

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

Hungary: — "Quant aux îlots de population qui passeront sous une autre souveraineté, les Traités pour la protection des minorités déjà signés par la Roumanie et l'État serbe-croate-slovène et ratifiés par la Tchéco-Slovaquie garantissent leur entière sauvegarde." The Council of Ambassadors was the victim either of an error or of misrepresentation when it described the Hungarian territories placed under alien rule by the Peace Treaty of Trianon as "islets". Considerable sections of the Hungarian minority in Roumania and Yugoslavia live in ethnically homogeneous territories; and this is also true of the majority of the Hungarians in Czecho-Slovakia, who live along the borders between that country and Hungary on a wide strip of territory which geographically most closely connects them with Dismembered Hungary and with the main body of the Hungarian nation. But that mistake makes no difference to the fact that M. Millerand's letter tried to induce Hungary to sign the Peace Treaty of Trianon by expressly laying stress upon the security contained in the treaty signed by the Czecho-Slovak Republic in Saint Germain that the rights of the Hungarian minorities living in territories torn away from Hungary would be safeguarded. The Hungarian Government, as is proved by the Note sent by the Hungarian Prime Minister and the Minister of Foreign Affairs on May 17th 1920, signed the peace treaty only on the strength of, and invoking, the promises contained in M. Millerand's letter, that is to say on the supposition that the rights of the Hungarian minority in Czecho-Slovakia would be safeguarded by the minority treaty. In this way a supplementary agreement to the Treaty of Trianon was concluded between Hungary and the Principal Allied and Associated Powers, the binding nature of which cannot be legally disputed.

In spite of this legal situation the Principal Allied and Associated Powers have hitherto done nothing towards constraining Czecho-Slovakia to fulfil the obligations undertaken in the interests of the Hungarian minority. Although the leaders of the Hungarian minority in Czecho-Slovakia have lodged numerous petitions with the League of Nations regarding the infraction of the treaty rights of their people, the Council of the League of Nations has taken no notice, so far, of one single petition. This is because not one of its members has ever seen fit to lay them before the Council, notwithstanding the fact that, according to Article 14 of the Minority Treaty, it is not merely the right, but also, in terms of the resolution passed on June 21st, 1921, the duty of the members of the Council to call attention to any infraction or danger of infraction of minority rights; in which case the Council is empowered to

take such action and give such direction as in the circumstances may seem proper and effective. The failure of the League of Nations' Council to do so has, in a great measure, contributed towards the loss of authority it has suffered with the Hungarian minority in Czecho-Slovakia; not to mention that the League of Nations' neglect to exercise the right to protect the minorities, with which the minority treaties have invested it, has certainly contributed to bring about the political and moral crisis in which we are labouring. The indifference manifested by the League of Nations' Council towards the complaints of the Hungarian minority in Czecho-Slovakia is the more striking in view of the fact that the oppression of the minorities is among the outstanding causes tending to disturb the peace of the nations, or at least the good understanding upon which peace depends. (See Article 11, clause 2 of the Covenant of the League of Nations.)

Since the experience of the past fourteen years has taught us that no effective protection of the rights guaranteed to the Hungarian minority in Czecho-Slovakia by the Treaty of Saint Germain is to be expected from the Council of the League of Nations, it follows that the solution of the problem must be sought elsewhere. The protection of the national minorities — that substitute for the nationality principle — has not proved of any use to the Hungarians in the Czecho-Slovak Republic, so the nationality principle itself must be applied and all territories where the majority of the inhabitants are Hungarians must be restored to Hungary. It is certain that even were the nationality principle put into force, Czecho-Slovakia would still have a strong Hungarian minority, which like the other non-Czech races in the territories torn from Hungary — the Slovaks, Ruthenes and Germans — would continue to be at the mercy of the political, cultural and economic oppression exercised by an alien political power. These problems, however, which only the self-determination of the peoples could solve, belong to another chapter and would need to be dealt with separately. Therefore all we ask public opinion to do is, after examining carefully the facts presented above, to find ways and means of rescuing from Czech oppression and restoring to their Fatherland first of all those members of the Hungarian minority numbering over a million souls, who are living in purely Hungarian districts lying along the Czecho-Slovak-Hungarian frontiers.

In Article 19 of the Covenant of the League of Nations we have the means of achieving this aim in a peaceable manner and upon its provisions is based this our appeal to the civilized world for help to end the sufferings of the Hungarian minority in Czecho-Slovakia.

— y —