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RECORDS
OF THE
ELEVENTH ORDINARY SESSION
OF THE
ASSEMBLY

MEETINGS OF THE COMMITTEES

MINUTES
OF THE
SIXTH COMMITTEE
(POLITICAL QUESTIONS - QUESTIONS CONCERNING REFUGEES)

GENEVA, 1930
CONTENTS.

LIST OF THE MEMBERS OF THE SIXTH COMMITTEE ........................................ 5
AGENDA .............................................................................................................. 7

FIRST MEETING, September 18th, 1930, at 10 a.m.
1. Tribute to Dr. Nansen ................................................. 7
2. Election of the Vice-Chairman ............................................ 7
3. Publicity of the Meetings ............................................... 8
4. Adoption of the Agenda .................................................. 8
5. Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees .... 8

SECOND MEETING, September 19th, 1930, at 10 a.m.
6. Protection of Minorities .............................................. 15

THIRD MEETING, September 20th, 1930, at 9.30 a.m.
7. Protection of Minorities (continuation) ...................... 25

FOURTH MEETING, September 22nd, 1930, at 9.30 a.m.
8. Protection of Minorities (continuation) ...................... 36

FIFTH MEETING, September 23rd, 1930, at 9.30 a.m.
9. Mandates ........................................................................ 50
10. Mandates : Appointment of a Rapporteur .................... 58
11. Slavery ........................................................................ 58

SIXTH MEETING, September 24th, 1930, at 9.30 a.m.
12. Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees
    Examination of the Report of the Sub-Committee .............. 64
13. Slavery (continuation) ................................................ 64
14. Protection of Minorities : Examination of the Draft Report to the Assembly
    Slavery : Resumption of the Discussion .......................... 67
15. .......................................................... 72

SEVENTH MEETING, September 26th, 1930, at 10 a.m.
16. Mandates : Examination of the Draft Report to the Assembly (continuation)
17. Slavery : Examination of the Report of the Sub-Committee ........ 77
18. Close of the Session .................................................... 80

EIGHTH MEETING, September 27th, 1930, at 12 noon.

LIST OF ANNEXES.
1. Memorandum from the Greek Government regarding the evacuation of Armenian
   Refugees from Greece ............................................................. 81
2. Letter and Memorandum from the British Government regarding Slavery ........ 82
3. Report by the Sub-Committee appointed to consider the question of Russian,
   Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees .......... 83
4. Draft Resolution regarding Slavery proposed by M. A. Sottile, Delegate of Liberia
5. Draft Report of the Sixth Committee to the Assembly regarding the Protection of
   Minorities ........................................................................... 86
6. Draft Report of the Sixth Committee to the Assembly regarding Mandates .... 87
7. Report by the Sub-Committee appointed to consider the question of Slavery .......... 88

INDEX ............................................................................................................ 90

<table>
<thead>
<tr>
<th>Country</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abyssinia</td>
<td>His Excellency the Negadras Makonnen. Ato Ayéle Sèbhat (Substitute).</td>
</tr>
<tr>
<td>Albania</td>
<td>His Excellency M. Mehdi Frasheri. M. Demètre Beratti.</td>
</tr>
<tr>
<td>Australia</td>
<td>The Honourable Frank Brennan, M.P.</td>
</tr>
<tr>
<td>Austria</td>
<td>His Excellency M. Albert Mensdorf-Pouilly-Dietrichstein. Dr. M. Leitmaier (Substitute).</td>
</tr>
<tr>
<td>Belgium</td>
<td>His Excellency M. Paul E. Janson. M. O. Louwers (Substitute).</td>
</tr>
<tr>
<td>Bolivia</td>
<td>His Excellency M. Alberto Cortadellas.</td>
</tr>
<tr>
<td>British Empire</td>
<td>Mr. Charles Roden Buxton, M.P. Dr. Mary Hamilton, M.P.</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>His Excellency M. Athanase Bouroff. M. Dimitri Mikoff (Substitute).</td>
</tr>
<tr>
<td>Chile</td>
<td>His Excellency M. J. Valdés-Mendeville.</td>
</tr>
<tr>
<td>China</td>
<td>His Excellency General Tsiang Tso-Ping. M. Dekien Tung (Substitute).</td>
</tr>
<tr>
<td>Colombia</td>
<td>His Excellency Dr. Francisco José Urrutia.</td>
</tr>
<tr>
<td>Cuba</td>
<td>His Excellency Dr. Ofrestes Ferra. His Excellency M. J. A. Izquierdo (Substitute).</td>
</tr>
<tr>
<td>Czechoslovakia</td>
<td>His Excellency Dr. Eduard Beneš.</td>
</tr>
<tr>
<td>Denmark</td>
<td>His Excellency Dr. Laust Møltesen. M. F. J. Borghjerg (Substitute). Mlle. Henni Forchhammer (Substitute).</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>His Excellency M. Jean Lattik. M. E. Kirotar (Substitute).</td>
</tr>
<tr>
<td>Estonia</td>
<td>His Excellency M. Jaan Lattik. M. E. Kirotar (Substitute).</td>
</tr>
<tr>
<td>Finland</td>
<td>His Excellency M. Hjalmar Procopé. M. Hugo Valvanne (Substitute). M. Arne Wuorimaa (Substitute).</td>
</tr>
<tr>
<td>France</td>
<td>His Excellency M. Aristide Briand. M. Pierre Laval. M. André François-Poncet (Substitute).</td>
</tr>
<tr>
<td>Germany</td>
<td>His Excellency Dr. Julius Curtius. Dr. Koch-Weser (Substitute). M. Frohwein (Substitute). M. Völckers (Substitute). Dr. Rödiger (Substitute).</td>
</tr>
<tr>
<td>Guatemala</td>
<td>His Excellency M. Dantès Bellegarde. M. Jean C. Kernisan (Substitute).</td>
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<tr>
<td>Haiti</td>
<td>His Excellency M. Dantès Bellegarde. M. Jean C. Kernisan (Substitute).</td>
</tr>
<tr>
<td>Honduras</td>
<td>His Excellency Count Albert Apponyi. His Excellency M. L. Gajzágó (Substitute). Baron Gabriel Apor (Substitute). M. Georges de Ottlik (Substitute). M. Tibor de Pataky (Substitute). M. François Deák (Substitute).</td>
</tr>
</tbody>
</table>
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       His Excellency Dr. A. BILMANS (Substitute).

