard the Minority Treaties as a mistake, and some members of the League's Council itself share this opinion.

Therefore, those of us who hold the contrary opinion and believe that the Treaties are founded upon sound principles and that if they are departed from there will be grave danger of another upheaval, must direct our efforts to prove that the policy of allowing racial Minorities to work out their own salvation in purely domestic matters is the wisest policy both for the peace of Europe and for the States themselves. A nation will find that the security given by its army or navy is as nothing in comparison with that given by a contented people. Even if it has to resign itself to having a country where folk talk different languages and keep different festivals and teach their children different songs and different ways of worshipping their Maker, it were a sacrifice worth making if it thereby achieves political unity.

But you may ask: Will political unity result from loosening the bonds which now hold down the Minorities? My answer is that you have only to look at the British Empire, Switzerland, Denmark, or Estonia, where they leave people to do as they like in relation to such matters as language, religion and education. Then consider the results of the policy adopted formerly by Hungarian and German administrators in Slovakia and Posen. If science, and not human passions, had been allowed to operate on this problem immediately after the war there would be no Minority problem before us to-day.

Therefore I hope that the inquiry now being entered upon by the League will not be restricted to the question of procedure before the Council. It is true that the methods hitherto adopted for dealing with petitions have not been satisfactory, but the petitions are but a small part of the problem. In my opinion the investigators will be able to do little unless they probe more deeply into the real causes of the existing discontent. I know that any suggestion that there should be inquiries on the spot



evokes violent opposition, but I would not advocate any such investigation. That would do more harm than good. However, I see no reason why any Government should decline to explain to the League its methods, nor why it should object to responsible persons from amongst the Minorities describing to the Commission the position as viewed from their side. It is only by bringing the Majorities and the Minorities together that progress can be made, and this is not impossible if the policy in every country is in full accord with the spirit of the Minority Treaties. That spirit is that the Minorities should be regarded as an intrinsic and permanent part of the State, conserving nevertheless their own racial characteristics by such means as they think best, provided that the means are consistent with the political solidarity of the State. This is not impossible if approached with an honest intention of arriving at a solution.

In any case, we may congratulate the League upon having at last decided to look into this matter. It is a pity that we have had to wait so long, and that it should have been left to Germany to put the League in motion. The Minorities are indeed mostly of German race or language, but they are not the subjects of Germany, and it is undesirable that they should think that they must look to Germany to get justice. It is to the League, and to the League alone, that they should turn. Otherwise they will produce international friction instead of international co-operation.

This problem can only be solved by the League acting in co-operation with the Governments and with the Minorities and obtaining a uniform administration in accord with the Treaties. I hope that the three Statesmen who have been appointed by the Council for this purpose will realise this fact and learn the views of the Minorities as well as those of the Governments and the League's Secretariat.

It is possible that the discussions at this Conference may throw light upon the problem that they will have to deal with. We shall be favoured with speeches from persons who have intimate knowledge of the subject. The presence of so many friends from foreign countries shows how great is the interest that this question arouses all over Europe. In almost every country people are talking about it. This is a good thing, since the more it is discussed the more likely it will be that fair arrangements will be made. The great mass of people desires to have justice done all round, but for this the world must be able to see what is going on. Injustice is like a noxious fungus which flourishes in the dark. Justice requires the sun's rays. If the League will throw wide open its windows it will solve its Minority difficulties and by so doing will advance immeasurably the cause of peace.

## The Working and Development of the League Machinery Guaranteeing the Protection of Minorities.

### I.

SIR WALTER NAPIER.

I will begin by referring to the resolution as to Minorities passed by the Federation of League of Nations' Societies at The Hague last July. That resolution, I think, one may properly describe as a landmark in the history of the protection of Minorities; it was referred to by several speakers at the last Assembly at Geneva and I do not think I am far wrong in saying that it has had some influence in respect of the present movement for the reform of Minorities procedure.

To paraphrase this resolution, it expressed the wish:—

1. That the legal obligations contained in the Minorities Treaties should be inserted as general principles in the Covenant itself.

2. That until this was done all States members of the League should act upon the resolution of the Assembly of 1922, which expressed the hope that States not bound by Minorities Treaties would nevertheless observe in the treatment of their Minorities as high a standard of justice and toleration as is required by the Treaties.

3. That the Council should make a general inquiry into the purpose, operation and results of the Minorities Treaties.

4. That the Council should set up a permanent Commission of Minorities.

Putting aside the request for a general inquiry, the resolution reiterated and, it must be noted, joined together the two main demands of the Minorities: demands which have been repeated from time to time since the Commission was constituted—the demand that Minority obligations should be made universal, and the demand that a permanent Minorities Commission should be set up on the lines of the permanent Mandates Commission.

Let me say a few words as to each of these proposals.

First, as to the practicability of making Minority obligations universal. It is not to be forgotten that although M. Clemenceau in his well known letter addressed to M. Paderewski described these Minority obligations as "general principles of justice and liberty" and as "those elementary rights which are as a matter of fact secured in every civilised State," yet the ground on which States were required to enter into the Minorities Treaties was "that when a State is created, or even when large accessions of territory are made to an established State, the joint and formal recognition by the Great Powers should be accompanied

by the requirement that such State should, in the form of a binding International Convention, undertake to comply with certain principles of Government."

Unfortunately this demand by the Allied and Associated Powers was confined to the smaller States and was not applied to Italy, from whom, although she received large accessions of territory, no Treaty stipulations were required, the Powers relying on the assurance given by the Italian Prime Minister in the Roman Parliament that "the Government intends to carry out a wide and liberal policy towards its new German subjects in respect of language, culture, and economic interests."

Can it be wondered at that the Powers who were required to sign Treaties felt that an invidious distinction was being made and that they were being placed in a lower category of States, a position contrary to the principle of equality and universality which should be implicit in the League? Why should there be one law for the rich and another for the poor? The justice of this feeling was, I think, recognised by the passing of the 1922 resolution to which I have already alluded.

However, it is clear that Minority obligations cannot be made universal without a general Convention agreed to by all the States who are at present not bound, and it is equally clear that it would not be possible to get some of the States of Europe to assent to such a Convention at the present time at least.

