

THE LEAGUE OF NATIONS AND THE PROTECTION OF MINORITIES

An experiment. The birth of international protection of minorities

The outbreak of the first world war represented a turning point for the evolution of the nationality question in Central-Eastern Europe. The conflict created the opportunity to make a decisive step towards the completion of different national programs and once again proposed the rivalry that few years before had characterized the Balkan Wars (1912-13). At the end of the first world war, a new European order was set up and structured on the principle of national self-determination. The conference of Versailles and the peace-treaties (Versailles, Saint Germain, Neuilly sur Seine, Trianon and Sevres) defined the new frame: the Baltic Countries and Finland who obtained their independence with the treaty of Brest-Litovsk and through the difficult phase of Russian Civil War; Austria, Hungary, Czechoslovakia, Poland, who were to be added to the existing Serbia, enlarged and renamed as the Reign of Serbs, Croats and Slovenes (Yugoslavia after 1929), Bulgaria, Greece and Romania. The National States, anyway, resulted to be as multinational as the old Empires they had replaced and included a population between sixteen and eighteen million people living outside of their Kin States.¹

The existence on many consistent minorities in numerous countries of Central-Eastern Europe created many problems not only for the internal stability of the States, which were firmly addressed towards the development of national policies, but also for the international system and the peaceful coexistence among States. International diplomacy detected this potential menace, which prejudiced not only the humanity and ideal equality of rights that democracy should indeed guarantee, but also the peaceful relationships among people and States. A solution to this risk was found in the “internationalization” of the protection of national minorities and in the stipulation of special international treaties to assure these minorities adequate instruments to protect their rights as a collective national entity. The goal of these treaties was not only humanitarian but also political, as it aimed to avoid any further cause of war and to nullify one of the most concrete menaces to the inter-state relations.² The stability of the new order could not ignore the risks that were menacing the effective equality of the different nationalities; as a matter of fact, many symptoms had already showed that the border between a just application of national self-determination and discriminatory nationalism was vague and dangerously thin. As president Wilson clearly pointed out in his famous speech of the 31st of May:

“Nothing, I venture to say, is more likely to disturb the peace of the world than the treatment which might in certain circumstances be meted out to minorities. And, therefore, if the great powers are to guarantee the peace of the world in any sense is it unjust that they should be satisfied that the proper and necessary guarantee has been given?”³

¹ Some counted more than 7 million of Germans under alien rule (7.594.000) and almost three of Magyars plus 1.339.000 Bulgarians; the Ruthenes were 3.7000.000 in Poland, 432.000 in Czechoslovakia and 300.000 in Romania. The total number was 16.815.000 people. N.BUXTON-T.P.CONWIL-EVANS, *Oppressed peoples and the League of nations*, London and Toronto, 1922, p.80-82.

²P. De Azcárate, who later became the Director of the Minorities Section of the Secretariat of the League of Nations, stressed that the aim of the treaties was not to include the humanitarian motive “to shield the minorities from the danger of oppression by the majorities and from the pain and suffering, both moral and material, which such oppression necessarily causes.” P. DE AZCÁRATE, *League of Nations and National Minorities. An Experiment*, Carnegie Endowment for International Peace, Washington, 1945, pp. 14,15. For the study of the peace-conference, W. V. TEMPERLEY, ed., *A History of the Peace Conference of Paris* (6 vols., London, 1920.-24); H. NICOLSON, *Peacemaking, 1919*, London 1933; W. E. Stephens, *Revisions of the Treaty of Versailles*, New York 1939; F. S. MARSTON, *The Peace Conference of 1919*, Oxford 1944; M. MACMILLAN, *Paris 1919: Six Months That Changed the World*, 2002; A. MAYER, *Politics and Diplomacy of Paecemaking. Containment and Counter-Revolution at Versailles. 1918-1919*, London 1968.

³ H.W.Temperley, *History of the Peace Conference*, Vol.5 p.130

Many regions in Central-Eastern Europe were greatly affected by this web of different measures which were thought to assure an adequate protection for the minorities and were justified by a particular ethno-national situation. As a matter of fact, many areas featured an incredible variety which was not in conformity with the national ideology of the states that were formed according to the postwar application of the self-determination principle.

The problem had an indisputable international relevance, and the first project for the Covenant of the League also took into consideration the opportunity of inserting a general clause in order to prevent all its members from any discriminating measure against their minorities, “both in fact and in law”. This provision was not part of the final text, while the protection of minorities was granted by a set of different acts. Some special minority treaties were adopted only the most evident cases and were signed by Poland (June 28, 1919), Czechoslovakia (September 10, 1919), the Kingdom of Serbs, Croats and Slovenes (September 10, 1919), Romania (December 9, 1919) and Greece (August 10, 1920).⁴ In other cases, special measures concerning minority rights were included in the peace treaties of St. Germain, Trianon, Neuilly, and Lausanne, while other declarations for the protection of national minorities were stipulated by Albania, Finland, Estonia, Latvia, and Lithuania before their adhesion to the League. In some other cases specific conventions for the exchange of minority population were arranged, for instance between Greece and Bulgaria and Greece and Turkey.⁵

Furthermore, the rights of national minorities were guaranteed by the treaty between the city of Danzig (Gdansk) and Poland in November 1920, by the treaty of Dorpat of October 1920 between Finland and the Russian Republic; the 1920 treaty of Rapallo between Italy and the Kingdom of Serbs, Croats and Slovenes (arts. VII, 1, 2, 3); by the treaty of Riga signed by Poland, Russia, and Ukraine, on the 18th March 1921, by the treaty of Brünn and the protocol of Carlsbad between Czechoslovakia and Austria in 1921; the treaty between Estonia, Finland, Latvia, and Poland in March 1922; the treaty that Bulgaria and Greece stipulated on the 29th of September 1924; the treaty of Warsaw signed by Poland and Czechoslovakia on the 23rd of April 1925. The Upper Silesian Convention of May 1922 between Germany and Poland was more detailed, as it referred to the civil, political, religious, and linguistic rights of the population and attributed particular importance to the organization of schools (public, private, and at all educational levels) and the use of national languages for educational purposes. The use of minority languages was also guaranteed in both verbal and written communication with the local authorities and in ordinary courts. In 1924, when Memel became an autonomous region under the control of Lithuania, a statute of self-government was adopted recognizing both the use of minority languages in courts and, more generally, the adoption of both German and Lithuanian as the official languages of the territory.⁶

