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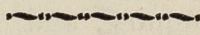
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The Problem of Minorities in Europe

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It is hoped that this publication may be of use to those who wish to acquaint themselves with some of the main features of the Minority Problem in Europe; it does not attempt to deal with the more legal and technical aspects involved. These can best be studied in other publications, such as those of the International Law Association, the International Federation of League of Nations Societies, &c. The object of this paper is rather to prepare the way for further inquiry, and, should the demand for information justify a subsequent publication, it is intended to deal more in detail with the conditions of minorities in Europe and with some of those aspects of the question which it has not been possible to include here.

**Minority Treaties, Conventions and
Declarations.**

Every country belonging to the League of Nations has a direct responsibility for the conditions under which people forming "minorities" in the countries of East Central Europe are living. From the Baltic on the North to the Mediterranean, between Germany on the West and Russia on the East, each State has given the Council of the League the right to protect its "minorities." Countries represented on the Council have therefore a heavy responsibility, and this falls particularly on the great Powers who framed the Peace Treaties and decided the frontiers of the new and enlarged States.

It is therefore clearly the duty of the British to do their share in making the League protection effective, and for this there must be an educated public opinion acquainted with the general lines of the problems. The continuance of friction between States and "minorities" may become again the cause of a world war, and the solution of these difficulties will help forward disarmament and the peaceful development of Europe.

Forty millions of minority citizens are not an easy problem either for Governments or for the League of Nations. In most of the areas transferred under the Peace Treaties conditions have been disturbed since 1919. Repression has been met by counter propaganda, and petitions to the League of Nations have been answered by statements from Governments. To the outside reader it is difficult to disentangle the facts, and this increases the necessity for fuller information; fortunately, inquiry is proceeding both inside and outside the League, by means of Commissions and independent investigation.

In studying the actual engagements which States have entered into as regards the treatment of minorities since the war, one may note first that this question is not mentioned in the Covenant of the League of Nations. In spite of the strong French influence in the Covenant, there is no declaration of the Rights of Man. There is also no reference to the question of whether any part of a State has the right to secede from that State, but it may be noted that by Article 10 of the Covenant, in which the members of the League undertake to respect the territorial integrity of other members, they only offer to preserve it against external aggression. The Minority Treaties which were afterwards concluded did not enjoin upon the minorities any duties to the State of which they form a part,

nor do they refer to any minority as an organized community or as a national minority. Minorities are regarded as individuals, who may belong to ethnic, religious, or lingual, but not as national, groups.

The Treaties give no definition of what constitutes a minority. Apparently in Czecho-Slovakia the Slovaks are not regarded as a minority, and in Jugo-Slavia the Croatians and Slovenes rank on an equality with the Serbs.

The idea of protecting the interests of minorities by treaty was not a new one after the war. It was taken from the practice of the Great Powers in the Concert of Europe, and M. Clemenceau at Paris made it clear that he regarded the provision of treaties under the guarantee of the League of Nations as a natural sequel to this practice, and more likely to be successful in the protection it offered. It was on this ground that the newly formed States regarded as allies and not enemies by the Allied and Associated Powers were induced to sign Treaties guaranteeing the rights of minorities included in their territory.

A. Treaties.

Treaties were made on this basis between the principal Allied and Associated Powers and the following States:—

Poland, at Versailles, June 28, 1919.

Jugo-Slavia, Czecho-Slovakia, and Roumania, at St. Germain, September 10, 1919.

Greece, at Lausanne, July 24, 1923.

Treaties of a similar character were also made with the defeated Powers as follows:—

Austria, at St. Germain, September 27, 1919.

Bulgaria, at Neuilly, September 27, 1919.

Hungary, at the Trianon, June 4, 1920.

Turkey, at Lausanne, July 24, 1923.

It will be noted that no special duties as to minorities were enforced on the Germans in the Treaty of Versailles.

B. Declarations.

Another group of countries which have submitted to the right of the Council of the League of Nations to interest itself in the treatment of their minorities are certain States which were admitted to the League since its formation, the declarations as to the rights of minorities having been made a condition of their entry:—

Albania, Esthonia, Latvia, Lithuania, Finland.

C. A Special Treaty.

A Special Treaty was arranged by the Conference of Ambassadors between Germany and Poland with regard to the minorities in Upper Silesia.

D. Exchange of Population.

Minority questions are involved in two agreements providing for the exchange of populations: one between Greece and Bulgaria at Neuilly, November 27, 1919, which made special provision for the voluntary emigration of nationals of each country which found themselves in the territory of the other; the other between Greece and Turkey at Lausanne, July 24, 1923, providing for the obligatory expulsion of Christians of Greek race inhabiting Turkey, with the exception of Constantinople, from that country and of people of Turkish race from Greece.

It will be noticed that, with the exception of Turkey, only European countries have been dealt with in the post-war Minority Treaties. No provision has been made for the protection of minorities in other continents, except in regard to countries placed under mandate, in which the obligations imposed upon the mandatory power may be held to cover the above provisions for the protection of any minorities that may be involved.