I now turn to the question of a permanent Minorities Commission. There is an attractive analogy between the position of the inhabitants of Mandated territories and members of Minorities. In each case, when territory is handed over to a Power for administration, some security has been devised for a population which, by reason of its less advanced condition or by reason of its being in a Minority, is not strong enough to stand up for itself without some outside support. In order to protect the inhabitants of the ex-enemy territories and colonies outside Europe the Mandate system was devised. Under that system the Mandatory Power, by express provision in the Covenant, was required each year to render an account of its stewardship, and a permanent Commission was constituted to receive and examine these reports and to advise on all matters relating to the observance of Mandates. I do not think it can be denied that the system works well. The Mandates Commission, consisting not of politicians but of men of tried colonial experience and tact, whose main occupation in life is the fulfilment of their duties on the Commission, has dealt with the matter as being one of simple administration. The representatives of the Mandatory, instead of feeling themselves arraigned for maladministration, have got to learn that they and the members of the Commission are really co-operating in carrying out a great work: to use the words of the Covenant, "a sacred trust." The

question then is, cannot this system, or something like it, be applied to the protection of Minorities? Would not the creation of a body of men, not politicians but men of tried administrative experience and tact, able to appreciate the points of view both of the Majority and of the Minorities, whose duty it would be to advise the Council on all matters relating to Minorities, result in a better state of feeling, so that the Governments would feel that after all the Commission was not animated by any hostile feeling but was trying to help them in solving their often difficult problems? These problems would vanish as political ones and remain to be solved as matters of administrative detail. Would not these Governments in time feel, too, that they were co-operating with the Commission and the Council in carrying out a difficult piece of work, which both Sir Austen Chamberlain and M. Briand have very properly designated as "a sacred trust"? I think it is clear that the States which have signed Treaties will not agree to anything which would alter the present system unless all the Powers agree to make Minority obligations universal and, as I have already stated, I take it as certain that at the present time it would be impossible to get all the Powers so to agree. The question then arises, can a system on the lines of the Mandate system be instituted without alteration to the Treaties? Now, of course, the States in question cannot be asked to render an annual report in reference to the Minorities committed to their charge. This must be ruled out at once. A committee, if appointed, would have to seek its information from other sources. It should be charged not only with the duty of reporting upon the question as to whether the States had performed their duties under the Treaties but also upon the question as to whether the Minorities themselves were performing the duty of loyalty which they owe to the State of which they are nationals.

Turning to Article 12 of the Polish Treaty it is clear that the League has guaranteed the performance of the Minorities Treaties. I would refer to the distinction which Herr Stresemann made in the Council the other day between the Council's functions in regard to petitions from persons aggrieved and their functions with regard to their guarantee apart from petitions. He complained that the present procedure confined itself to the solution of petitions received, and made no provision for the general guarantee vested in the League quite apart from such appeals.

I venture to think that if this distinction is a good one, and I submit it is, it will be practically impossible for the Council to carry out this general guarantee without the assistance of some such Commission as I have described.

Is there anything in the Treaties to prevent petitions being laid before a Commission in order that they may examine and

report to the Council upon them? I can see nothing in the Treaties against it. It may be urged that nothing can be done until some member of the Council solemnly calls attention to an infraction or danger of infraction of an Article of the Treaties. It is interesting to note that this provision, which was intended as a safeguard to Minorities, has now become the chief defence of the Majority States, for experience has shown that no State wishes to take the invidious position of solemnly arraigning a fellow-member of the League.

I have no wish here to argue the point as to whether action by a member of the Council is a condition precedent to action by the Council itself. The Permanent Court, when the matter was argued before it, left the matter open, and I leave it there too.

I can see nothing in the Treaties to prevent the Council, if it appoints a permanent Commission in order to fulfil its general responsibility of guarantee, directing the Commission to consider and report upon all petitions presented to the Secretary-General. It should be its duty to inquire into and report upon all such petitions, after giving the petitioners an opportunity of seeing and meeting the reply of their Government.

What I want is that the veil of mystery which at present covers Minority proceedings should be removed; that a report upon all petitions should be laid before the Council; and, finally, that the Council should render each year to the world an account of its stewardship in the form of a report giving a list of all petitions and of the action taken on them.

## II.

### LUCIEN WOLF.

I am not in favour of any organic changes in the present system. Both the Treaties and the Procedure constitute a great advance on the situation as it existed before the War. The old Treaties had, for the most part, proved quite valueless. They provided simply for Equal Rights, and they were easily evaded because they could not be enforced until after long and arduous negotiations among the Signatory Powers, which usually broke down. On these two salient points the Minorities Treaties made very important changes. They recognised that Equal Rights not only did not meet the requirements of racial and religious Minorities, but that they could easily be used as instruments of oppression. The Minorities Treaties accordingly introduced a system of rights of equal value with those of the Majority, and indicated in detail what those rights should be. Besides this, the Treaties provided against evasion by placing their stipulations under the Guarantee of the League of Nations—thus removing them as far as possible outside the domain of international pro-

crastination and intrigue, and providing for an automatic and relatively rapid action. The Treaties were, of course, not perfect. In their definition of the rights of Minorities they left nothing to be desired. But the Articles relating to the Guarantee of the League fail to explain exactly how the Guarantee should work. In two main respects they were very disappointing. They did not give Minorities any explicit right of appealing to the League, and, while providing that any members of the Council should have the right to call the attention of the Council to infractions of the Treaties, made no automatic provision for otherwise seizing the Council of such infractions. It must be admitted that the Council of the League has dealt both courageously and effectively with both these serious defects of the Treaties. By the Tittoni Report, adopted in 1920, and a resolution passed as a consequence of that Report in the same year, the Council recognised the right of Minorities to petition the League, and worked out an ingenious mechanism under which the Petitions were promptly examined, and in case of infractions being established a member of the Council would be put up to set the Council in motion for the operation of the Guarantee of the League. Thus in their main lines the Treaties, supplemented by the Procedure, provide an excellent system for the protection of the rights of Minorities, and one which can be easily made effective without any wide-reaching changes.

None of the changes which have been proposed are likely to prove of advantage to the Minorities. I do not think that a Minorities Commission could do better than the existing Committees of Three, but the great objection against such a Commission is that it would probably necessitate a revision of the Treaties. Once the Treaties are submitted to revision it is perfectly certain that, whatever else might happen, they would not be rendered more effective for the protection of Minorities.

As for the Dandurand Scheme, it seems to me to represent a step backward rather than a step forward. It begins by depriving the Minorities of their right of direct appeal to the League, which was won under the Tittoni Report. By interposing the Governments of the Minorities between the Minorities and the League, it is calculated to subject them to the pressure of their Governments, and to deprive them of any guarantees for the fulfilment of the agreements at which they might arrive with their Governments. There are also grave objections to the substitution of the Council, sitting in Committee, for the Committees of Three. The Council is an unwieldy body, and *qua* Council it is already overwhelmed with work. It would be difficult to summon it between the ordinary meetings of the Council, and it would be very undesirable to recruit its Committee from substitutes. Finally, the guarantees of impartiality which are applied to the Committees of Three would be absent from the Committees of the

Council, and this would certainly make for lamentable compromises, if not for actual miscarriages of justice.

It follows from this that until something far better is proposed we should do well to hold on as tightly as possible to the existing system, or at any rate to its main lines. I am, however, far from denying that certain corrections and improvements are necessary.