These regulations were put under the “jurisdiction” of the League of Nations, which was the centre of a new international order. They were inspired by the principles of peace and human

⁴ Historiography dedicated some very interesting and documented works to the Minority treaties of Versailles. In German, C.GÜTERMANN, *Das minderheitenschutzverfahren des völkerbundes*, Berlin 1979; B. SCHOT, *nation oder staat? Deutschland und der minderheitenschutz*, Marburg 1988; in French, J. FOQUE-DUPARC, *la protection des minorités de race, de langue et de religion*, Paris 1922; H.DICKINSON, *les droits des minorités*, Bruxelles 1924; in English, C.A.MACARTENY, *national states and national minorities*, H.W.TEMPERLEY, *history of the peace conference*, vol.V; L.MAIR, *the protection of minorities; the working and scope of the minorities treaties under the league of nations*, Christophers, 1928;

⁵ Articles 62-69 in the Treaty of Saint Germain, articles 54-60 in the Treaty of Trianon, articles 49-57 in Treaty of Neuilly sur Seine. As reported in P. DE AZCÁRATE, *League of Nations and National Minorities. An Experiment*, Washington, Carnegie Endowment for International Peace, 1945, p. 93. See also, O.JANOWSKY, *Nationalities and National Minorities*. New York, 1945; J.ROBINSON, *Were the Minorities Treaties a Failure?*. New York, 1943; I.CLAUDE, *National Minorities: An International Problem*. Westport, 1969.

⁶ In the case of the German-Polish Convention, Poland was not so willing to accept special clauses regarding minorities: only after the pressures of the secretary's legal consultants and of the director of the Minority Section, Colban, these provisions were inserted in the Convention, as well as a mixed commission for avoiding minority questions becoming subjects of dispute between the governments. Confidential letters of E.Colban during the negotiations in Genève, Historical Archives of the League of Nations (HALN), section 41, box 1671, dossier 20675. For a complete survey of the different treaties concerning, directly or indirectly, the rights of Central-Eastern European minorities, C.A.MACARTENY, *National States and National Minorities*, pp.258 ff.

dignity, and were shaped thanks to many different interventions, not only coming from the states or international diplomacy. An outstanding contribution to the development of this special sector of international law, as a matter of fact, was given by non-governmental organizations representing directly those minorities who were sensitively threatened by the postwar nationalist exaltation.⁷

The treaties were the cornerstone of the League's system of minorities, while the Council of the League represented the effective crossroad for the complaints of treaty violations. Anyway, the procedure to activate the rights under art. 14 of the League Covenant and to react against the violations of the treaty stipulations were not specified by the latter. Only on the 22nd of October 1920 the Council adopted the resolution proposed by the Italian delegate Tommaso Tittoni and decided that the starting point of the procedure would have been the petition to the Council, which did not automatically imply the prosecution of such procedure, as it was to be interpreted as an informative act, "*une information pure et simple*".⁸ Conforming to this petition system, minorities, as individuals or organizations, could send their complaints or grievances to the Council of the League. Placing the supervision onto the Council was also a means to guarantee an important political influence to the Great Powers which had a permanent seat. Once the petition was submitted, a special committee system was charged to investigate petitions. In practice, the Committee acted also to mediate between the counterparts, asking the States for the sanation of the faults invoked; actually, between 1920 and 1929 it did not forward almost half of the petitions received, rejecting them or treating to find a compromise directly with the State involved.⁹

The Council led a second stage of mediation, connecting the parties and trying to bring successfully to an end the negotiations between them. Only if these attempts failed, the Council could decide to open a file in front of the Permanent Court of Justice. The tribunal, however, could be asked to give a judgment or an advisory opinion, and this choice was another consequence of the Council's discretion, which derived by the political appreciation of the controversy.

Under the system, the petitions were received by the Secretariat, and then forwarded to all members of the Council and to the government of the respective state. The circulation of a petition among all the members of the League had the explicit purpose of pressing morally the states that were caught up in the dispute and had the interest to safeguard their international image. After a petition and its communication to the Council and the states, the system required the intervention of a special Committee, which was formed by three members and was competent to analyse and manage the question. The Committee of Three procedure was substantially originated by the Minority Section of the Secretariat and was formally introduced to the Council by a Belgian member, Paul Hymans, on the 25th of October 1920.

The procedure was better defined in the context of the League discussions, for example in 1923 and 1930, when some reforms were introduced in order to create stricter and more precise requirements for the submission of petitions, and to improve the publicity of the League's work in this particular field.

⁷ A.SPILIOPOULOU ÅKERMARK, *Justifications of Minority Protection in International Law*, Kluwer Law International, London-the Hague-Boston, 1997, p.118; J.W.HEADLAM-MORLEY, *A Memoir of the Paris Peace Conference, 1919*, edited by A.HEADLAM-MORLEY, R. BRYANT, A. CIENCIALA, London, 1972; O.JANOWSKY, *The Jews and National Minority Rights, 1898-1919*, New York 1933.

⁸ As a consequence, these petitions could be hardly distinguished from the simple communications, and the first intervention of the Secretariat focused just on this distinction. J.STONE, "Legal Nature of the Minorities Petition", in *British Yearbook of International Law*, Issue 1931, p. 78.

⁹ The procedure concerning the protection of minorities was completed and implemented during the Twenties, especially in 1923 and 1929, and during this period the debates about a possible reform continued and were especially animated by the action of Germany and the interested States, which repeatedly criticized the system and obtained the adoption of more restrictive criteria in order to deem the petitions of the minorities as receivable. J.S. ROUCEK, "Procedure in Minorities Complaints", *The American Journal of International Law*, Vol. 23, No. 3 (Jul., 1929), p.542 ff; M.MAZOWER, "Minorities and the League of Nations in Interwar Europe", *Daedalus*, Vol. 126, No. 2, Human Diversity (Spring, 1997), pp. 47-63; H.B.CALDERWOOD, "Should the Council of the League of Nations Establish a Permanent Minorities Commission?", in *The American Political Science Review* 27, no. 2 (1933): 250-259; H.ROSTING, "Protection of Minorities by the League of Nations", *The American Journal of International Law*, vol.17, no.4 (October 1923), pp.641-660; M.Richard, *Le droit de pétition*, Paris 1932.