Countries Without Minority Treaties.

There are three countries which have not accepted any international obligation for the protection of minorities, although fresh territory with minority problems has been acquired through the war. These are Italy and France and Belgium. In the case of Germany, although, like Austria, no new territory has been acquired, some Danes still remain in her territory without any special clauses in the Treaty for their protection. The Constitution of 1919, however, does guarantee minority rights.

It is not easy to see any distinction between Italy and several other countries which have acquired territory during the war and have accepted Minority Treaties. The fact that she has a permanent seat in the Council of the League would, it might be supposed, have made it easy for her to accept the same obligations as the others have done. She has, however, accepted the moral obligation involved in the resolution passed at the third Assembly, in which the hope was expressed that all States members of the League should give the same rights to minorities that are in the Minority Treaties.

All the Treaties mentioned above have been guaranteed by the League and give the Council the right to take what steps it thinks right to secure their effectiveness.

Certain bi-lateral Treaties have been made between countries specially concerned in mutual minority problems:—

Between Austria and Czecho-Slovakia at Brunn, June 7, 1920, with a protocol at Karlsbad, August 23, 1921, and at Lanny, September 24, 1921;

Between Poland and Danzig, two Conventions, November 12, 1920, and October 24, 1921;

Between Italy and Jugo-Slavia at Rapallo, November 12, 1920;
 Between Poland and Czecho-Slovakia at Prague, November 29,
 1920;
 Between Poland, Russia, and Ukraine at Riga, March 21, 1921;
 Between Esthonia, Finland, Latvia, and Poland at Warsaw,
 March 17, 1922.

The Terms of the Treaties.

All the Minority Treaties have terms which may be grouped as follows:—

- (1) Rights common to all the inhabitants of the country :
 - (a) "Full and complete protection of life and liberty to all inhabitants of, without distinction of birth, nationality, language, race, or religion."
 - (b) The free exercise of religion.
 - (c) The acquisition of the nationality of the country by all persons born in it who are not nationals of another State and of persons domiciled there.
 - (d) Equality before the law and in civil and political rights, and in admission to public services, without distinction as to race, language, or religion.
 - (e) Free use of the mother tongue, in private and public, and before the Courts of Law.

(The public services are not mentioned.)

These rights establish for the individual what may be regarded as the essential Rights of Man, and as such may form the basis of a future recognition of these rights in International Law. The first article of each Treaty recognizes these clauses as fundamental laws which may not be interfered with by any other legislation.

The German-Polish Convention is, however, the only one which establishes Courts to decide whether a law contravenes these provisions.

- (2) Rights specially granted to individuals belonging to "racial, religious, or linguistic minorities" :

- (a) To establish at their own expense charitable, religious, social, or educational institutions.
- (b) That in towns or districts where "a considerable proportion" of the inhabitants speak another language than that of the country, instruction in the primary schools shall be given in the mother language of the children, and an "equitable proportion" of the State and municipal funds provided for educational, religious, or charitable purposes must be given to the "minorities" in such districts.

Although these rights are thus given to groups of people, they are not recognized as a community, and there is no right of association for the defence of these rights excepting in the German-Polish Treaty.

- (3) Certain Treaties contain special provisions dealing with local conditions :

The Treaty with Poland contains special provisions in regard to Jews. The Treaties with the Kingdom of the Serbs, Croats and Slovenes and Greece have provisions which safeguard the rights of Mussulmans. In the Czecho-Slovak Treaty is incorporated the charter for the autonomy of the Ruthenians south of the Carpathians; and the Treaty with Roumania assures the educational and religious autonomy of the Saxons and Szeckler of Transylvania.

Guarantee of the League.

These provisions for the rights of members of minorities are recognized in each Treaty as constituting international obligations which are to be placed under the guarantee of the League of Nations, and the right is admitted of any member of the Council of the League to bring to the attention of the Council any infraction or danger of infraction of these provisions, and of the Council to take such action as it may deem proper. Each State agrees that any difference of opinion as to questions of law or fact arising out of these articles of the Treaties between the Government concerned and a member of the Council may be referred to the Permanent Court of International Justice.

In September, 1923, the Permanent Court of International Justice gave an advisory opinion to the Council, in which it made clear that this article applies to all the rights granted to members of minorities under the Treaty, whether in common with all the nationals of the State or special to the minority.

Another advisory opinion given at the same time lays down the primary importance of securing the rights granted in the Minority Treaties, and rejects the objection made by Poland that, in contravening these rights, she was acting in accordance with an Article (256) of the Versailles Treaty, concerning the interpretation of which Poland held that the Permanent Court was not competent to deal.

It should be noted that there is no mention of the economic position of members of minorities in the Treaties. Grievances of this kind can only be dealt with by the Council if they are due to any discrimination by the State against the minority, and on this ground complaints have been investigated.

In addition to the above Treaties, Greece and Bulgaria each signed a Protocol with the League of Nations at Geneva in September, 1924, by which they gave further guarantees for the rights of minorities and, in particular, allowed representatives of the League to reside in Macedonia in order to receive and investigate complaints.