If we look closely at the Procedure we shall see that all the grievances against it rest not on any organic defects but on the method of applying it. In short, it is not the Procedure which is at fault, but the secrecy in which it is worked. The aggrieved Minorities never know what is done with their Petitions, and this is the cause of their discontent. The secrecy is, however, not only a source of vexation and heartburning to the Minorities, who are led to think that their rights are ignored and that the protection of the League is a myth, but it is also a great disadvantage for the League itself, inasmuch as owing to the want of publicity it has to deal very often with evidence which cannot be tested, and hence it is forced to conclusions which are not always just.

The two main elements in this system of secrecy are:—

1. The refusal to communicate to the petitioning Minorities the replies of the Governments concerned, and
2. The claim of the Committees of Three to deal with Petitions and negotiate secret agreements with the Governments concerned without reporting to the Council.

These methods are so obviously unjust and are so clearly mischievous in their operation that there should be no difficulty in putting an end to them. If they were abolished I feel convinced that all that is necessary would be done, and that the operation of the Treaties and the Procedure in the future would prove satisfactory to all parties.

### III.

DR. ERWIN LOEWENFELD. (Berlin.)

#### 1. Introduction.

The problem of Minorities is one of the most delicate which the League of Nations has inherited from the war. In the Europe of to-day, which was to be based on the right of self-determination of the nations, there are more than forty-eight million people living in countries to which they belong neither with their tongue nor with their heart. In certain territories the nationalities are so closely mingled that no partition could succeed in disentangling them. Every conceivable frontier would necessarily have left on one side or the other a large number of heterogeneous people.

Most of the wars of the modern epoch have arisen through dissatisfied Minorities. In future it will not be different, whatso-

ever precautions one may take against aggression. To assure permanent peace it is, after all, necessary to suppress as much as possible irredentist aspirations. That is what the Peace Treaties have aimed at in assuring the Minorities newly created or much enlarged powers of protection under the League of Nations. This aim is made clear in the so-called Minorities Protection Treaties, in the arrangement by which it is stated that any Minorities with a grievance should not need to appeal for help to their fellow nationals on the other side of a frontier, but that they should get justice and fair treatment in the State in which they find themselves. In these Treaties\* each Minority severed from its own race and culture was promised full political rights, liberty of worship and education, and freedom to use its own language in private and to a large extent in official affairs; further, complete equality with the Majorities before the law was secured to Minorities.

All these rights were placed under the general guarantee of the League acting through its Council and its Assembly, Section 1 of Article 12. The provisions governing this status constitute obligations of international interest; besides, in Section 2 special powers of guarantee were conferred on the Council, every member of the Council having the right to draw the attention of the Council to any infraction or danger of infraction of these obligations.

#### 2. Deficiencies of Procedure.

(a) It is true that occasionally petitions have, in fact, been dealt with by the Council, but only a few: (1) the case of the German colonists in Poland; (2) the question of the nationality of the inhabitants of Poland whose parents had been settled in Poland from birth; (3) the expulsion of colonists from Transylvania. But gradually and especially in recent years the Committee of Three has more and more abstained from appealing to the Council. Why? Because the Powers, whose interests were concerned in a Minorities' petition, regarded such an intervention as action *peu amicale*. A single Government can, from the legal but not from the political point of view, appeal on its own account to the Council in the interest of Minorities. England has intervened once; otherwise the Treaty of Vienna, securing the rights of citizenship to persons belonging to the Minority in Poland, would never have been concluded. Sweden, too, has special merit in having enforced the activity of the Council. But even Sweden has much regretted her attitude as to the maintenance of the Treaties, recognising that such interventions were regarded as hostile steps

\* Between the Allied and certain Powers of Eastern Europe, 1919-1920 (Austria, Bulgaria, Hungary, Turkey, Poland, Czecho-Slovakia, Yugo-Slavia, Roumania, Greece), further declarations were made before the Council of the League by Albania, Estonia, Finland, Latvia, and Lithuania, and, finally, there is the German-Polish convention for Upper Silesia and the convention relating to the Memel territory.

by the Governments concerned in Minority questions, and even commercial Treaty negotiations of later years have been unfavourably influenced by the fact that formerly interventions had taken place in the interest of Minorities. Is it not clear that under these circumstances even a Government whose sympathies were on the side of a Minority, appreciating the political difficulties connected with a question, preferred to abstain from an appeal to the Council in the interest of their own nationals?

One cannot assert that for this reason alone the Committee of Three has neglected the duties entrusted to it by the Council, but it must be said that for the reasons mentioned and in the wish to avoid any conflict between the States members of the League of Nations, the Committees of Three have been getting accustomed to confine themselves to recommendations, advices, suggestions, or in other words exclusively to an unofficial and friendly discussion of petitions. For instance, Marienbad—the well known watering-place and property of Marienbad—was in danger of being expropriated in favour of Czecho-Slovakian nationals of Czech race, and executive measures by application of the so-called land reform were already ordered. Marienbad asked for the intervention of the Council in the form of a petition *d'extrême urgence*, stating that infringement of its Minority rights was imminent. Owing to the efforts of the Committee of Three, M. Benes was convinced of the necessity of stopping execution on behalf of the local agrarian office to avoid a *fait accompli* and keep the way free for a just investigation and judgment of the excellent Supreme Administrative Court of Prague, no doubt a fortunate solution.

But often enough such mediation has been without success. The Governments concerned have replied to the Committee that they have completely observed the Minorities Treaties or, if such an assertion was impossible, they assured the Committee that all measures had been taken to alter the situation of the complainant and to treat him according to the Treaties. The Committee has accepted such promises. What else could it do? But in such cases the Government of the country concerned was not able, perhaps not always willing either, to act decidedly, and yet the Committee still abstained from referring the matter to the Council. And this is the rule to-day. In practice the procedure within the Committee terminates the case, with the result that even the members of the Council, as mentioned above, are kept in ignorance of the cases pending before the Committee.

There are no minutes kept in the Committee. No one, with the exception of the Members of Committee, knows whether any and what investigations have been carried on. The Minority complainant is equally kept ignorant of the state of his petition and left under the impression that his case has not been heard

and that he is being victimised by the inaction or indifference of the Council. For instance, the German Minorities in Czecho-Slovakia were for years left ignorant of the state of their petitions regarding the distribution of land in favour of the Majorities. They never heard what action, if any, had been taken on their representations. But, of course, there has been a change since the Germans in Czecho-Slovakia have taken part in the Government.

Quite possibly the complainant may have been in error in many cases, but, as long as this is not made clear to him, he will nurse his grievance and loudly proclaim his discontent. This was not what the framers of the Minorities Treaties intended. Their object was to calm the atmosphere and establish harmony in the newly constituted or reconstituted States.

To sum up, therefore, (a) one Government alone cannot intervene generally. What did Sir Austen Chamberlain say in Geneva? "We have not yet reached such a solidarity in international affairs that any of us welcomes even the most friendly intervention in what we consider our domestic affairs."

