

ILLUSTRATION OF THE FAILURE OF THE MINORITY PROTECTION OF THE LEAGUE OF NATIONS

by

Imre Prokopy,

former High Sheriff

The Tenth Minority Congress held in Berne early in September and the General Assembly of the League of Nations which immediately followed succeeded — notwithstanding all the big questions of international politics — in drawing the attention of public opinion to the constantly deteriorating situation of the forty millions belonging to the European minorities, and therewith to the evident failure of the minority protection afforded by the League of Nations.

There can be no doubt that the impossibility of solving the minority problem is a serious dead-weight impeding the course of European politics; and it is equally beyond dispute that the chief source of this unsolvability and of the consequent aggravation of the relations between the States interested in the minority questions, lies in the startling inefficiency of the measures for the protection of minorities taken by the League of Nations. One of the greatest defects of these measures is the method employed — in defiance of all reason and of all known rules of procedure — in accordance with which the "observations" of the defendant Governments respecting the grievances filed by the plaintiff minorities are not communicated to the plaintiffs, who are thus not in a position to answer these "observations" duly for the purpose of informing the commissions of three or five entrusted with the investigation of the cases, who are entirely unfamiliar with the local conditions. This absurd and absolutely preposterous state of things is naturally exploited by the Governments concerned — who have the last word, which of course is also the deciding factor — and utilised by them for the purpose of simply categorically denying all the statements of the plaintiff minorities, however well supported those statements may be by authentic evidence, the lack of contradictory procedure enabling them to do so with immunity. This method of defence and counter-action — which is certainly very convenient — on the other hand serves the commissions delegated by the Council as pretext and ground for accepting this official denial of facts, the truth of which could quite easily be proved by an investigation on the spot, as fully and completely refuting

the complaints filed with the League, and for ignoring the essential points of the petitions.

This has been the fate of the 20 petitions filed on behalf of the Magyar minority living in Yugoslavia; three of them were simply rejected by the Secretariat of the League without any reason being given (this being already a stereotype procedure), the other 17 being referred to commissions of three and after the usual discussion "buried" among the papers of the Secretariat without any of the grave grievances complained of being redressed at all.

To illustrate the extent to which the Yugoslav Governments have availed themselves of the opportunity thus offered them to deny the facts proved against them and familiar to the whole world, or to distort the same and thus to consciously and systematically mislead the League of Nations' authorities, we shall deal below with a few peculiarly characteristic cases the facts and data of which I have obtained from the respective petitions and from the "observations" on the same drafted by the Yugoslav Government and placed at my disposal by friends of mine in Geneva — i. e. from the most authentic sources.

One of the petitions submitted on November 5th., 1931, to the Council of the League of Nations in re the restriction of the use of the Magyar tongue in defiance of the provision of Article 7 of the Minority Protection Treaty, among other grievances complains that the Yugoslav Governments fail to respect the right of minorities, secured under the Treaty, to use their own languages in word and *in writing* before the courts of law. According to the Government reply dated April 8th., 1932, the fact "that the State language is the language of the administration of justice is not in the least detrimental to the interests of Yugoslav nationals not acquainted with the official language, seeing that the use of their native tongues before courts of law is permitted both in word and *in writing*". As against the "observations" of the Government the fact must be established that *minority applications in writing may be handed in solely and exclusively in the State language, irrespective of whether they are submitted by the parties themselves or by their legal advisers. Appli-*

cations drafted in minority languages are not accepted at all by the courts, their procedure in this respect being so rigorous that they will not accept as evidence original Hungarian documents annexed to applications unless accompanied by legalised translations in the State language. These facts can be ascertained easily enough by anyone who takes the trouble to investigate the matter on the spot.