Greece, however, did not ratify her Protocol, and after replying to a questionnaire from the Council regarding the provision made

for minorities that she would put these in force as soon as all who wished to emigrate to Bulgaria had left, the matter lapsed until the Petritch incident, in 1925, led to a commission of investigation by the League. This Commission, under Sir Horace Rumbold, recommended measures very similar to those of the rejected Protocol which the Greek Government has been obliged therefore to accept.

The Constitutions of the Countries which have accepted International Obligations with regard to their Minorities.

The following countries have established written Constitutions since the war :—

Poland. This embodies the individual and institutional rights of minorities, and it is interesting to note that in articles 109 and 110 national minorities are mentioned.

Czecho-Slovakia also embodies the Treaty rights with minorities.

Jugo-Slavia. The Constitution grants general rights which might be interpreted as applying to minorities, and in article 16 refers definitely to allowing minorities to use their own language in schools. In both Jugo-Slavia and Czecho-Slovakia it may well be wondered whether it will be found possible to solve the racial difficulties without the adoption of federal Government.

The Constitution of Austria does not specifically refer to minority rights, but it may be taken that they are covered in the general provisions for all citizens. The particular Austrian problem of a Czech minority is met by the bi-lateral Treaty.

Greece has recently passed a Constitution, in which personal rights appear to be protected as far as in the Minority Treaties. There is no reference to minorities, but freedom is granted to local autonomous bodies to support educational institutions.

Roumania passed a Constitution in 1923, in which the inhabitants have equality of treatment in personal rights, religion, and language, but there is no reference to special provision for minorities.

The declarations made by the Baltic States and Finland on entering the League state that the Constitutions give full provision for the protection of minorities, and, in actual fact, the provision made gives greater freedom than that required by the Treaties.

The Hungarian Constitution is historic, statutes not being drawn up in a single Constitution. The laws provide for equality of rights, personal liberty, and the protection of minorities, with the right to use the mother tongue.

It is obvious that, granted goodwill, the Treaties protect minorities whether the clauses are included in the Constitutions or not, while without goodwill a member of a minority does not find it much easier to get justice under the Constitution than under the Treaty.

H. CLARK.

Minority Procedure under the League.

The provisions of the Minorities Treaties were placed under the guarantee of the League of Nations, and the general conditions of procedure were then laid down by a series of Council resolutions, passed between October, 1920, and September, 1923; and by resolutions passed after close discussion in the Third and Fourth Assemblies, both in plenary session, and in the Sixth Committee.

The steps by which the present procedure came into being need not be detailed, but a resolution of September 5, 1923, passed to meet special difficulties which needed special measures, lays down the following conditions, which should be mentioned. Petitions addressed to the League concerning the protection of minorities :— (a) Must have in view the protection of minorities in accordance with the Treaties; (b) in particular must not be submitted in the form of a request for the severance of political relations between the minority in question and the State of which it forms a part; (c) must not emanate from an anonymous or unauthenticated source; (d) must abstain from violent language; (e) must contain information or refer to facts which have not recently been the subject of a petition submitted to the ordinary procedure.

The different reasons for these conditions are obvious. Petitions asking for revision of the Treaties, such as are excluded by (a) and (b) above, do not come within the limits of the Council's guarantee for the protection of minorities. Rules (c), (d), and (e) are both protective and designed to promote the effectiveness of petitions received. Whether an enlarging of the conditions under which petitions are received is desirable or not does not come within the sphere of this article, which is concerned solely with the facts of procedure as they exist, and not with criticism. That finds expression in other articles.

In 1922 also, the Third Assembly, and in 1923 the Fourth Assembly, each time on the recommendation of the Sixth (Political) Committee, passed resolutions embodying interesting proposals, some of which have been put into practice. These suggested that the promotion of good relations between States containing minorities and the minorities, could frequently best be achieved by "benevolent and informal communication," and speedy reference to the Permanent Court of International Justice of such matters as Treaty interpretations was urged; the duties of minorities towards their respective "majorities"—an aspect that is usually rather neglected—were also emphasized. A proposal not embodied in a resolution, but possibly one suggestive of lines of future development, was put forward in the Committee discussions, that the practice of having an impartial League representative resident in a disturbed "minority" area might promote peace and smooth out difficulties in a crisis.

The established procedure may be shortly summarized:—

- (1) Any petition concerning minorities received at the Secretariat is considered in the light of the five conditions previously quoted.
- (2) If it is judged "permissible" it is communicated to the State concerned—for objection or comment.
- (3) If objected to by the State concerned the question is submitted by the Secretary-General to the President of the Council, and two other Council Members whom he may invite to assist him. These are known as the "Committee of Three," and rules have been passed by the Assembly to ensure the neutrality of the Committee in any question they may be considering. Thus, no member of the Committee of Three in any given case may be a national of the State interested, of a bordering State, or of an interested minority.
- (4) The question of procedure is, if the State concerned wishes, put on the next Council Agenda.
- (5) If the State raises no objections to the petition, it must say in three weeks whether it wishes to send in comments for circulation with the petition.
- (6) If it does so wish, the comments must reach the Secretary-General within two months, subject to permissive prolongation of the period by the President of the Council.
- (7) The petition and comments are then circulated to the members of the Council, any one of whom may insist that the matter be considered; and, on request, to any members of the League.
- (8) The "Committee of Three" in particular examine the documents, and give their judgment as to whether it is necessary for the Council to consider the whole question.
- (9) In case of any dispute over interpretation of the Treaties on questions of law or fact, reference may be made to the Permanent Court, whose decision in that case is final.