(b) The Committee of Three cannot do so either, as it varies constantly as soon as the President of the Council changes. This alone is sufficient to prevent it from obtaining the necessary knowledge of pending cases and having sufficient time for their consideration. The Netherlands' representative, M. Beelaerts van Blokland, is not the only one who has observed that the delegates to the Council, being too much absorbed in their work, are frequently obliged to send substitutes to the sessions of these Committees of Three, which sit simultaneously with the Council. The composition of these Committees varies constantly, and their members gain only a scanty and casual knowledge of the question with which they are called upon to deal.

### 3. How can these deficiencies be redressed?

(a) How can a more efficacious treatment of the petition by the Council and, for this purpose, better information for the Council be secured in the interest of Minorities?

(b) How can we give Minorities information about the results of their complaints and so succeed in calming them, which is what the Treaties are intended to do?

(c) How can the value of publication through the League and the consequent mobilisation of public opinion in the event of maltreatment of a Minority be obtained?

(a) To begin with: We have already come to the conclusion that neither a single member of the Council nor a Committee varying in each particular case could sufficiently protect the important interests here in question. This task can only be fulfilled by the Council as a whole and in its totality. This surely was also the purport of the Treaties, though, on the other hand, it does not

lead to the conclusion, as Sir Willoughby seemed to have pointed out to-day, that village quarrels should be brought before an International Council. It is true the Treaties have given the Minorities a right to appeal to the Council, but it was not their object and should not be their effect to loosen the bonds which tie all nationals to the State. Not one of the signatories of these Treaties can have intended to allow a complainant to appeal to an international authority or tribunal before laying his complaint before his own Government. Therefore the assertion made in the Polish proposal, cited by Senator Dandurand, is important and deserves earnest attention, *that every petition of Minorities should be submitted to the League through the interested Government.* Only in so-called urgent Minority cases—that is to say, in so far as Minority petitions are concerned, in which the petitioners wish to prevent the execution of any threat of violence by a Government upon a complaining Minority or, what might be even worse, the confronting of the League with an accomplished fact—should the Minorities have the right to forward their petitions direct to the Secretariat. As a rule the Government will feel it desirable to reply to the petitioners direct.

If the Government should fail to satisfy the complainant, the petitioner may give his reasons for maintaining his claim and, at the same time, request his Government to forward all the correspondence within a certain time to the League of Nations. The Government should comply with this request and inform the petitioner that it has done so. If within forty days the petitioners do not receive notice that the complaints have been sent to the Secretariat they may themselves forward the whole of the files in their possession to the League of Nations. The proposals of Senator Dandurand ought indeed to have the careful attention of the League of Nations, as they have been suggested at the same time on behalf of a Government concerned. The arguments in their favour are evidently convincing. Any action taken by the local administrative authority by which persons belonging to Minorities may regard their rights as being infringed, would immediately be made known to the central authority, which would thus be enabled to satisfy without delay the legitimate rights of the persons concerned. Besides, the Minorities would come into closer contact with their Government and many difficulties and misunderstandings would thus be removed by more ordinary methods than by seeking at once to obtain support from any foreign Government. Moreover, by this procedure the number of petitions to be forwarded to the Council would surely decrease, and the few which finally would be submitted to the Council would be accompanied by files more complete because the parties could have exchanged their views as regards both the facts and the law.

The examination of disputes submitted to the Council by this method—in view of the fact that a case which could not be settled

between Government and Minorities therefore remained a cause of unrest—should be made accessible to *all members of the Council*, that is to say, as M. Benes suggested in October, 1924, with regard to questions of the Conference for the reduction of armaments, the whole Council should sit as Committee. The Council might further form sub-committees in such a way that its members may be able to specialise on Minorities' questions and also hear, as far as it would seem desirable, experts and other personalities most suited for work in the committee of investigation, as was also suggested by Dr. Stresemann.

(b) In contrast to the practice hitherto, the Minorities should be informed of the answer of the Government in question to the League of Nations. It is not right that the Minorities should learn what is the attitude of the Government merely by chance or through political relations. This principle was adopted in 1926 by the International Law Association in Vienna, and in Geneva likewise it was declared to be a desirable one, particularly by Dr. Stresemann.

(c) In addition, greater publicity than hitherto will be desirable. The secrecy now surrounding each stage through which the petition passes, results in making the oppression of the Minorities more dangerous. In addition to this it renders easier the task of those people who consider it their duty to magnify into undue proportions some insignificant or fanciful complaint. Publicity is the best cure for this. Hitherto the League of Nations has only in one single case published the whole of the documents relating to a petition in the Official Journal; in future, this should take place more regularly. This principle too was adopted in 1926 in Vienna by the International Law Association, and moreover the proposal that the Annual Report of the General Secretary of the Plenary Assembly of the League of Nations should likewise report on the state of the negotiations relating to existing Minorities' petitions was first supported by M. Briand at the last meeting of the Council.

The practical importance of such a publication is surely by no means an inappreciable one, in spite of the doubts of Sir Austen Chamberlain who perhaps felt justifiable apprehension that an undesired publication might lead to discrediting a particular Government concerned. As a rule its effect will be that the Governments concerned will realise more fully than hitherto what are the principles which should be observed in future in regard to the Minorities Protection Treaties. Such publications will therefore frequently render superfluous any further intervention of the Council of the League of Nations. Consequently it appears justified that in all cases, as was rightly suggested by Senator Dandurand, a resolution should also be adopted as to whether and to what extent public communication should be made of the matter. The fact that in this way the question of pub-

lication is subject in each case to a separate decision also affords sufficient security against the danger which Sir Austen Chamberlain apprehends from the publication.

#### 4. *The Rôle of the League of Nations.*

The part which the League of Nations is called upon to play as guarantor in the Minority questions is not that of the international policeman whose only duty it would be to take action against refractory States.

Its task lies before all else in furnishing guidance, advice and aid in the sense of the resolution adopted unanimously by the Third Assembly.

The Polish Minister, Zaleski, was not wrong when he said that if one wished to be of use to the Minorities it was necessary to confine oneself to practically attainable measures. The best method of protection, he said, consisted in harmonising the different interests.

The deputy Hassbach obviously was of the same opinion when, at the International Congress of 1925, he stated emphatically:—"The way to Geneva lies via Warsaw." This utterance of the German-Polish politician proves that the solidarity and mutual understanding of the Majorities and Minorities of Europe in order to become a reality must not only be embodied in formal Treaties between the States of Europe, but must rest on open and cordial relations within the countries themselves.

Switzerland has proved that despite diversity of language, race and religion, the love of the all-embracing mother country, rooted for centuries in its population, has remained unshakable.

It is to be hoped that in the new States, likewise, development will proceed in this direction in the interests of cultural peace, which can only be secured by the exercise of justice towards everyone who steps forward in defence of the right to live granted to him for his language, his soul and his faith.