MAGYAR PARISHES HAVE NO OFFICIALS OF MAGYAR NATIONALITY

Another grievance adduced by the same petition was to the effect that practically all minority — particularly Magyar — State employees and civil servants have been removed from service in State departments and offices (though this is true more especially of the parish (town) administrations) whereas the Magyars are entitled to a quota (some 9000 posts out of a total of about 250.000 in the State and Banat services) in proportion to the relative strength of the Magyar minority. In answer to this complaint the Government — without the slightest ground — asserted that "there are a large number of Magyars among the parish (town) officials, and that in particular in the pure Magyar parishes the bulk of the officials are of Magyar nationality the Government did not however dare to deny that, apart from some 3—400 railway and post office employees and elementary school teachers, the Magyars have been absolutely excluded from the other branches of the public services State and Banat"! In proof of its statement the Government enumerates the following 32 parishes situate in the Danube Banat as such in which — it asserts — officials of Magyar nationality are at the head of the local administration: Banski Dvor (Törzsudvarnok), Gornja Mužlja (Felső Muzslla), Mihajlovo (Magyarszentmihály), Novi Itebej (Magyar Ittebe), Telečka (Bácsgyulafalva), Debeljača (Torontál-vásárhely), Torda, Bačka Topola (Bács-topolya), Cantavir (Csantavér), Svilojevo (Szilágyi), Doroslovo (Doroszló), Zmajevac (Vörösmart), Suza (Czuza), Kotlina (Sepse), Rabe (Rábé), Majdan (Magyarmajdan), Vrbica (Egyházaskér), Banski Monoštor (Kanizsamonostor), Jazovo (Hódegyháza), Nova Crnja (Magyar Csernye), Kopačevo (Kopács), Vardarac (Várdaróc), Novi Bezdán (Uj Bezdán), Temerin, Mali Idjoš (Kishegyes), Feketić (Bácsfeketehegy), Stara Moravica (Bácskossuthfalva), Bogojevo (Gombos), Kupusina (Bácskertes), Jermenovci (Ürményháza), Toba and Lug (Laskó). As against this statement, accurate and exact researches and duly certified investigations made on the spot have established the fact that of the 36 parish officials¹

enumerated below as officiating in the first 24 parishes in the above list only one — a deputy parish clerk — is of Magyar nationality, while all the other officials — with the exception of 2 German parish clerks and 3 German deputy parish clerks — were of Serbian or Slav nationality respectively, — and in all probability (though there may have been changes in the persons employed) are today also all of Slav nationality. The situation is the same in the other 8 parishes enumerated above, as also in all the parishes inhabited by Magyars, as may be seen by anyone making investigations on the spot.

In the "observations" submitted by it, the Government makes a bold statement to the effect that "where officials of *Yugoslav nationality* (!!!) are at the head of the administration in parishes with a Magyar majority, they are almost all such as know the Magyar tongue". As against this statement, made at random, without any attempt to offer evidence in support, the truth is that of the 36 parish officials whose names are given in the foot-note, in addition to the 1 Magyar and 5 German functionaries, there are only 15 of Slav nationality who know Magyar well, 13 knowing no Magyar at all and 2 possessing only a slight knowledge of that language!!

LINGUISTIC GRIEVANCES

Another equally crying perversion of the real facts is the statement of the Government — made in reply to the same petition and intended to mislead the commission of three deputed to investigate that petition — to the effect that in terms of Ordinance No. I. B. 19,201 ex 1926, in all parishes with a mixed (Yugoslav-Magyar) population the language of the text explanatory of a film is given in Serbo-Croatian and Magyar; though in real fact for years past — and more particularly since the issue of the Order in Council No. 5391 dealing with the censorship of films dated February 22nd., 1932 — texts of films *must be written exclusively in the language of the State*. Further, the Government not having shrunk from informing the Council of the League of Nations to the effect that "everyone is at liberty to provide shop-signs and advertisements with inscriptions in Magyar", that "frequently the Magyar shop-signs may be seen side by side with such in Serbo-Croatian", and that "the Yugoslav authorities have never issued any ordinance at all relating to the use of shop-signs and advertising boards", — we are driven to refute this official perversion and to establish the fact (very well known all over Yugoslavia) that the Magyar and German firms in the territories of the Banate, Bácska and Baranya districts incorporated in the Danube Banate were forced already in the years immediately following the change of suzerainty to remove all Magyar and German shop-signs, and that moreover, in terms of the Ordinance issued by Department VIII. of the Office of the Ban of the Danube Banate under § 128 of the new Industry Act dated November 5th., 1931, only inscriptions in the language of the State may be employed on shop-signs and advertisement boards. Therefore, the incorrectness of the statements made by the Government can be proved by ordinances and laws of its own drafting.