The procedure is designed to secure a settlement of difficulties, if possible, before the dispute reaches the stage when it must be brought before the Council. It is elastic and not laid down in the Treaties, and can therefore be modified or added to without necessarily changing the Treaties. This is an important point for future developments.

In practice, while many petitions have been received, only a few have reached the final stage, and some find here a cause for criticism. In two cases advisory opinions have been asked for from the Permanent Court; the State concerned—Poland—in each case challenged the Council's competence. On each occasion the assertion by the Court that the questions were within the Council's competence led to a solution of the difficulties.

All the work of the Secretariat in connection with the minorities, whose treatment is placed by the Minority Treaties under the guarantee of the League, is carried on by the special organization entitled "Administrative Commission and Minority Questions."

The whole staff of this Section, including clerks and typists, numbers only fifteen. It is under the direction of a Norwegian, Mr. G. A. Colban, assisted by an American member of the Section, Mr. Huntington Gilchrist.

This Section has the task of seeing that the procedure now established is carried out, and of sifting and supplying all information required by the Committee of Three in the Council at every stage of the proceedings. Much of its most valuable work, however, is done behind the scenes. In accordance with a proposal put forward at the 1922 Assembly by Professor Gilbert Murray, already referred to, endeavours are constantly being made—and are constantly successful—to smooth out difficulties that arise, by informal communication between the Minorities Section and the Government concerned. On these lines, also, a very helpful piece of work has been done by Mr. Colban, in visits paid to the Governments of countries where there are minorities, to explore their difficulties with them and suggest methods of alleviation. All this informal work is, it should be noted, increasingly welcomed by the Governments concerned, and is one reason why many of the petitions sent in never reach the Council.

K. E. INNES.

The Rights of Minorities and the Permanent Court of International Justice.

The machinery called into being by the Minority Treaties for safeguarding the rights of minorities has not yet been fully tested. In particular, the action of the Permanent Court of International Justice has up to now been limited to delivering opinions upon questions addressed to it by the Council of the League.

Only two of these opinions, which go by the name of "Avis consultatifs," have been delivered in relation to the question of minorities. The first had to do with a claim made by the Polish Government that it was entitled to dispossess certain German settlers of their farms; and the second dealt with the nationality of some of these settlers. In both instances the Court rejected the case put forward by Poland, and in its judgment laid down clearly the principle that, whilst a sovereign State has the right to make what laws it chooses, such right is subject to obligations imposed by the Treaty.

Such opinions as these, however, are not followed up by any executive action other than that which may be taken by the Council of the League; but a further provision of the Minority Treaties exists which is capable of more conclusive results.

The final article in the Treaties dealing with minorities

(Article 14 in the Czecho-Slovak Treaty) contains the following words :—

State (X) agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the (X) Government and any one of the principal Allied and Associated Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The (X) Government hereby consents that any such dispute shall, if the other party hereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

This provision renders it possible to obtain a binding decision on questions affecting the rights of minorities. It would have to be put into operation by some State member of the League, and probably few States would care to take up the cudgels against another State in order to establish the rights of minorities in the latter's territory. At the same time, if the Council of the League considers that a binding decision should be obtained, there is no reason why it should not invite one State to act on its behalf without disturbing the friendly relations between its members.

In any case, as this clause provides an adequate and conclusive method of settling questions which, in many instances, constitute a continual menace to the peace of the world, it is to be hoped that some means may be found for putting it into effect.

W. H. DICKINSON.

Minority Procedure at the Sixth Assembly.

The procedure of the League in dealing with minority questions has been dealt with in an article by Mrs. Innes. No one at all acquainted with minority problems, and more particularly with the minority problems set up by the Peace Treaties of 1919-1923, is astonished that this procedure has been the subject of discussion and criticism at every meeting of the League Assembly. Nor has the criticism emanated only from dissatisfied minorities, although they are naturally the most concerned in getting the procedure amended. The question of the consolidation of minorities' rights was before the Conference of the International Law Association at Stockholm, the Interparliamentary Union at Copenhagen, and has been the subject of an extensive report issued by the Special Commission on Minorities of the International Federation of the League of Nations Societies. The discussions of these bodies, and more particularly that of the last, have an important bearing on the subject, as to some extent they cover the same ground as that taken

up by the amendments proposed at the last Assembly to the procedure of the League in minority questions.