#### IV.

##### SUMMARY OF PROFESSOR RENÉ BRUNET'S SPEECH.

Professor Brunet gave the Conference an account of his experience of the procedure at Geneva as he had seen it when he went there on behalf of those who had presented a Minority petition.

He explained that when a petition is sent to Geneva it is briefly acknowledged by the Secretary-General, and that is all the Minority knows about it. They get no further news. If they are very keen and well organised they send a representative to Geneva to follow it up and see what has happened. This representative tries to find out whether their Government has replied, whether

the Committee of Three has been constituted, and, if so, whether it has met. If their representative is lucky and has powerful backers, they may get some information. They may, for instance, learn the nature of the reply, but you cannot be sure, if you do learn the nature of the reply, that you have correct information.

Professor Brunet himself was once following up a petition from a Minority in Czecho-Slovakia and he succeeded in getting from some source in Geneva the reply of the Czecho-Slovakian Government. He also was fortunate in having people who would help him in Prague, and he succeeded in getting a copy of the reply from Prague; but when he compared the two documents they were not the same. To this day he does not know whether he really got between the two documents the whole of the reply.

Supposing the Committee of Three does send the petition on to the Council. The Council is occupied with very important questions, and it is difficult for the modest representative of the Minorities to get much attention. He will first, of course, try to get the ear of one of the Committee of Three. The sort of thing he is up against is this. Say there are three hundred peasants complaining they have not got a school of their own language. The representative has to get this member to give his mind to whether that village has or has not a school, and, if not, whether it ought to have. If you persevere you may get a real interview or you may simply catch him for a few minutes on the hotel steps. Very rarely you will get a man concerned with a question of justice, but you may also get your member concerned with it very much more from the political point of view. For instance, you may get a delegate interested, but he may say: "Yes, I expect you are quite right but, after all, the Government whose Minority you wish to protect has done me a great service. How can I possibly go against it and annoy it over its Minority?"

When the Committee of Three does meet it will probably discuss the question with a delegate of the accused Government, and what probably happens is that the delegate promises something or does not promise something and the affair is arranged behind closed doors between the Committee of Three and the delegate concerned. Supposing it does come before the Council, again you have politically interested people. The Council may consist of people who are occupied with large political issues and may consist of political friends of the State in question. It is difficult to get any Government to take upon itself the responsibility of bringing the question before the Council at all.

Moreover, the Minorities are not represented. They have no legal personality in the international sense, whereas there will always be on the Council one or two States who have Minorities of their own and who have therefore an interest in keeping Minorities quiet.

A petition will nearly always contain questions of law or fact

which are suitable for reference to The Hague Court. At first the Council was inclined to use its right to refer questions to The Hague Court, but The Hague Court always gave its opinion in favour of the Minority, and the Council has now practically ceased to refer to it at all. It is found safer to consult a Committee of Jurists privately. You do not have the tiresome publicity of The Hague.

It is sometimes argued that this friendly and confidential discussion is the best method. You can get people to do things in a friendly and confidential way that you cannot get them to do if you drag them before a tribunal. There is something in that. But even if the Government in question does not refuse all satisfaction the agreement reached has to be translated into action in the national courts. You may get an agreement at Geneva, but it has got to go to the remote village that has a grievance. You cannot be certain how far an agreement reached in Geneva privately and confidentially will ever be put into actual practice. It is very apt to get lost on the way to that remote village.

In any case, unless it comes before the Council the Minority is never apprised of the result. Supposing the Government does promise to redress the grievance, the Minority does not know that that promise has been given and if it is not kept they have no means of taking any further steps.

Professor Brunet then proceeded to the question of what could be done, and pointed out that the real difficulty was that whereas the Governments of the countries with Minorities take up an absolutely negative attitude, the Minorities are full of suggestions for reform but they have no agreed programme of reforms among themselves. He suggested that we should get an agreed programme of reforms that are generally desired. These reforms must be divided into two categories: (1) those which would demand a revision of the Treaties; (2) those which would not, and are therefore immediately realisable. He stressed the importance of keeping those two categories entirely distinct in our thoughts.

He dealt first with the question of those which would demand the revision of the Treaties, and deprecated the idea of concentrating on them. He thought that to attempt now to alter the territorial status would lead to complications which would be much better avoided.

Then there is another suggestion, which would come under that same category, *i.e.* of extending the Minorities Treaties to all States. That, again, he deprecated. He pointed out that it is not the Minorities themselves that are demanding this, but the States which are at present under Minorities Treaties.

A Minority in the sense that we are now considering is not only a group differing from the Majority in race, language or religion, but a group opposed to the Majority traditionally; it is often part

of a former Majority which has in itself oppressed the former Minority that has now become the Majority. It is only Minorities in this sense that need protection. To make the Treaties universal is impossible of realisation.

Dealing with immediate reforms, he put first the right of the Minority to know the Government's reply to the petition. There ought to be a complete written procedure available—the Minority's petition, the Government's reply, and any correspondence which follows. This is not contrary to the Treaties: they give the Council the right and duty of protecting Minorities and it cannot therefore be contrary to the Treaties that the Council should take such steps as are necessary to make that protection a reality.

Secondly, as to the proposal for a permanent Minorities Commission: this should be a Commission not with the powers of decision and investigation of the Mandates Commission, but a Committee of Inquiry and Study consisting partly of specialists whose duty it would be to keep themselves continually informed of conditions in all the Minorities' area under Treaty protection. It would be, in fact, a kind of enlargement of the present office of Director of the Minorities Section of the League.

Then comes the third point, the publication of petitions in the League's Official Journal, with the full correspondence. The Secretary-General's Report to the Assembly as regards the section which deals with Minorities is too brief and vague. It ought to contain the composition of the Committee of Three and the substance of its discussions, together with the present state of each Minority question under discussion, also precise and full information on all petitions received and registered. In this way it would be impossible to have the matter dragging on for years without people knowing what had happened and what state it had reached.

These three reforms are all in conformity with the text and spirit of the Treaties, and in all cases capable of realisation.

But all reforms restricted to mere procedure are inadequate. What has to be done, therefore, is to bring about a complete change in the spirit in which the League of Nations works. Petitions must not be examined in a political, but in a really impartial, spirit. Further than that, Minority problems can only be finally solved in a Europe which is politically and economically a new and changed Europe.



**Summary made by Mme Bakker van Bosse,  
Professor Brunet, and Dr. Loewenfeld of  
Proposals for the Improvement of Minorities  
Procedure.**

(1) The rights and duties of the Council of the League of Nations are not confined to the treatment of concrete cases of infringement of the Minorities Protection Treaties. The dispositions of the Minorities Protection Treaties are obligations of international interest and are placed under the guarantee of the League of Nations. The League of Nations is therefore entitled and obliged to occupy itself with every question of Minorities within the scope of the Treaties. The League of Nations has therefore the right and the duty to satisfy itself of the continued carrying into effect of the provisions for the Protection of Minorities.