¹ Andrija Nešković, Simo Vrećević, Milutin Jovančić, Ferdo Schwarz (*German*), Mihajlo Bolozores, Božidar Stefanović, Branko Vukajlin, Božidar Gorčik, Božidar Valtrović, Géza Simsay (*Magyar*), Milos Dukin, Aron Jakovljević, Nema Cokković, Stanko Tandarović, Iovan Medaković, Gruja Izberadić, Milenko Popović, Johann Siller (*German*), Georg Penz (*German*), Vinko Nedić, Milan Borojević, Sreta Vakanađ, Milan Živanović, Petar Lepojević, Janko Mrjanović, Stevan Iljin, Danilo Mirkov, Franjo Smodaj, Ilija Iovanović, Karlo Topalović, Stavko Manojlović, Josef Mayer (*German*), Dusan Milosavljević, Rada Nikić, Jovan Lambie, Josef Eckhardt (*German*).

EDUCATIONAL GRIEVANCES

We meet with an equally daring denial of the facts in the answers given by the Government to the petitions dealing with the educational grievances. In the reply dated January 21st., 1932, given by the Government to the petition dated June 18th., 1931, submitted by the Magyar minority in re the grievances in respect of secondary school education, we are told that "in every case in which in their applications parents have been able to show that there is a sufficient number of minority pupils, the Yugoslav authorities have ordained the establishment of parallel classes using the minority language as the language of instruction"; this statement is supplemented by the "observations" presented in answer to the petition of the Albanians submitted on May 5th., 1930, and not discussed by the commission of three until the spring of 1933, which declare that "in compliance with the provisions of the treaties the Government has consented to the opening of classes with a minority language of instruction in all cases where a minority has applied for the opening of a minority class and has been able to certify the existence of the prescribed number (25—30) of pupils belonging to that minority (!!!)" (see the May, 1933, issue of the Journal Officiel, Geneva): but by anyone familiar with prevailing conditions and with the facts, this declaration — apart from the concessions granted to the German minority — cannot be described as anything but a mere invention. The Magyar minority, which receives the harshest treatment, in view of its peculiarly grave situation, has only on two single occasions — on behalf of the children of the Magyar inhabitants of the villages of Mokrin and Bocsár in the Banate — attempted to obtain permission to open elementary classes with Magyar as the language of instruction — their endeavour being however on both occasions all in vain. During the proceedings connected herewith the parents of the children of schooling age were summoned separately to the office of the parish clerk, where they were most emphatically warned that each of the parents must apply separately for the admission of his child to a section with Magyar as the language of instruction, must sign the application with his own hand and provide the same with a 5-dinar stamp. At the same time they were told — not in the politest of terms — that it would be good for them not to force matters; the result being that the parents, not wishing to come into conflict with the authorities, withdrew their applications, so that the children of schooling age who are Magyars by birth and language in these two villages — nearly 100 in Mokrin and 70—75 in Bocsár — are still driven to attend the Serbian section of the school.

We would note by the way that this very strange procedure is not only a direct refutation of the statement of the Government relating to the establishment of separate classes, but also a flagrant breach of the provision of § 9 of the Saint-Germain Treaty according to which "in places where nationals of the Yugoslav State with a mother tongue differing from that of the State are living in considerable numbers, the Government will grant adequate facilities in the field of education for the purpose of enabling such nationals to have their

children educated in the elementary schools in their own tongue". This binding provision does not postulate that the interested minority parents shall apply *separately and individually* for the opening of minority classes and directly precludes the possibility of the parents making such applications being subjected to such chicanery.