The “debut” of the League into the field of minority questions proved to be quite successful and maybe created too many expectations in the interested groups, who in the following years would rarely be satisfied. Historiography always underlined the positive solution of the Aaland question which was focused on those islands of Finland where Swedish communities in 1920 represented 97% of the population. The Aaland Islands question was discussed during the first half of 1920, when the representative of the Finnish government, Henckell, promised that the population was to be allowed to determine by plebiscite whether the archipelago should remain under Finnish sovereignty or be incorporated in the Kingdom of Sweden.¹⁰

As the people did not suffer discrimination and oppression thanks to the Finnish Constitution and the law of autonomy of May 1920, the ad-hoc commission of jurists only proposed some recommendations to adjust that law (school system, property, the appointment of a governor), and issued another report in June; finally, the Council recognized Finnish sovereignty with a resolution, on the 24th of June 1921.¹¹ A Convention for the Neutralization of the Aaland Islands was further signed by both states who committed themselves to “comply with such recommendation as the Council of the League of Nations might take in the event of the violation of the neutrality of the islands”. The solution proved to be satisfactory and in 1939, a petition with 10.786 signatures was addressed by the Aaland representatives, Karlsson and Paulsson, to protest against any possible modification of the status quo.¹²

But if the Aaland question could be exhibited as a first great success of the League in the field of the protection of minorities, the following years were more difficult and characterized by deep discussions and angry contrasts. The League encountered many impediments along its path and the effective negotiation of a solution was many times delayed or impeded by a sum of different factors: first of all, the petitions were not always receivable and in some cases were far from being well-justified; in many cases, these petitions proved to be nothing more than a protest of some individuals against an act affecting their personal condition; many documents consisted in just political propaganda and used a violent language which was often associated to certain allusiveness and to a lack of precise material references many others referred to criminal cases and could not be covered by the jurisdiction of the League; on many occasions the replies of the states were considered as satisfactory and the minorities’ petitions were dismissed.¹³

The interwar experience proved that the initial success in Aaland case remained like a drop in the ocean. As a matter of fact, the minority questions animated the problematic relationships among the different states and conditioned not only the internal stability of the latter or the ethno-national relationships among different people, but seriously affected the whole international framework and the League of Nations itself.

¹⁰ Official Journal of the League of Nations (OJLN), Issue 1, January-February 1921, p.65

¹¹ The Finnish Constitution was appreciated for its liberal tones and the guarantees concerning minorities: art. 4 established that everyone born of Finnish parents or married with a Finn was granted the citizenship; art. 5 and 8 contained the principles of equality before the law and freedom of religion; art. 14 stated that Finnish and Swedish were the official languages of the republic. HALN Section 41, box R1620 dossier 1280. The Council also considered that Russia has a special interest for the security of this region and opted for the demilitarization of the islands. OJLN, Issue 7, September 1921, p.694.

¹² Note of the Secretary to the Cabinet to the Under Secretary of State for Foreign affairs, Cabinet Offices, London, September 29, 1921. Documents on British Foreign Policy, First Series, Vol. XXIII, doc. 172. Petition of the Aalanders to the League (February 1939). HALN, Section 11, box 592, dossier 14034; Section 41, box R3690, dossier 35348.

¹³ Many petitions using a violent language were issued by the Macedonian organizations and were constantly dismissed as they were contrary to the rules elaborated by the League in 1923. Some examples were represented by the petition of the Union of Macedonian Emigrant Associations in Bulgaria, (March 5, 1927). In this case, the Persian member of the Minority Section justified the violence of the language. For a careful analysis of this “violent language” see, J.COWAN, “Who’s Afraid of Violent Language? Honour, Sovereignty, and Claims-Making in the League of Nations”, *Anthropological Theory*, Vol. 3, No. 3 (2003): 271-291. For a general survey of the ways in which petitions were handled by the special committees, G:MOTTA, *Less than Nations. Central-Eastern European Minorities after WWI*, vol.1, Newcastle, 2013, p. 272 ff.

Discrimi-Nations. The League and the national regulations for the protection of minorities.

The activity of the League of Nations in the field of minority questions reflected the unstable international atmosphere, which was inevitably conditioned by the growing hostility among the different states, concluding with the creation of two different blocs: the revisionist and anti-revisionist states. After the war, Germany, Hungary and Bulgaria covered their natural tendency to adopt revisionism as the main target of their foreign policy, with the defence of her minorities according to the international treaties (the peace treaty and the 1919 minority treaties), especially in those states, where the minority question was helpful to leave a door open for a future revision of the frontiers. As a consequence, the protection of minorities became one of the most common themes of the discussions inside the international institutions and between the neighboring states. The different minority questions reflected more or less a consolidate scheme which included three different roles: the states that protested against the ill-treatment of their brethren in a foreign country; the states that were accused of discriminating their minorities; the international institutions that were called to mediate, to help to arrange a compromise or define a peaceful solution of these disputes.

The communications among these different parties occupied an important part of interwar diplomatic activity, at least in Central-Eastern Europe, where the minority questions were almost always located. The archives of the League of Nations guard this huge whole of documents, whose analysis could be very helpful in order to study the content of many legal provisions that the states enforced after 1919. This analysis is focused on some different matters which were an integral part of all the minority issues that the states animated during the interwar period. At the same time, these documents could be studied in order to better understand the structure and aims of the interwar national states and their attitude towards a part of their citizens.

The basis of this whole of policies were to be found in the constitutional texts. The states proclaimed their democratic inspirations stating that their sovereignty belonged exclusively to the people, who in some cases were defined as the "nation". The Polish preamble was maybe the most rhetorical as it associated the "name of the almighty God" and the Polish nation, and was similar to the Yugoslav Constitution, while the Czechoslovak one of 1920 simply referred to the Czechoslovak nation.