(2) The Council should therefore set up a Permanent Commission in such a way that its members may be able to specialise on Minorities questions and also hear as far as it would seem desirable experts and other personalities most suited for the work.

(3) This Permanent Commission ought in particular to examine existing proposals for the improvement of the procedure of the League of Nations, and also to carry into effect and generalise the legal and moral standards in Minorities Protection.

(4) The Minorities should be informed of the whole of the answers of the Government in question to the League of Nations.

(5) The League of Nations Council should adopt regularly a resolution as to what extent public communication regarding the petitions of the Minorities should be made in the Official Journal.

(6) The Annual Report of the General Secretary of the Plenary Assembly of the League of Nations should report every year on the state of the negotiations of the existing Minorities' petitions.

(N.B.—With regard to (5), it should be noted that the Committee of the Women's International League are not in entire agreement with this proposal, which should be compared with the wording of the resolution on page 40.)

**A Note on the Character of the Minorities  
Treaties.**

C. A. MACARTNEY.

The Treaties are perfectly definite and detailed. They do not bind the Minorities to be loyal or contented, nor do they bind the Treaty States to be either just, generous, or philanthropic. They simply bind them to grant their Minorities certain quite definite rights and liberties. If considered as purely administrative measures, they are measures which any of the Treaty States would grant as a matter of course.

The whole system of the Minorities Treaties represents an attempt to take the subject of Minorities out of the field of politics into the field of pure administration, and if it had been possible to lift the subject into that field, as was intended, and to keep it there, there would have been no Minorities problem at all to-day. The obligations are not difficult and I cannot imagine that any of the Treaty States, if they looked at the matter from a non-political point of view, would hesitate to grant the Minorities the rights set out in those Treaties. But the difficulty has been to keep the matter out of politics. Out of the three parties—Treaty States, the League machinery, and the Minorities—only the Minorities have been coerced into taking the matter out of the field of politics. The "conditions of receivability" ensure that no petition shall be listened to which has in it any taint of politics. Minorities have no chance whatever of putting in any complaint with any political motive behind it. The same point of view has not, however, been taken by the States, whose treatment of Minorities is undeniably dictated by political considerations.

This is well indicated by the German petitions regarding Upper Silesia, which are always kept strictly within the bounds of the Treaty. They contain only entirely matter-of-fact allegations of Treaty violations, such as this: that the German children of a certain village are entitled to a Minority School, but are being forced instead to walk three kilometres daily to a neighbouring village, or that a certain small boy, who feels himself to be a German, is being compelled to attend a Polish school.

The Polish Government, however, instead of remedying these Treaty violations, protests against the complaints being received, on the ground that the questions are political ones. In fact, they become political, but only because the Polish Government itself gives them that aspect. It is violating the Treaties for political reasons in order to Polish Upper Silesia.

Unfortunately—and this is the great difficulty of the present procedure—the Committees of Three support the Treaty States in treating minor administrative questions as problems of high politics.

The Committees of Three are to-day mostly Foreign Ministers, trained diplomats, and persons brought up in the school which tends to subordinate everything to keeping the peace of Europe, that is to say, to smoothing over awkward facts.

The Committees have one enormous advantage, which is, of course, that they are authoritative; but they have this disadvantage, that they tend to look on things from the political point of view and not from the point of view of strict justice or from the point of view of the Treaties themselves. It is for that reason that most of us want a non-political advisory body of experts appointed.

## The Discussion on Minorities Questions at the March Meeting of the League of Nations Council, 1929.

H. WILSON HARRIS.

The discussion resolved itself into a consideration of two separate questions: (1) of procedure, and (2) of general principles. The two cannot be entirely separated, but at the same time I think it is well to distinguish them in our own mind as they were distinguished in the discussion at Geneva.

The general question was raised by the representative of Lithuania, who claimed that when the question of Minorities was being discussed, any country which was bound by a Minority agreement was entitled to become a member of the Council for the time being. The Council referred that contention to a committee of jurists, and their finding is, I think, important, because it will certainly be appealed to in future cases of the same kind. They published a very interesting and comprehensive report reviewing the whole situation and stating broadly this: that the Council was acting not under the Covenant—as everyone knows there is nothing about Minorities in the League Covenant—but under special Minorities Treaties, and that it had evolved certain machinery for administering those Treaties, in particular for handling petitions that came in from Minorities.

That involved two things. It involved a decision by the Council as to its own procedure, and it had involved in the past the consent of the Governments concerned to that procedure so far as it necessitated action by them. For example, the Council had no statutory right to call upon the Government of Poland to submit observations on a Minority petition. There is no document in existence which gives the Council that authority. What the Jurists therefore said was that, so far as the Council wants to vary its own side of the procedure—for example, the manner in which the petitions are handled by the Secretariat—that concerns no one but itself. If, on the other hand, the Council contemplated a change in procedure, involving some different action on the part of the Governments bound by the Treaties, that would be quite a different question; but the lawyers thought that even in that case the countries concerned should not come to the table in the first instance, because it was for the Council itself to decide on what changes it wanted, and then to communicate them to the different countries concerned. If they accepted it, well and good. If they did not, then they would come to the table to discuss their objections to accepting the Council's proposals.

I said that this was a technical matter, and so it is, but so are a great many questions connected with Minorities. I do not

think we can entirely omit to take note of this opinion of the Jurists on the rights of the Treaty-bound Governments in connection with discussions on Minorities.

Let us now recall the genesis of the recent Council discussions. At the Council meeting at Lugano last December the Canadian delegate, Senator Dandurand, gave notice that he would raise at this March meeting the whole question of Minority procedure. He, of course, occupies a special position in regard to Minorities. He is a representative of a perfectly contented Minority in a British Dominion. He is a Catholic in a Protestant country, a French speaker in an English-speaking country. He opened the discussion by producing a lengthy document which he had drawn up, reviewing the existing procedure and proposing a number of changes. What he found particularly defective in the procedure as it exists at present was the fact that, when once a Minority had put in its petition, it very likely never heard anything of it again. It did not know what action had been taken in regard to it, whether it had been dismissed as entirely superfluous, or whether pressure had been brought on the Government to modify some policy in accordance with the result of the petition. Senator Dandurand contended that this was obviously unsatisfactory. There might be some limits to the degree of publicity that Minority discussions should have, but everyone seemed agreed that, as things stand, the present limit of publicity had been put far too low. Consequently one of the Senator's requests was that some fuller form of publicity should be accorded to all these Minority petition proceedings.

Then he made a proposal—more controversial—which he borrowed from a Polish memorandum of the year 1923. At present Minority petitions are sent by the discontented parties, whether they are an individual or a society, direct to the League of Nations Secretariat. Senator Dandurand proposed that they should be sent through the Government of the country in which the Minority lives, and he would require the Government either to dispose of the grievance which the petition alleged, or else within a certain time limit forward the documents to Geneva with any observations the Government itself might have to make.