An equally startling colouring of the truth is contained also in that passage of the Government's answer to the petition relating to secondary school grievances which declares that "the language of instruction of the minority sections of secondary schools is the mother tongue of the pupils belonging to the respective minority". As a matter of fact, in the classes of these parallel sections (4 German and 12 Magyar) instruction has been given from the very outset in two languages, the State language being exclusively used for instruction, not only in Serbian language and literature, but also in history and geography, as may be ascertained by anyone consulting the school reports.

In the "Observations" submitted by it the Government dismisses the grievances in connection with name-analysis by saying that the school authorities have never employed name-analysis in respect of pupils who are Magyars racially and by origin, that method being resorted to exceptionally "*only for the purpose of re-slavising the children of magyarised Slav parents*". Now, apart from the fact that this lame attempt to explain the method is in reality an open admission of the abuses committed to the detriment of the Magyars by the aid of name-analysis and a repudiation of the principle which postulates that every individual shall himself decide to which race he belongs, in the interest of justice we must stress that name-analysis has from the very outset been ruthlessly employed as against Magyar pupils and their parents — that being done by inquiries into race and origin reaching back to the fourth or even the fifth generation, by the arbitrary appointment of mother tongue by the authorities, and by an equally arbitrary decision of the authorities in re nationality based upon the sound or even the meaning of family names —, as may be seen from the innumerable pertinent ministerial ordinances and from an exceptionally characteristic note issued by the Ministry of Foreign Affairs. Consequently, the statement of the Government — given in reply to the memorandum dealing with secondary school grievances already discussed — to the effect that „the schooling of the children is at all times carried out on the basis of the mother tongue of the minority pupils and in conformity with the wishes of the parents”, cannot be regarded as anything but deliberate mystification.

Under Article IX. of the Minorities Protection Treaty — as also under § 45 of the Yugoslav Elementary School Act dated December 5th., 1929 — in all classes of the minority sections of elementary schools all subjects — except only the State language — should be taught in the language of the respective minority. However, in the Magyar sections of the elementary schools the "national" subjects (viz. Yugoslav history and geography) and indeed other subjects too have from the very outset been taught in the State language. Now, when

this illegal procedure was objected to by one of the memorandums, on April 3rd., 1933, Stanković, former Minister of Education, issued an ordinance instructing the school authorities to strictly observe the provision of the Elementary School Act relating to the language of instruction, that being an indirect admission of the illegal state of things complained of in the respective memorandum. The answer submitted by the Government adopts a tone almost of boasting when referring to this ministerial ordinance; though at the same time it passes over in silence the important fact that — in connection with the ordinance of his Minister and in all probability with the previous cognizance and approval of his superiors — the head of the Zombor School Inspectorate on the other hand instructed the head teachers of the primary schools subject to his control "to cultivate most seriously all national subjects in the language of the State and to devote particular attention to the matter, especially on the occasion of visits by inspectors". That is all the importance and value attaching to a ministerial "sham ordinance" and indeed to the pertinent Act itself when it is a question of enforcing minority rights!!

The most distressing injury in educational matters so far inflicted upon the national minorities of Yugoslavia — an injury simply fatal in its consequences — was the nationalisation of all denominational, parish and other private schools ordained in the month of August, 1920. This measure has since been organically supplemented by the new and uniform school Acts — viz. the Secondary School Act dated September 17th., 1929, the Teachers Training Institutes Act dated September 27th., 1929, the Elementary School Act dated December 5th., 1929, and the „City Schools” (Board Schools) Act dated December 5th., 1931 —, the pertinent clauses of which (§§ 5, 2, 164 and 64 respectively) forbid the establishment of private schools, and that in defiance of the decided tone of the provision of Article VIII. of the Minorities Protection Treaty, which stipulates that the "nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein."

The Government answer given on January 21st., 1932, to the memorandums complaining of this absolutely arbitrary provision of the Yugoslav School Acts, endeavours to take the edge off this gravamen by producing an idle explanation and to divert the whole matter into the wrong channel by saying that "on the day on which the Act comes into force all the private and denominational secondary schools in the country may continue their activity *just as before*, provided they accommodate themselves to the prescribed order of teaching, while the Act makes no difference whatsoever between these schools in the several districts".