Count Apponyi, the veteran Statesman of Hungary, has always been the protagonist at the League Assembly for the rights of minorities, and he is always listened to with respect and attention. At the Sixth Assembly he brought forward some perfectly definite suggestions for the amendment of the procedure in regard to minority petitions, pointing out that these suggestions had originated with the International Federation of League of Nations Societies. Count Apponyi's points are as follows :—(1) Petitions emanating from certain sources, such as supreme ecclesiastical organizations or the cultural and economic institutions of the different countries, could and should be laid before the Council without further examination; (2) that at all stages of the procedure representatives of petitioners should have the right to be heard and be allowed to state their case and reply to objections as in an ordinary law suit; (3) whenever a point of law is raised at the request of one of the parties, reference to the Permanent Court of International Justice for an advisory opinion should be obligatory.

The other important proposal was brought forward by Mr. Galvanauskas, the delegate from Lithuania. He contended that equality demands that all States, and not some, should be bound by minority agreements, and wished to get from the League a general statement regarding the protection of minorities, imposing the same rights and duties on all. His resolution accordingly asked that the League should prepare a draft General Convention to include all the States members of the League of Nations, setting forth their common rights and duties in regard to minorities.

The proposals of both Count Apponyi and Mr. Galvanauskas were submitted to the Sixth Commission, and there considered for report to the Assembly.

The Lithuanian resolution was opposed by M. de Jouvenel on behalf of France, Lord Cecil on behalf of Great Britain, in general by those countries which are not bound by Minority Treaties, while those which are so bound were in favour of the proposal. Eventually Mr. Galvanauskas withdrew his resolution on the understanding that the Committee was to communicate to the Council the debate which took place in that connexion.

Count Apponyi's resolution appeared to meet with somewhat summary treatment by the Sixth Committee, Lord Cecil stating his objections as follows :—

- (1) *That petitions from minorities emanating from responsible sources should be submitted direct to the Council.* This procedure was not a practical one and, moreover, it was contrary to the provisions of the Treaties.
- (2) *That the parties ought to have the right of being heard.* This stipulation seemed superfluous, as it was understood that,

before submitting a report to the Council, the Committee would have collected all the information it judged necessary in order to pronounce upon the case with a full knowledge of the facts. Moreover, as under the existing Treaties the parties did not possess the right of being heard, the proposal would involve a revision of the Peace Treaties.

- (3) *That in cases in which a juridical question was raised the matter should be laid before the Permanent Court of International Justice.* It seemed wiser to leave it to the Council to decide in what cases the matter should be laid before the Hague Court.

The other comment resolved itself into an objection that Count Apponyi's proposal seems to make the minorities legal entities from the international point of view, and this would at present appear to be inadmissible, as international law only recognizes States as legal entities. Count Apponyi's resolution not being accepted by the Sixth Commission, the Hungarian delegation was therefore unable to express its approval of that part of the report of the work of the Council which dealt with minorities and reserved the right to raise the question again at the next Assembly. Count Apponyi stated his opinion that the acceptance of his proposals would not necessitate the amendment of the Minorities Treaties.

The proposals both of Mr. Galvanauskas and Count Apponyi were subsequently dealt with at the Council by M. de Mello Franco, the distinguished Brazilian lawyer, who, in a very full statement, submitted the expression of his personal views. M. de Mello Franco considered in detail the proposal of the Lithuanian delegate, pointing out that it had no meaning for a very large number of States members of the League, and summing up his remarks with the following observation made by the Dutch Senator, Baron von Hoogland: "The introduction of provisions protecting minorities would be enough to cause them to spring up where they were least expected, to provoke unrest among them, to cause them to pose as having been sacrificed, and generally to create an artificial agitation of which no one had up to that moment dreamed. It would be rather like the imaginary illnesses from which so many people think they are suffering immediately they read a book on popular medicine."

In regard to Count Apponyi's proposals, M. de Mello Franco dealt with them exhaustively from the legal point of view. He objects that the Hungarian delegate contemplates the institution of an entire procedure with a hearing of evidence on both sides, and is of opinion that this conception could not be carried into effect without giving rise to serious danger. It seems to conceive, he says, the idea of creating a State within a State and to encourage the minorities to take definite form as a foreign group. It is difficult to follow M. de Mello Franco in his argument against the proposal for an automatic resort to the Permanent Court of Inter-

national Justice when questions of law arise, a proposal which has the support of the Dutch Senator, Baron von Hoogland. M. de Mello Franco, in the course of a closely reasoned argument, points out that it is not a question of reforming the procedure hitherto followed, but in reality of reforming the existing Treaties. Again, in regard to Count Apponyi's insistence that petitions emanating from certain sources should be regarded as petitions which the Council should take up without further examination, M. de Mello Franco's main objection is that this is contrary to the procedure laid down in the Treaties. He considers that the contradiction between the letter of the Treaties and the Hungarian suggestion appears insuperable, but adds that he does not believe that Count Apponyi's suggestion would be in the interests of the minorities themselves, as it is undesirable that petitions should be automatically submitted to the Council before a thorough study of the circumstances, to which attention is drawn, has been made.