Another point on which Senator Dandurand had something to say was the Committees of Three—the three Council members who deal with Minority petitions. They have to sit while the Council itself is in session. Council members who form these Committees have their hands full during Council meetings, and for that reason often cannot give to the business before them the attention it deserves. Furthermore, unless a particular petition is passed on by the Committee of Three to the Council, the rest of the members of the Council never hear of it at all. It is finally disposed of by the Committee of Three. The Canadian delegate wanted the basis of interest broadened. He wanted to see the

whole of the Council States represented if need be by special delegates different from the ordinary Council members interested in the matter, and therefore he proposed to substitute for these Committees of Three a committee of fourteen representing every State on the Council.

These, therefore, were his principal suggestions:—(1) that the petition should be forwarded to Geneva via the Government of the State in which the Minority lived, and (2) that they should be dealt with by a Committee of Fourteen instead of a Committee of Three.

Dr. Stresemann then reviewed the whole situation. He referred to the Mello-Franco Memorandum of 1925 and to certain remarks of Sir Austen Chamberlain regarding it. There was a passage in that statement which rather suggested that the ultimate aim was the assimilation of the Minorities by the country in which they now found themselves. Sir Austen Chamberlain, in commenting on that, had spoken of the "merging" of Minorities in the general population of the country. Dr. Stresemann, challenging that interpretation, insisted that the Treaties were intended to establish a permanent régime, and he was prepared to stand very jealously in defence of the principles they laid down.

Later on Sir Austen Chamberlain explained that he realised now that the word "merger" was not a very fortunate word to have chosen. All he had in mind was that the Minority populations, while retaining their full cultural individuality, should be content to become loyal citizens of the country in which they now found themselves. Dr. Stresemann was entirely content with that explanation.

Of the practical proposals that Dr. Stresemann made there are three to which attention should be given. Like every speaker without exception, though more emphatically, he laid stress on the importance of increased publicity. He wanted more information about the way petitions were handled, but he also—and this raises an obviously difficult point which has been raised more than once before at Geneva—he wanted more continuous information about the way Minorities are treated. That was no doubt what Professor Gilbert Murray had in mind when he proposed in 1923 the establishment of a kind of League Council in Minority countries to watch the situation and report. Dr. Stresemann did not make any concrete suggestion of that kind. He did not even indicate what he had in view, but he did suggest that that was a point which, among others, should be given full consideration.

Dr. Stresemann summed up his actual proposals as follows:—(1) a careful study should be made of the existing possibilities, with a view to the improvement of the procedure applied to petitions; (2) the participation of certain interested nations should be considered, instead of their exclusion as hitherto; (3) it is necessary to examine in what way the League of Nations can

accomplish its duties as guarantor outside the sphere of petitions.

Sir Austen Chamberlain said he had served on many Minorities Committees. Broadly speaking, he thought the present system worked well, but there were at least two points in which it could be improved. One was in the direction of publicity; the other was in the direction of acceleration.

What Sir Austen had to say about publicity was interesting. He was in favour of larger publicity, but he pointed out that the secrecy of the proceedings of the Committee of Three, while it no doubt had disadvantages, had also some advantages; in particular, a Government could far more easily make concessions under pressure if that pressure were applied privately than it could in the open.

As to the form which the publicity is to take, that remains to be considered. Dr. Stresemann suggested that the report of the Secretary-General to the Assembly on the work of the Council during the past year could give a list of the petitions received and the manner in which they have been dealt with. It was also suggested by Dr. Stresemann that the Committees of Three should report to the Council on the action they have taken on each particular petition.

M. Briand mentioned that in the year 1928 the Committees of Three had dealt with twenty-three petitions from eight different countries, and had devoted forty-four hours to their consideration.

### Discussion.

The following matters were raised in the discussion and by questions:—

#### *The general guarantee of the League.*

While the infraction or danger of infraction of a Minorities Treaty can only be brought to the notice of the Council by a State Member of the Council, the clause (in Article 12 of the Polish Treaty) placing the obligations defined in the Treaty under the guarantee of the League is not limited in this way, and there would appear to be nothing contrary to the Treaty in the Council taking whatever steps it thinks suitable to inform itself as to the working of the Treaties.

#### *The Proposed Advisory Committee.*

Sir Walter Napier considered that the Committee should be able to examine witnesses in connection with petitions.

Professor Brunet thought that the Committee should consider petitions and also general questions of the way in which the Treaties are observed, but he did not think it necessary for them to consider every petition. He would still keep the

Committees of Three and leave them free to consult the Expert Advisory Committee on such petitions as it thought desirable. In answer to a question as to how the proposed Advisory Committee would get information, Professor Brunet said that he did not think that it could have the right under the existing Treaties to investigate grievances on the spot or to send experts to investigate, but he had no doubt that there would be no difficulty in getting information. The Governments would not refuse information to the Commission, because it would be both the right and the duty of the Commission to submit reports to the Council both on particular grievances and on the general position of the Minorities; that these reports would, of course, be made public, and therefore it would be in the interests of both the Governments and the Minorities to give them as much information as possible and to provide well documented information.

Mme Bakker van Bosse emphasised the necessity of having an Advisory Committee whose members would not change with changes in membership of the Council, as "the Minorities question is not one that you can deal with in a very few years."

Attention was drawn to the importance of having women on the Minorities Advisory Committee.

Miss L. P. Mair expressed disagreement with the view that an Advisory Committee should be limited to advising the Committee of Three and only dealing with petitions passed on to it by that body, on the ground that the Committee of Three has not time to examine the petitions sufficiently to select those which are important. "What is wanted is a body of persons prepared to give their whole time, if need be, at any rate to examine every petition that is received, whether it affects 20 people or 2,000. Such a body cannot be effective unless it has the fullest possible powers of investigating, including, if need be, inquiry on the spot. Provided that these powers are confined to concrete cases which have actually been raised, I cannot see that this should be contrary to the spirit of the Treaties. Of course the difficulty is that there is no 'letter' of the Treaties on this point. The whole procedure is outside the Treaties." Miss Mair urged that if the objection should be pressed that such a Commission would be contrary to the Treaties, the matter should be referred to the Permanent Court of International Justice.

Mr. Wilson Harris said that the question of giving a Committee power to investigate on the spot was not discussed at Geneva, but that the whole trend of opinion at the Council Meeting was against it. It would obviously mean a certain acquiescence on the part of the Government concerned, and the attitude of such Governments is that they have agreed to certain points in procedure and are not at present prepared to agree to anything more.

*The proposal that Petitions should be sent first to the Government concerned.*

Mr. Wilson Harris said it was believed at Geneva that some Minorities would object to that very much and would be afraid of intimidation.