Some texts established that all the state powers belonged the nation (Romania, Albania, Greece), some others affirmed that there was "one and only nationality for the citizens" (art.4 of the Czechoslovak Constitution). The nation was defined as a whole of spirits (the citizens) and territories, which were characterized for their unbreakable and inviolable integrity.

As A.Headlam-Morley stressed in a very complete work about interwar Constitutions, the latter contained many innovative dispositions and recognized the fact that one of the chief-functions of the state was to secure the social well-being of the citizens and the industrial prosperity of the nation. Industry, but also agriculture, had to be organized "as a collective whole for the good of the community and not of the individual".¹⁴

Proclaiming the correspondence of the authorities with their respective nation, the new Constitutions legally consecrated the principles which in many regions had already been imposed on the ground, since the end of the war and the arrival of the new occupation armies. After the conclusion of the conflict many lands had been undergoing a deep process of reform, and even before the signature of the peace treaties military occupation anticipated the choices that the authorities later applied. Civil officers of the former ruler were expelled because of their language

¹⁴"The most characteristic feature of the new constitutions is the recognition of the fact that one the chief-functions of the State must be to secure the social well-being of the citizens and the industrial prosperity of the nation. Industry must be organized as a collective whole for the good of the community and not of the individual". A.HEADLAM-MORLEY, *The New Democratic Constitutions of Europe. A Comparative Study of Post-War European Constitutions with Special Reference to Germany, Czechoslovakia, Poland, Finland, The Kingdom of Serbs, Croats & Slovenes and the Baltic States*, Oxford-London 1928, p.264. For the texts of interwar Constitutions, see also, A.GIANNINI, *Le costituzioni degli Stati dell'Europa orientale*, Roma 1929.

and also because they often refused to take the oath of allegiance to the new administrations. Bureaucracy represented the first means to eradicate the past and to forge the new character of the authorities which had to be national-addressed in all their forms and branches. This process of “nationalization” of the state structures was further accelerated when the new frontiers were finally recognized and the new institutions became fully operative.

Faithful to their ideological commitments, the states self-assumed an active role of social emancipation through special policies, in order to comply with its citizens’ needs and to make state and nation converge and lay upon each other. The states also intervened in the field of public education, trying to satisfy the provisions of the minority treaties, but most of all developing a process that was addressed at shaping those “imagined communities” called nations.¹⁵ Education was a primary tool to forge the nations in the spirit of the state and to cement internal cohesion. Naturally, the presence of minorities generated the problem to combine an inclusive national culture with the respect of the minority rights.

Under the cultural point of view two different models were introduced to regulate the cultural activities of the minorities: the national-cultural autonomy and the adoption of special regulations in the ordinary system, as the treaties demanded to their signatories. Baltic states such as Lithuania and Estonia, until their authoritarian turns, adopted the first option. This kind of model was also adopted by the Latvian law on schooling for minorities (1919) and in Bulgaria (law of May 23, 1919), where Muslims could manage their cultural sphere through special cultural councils possessing legal personality.¹⁶

In the other cases, minorities’ cultural sphere was safeguarded through general constitutional stipulations which ratified the international treaties and through consequent regulations. But during this second executive phase, the authorities were not exempted to obstruct the effective application of the general principles and to mitigate them through different tools. If the constitutional principles respected the obligations of the special treaties, during their implementation state and local authorities were quite free to adopt a restrictive and sometimes discriminatory attitude. The lack of a sufficient administrative experience further aggravated the question, as the local authorities were almost everywhere inexperienced members of the majority, and had the power of making life almost impossible for minorities in innumerable ways, without formally violating the law. Czechoslovakia, which had the most democratic interwar government, granted in her Constitution (art.129) and through the special law of the 29th of February 1922, the liberalism of her regulation in matter of languages. In the military forces this law only tolerated minority languages in cases of total ignorance of Czech (art.I, p.3), while the Constitution left for future decrees the regulation of the compulsive use of Czech language, the only official language of the republic (art. I). This principle was confirmed by the law of February 3, 1926, which required that all the acts of the different ministries had to be written only with Czech language, while the law of December 31, 1928, accorded the minorities the possibility of using their languages in local official acts (if they represented the 50% of the population) but not in the ministries. In the educational field, Prague

This very well-known expression was formulated by Benedict Anderson, who underlined the role played by the institutions and by the communication-system for the consolidation of many national identities. B.ANDERSON, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London 1991.

¹⁶ This model of cultural autonomy was particularly supported by the German community and was established thanks to the creation of special bodies who were elected by the members of the minorities and were responsible for the management of cultural and religious affairs. For an interesting analysis of this short-lived experience and of the men who supported and proposed it as a model valid for the whole European reality, see J.HIDEN-D.J.SMITH, “Looking beyond the Nation State: A Baltic Vision for National Minorities between the Wars”, *Journal of Contemporary History*, Vol. 41, No. 3 (Jul., 2006), pp. 387-399; J.HIDEN, “A Voice from Latvia's Past: Paul Schiemann and the Freedom to Practise One's Culture”, *The Slavonic and East European Review*, Vol. 77, No. 4 (Oct., 1999), pp. 680-699; J. HIDEN, *Defender of Minorities: Paul Schiemann, 1876-1944*, Hurst & Company, London, 2004; M.HOUSDEN *Ewald Ammende and the Organization of National Minorities in Inter-war Europe*, Cambridge 2000.

argued that the less developed cultural conditions of her eastern regions obliged the authorities to employ mostly Czech teachers causing the protests of Slovaks and Ruthenes.¹⁷

In spite of the different conditions, the same problems characterized also the western part of the country. In a very impressive work, Tara Zahra showed how nationalists in the Bohemian Lands worked to forge political cultures in which children belonged more rightfully to the national collective than to their parents, and could be portrayed as “kidnapped souls”.¹⁸

A similar problem affected also Polish Silesia, where the authorities put pressure on Germans to send their children to Polish schools, but very large numbers of Germans occupying influential positions used their “power” in order to bring into German schools the children of Polish parents.¹⁹