M. de Mello Franco's speech covers the ground in great detail, and should be read in full by all interested in the procedure for dealing with minorities by the League of Nations.

This brief report does not attempt to deal critically with the procedure adopted by the League in regard to minorities, but merely to point out what the present situation is. The subject is, to some extent, a legal one, but it is obvious to the lay reader that, in the minds of those who bring forward proposals in regard to the treatment of minorities and those who oppose them, there are very different conceptions as to what the status of a minority is and as to how it should be treated in law. It is evident from the discussions at the Assembly and elsewhere that the whole question needs to be further developed, and the rights and status of minorities under international law to be more clearly defined.

K. D. COURTNEY.

Minorities in Europe.

The ten International Treaties, the countries signing them, the conditions made, and the other agreements making special provisions for the rights of minorities, which were concluded after the war, have been described already. In some of the countries under these Treaties a degree of real protection has been afforded, and the status of the minorities is improving. In others, where administrative difficulties obstruct, the situation is still acute. In all these countries the complaints voiced by the minorities express the same idea, *i.e.* the perfectly comprehensible desire to practice freely their religion, preserve their culture and language, and to hand them down to their children. On the other hand, in those

States with large accessions of territory, the modern nationalist spirit is so inflamed as to render reconciliation between the conflicting points of view extremely difficult.

From the point of view of minorities the States under consideration may be divided into (1) those which have signed Treaties containing provisions concerning minorities, or made Declarations placed under the guarantee of the League of Nations, and (2) those which have minority problems, but have not signed Minority Treaties.

Group I.—Countries having Treaties with provisions concerning minorities, or Declarations.

The Austro-Hungarian Monarchy formerly contained ten Nationalities. In Austria, owing to the break-up of her territories under the Peace Treaty, most of the pre-war minorities have disappeared—those remaining are chiefly scattered groups of Magyars mostly in the North-East, some Slovenes, and Czechs remaining on the bank of the Danube. The minority in Hungary includes Germans, Slovaks, Roumanians, &c. The administrative code in both Austria and Hungary is a good one, and the complaints, which have not been numerous, related chiefly to the paucity of Slovene and Slovak schools respectively. In Hungary the minority problem is concerned mostly with the Jews, and must be treated separately. Conditions are still disturbed in Czecho-Slovakia, Roumania, and Jugo-Slavia, owing to the great accessions of territory from Austria, Hungary, &c.

It has been said that in Czecho-Slovakia every nationality represented is a minority, no one, including the Czechs themselves, being a majority of the inhabitants of the State. This is true if Czechs and Slovaks are considered as separate nationalities. In favour of this view it must be remembered that, though both are Slav in origin, they have been separated for many centuries, their languages differ materially, though both are originally Slav, and the people vary widely in culture, mentality, and religion. The political parties of the Slovaks are separately organized in the Czecho-Slovakian Parliament, and they have not been included in the Czech Coalition Parties which have so far formed the Government.

The religious situation is confused and has throughout important Nationalist reactions. Though under the Austro-Hungarian Empire the established religion was Roman Catholic, there are amongst the Czechs large numbers of Hussites and many Freethinkers. An attempt has been made to establish a National Reform Church, which has met with much opposition, especially amongst the Slovaks. The Germans, who are about 27 per cent. of the population, are mostly Catholic. The Slovaks are a devout Catholic peasantry, much less advanced in culture than either Germans or Czechs. The Ruthenians, a scattered peasant population inhabiting the Sub-Carpathian forest lands, are devout members of the Greek

Catholic Church. In Slovakia and also in Ruthenia there are German enclaves. Along the Southern frontier of Slovakia are a number of Hungarians, mostly landowners and Protestant in religion. The new frontiers have affected adversely in certain cases the economic conditions of the inhabitants, especially in the high Carpathian Valleys, where the peasants supported themselves by harvesting in Hungary and by falling timber, which they floated to the Hungarian Plain. The new boundaries have interfered with both these employments. It should be noted also that Ruthenia has not sufficient agricultural land to supply her people with food, and that Hungary has a larger surplus to fill the deficit than has Czecho-Slovakia. It is generally agreed here that the position of the people has been much improved in health and legislation, but throughout there is the attempt to Czechize through religion by setting up a National Reform Church, in education through the schools, and also by using the Agrarian Reform Laws to facilitate Czech colonization.