*Importance of Public Opinion.*

It was pointed out that the effect of more publicity, and the expression of public opinion that the rights granted by the Minorities Treaties are reasonable and not in any way injurious to the State granting them, would help to establish the general principle that all States are in honour equally bound to observe this minimum of fair treatment to any Minority groups that they may have under their rule. It was suggested that the Churches might do a great deal to help to form such public opinion.

*Special Problems in the Balkans.*

His Excellency the Minister for Bulgaria spoke of the support given by his country to the provisions of the Minorities Treaty and his belief "that no effective political harmony can exist in the Balkans till the rights of the Minorities have been recognised." He appreciated the difficulties of the question and added: "We do not wish to admit that there is always a lack of goodwill on the part of Sovereign States for the cessation of unfair treatment of the Minorities. Only too often an official is responsible for much that is regrettable. The Sovereign States should be encouraged to exercise the fairest discrimination in the choice of their officials, so as to establish a staff of men above suspicion, neutral and human in their views, and ready to investigate *sine via* such cases as arise between nationals and Minorities."

Other speakers drew attention to the special difficulties with regard to the Macedonians, whose claims to Minority rights under the Treaties are not admitted either in Yugo-Slavia or Greece. It was pointed out that those who are living in these countries are afraid to make complaint to the League and that great resentment is caused not only by the refusal to grant schools in their own language but still more by the strongly nationalist teaching from the point of view of the Majority, directed against the race of the Minority, which is given in the schools that the Minority children have to attend.

## A General Review.

PROFESSOR P. J. NOEL BAKER.

Quite rightly the Conference has concentrated on the machinery of Minorities procedure, and I should like to emphasise that in concentrating on machinery we must not forget that there are also questions of grievances. The Minorities have got real grievances. On the other hand, I think it is also right for us to remember that the Treaties are infinitely better observed than the Minorities Treaties before the war. I personally hesitate to think what would have been the situation of Minorities had the Minorities Treaties not been in existence.

With regard to one particular point which was raised, namely the question of Serbian Macedonia, I am bound to state that I regard that as a rather special case. You have a quite abnormal situation which was not anticipated, when a Government denies that a Minority exists at all, whereas other people say they constitute a Minority.

I have always believed that one element in that situation was the military motive, that in the Balkans men of adult age have within their memories seen their frontiers changed one, two, three, four times as the result of a military operation. Their minds are concentrated upon military possibilities in the future. They still believe in the next war, they do not believe it is very far away, and they desire to be prepared.

If we could only build up a system of general security in Europe and get rid of the military motive I believe we might take a great deal of the sting particularly out of these Macedonian questions, which seem to me in many ways abnormal.

With regard to the machinery, in the first place any machinery will work if it is worked by the right people and in the right way. Even the machinery that exists, in my opinion, functioned reasonably well during 1923 and 1924 when Mr. Branting was still alive and when Lord Cecil was the British Member of the Council. The services rendered by Lord Cecil with regard to the Minorities Treaties were by no means the least of the services which he had rendered to the League.

In the second place, I have always believed that the machinery of the Jurists' Committee and the Committee of Lawyers appointed by the Members of the Council from their own delegation is a very dangerous one for the solution of any legal point that may be raised in the work of the Council. I do not say it is never to be used, but to use it as a formal substitute for The Hague seems to me extremely dangerous in any general question of legal importance, and more so in connection with Minority cases.

I do not wish to bring in the general revision of the Treaties, which is not to say that the question of general revision of Treaties is not one which some time will require consideration.

Nor do I desire to complicate the present matter by extending Minorities Treaties to all the powers in the world. I believe the extension to other territories, though it may be philosophically right, is impossible of achievement at this moment. Being impossible at this moment, I would carry on with the task of execution of the Minorities Treaties to the best of my ability, and I believe that that ought to be done because it is in the interests of the peace of Europe as a whole, of the Minorities, and most particularly of the Governments which have made Minorities Treaties and which are bound by their terms. It is most of all in their interests that I believe the full and complete execution of the Treaties is to be desired.

I think we ought to be able to get a permanent Minorities Commission in substitution for the Committee of Three, or in any case to deal with all the petitions that come up. I think that is important, because it is physically impossible for the members of the Council, Foreign Ministers with the gravest international questions on their hands, to deal with each petition. They cannot do it. They ought to have people who can, because you never know in what petition a matter of very important principle may come up. I would like that Commission to be composed not of Government representatives but of people chosen for their personal ability; and, secondly, that they should be paid, and that their expenses should be met not by National Governments but from the funds of the League as a whole. I believe that is justifiable in principle. The protection of Minorities is not a matter which concerns certain States only. It does not concern the Council of the League as individual States, but it concerns them as the representatives of the society of nations as a whole. I believe it would be perfectly possible without going outside the scope of the present Treaties to set up a Commission of study and investigation and to make it purely advisory to the Council.

I believe another point is one of tremendous importance, namely, full publicity. If you have full publicity of all that passes between the League and the Governments and the Minorities, if you publish every year a complete dossier of what happens in each case, you may spend some money for the benefit of a very restricted circle of readers, you may publish a good deal of mere rubbish, but you will in any case achieve the purpose of allaying the anxieties of Minorities that they are not getting justice, and I believe you will put a very effective restraint upon any Government which might have a desire not to fulfil its full obligations.

Lastly, I do believe we need a change of spirit. We do

need to take this out of the sphere of politics into the sphere of law.

I have always believed that the Governments have shown far too great hesitation in referring cases to the Permanent Court. Why should they, having a perfectly plain and clear case to make that they are fulfilling their obligations, why should they not go to the law courts and have the international judges of the world declare whether their case is sound or not? If there are any disputes as to whether a dispute is valid within the terms of the Treaty or not, that would be eminently suitable for submission to the Permanent Court for an advisory opinion.

### **Women's International League Resolution.**

The Executive Committee of the Women's International League, having considered the proposals put forward at the Conference on Minorities Problems held at the Caxton Hall on March 21 and 22, 1929, believes that the following changes in the procedure of the Council of the League of Nations are needed to enable the League to carry out effectively its guarantee of the protection of Minorities :—

(1) Whatever procedure for dealing with complaints of infraction of the Minorities Treaties be adopted, it should provide :

(a) that when a petition is received from a Minority claiming that there has been a breach of the Treaty, the Minority should be informed as to the answer given by its Government ;

(b) that all petitions dealt with, together with the replies of the Government and report of action taken, should be presented to the Council and published in the official documents.

(2) An Advisory Committee should be constituted, consisting of both men and women having special knowledge and experience of the Minority question from the points of view of the Majorities and of the Minorities, which Committee should have the duty of examining and reporting to the Council upon all petitions relating to Minorities presented to the Secretary-General, and of advising the Council as to how it can best discharge its obligations under the Treaties.