The absolute futility of the procedure for the protection of minorities is revealed by the fact that the committee of three was satisfied with this

empty explanation, which so carefully evades the essential part of the question, and did not consider it necessary to submit the pertinent memorandums to the Council for further consideration. The committee of three simply ignored the decisive circumstance that there was no legal basis for the measure prohibiting the establishment of private schools — a measure invalidating Article VIII. of the Minorities Treaty, though under Article I. of the said Treaty the Yugoslav State undertook an obligation, that "the stipulations contained in Articles 2 to 8 of this Chapter shall be recognised as fundamental law and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail to them". Nor did the committee take into consideration that the suspension of private schools ordained in 1920 was not carried into effect everywhere, as should have been done in keeping with the principle of equal treatment for all. An exception was made with some of the private schools in the territories inhabited by Croats and Slovenes, which are still active and have never been interfered with. According to a statement published on November 23rd., 1931, by the "Avala" (the Serbian official press agency), in Bosnia, Croatia-Slavonia, Dalmatia and Slovenia there are 8 Roman Catholic private secondary schools, and in South Serbia and Bosnia 1 Mohammadan private secondary school each. These private schools — still in full activity — are to be found in the towns of Visoko, Zagreb, Travnik, Široki Brijeg, Otok, Zengg, Split (Spalato), St. Vid, Skoplje (Usküb), and Sarajevo. As far as the private "city" schools allowed to remain active are concerned, at the National Congress of City School Teachers held at Banjaluka on August 21st., 1932, Mita Georgević, former headmaster (retired) of the Ujvidék Girls' Grammar School (Gymnasium), showed in the light of official data that in the territory of the country there were 50 private city schools using the Serb-Croat-Slovene tongue as the language of instruction, in addition to the 175 State city schools. These facts show that, as against the statement made by the Government, differences have been made in favour of the Slavs and to the prejudice of the national minorities. The private schools of the minorities were all abolished early in the school-year 1920-21, so that there is a considerable admixture of cynicism in the statement made by Government to the effect that "all the private and denominational secondary schools may continue their activity *just as before*, provided they accommodate themselves to the prescribed order of teaching".

Nor was the committee of three affected at all by the startling fact that the nationalisation of the schools in the Vojvodina district resulted in the suspension of no fewer than 379 private elementary schools using Magyar as the language of instruction (viz. 224 Roman Catholic, 26 Reformed, 25 Evangelical, 25 Jewish, 67 parish and 9 proprietary schools), and that in connection with the work of nationalisation not only the school buildings and equipment, but also all the movable and immovable assets serving for the maintenance of the schools and for the payment of the emoluments of the teachers, were confiscated *without the slightest*

compensation or indemnification being offered. The Government filed its usual "observations" on the memorandums relating to this confiscation of the school property on December 15th., 1930, declaring that "the appropriation (sic!) of the buildings of denominational and private schools was on all occasions effected with the consent of the owners, either against payment of rent or without such payment, as circumstances required". The Government very modestly refers only to the sequestration of the school buildings, discreetly remaining silent regarding the confiscation of the other assets (endowments, funds, securities, school equipment, agricultural property). However, the fact that even the sequestration of the school buildings and the other immovables was not effected with the previous consent of the owners, and that no rent whatsoever was ever paid for the use of the same, is proved by the memorandum submitted to Government as far back as 1924 — though the matter is still awaiting a settlement — by the Roman Catholic Bishop Budanović and all the Roman Catholic Bishops of Yugoslavia, which memorandum complained of the confiscation without compensation or indemnification of (among other things) 20 convent buildings, 212 class-rooms, 70 teachers' and choirmasters' dwellings and 920 cadastral yokes of Church land — this latter within the boundaries of a single town (Szabadka = Subotica). But the "terminological inexactitude" of the statement made by Government is proved also by the report of the Yugoslav Reformed Church complaining of the confiscation of 50 class-rooms, 30 teachers' and choirmasters' dwellings and 274 cadastral yokes of prime arable land, which report estimates the loss sustained by the Reformed Church by the sequestration of real estate and the non-payment of house and ground rents, at the amount of 17,717.000 dinars. During the four years that have elapsed since the publication of this report the above loss has been increased by a further sum of 4 million dinars. The deliberately misleading character of the Government's answer is also shown by the fact that in the case brought against the town of Zenta by the Greek Oriental Church — a test case to enforce a restitution — the competent court of law in December, 1931, passed a judgment to the effect that a political community (parish) is not entitled even when instructed to do so by a Minister to appropriate any property belonging to third parties (that referring also to property belonging to a Church) without a legal claim thereto or without paying rent therefor. Basing their action on this and other similar findings of the courts, a large number of religious communities (parishes) have recently demanded a restitution of the school buildings requisitioned from them and have applied for the payment of the rent due for the period of confiscation. After what has gone before it is almost superfluous to add that the committee of three entrusted with the work of investigating the complaints put forward in these memorandums, in this case too — despite the very evident facts — accepted the point of view of the Government and failed to pass any definite resolution.