The thin border between the formal respect of the international commitments and their substantial evasion could be better understood thanks to the accusations of German associations like the Deutscher Volksbund against Polish authorities. These numerous petitions contained interesting details in order to understand how the phase of implementation could be pursued annulling the formal guarantees of the laws. The latter were in force and valid, but their content and their positive impact on the minority conditions were often mitigated thanks to a whole of arbitrary administrative measures. Sometimes, as happened at Koszecin, Polish authorities were accused of annulling the declarations which were necessary to open a school: some others local officials were accused for having a solid discretionary power in choosing the physical place where to establish a school; in annulling the declarations of the parents and the applications to a minority school, in providing for language tests; another petition denounced that the entries on the primary schools in the Voivodeship of Silesia were limited through different temporal and material conditions, for example, the creation of special enrolment committees, who had “the sole purpose” of intimidating the minorities and preventing them from freely exercising their rights.²⁰

The considerations that were commonly recalled in the interwar period justify this attitude were simple and, at the same time, ambiguous: it was unquestionable that the minorities during the interwar period enjoyed a freedom which could not be compared to the one they had used to know during the Habsburg rule, especially in the Hungarian half of the empire. At the same time, it could

¹⁷It was clearly admitted by the referent of the Department of Education in Bratislava, and also by the Ministry of Education in Prague, Anton Štefánek, that the Slovaks were too Magyarized to be employed in education. “In a word, had I not had at that time over 300 qualified Czech professors available, we should not have been able to found even three complete Latin (Classical) schools in the whole of Slovakia, and not a single Real school or technical school....But we succeeded in purifying all the towns and larger villages, and though we could not at once provide qualified Czech teachers everywhere, we made the people learn Slovak as quickly as possible”. A.ŠTEFÁNEK, “Education in Slovakia”, *The Slavonic Review*, Vol. 2, No. 5 (Dec., 1923), p.313. In many official acts, Czech authorities underlined that this policy produced outstanding improvements. By 1931, the Ruthenes already possessed 45 kindergartens, 425 elementary schools, 16 burger schools (13 of them ‘mixed’), 4 higher schools, and 3 teachers’ training colleges, with a certain number of vocational and specialist establishments. Illiteracy among the Ruthenes had been very largely reduced, and became rare in the younger generation. C.A.MACARTNEY, *Hungary and her Successors: The Treaty of Trianon and its consequences, 1919-1937*, London, 1937, pp. 228 ff.

¹⁸ T.ZAHRA, *Kidnapped Souls. National Indifference and the Battle for Children in the Bohemian Lands, 1900–1948*, Ithaca-London, 2008.

¹⁹Poland unified the previous laws with the national regulation of 1922 in order to “integrate” her minorities from Ukraine and Belarus. Report by Mr.Savery, Warsaw, January 7, 1929. Documents on British Foreign Policy, Series Ia, Vol.VII, doc.42.

²⁰ Deutscher Volksbund of Polish Upper Silesia's petitions of June 1, and August 24, 1928, concerned the entries on the primary schools in the Voivodeship of Silesia and the different time limit established to access to minority schools. It also affirmed that law required the presence of the person responsible for the education of the child to appear personally at the moment of inscription. The declaration to be signed, moreover, was accompanied by the supplementary instructions for the minority schools and by the activity of enrolment committees. The petition of March 22 1929, instead, regarded the opening of a minority school at Koszecin, where Polish authorities stated that the number of 40 declarations which were necessary for opening a school, was not achieved. For German association, on the contrary, this number “was largely exceeded”. The appeal of Deutscher Volksbund of Polish Upper Silesia of June 1928 concerned the schools of Janow, Nowa-Wies; that of December 1928 the schools in Swierklamec, Nova-Wies and Lipiny... OJLN, January 1929, Issue 1 p.61-4, 65. OJLN, November 1929, Issue 11, p.1684; Historical Archives of the League of Nations, section 41, R2176 dossier 39494

not be denied that the interwar states, while developing the educational system of their minorities, limited their autonomy and established a strict control over the school system.

The languages of the administration were radically changed and, while in the past the nationalities struggled to have their idioms recognized in marginal sectors of state authorities, after 1919 the governments inverted this reality. Former minority languages became the official language of the state while German and Hungarian, which had been previously sponsored and extended by the state policies, were legally accepted, but only in residual cases. The members of the minorities often showed their discontent refusing to take the oath to the new state or participating and organizing strikes and parades. This opposition provided the new administration good reasons to liquidate them from other sectors of the economy, from public railways and private industries as well. In Greece, for example, only Hellenic citizens were permitted to edit journals (art. 16 of the Constitution).

The postwar period recorded an intensive “alternation” and replacement of employees in the public administration, which was mainly developed through the liquidation of the old functionaries –members of the minorities– and their substitution with “pure nationals” of the state. The changes started even before the signature of the peace treaties and the definitive attribution of some territories. In 1919 in Transylvania, for example, the whole teaching staff of the University of Cluj fled to Hungary together with the professors of Pozsony and many employees of the administration and the railways in Czechoslovakia, Romania and Yugoslavia. The process clearly continued after the peace-treaties, when states often adopted tests and examinations to select teachers and public servants. In 1922, the municipality of Riga verified the language capacities of its officials; even if half of the 478 officials belonging to minorities had an inadequate knowledge of Latvian, only 83 of them were dismissed while many were compelled to attend specific training courses.²¹

Another very unpleasant means to carry out the new nationalization policies was the forced change of names, first of all of the places and territorial units, but in Macedonia, Transylvania, South Tyrol and in many other regions even the family names were changed as it was supposed they had to be restored to their original denomination after having been artificially denationalized by the imperial authorities.²²

This process of institutional nationalization was driven from the centre, from the capital cities, and gave birth to many clashes also inside the different groups of the same nationality. The Transylvanian Romanians complained about Bucharest's centralized approach, exactly as the different ethnic groups of Yugoslavia against the Grand-Serb perspective which was evident in the building of the Southern Slavs' union. But if this tendency could be explained by the previous existence of independent states (Serbia and Romania), it was shared also by the Slovaks against the prevalence of Prague interests, and generally in all the periphery regions which featured different histories and different ethnic composition.