In the new Roumania complaints on similar lines are more accentuated. Here territorial additions have included Transylvania, Bessarabia, the Dobroudja, part of the Banat, Bukovina, &c. The orthodox Eastern Church has been made the State religion in Transylvania, whose minorities—some 47 per cent. of the population—are largely Roman Catholic and Lutheran, Presbyterian, Unitarian, and other denominations, with ancient traditions of religious toleration dating from the Reformation. Here, again, is a Hungarian area, where the inhabitants, as in the Sieben Burgen, are of a high Western civilization. The serious conditions in Transylvania have been fully described by various Commissions having cultural relations with them—American, Scotch, Presbyterian, and Unitarian. They relate mainly to the repression of minority languages in administration and education, the closing down or seizure of schools and colleges, the loss of subventions, and the expropriation of land on which the churches and other institutions depended, interference with rights of meeting, and a desire to Roumanize generally. The Saxons and Szecklers especially complained of the non-fulfilment of the provision for local cultural autonomy accorded them by Treaty. The new Agrarian measures in Transylvania, entailing expropriation of property, and the exceptionally low value paid in compensation, have pressed with great severity on religious and cultural institutions. It should be noted, however, in relation to land expropriation, compensation, and allotment generally, under Agrarian Reform, that the complaints of minorities refer usually to differential treatment and not to the principle of Land Reform as such. There seems to be little doubt that it has too often been used as an instrument of oppression, and specific cases of complaint have been brought before the Council of the League. In Bessarabia, martial law has existed since 1919, Russia having refused to recognize the sovereignty of Roumania.

Unfortunately, in the Dobroudja, obstacles have been placed in the way of official inquiry into the conditions imposed on the Bulgarian minority.

In Jugo-Slavia there are Italian minorities in the West, Macedonians in the South, and a number of Albanians, and some Montenegrins and Greeks. In the Banat and Bacska districts, formerly Hungarian, about half the population is Magyar German, interspersed with Roumanians, Slovaks, Serbs, Bulgars, &c.; and petitions to the League after 1919 dealt chiefly with cultural difficulties. The question of Centralism or Federalism is a dominant political issue in Jugo-Slavia, the latter being supported in some form by various racial minorities.

In the present Poland there are some twenty-five million inhabitants, of whom about seventeen millions are reckoned as Polish, the rest Ruthenian, German, Russian, Lithuanian, &c. The Jews number about three millions. The Poles outside the country are very numerous, and many of them have suffered severely in Russia, Germany, and elsewhere. Minority grievances in Poland, in the unsettled state of the country following the Peace and the subsequent extension of her frontiers, tended to become overshadowed by the larger territorial and National questions—German, Ukrainian, and Lithuanian. This, however, does not lessen the responsibility of the League or of Poland towards them. Differences between Nationalist and Liberal Home Rule conceptions of the minority question are a standing Party issue. In the new Polish Constitution, democratic principles of local self-government with religious and civil freedom for minorities are widely developed, and a measure of self-government for the three million Ukrainians in East Galicia is an International obligation. As late, however, as 1924 accounts of terrible oppression, especially in East Galicia, were published, supported, not only by the minorities themselves, but by responsible French opinion. In Posen the laws of March, 1923, regulated the minority cultural question and the subsidizing by the State of German schools. Since the war the Protestants in Poland have considerably diminished, and complaints are still made as to educational disabilities. The German minorities—as usual the most articulate—embittered by the expulsion of thousands of their members across the border, appealed to the League of Nations. The question of the dispossession of the German farmer settlers in German Poland—mostly peasants—and the advisory opinion in their favour given by the Permanent Court, is interesting as a first attempt to give a legal construction to the Minority Treaties. This appeared to affect favourably and at once the Polish attitude. The Upper Silesian Convention of 1922, between Germany and Poland, which afforded some improvement on the former settlement in an area of peculiar difficulty, has another encouraging feature. It enables minorities on each side of the frontier in the plebiscite area to appeal to a minorities office, and

if local administrative measures are exhausted, recourse can be had to the Council of the League of Nations. If German minorities in Poland and Polish minorities in Germany are treated well, with full recognition of civil equality, and the peaceful solution through arbitration of all disputes is made effective, risks of future conflict between them should be removed.

In the Baltic area, also undergoing a process of constitutional and economic reconstruction, the minority question is regulated, as already described, by means of special Conventions or Declarations between certain States and the League of Nations. Here, again, there is the problem of securing efficient minority administration under the new democratic Constitutions.

In Lithuania, recent petitions have dealt with expropriation of property and with the rights of petitioners to the League of Nations. In Esthonia and Latvia, the Agrarian question after the war, in view of immense areas held by estate owners, was radically dealt with, and German proprietors complained of expropriation amounting to confiscation. From Esthonia it has been stated that no minority petition has been received since 1922. Its population is Lutheran and its minority small, including a Saxon element of ancient standing. It has lately adopted a law on cultural autonomy for racial minorities, and its constitution, with freedom for local organization—especially for minority concerns—liberty of religion, equality in language, education, and rights of speech and of private property, coupled with new agrarian laws and a moderating tendency in many directions have placed it high in estimation amongst the Baltic States. Favourable minority relations also appear to be developing in Finland, which has long had high cultural development, and between Germany and Denmark.

Under the group of countries with Treaties, or Conventions, for the protection of minorities must be included the Macedonian area, Jugo-Slavia, Greece, Bulgaria, and Albania and Turkey. The actual Treaties and subsequent Conventions have already been outlined; by these attempts have been made to secure protection and repatriation for the minority and suffering refugee populations and to afford relief to the minorities from Turkish territory, the most pitiable of all.

Group II.—Countries which have no Minority Treaties.