Of particular interest is also the procedure of the Government in respect of the application by

which the Hungarian Roman Catholics of Zenta (27.800 of the 31.000 inhabitants of the town being Magyars) requested the Council of the League of Nations to intervene for the purpose of eliminating the obstacles thrown by the authorities in the way of a completion of the building of the church, which has been going on since 1918. In its "observations" Government — among other things — argues that the town of Zenta is not patron of the Roman Catholic church community there (though it is so in real fact) and declares that an agreement approved both by the Archbishop of Kalocsa and by the Minister of the Interior was concluded in 1923 between the Roman Catholic parish priest and the town in re the removal to another site of the church then being built, — a statement which, to put it mildly, is quite at variance with the truth, if only because the Archbishop of Kalocsa (who resides in Dismembered Hungary) has no cognizance whatsoever of any such agreement and because the parish priest would not have been authorised to conclude an agreement on so essential a point without the previous cognizance and approval of the church council (vestry) and of the superior church authorities. And to crown all, the Government also asserts that the town council offered to contribute the sum of 6,500.000 dinars in the event of the church building being removed or rather erected on another site. As to the date of this offer and the person to whom it was made, the "observations" maintain silence — for very good reasons. It is evident, therefore, that this assertion of the Government intended to mislead the committee of three, is also a wild invention of the imagination, — first, because so large a contribution would be far in excess of the capacity of the town, and secondly because the town council never passed any such resolution and would indeed not have been entitled to make any such offer without the approval of the town representative assembly and the superior authorities (Governor's Office, Minister of the Interior).

After having described a few characteristic cases taken at random which are peculiarly illustrative of the methods employed by the Yugoslav Government, we would now ask whether this denial of the facts and this perversion of the truth is in keeping with the moral, legal and political responsibility of a Government, — whether it is permissible to deliberately and consciously mislead the factors of the League of Nations in order to close their eyes to the oppression and legal disablement of the minorities and by offering false information to frustrate any redress of the serious grievances complained of by those minorities? But we must also ask whether the Council of the League of Nations is entitled after having these machinations revealed to it to insist on a rigid adherence to a minority protection procedure which instead of affording effectual safeguards to the minorities whose very national existence is threatened, merely serve the political interests and denationalising efforts of the States whose breaches of their treaty obligations are being complained of.

Where the unchanged maintenance in force of this antiquated and inadequate minority procedure

is bound to lead, may be seen at once from the fact that of the 345 minority memorandums submitted down to the summer of 1932 only 143 were accepted at all by the Secretariat of the League as complying — according to the absolute judgment of that Secretariat, against which there is no appeal — with all the formal and other requirements, and that even of these only 18 were submitted to the Council, which in 10 cases declined to enter into any definitive settlement of the complaints, in 8 cases suggesting a compromise disadvantageous to the plaintiffs and in only 2 cases passing resolutions admitting the justice of the cause of the respective minority. But the already startlingly evident incapacity of the League of Nations in respect of the protection of minorities is shown also by the