The administrative structure of the new states was generally defined around a centralist scheme, dividing the country in smaller units which were strongly subordinated to the centres with functional and personal criteria (in terms of officials and competencies). The semi-autonomous local institutions were kept alive only for some months (for instance, in Romanian Transylvania and Bessarabia) or were totally abolished altogether. Generally, the national setting of the state relied on little administrative units such as districts or counties, and in all the countries there was no space for any form of regional decentralization and territorial political autonomy: in the Kingdom of Serbs, Croats and Slovenes the administration was divided in *oblast*, *okrug* and *opština* with a *župan* chosen by the King at the head of the county (art.95 Cost.); Lithuania was structured in cities and rural districts (art.71); Romania in counties and districts (art.4); Estonia in districts and islands (art.2); Bulgaria in districts, counties and communes (art.3); Greece in circumscriptions, communities and *demi* (art. 107).

²¹ Letter of Walters to the Secretariat of the League, OJLN, Issue 7, July 1922, pp.733-736.

²² A typical example of these policies could be found in Macedonia, where the names of the villages and rivers were exchanged for Greek and Serbian ones, E.KONTOGIORGIS, *Population Exchange in Greek Macedonia: the Rural Settlement of Refugees, 1922-1930*, Oxford, 2006, p. 293.

Only in certain cases some constitutional provisions were dedicated to forms of local political autonomy; in Estonia (art. 75-77), and in Greece with the very unique model of Athos Mountain (art. 109-112). In Poland (on the basis of art.3, c.4) the state had the possibility of creating special bodies such as the local *Sejm* which functioned in Upper Silesia for some years. The question of autonomy engaged Polish political debates during the first postwar years and proved to be particularly intertwined with the “troublesome” situations of Vilna and Eastern Galicia. While in Central Lithuania, Poland simply extended her jurisdiction (law of the 13th of April 1922) avoiding any reference to a future autonomous regime, the issue was more complicated in the case of Galicia, as on the 25th of June, 1919, a few days before the signature of the Treaty of Versailles, the Supreme Council authorized the Polish Government to carry out the military occupation of Eastern Galicia, and to introduce its own civil administration, on the condition of signing a treaty with the Allied and Associated Powers, assuring autonomy to this territory.²³ The Polish Government accepted this “suggestion” and in November presented to the conference a statute of autonomy promising a Diet and other privileges. This offer, anyway, was not so “generous” and British diplomacy, in particular, expressed sympathy and support to the Ukrainian factions and carefully oversaw the evolution of this question, remaining inevitably dissatisfied. The former Austrian province of Galicia was divided into four voivodes – Cracow, Lemberg, Stanislawow and Tarnopol– aiming “deliberately at the obliteration of all distinction between Eastern and Western Galicia”.²⁴

But the most outstanding example of how the National States denied the value of local autonomy and its utility to regulate the relationships between the centre, the periphery and the minorities was the Czech one. In her minority treaty, Czechoslovakia promised to Sub-Carpathian Ruthenia legislative autonomy to be exercised through the creation of a special Diet, which was theoretically enabled to regulate the local interests of the region and its residents, where the Czechs were only a small minority. Even if the state effectively formed a regional administration with a special council, the promises of the treaties were never fulfilled, this Diet was never activated, and also the autonomy resulted to be a minimum of what was planned on the chart.

Autonomy could find no space inside the new national framework of the interwar states, which were built according to the principle of self-determination, but only for one population. Self-administration could not be adopted by inexperienced governments which were naturally influenced by nationalist feelings, and whose political thought was deeply anchored to the centralizing theories of French democratic doctrine.²⁵

Nationalism substantially pervaded all the state structure, not only in the administrative and political fields, but also with regards to economy. During the first years after the conflict, all the

²³The explications of Polish representatives to British diplomacy were “far from being convincing”. Max Muller had “little confidence either in the intention of the Government to introduce such a bill or in their power of passing it through the house”. Note of Max Muller to the Marquess Curzon of Kedleston, Warsaw, April 20, 1922. The word autonomy comes from the Greek *auto* (self) and *nomas* (law) and was presented after WWI as an attractive but complex concept. Many “imaginative attempts” to create legal forms of autonomy were made after the first war. J.REHMAN, *The Weaknesses in the International Protection of Minority Rights*, Kluwer Law International, The Hague-London-Boston, 2000, p.168.

²⁴ Note of Max Muller to the Marquess Curzon of Kedleston Warsaw, September 28, 1921.doc. 169. The Ruthenian mission to England had successfully convinced wide sectors of political circles and public opinion about the soundness of its requests. The journal “The Nation”, for example, edited an article in which defined Polish rule as a “licensed brigandage” and asserted that Poles have massacred 200 Ruthenian notables. Note of Max Muller to the Marquess Curzon of Kedleston, Warsaw, November 22, 1922. Documents on British Foreign Policy, First Series, Vol.XXIII, doc.225. B.PANEYKO, *Galicia and the Polish-Ukrainian Problem*, in “The Slavonic and East European Review”, Vol. 9, No. 27 (Mar., 1931), pp. 567-587.

²⁵ Letter of Mr.Mac Donald to Sir W.Max Muller, Foreign Office, July 29, 1924. British Foreign Policy, First Series, Vol.XXV, London 1984, doc. 400. The local self-government was not present in Eastern European States where “The system of centralized administration has been productive of intense discontent and unrest”. In Germany and Austria, on the contrary, local self-government was closely associated with the survival of democratic institutions against the rise of Fascism. A. COBBAN, “Administrative Centralization in Germany and the New States, 1918-39”, *International Affairs* (Royal Institute of International Affairs), Vol. 20, No. 2 (Apr., 1944), p.264.

Central-Eastern European states elaborated ambitious economic reforms which assured the authorities a central role in shaping economic plans and strategies following the needs of the nation. With policies that were more or less effective in each state, this aim took to the cut of old commercial and economic connections with Vienna and Budapest and to the start of new national enterprises. Industrial companies and banks were taken over by the state and assigned to autochthonous capitalists or to foreign societies, especially those of the Allied countries and France, which was the most interested power in Eastern Europe's political and economic development.