Foremost amongst the countries having no Minority Treaties stands Italy, with the burning question of the Tyrolian minorities. After Fiume has been made a Free State, with her Eastern territories and the Brenner line given as frontier, Italy added 480,000 Slavs and 250,000 Germans to her population. In South Tyrol, in spite of official assurances to the contrary in 1919, an Italianizing policy has been blindly pursued. A Fascist organ has lately given the following description of its programme:—"There

never has been and there is not now any question but of how most effectively to impose upon this region our economic strength, our national power, our civilization, and to establish them all in enduring and proud security." A recent report (1925), giving full details of present conditions, states:—"Nearly a quarter of a million German inhabitants of Southern Tyrol are being robbed of a people's birthright—their language, traditions, culture, and their very liberty."

The picture of the minorities in Europe before the war was not a bright one, it is not bright now. It is not surprising that the demand for autonomy is revived in some of the areas where oppression is most intolerable, or in others, such as Alsace, where there is enough local good-feeling to render reconstruction on these lines a possible subject for discussion. Amongst the problems to be faced are the need for bringing administration in countries where there is oppression into line with the Treaties, and the extension of the Treaties themselves, or similar safeguards. Switzerland is perhaps the best example of a country which has successfully solved its own minority problems. What has been done elsewhere gives hope of wider development through the League of Nations, the extension of legal and conciliatory methods, and, lastly, through the growth of public opinion and international co-operation working alike through minorities and majorities.

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Article 19 and the Revision of Treaties.

By the Peace Treaties of 1919 very large numbers of people were transferred, without their desire or consent, from one sovereignty to another. In some cases plebiscites were held, but under conditions of more than doubtful impartiality. In many cases the new sovereignty, under which these minorities have to live, could be made tolerable by just and liberal administration (such as the Danes have given to their German minorities); in others it seems unlikely that the minorities will ever really settle down under the sovereignty forced upon them, and this state of unrest will react unfavourably on the peace of Europe, for rebellious enclaves in a State are always fertile soil for international intrigues.

The League of Nations from the first contemplated being the organ of development and progress. Treaties must be registered with the League, but the League was also, by Article 19, given

the power to help in the modification of Treaties. This Article runs:—

The Assembly may from time to time advise the reconsideration by members of the League of Treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world.

It will be noted that this is permissive only. The Assembly "may advise." It is not obliged to advise, and no State can be forced to take its advice if given. This is obviously right. But the difficulty in acting on this Article is that it has not been developed and there is no machinery by which the Assembly can be moved. The time would seem to have come when as much trouble and patience should be expended on implementing this clause as have been spent on the force clauses of the Covenant.

I suggest that the following scheme is worthy of careful consideration.

A PERMANENT MINORITIES COMMISSION.

1. There shall be established a Permanent Advisory Commission of the League of Nations to receive and consider reports from minorities which think themselves injured by existing Treaties or administration of Treaties relating to States members of the League. This Commission shall have power to send commissioners to investigate conditions in the countries themselves, if necessary.

2. On the receipt of (a) a recommendation from the Permanent Advisory Commission, or (b) a request from the Government of any State (member of the League) concerned, the Assembly of the League of Nations shall consider whether a *prima facie* case has been made out for the reconsideration of the Treaty or Treaties in question.

3. Upon a unanimous decision by the Assembly (excluding the interested parties) that such revision is desirable, the States members concerned shall be invited to submit the Treaty or Treaties to (a) the Council or (b) the Court of International Justice or (c) an independent Conciliation Committee or Court of Arbitrators, for recommendation.

4. Should this recommendation not be accepted by either or both parties, the Commission shall publish a full report, with evidence, of its inquiry.

A PACIFIC PROCEDURE.

By some provisions of this kind we should establish a body whose business it would be to listen to minorities and seriously to consider their grievances. If wise men and women were chosen, it would be their first aim to sift out unreasonable and mischievous claims and then to inquire into the possibility of removing the just causes of complaint. The League's Commissioners have proved themselves so trustworthy that I don't think it unreasonable to

hope they might more often than not help to remove the sources of friction or injustice without the need of any appeal to the Assembly. If they could not, the Commission would have to proceed to the next step—that of reporting to the Assembly. There is, happily, a universal desire among States members to stand well with the Assembly. It is notorious that delegates get up one after another to proclaim the virtue, the humanity, and the peacefulness of their own State. It may be assumed that they would not relish a recital, by the Rapporteur of a League Committee, of their authenticated sins against their minorities. As things are now, Governments unblushingly lie about these sins. But League reports do not lie.

I am aware that there will be some people who will consider the conclusion of the suggested procedure to be an impotent one. They will say: "Then you are not proposing to enforce the award? A State has only got to defy it!" I would not enforce the award because I don't believe it is possible to improve Treaties by war (which is much more likely to result in worse Treaties) and because the apprehension that they might be called upon to fight in another's quarrel would vitiate the judgment of the States members. On the other hand, the publication of an unfavourable report, with evidence, could not fail to have an effect, perhaps slow, but certain, on the people of the offending State, and would cause their better elements to strive to improve the condition of the minorities.

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