fact that as a result of the protests filed by the delegates of the States of the Little Entente — and for purely formal reasons — it proved impossible to get the Sixth (Political) Committee to pass even the motion submitted on September 24th. by Dr. Tibor Eckhardt, the Hungarian Delegate, which motion proposed that the Council of the League be requested to delegate a special commission to investigate on the spot the situation of the Magyar minorities in Czecho-Slovakia, Rumania and Yugoslavia and of the non-Magyar nationalities living in Hungary respectively. To every unbiassed person who respects law and is a lover of justice it is therefore quite clear that, if this state of things is allowed to become definitive, the protection of minorities is bound ultimately to prove an utter fiasco.

SOLUTION OF THE HUNGARIAN PROBLEM IN CZECHO-SLOVAKIA

CONCLUSIONS OF "MEMORANDUM CONCERNING THE HUNGARIAN MINORITY IN CZECHO-SLOVAKIA" ISSUED BY THE HUNGARIAN FRONTIER RE-ADJUSTMENT LEAGUE

The Principal Allied and Associated Powers made the recognition of the Czecho-Slovak State conditional upon the signing of the Saint Germain minority treaty. To quote the preamble to the treaty, "The United States of America, the British Empire, France, Italy and Japan, on the one hand, confirming their recognition of the Czecho-Slovak State as a sovereign and independent member of the Family of Nations within the boundaries which have been or may be determined in accordance with the terms of the Treaty of Peace with Austria of even date . . . etc." This shows that the Principal Allied and Associated Powers were anxious to renew and "confirm" in a solemn manner their recognition of the Czecho-Slovak Republic as a sovereign and independent member of the Family of Nations, in the preamble of the Minority Treaty, in order to emphasise the importance of this treaty as a link in the international legal process effecting the constitution of the Czecho-Slovak State.

That the recognition of greatly enlarged States like Czecho-Slovakia created after the world war was conditional upon their signing the minority treaty, was even more clearly expressed in M. Clemenceau's famous Note covering the Polish minority treaty sent by him, in his capacity as Chairman of the Supreme Council, for signature to M. Paderewski, then Prime Minister of Poland. According to the opening lines of that Note the Supreme Council demanded the signature of the treaty "à l'occasion de la confirmation de la reconnaissance de la Pologne comme État indépendant, et du transfert qui lui est fait des territoires compris dans l'ancien empire allemand, qui lui sont assignés par le dit traité." M. Clemenceau's note went on to say that the minority treaty was no novelty in the history of international law, and quoted the statements made

in connection with the recognition of Serbia, Montenegro and Rumania by the representatives of the Great Powers at the Berlin Conference, in support of the following postulate: — "C'est une procédure depuis longtemps établie en droit public européen que lorsqu'un État est créé, ou même lorsqu'un État déjà existant reçoit des accroissements territoriaux considérables, sa reconnaissance collective et formelle des grandes puissances doit être accompagnée de l'assurance que cet État s'engagera, sous forme d'une convention internationale, à observer certains principes de gouvernement." These statements naturally applied not only to Poland, but also to all the States which were created or considerably enlarged after the war — thus to Czecho-Slovakia too. The collective and formal recognition of that State by the Principal Allied and Associated Powers presupposed that the Government of Czecho-Slovakia would observe certain principles; in the first place that it would safeguard minority rights.

Since the Czecho-Slovak State has not performed the obligations undertaken in the Saint Germain minority treaty, the condition to which the Principal Allied and Associated Powers attached their recognition of the Czecho-Slovak Republic has not been materially fulfilled to this day, and it follows — perhaps not in law, but certainly from a moral point of view — that the foundation upon which the Czecho-Slovak Republic was erected has collapsed.

As to Hungary, special mention should be made of the fact that M. Alexandre Millerand, Chairman of the Council of Ambassadors, addressed a letter, covering the final text of the Treaty of Trianon, to the Hungarian Peace Delegation on May 6th, 1920, containing the following passage concerning the inhabitants of the territories to be taken from