As the economic reality of Eastern Europe was deeply characterized by agriculture, the redistribution of the lands represented the first step of this process of re-balancing the economic and social situation of these territories.²⁶ The application of the agrarian reforms in regions such as Polish Silesia or Romanian Transylvania, soon became a matter of international concern, as these policies directly affected the minorities and, at least in the Polish case, were often declared to be in violation of the treaties by the Permanent Court of Justice.²⁷

These cases proved that states had many ways to evade their international engagements: the court, for example, sanctioned Polish policies as in violation with the treaties when these regulations tried to annul the private-law dispositions of many owners and leasers, and to liquidate their properties in spite of the principle of state-succession in matter of properties.²⁸ Another option that states had in order to manage their land reforms according to their nationalist programs, was to limit the citizenship of their richest minorities, for example Germans and Magyars. This target could be pursued by different means. In Transylvania, the Romanian policies disregarded the absentees, that is to say those who were not resident in Romania between the 1st of December 1918 and the promulgation of the law (July 19- 20, 1921). This law was generally considered by the Magyars as strongly contrasting with their interests, since the largest estates were almost exclusively owned by them. The Polish Government decided to treat certain persons, who were formerly German nationals, as not having acquired Polish nationality and as continuing to possess the German one. Also in this case the Court had the opportunity to verify that Poland was committing a breach of her international commitments concerning the rights of citizenship. This issue conditioned many countries all over Europe and represented an important part of the peace treaties and the minority treaties, which bestowed the right of option and the principle of *ipso facto* recognition, without further requirements and formalities. But the concession of citizenship was not as automatic as the treaties might suggest and this *ipso facto* recognition was rarely applied.

The legal basis of the question lay in the clauses of the treaties: the peace-treaties required the *Heimatrecht*, the minority ones referred to an *ipso facto* naturalization. The minority treaties, at the

²⁶ On the agrarian question in Eastern Europe, F.W.MOORE, *Economic Demography of Eastern and Southern Europe*, Geneva 1945; I.SVENNILSON, *Growth and Stagnation in the European Economy*, Geneva 1954; J.TOMASEVICH, *Peasants, Politics, and Economic Change in Yugoslavia*, Stanford University Press, Stanford 1955; N.SPULBER, *The State and Economic Development in Eastern Europe*, New York 1966; G.RÁNKI, *The Role of the State in the Economy in the interwar Period – Hungary, Yugoslavia, Bulgaria, Romania*, in "Papers in East European Economics", n. 29, 1973; A.TEICHOVA, *An Economic Background to Munich International Business and Czechoslovakia 1918-1938*, Cambridge 1974; I.T.BEREND-G. RÁNKI, *Economic Development in East central Europe in the XIX and XX Centuries*, New York 1974; M.C.KASER (ed. by), *The Economic History of Eastern Europe, 1919-1975*. Vol. I: Economic Structure and Performance between the Two Wars. Vol. II: Interwar Policy, the War and Reconstruction, Oxford: Clarendon P., 1985; D.CHIROT (ed.), *The Origin of Backwardness in Eastern Europe*, University of California Press, Berkeley and Los Angeles, 1989; H.INALCIK-D.QUATAERT (eds.), *An Economic and Social History of the Ottoman Empire. 1300-1914*, Cambridge University Press, 1994; D.H.ALDRCROFT-S.MOREWOOD, *Economic Change in Eastern Europe since 1918*, Aldershot, Edward Elgar publishing, 1995.

²⁷ For the German-Polish dispute, G.MOTTA, *Less than Nations*, vol.1, pp. 297 ff; for the Hungaro-Romanian one, which was solved through a political compromise as Romanian authorities refused to submit the question to the Court of Justice, G.MOTTA, *The Transylvanian Dispute after the First World War*, Lambert Academic Publishing, Saarbrücken, pp. 83 ff.

²⁸ *Questions Relating To Settlers Of German Origin In Poland*. Advisory Opinion, Permanent Court Of International Justice, (1923). P.C.I.J. (ser. B), No. 6 (Sept.10), Publications Of The Permanent Court Of International Justice, Series B – No. 6, Collection Of Advisory Opinions, A.W. Sijthoff's Publishing Company, Leyden, 1923.

same time, recalled and left unvaried the clauses of the general ones and, consequently, the states were legally entitled to require the *Heimatrecht* or other documents, and justified their restrictive attitude with the respect of the treaties. The problem derived from the fact that, in the Habsburg Empire, an individual could survive without ever asking for the *Indigenat-Heimatrecht*, but simply receiving the nationality. As a consequence, after 1918 many subjects met with many difficulties: the difficult collection or the total lack of the documents required, which in many cases had never been requested or issued, meant that communes and local authorities held in their hands the destinies of a large number of persons and did not handle them in an “over-generous” way.²⁹ It was not simple to acquire citizenship *ipso facto* as promised by the minority treaties, since the peace treaties imposed the possession of *indigenat* in continuity with the Austrian regulation.³⁰

“To declare a person stateless was a very convenient way of getting rid of him if he was for any reason undesirable.... The sufferers were usually members of minorities”.³¹

Conclusions.

The League of Nations was the result of pacifist and idealist movements that viewed the Great War as the “war to end all wars”. The ambitious target of regulating the *ius ad bellum* and the whole international life was something totally unimaginable and new. The states had always signed many bilateral and multilateral international acts, they had participated and given life to international commissions and authorities, but without awarding the latter a universal character. This experiment, anyway, was inevitably conditioned by the global participation of all its actors, the states, and by the power the international institutions had to sanction the violations of the treaties. The lack of the former influenced the latter, as only the common management of the international issues and the common adherence to some shared principles could give to the system that moral and legal authority it needed. The League consisted of sovereign states: only the assumption of a minimum of good faith, together with the common and earnest will of all the members, could reduce the animosity of international relations:

The minority question proved that the time was not ripe for such an innovation. Theoretically, everybody agreed discriminatory legislation had to be forbidden, but discriminatory interpretation and practice were destined to continue as long as the hostile atmosphere which enveloped the minority question in Central Europe was not dispersed. Careful and experienced observers such as Carlile MaCartney and Georges Kaeckenbeck concluded that traditional administrative and diplomatic methods could not be easily adapted to the settlement of delicate individual issues such as those concerning citizenship and personal rights.³² Not even the intervention and the endeavours of the League could change the attitude of governments and people, which were inexorably destined to clash and unveil that the illusion of legalizing the international relations could not become a reality: the violent intransigent attitudes of many states could only furnish meaningful evidence of how nationalist feelings were deeply incompatible with international legality.

²⁹ “In the absence of definite proofs, the communes were not likely to be over-generous”. Report drafted for the League of Nations by prof. O’MOLONY, *Rights of citizenship. Heimatrecht-Indigénat-Pertinenza*, p.17. HALN, Section 41, box R2176, dossier 35793. See also, L.PREUSS. “International Law and Deprivation of Nationality”, *Georgetown Law Journal*, Issue 2, January 1935, pp. 250 ff; M.VICHNIAC, “Le Statut International des Apatrides”, *Academie de Droit International, Recueil de Cours*, Volume 43 (1933-I), pp. 115-246.

³⁰ Minutes of the Minority Section, March 1925, HALN, section 41, box 1627 dossier 1481 doc. 41239

³¹ C.A.MACARTNEY, *National States and National Minorities*, p. 517.

³² As a matter of fact, even when the Upper Silesian tribunals found in some instances that rights had been infringed, there was no provision for redress. G.KAECKENBECK, *The International Experiment of Upper Silesia*, pp.162-164, 192.

“...the action of the Council cannot be automatic, because the Council cannot meet if not summoned, and cannot be summoned except by the initiative of one of the Members of the League...”³³

As a consequence, the only way that international institutions had to make a decision effective and implement it was to resort to boycott or to menace the use of the (political and diplomatic) force of an “all against one” conflict.³⁴ But the interwar context did not cement such a political cohesion as the international scenario was irrevocably conditioned by the divisions between revisionist and anti-revisionist states. This meant that every decision, especially in the field of minority questions, conditioned not only the single states interested in the dispute, but a whole system which was inevitably anchored to an unstable and fragile international reality.

On the legal point of view the procedure regarding the protection of minorities clearly underlined which were –and many times still are– the defects of the whole international law system. This lack of power was to be associated with the obstructionism of the states which were called to implement the international treaties. Many states which had recently gained independence were called to cede part of their national sovereignty to the international institutions, and if this concession could sound just and fair in the traditional fields of international relationships, it was at the same time perceived as unjust and humiliating when regarding the relation of a state with its own citizens. The international protection of minorities affected exactly these sensitive points and contained since the beginning the seeds of further inevitable controversies. The study of the minority questions, therefore, offers interesting suggestions to understand the weakness of international regulations, which had no powerful instruments to penetrate state boundaries and to assure an enduring atmosphere of peace.

Bibliography

W. V. Temperley, ed., *A History of the Peace Conference of Paris* (6 vols., London, 1920.–24); J. Foque-Duparc, *La protection des minorités de race, de langue et de religion*, Paris 1922; H. Dickinson, *Les droits des Minorités*, Bruxelles 1924; L. Mair, *The protection of minorities; The working and scope of the minorities treaties under the League of Nations*, Christophers, 1928; A. Headlam-Morley, *The New Democratic Constitutions of Europe. A Comparative Study of Post-War European Constitutions with Special Reference to Germany, Czechoslovakia, Poland, Finland, The Kingdom of Serbs, Croats & Slovenes and the Baltic States*, Oxford-London 1928; A. Giannini, *Le costituzioni degli Stati dell'Europa orientale*, Roma 1929; C. A. MacCarteny, *National States and National Minorities*, Oxford, 1934; C. A. MacCarteny, *Hungary and her Successors: The Treaty of Trianon and its consequences, 1919-1937*, London, 1937; F. S. Marston, *The Peace Conference of 1919*, Oxford 1944; P. De Azcárate, *League of Nations and National Minorities. An Experiment*, Carnegie Endowment for International Peace, Washington, 1945; A. Mayer, *Politics and Diplomacy of Paecemaking. Containment and Counter-Revolution at Versailles. 1918-1919*, London 1968; I. T. Berend-G. Ránki, *Economic Development in East central Europe in the XIX and XX Centuries*, New York 1974; I. Banac, *The National*

³³ “No transaction whatever, not only between nations but between individuals as well, would be possible without the assumption of a minimum of good faith, and, as the experience of commerce shows, that very assumption, when universal, reduces to a small proportion the number of cases in which that minimum cannot be obtained.” P. MANTOUX, “On the Procedure of the Council of the League of Nations for the Settlement of Disputes”, *Journal of the British Institute of International Affairs*, 5, 1 (1926), pp. 17, 31.

³⁴ The changes that the creation of the League was going to induce in the international system were perfectly clear in 1920: “The new order, without military power because it presupposes that a large reduction of armament has taken place and that conscription is a thing of the past, has to rely upon judicial determination at the hands of the League Court, to be executed in last resort by boycott or the force of all against one”. T. S. WOOLSEY, “The Rights of Minorities Under the Treaty With Poland”, *The American Journal of International Law*, Vol. 14, No. 3 (Jul., 1920), pp. 392-396.

Question in Yugoslavia: Origins, History, Politics, Ithaca, 1984; A. Spiliopoulou Åkermark, *Justifications of Minority Protection in International Law*, Kluwer Law International, London-the Hague-Boston, 1997; J. Jackson-Preece, ***National Minorities and the European Nation-states System***, Oxford 1998; M. MacMillan, *Paris 1919: Six Months That Changed the World*, 2002; C. Fink, *Defending the Rights of Others: The Great Powers, the Jews and International Minority Protection*, New York, 2004; G. Motta, *The Transylvanian Dispute after the First World War*, Saarbrücken, 2012; G. Motta, *Less than Nations. Central-Eastern European Minorities after WWI*, 2 vols. Newcastle, 2013.