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      His Excellency M. Adam TARROWSKI.
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Yugoslavia: His Excellency M. Vojislav MARINKOVITCH.
           His Excellency M. Constantin FOTITCH (Substitute).
           M. Ivan PERNÉ (Substitute).
SIXTH COMMITTEE OF THE ELEVENTH ORDINARY SESSION
OF THE ASSEMBLY.

(POLITICAL QUESTIONS.)

AGENDA.

1. Slavery :
   (a) Slavery Convention : Annual Report by the Council.
   (b) Enquiry in accordance with the Resolution adopted by the Assembly at its
tenth Session : Report by the Secretary-General.

2. Mandates.
3. Protection of Minorities.
4. Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees.

FIRST MEETING

Held on Thursday, September 18th, 1930, at 10 a.m.

Chairman: Sir Robert Borden (Canada).

1. Tribute to Dr. Nansen.

The CHAIRMAN.—Ladies and Gentlemen, I desire, in the first place, to express my thanks
for and my very great appreciation of the honour which you have done me in electing me
Chairman of this Committee, and I feel assured that my inexperience will be so aided by your
kindly good will and generous co-operation, that I shall be enabled to discharge my duties
acceptably.

I should be wholly wanting in my duty if I did not take this opportunity of expressing
what I know is in all our hearts, deep sorrow for the untimely death of Dr. Fridtjof Nansen,
whose work was so closely associated with this Committee. In that work which he carried on
with unfailing sympathy and unflinching courage for the relief of suffering he erected for
himself an enduring monument that will remain through the ages.

I had the privilege of knowing Dr. Nansen personally, and of hearing him speak in my own
country a few years ago. His love and sympathy for humanity, expressed not only in words
but in his manifold labours, seemed to shine forth from his very presence. The entire world
is the poorer as a result of his death, but his imperishable memory will remain to inspire us with
the spirit, and to aid us in the endeavour, of Divine compassion.

M. MOWINCKEL (Norway).—As the representative of Norway I want to thank you most
deeply for your kind words to the memory of Dr. Nansen. We fully realise, of course, what we
have lost by his death, and especially we know well that it will be very difficult, if not quite
impossible, to fill his place in our representation before the League of Nations. But we, as the
representatives of our country, will do our best to follow the fine traditions he has left behind
in his efforts for the work of peace and friendship between all mankind.

2. Election of the Vice-Chairman.

The CHAIRMAN.—The next duty is the election of a Vice-Chairman of the Committee.

Mr. BUXTON (British Empire).—I should like, if I may, to make a proposal to the
Committee for the election of a Vice-Chairman. We hope that our Chairman will be so
well able to conduct our proceedings that he will very seldom need the help of a Vice-Chairman,
but if it is necessary that his work should be lightened in that way it is clear that we must also
have a Vice-Chairman. I have, therefore, to propose a name which I think will generally
commend itself to the Committee, namely, Count Bonin-Longare, delegate of Italy. I think
his exceedingly high qualifications for the task are well known. They are certainly well
known to me because I had the pleasure of a personal acquaintance some years ago, in 1924,
with Count Bonin-Longare when he was also taking part in the debates of the Sixth Committee,
as no doubt he has done on very many occasions.

Count Bonin-Longare was appointed Vice-Chairman of the Committee.
Count Bonin-Longare (Italy) [Translation].—I should like to thank the Committee for the cordial way in which it has welcomed Mr. Buxton’s proposal and for the kind and flattering words it has addressed to me personally. I should prefer this honour to be attributed not to me but to my country. I sincerely hope that my new duties will be purely honorary, and that the Committee will never be deprived of the experience and authority of Sir Robert Borden, whom it has so judiciously elected to the Chair.

3. Publicity of the Meetings.

The CHAIRMAN.—I propose that we follow the usual custom, and that our meetings should be public unless we decide to the contrary.

This proposal was adopted.

4. Adoption of the Agenda.

The CHAIRMAN.—The next item will be the adoption of the proposed agenda, which is as follows:

A. (i) Slavery. Slavery Convention; Annual Report by the Council. (Documents A.13 and A.13 (a), (b) and (c) 1930.VI.)

(ii) Enquiry in accordance with the Resolution adopted by the Assembly at its Tenth Session; Report by the Secretary-General. (Documents A.17 and A.17 (a) and (b) 1930.VI.)

B. Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees; Report by the Secretary-General. (Documents A.28.1930.XIII and A.34.1930.XIII.)

C. The part of the Report on the Work of the League since the tenth session of the Assembly and of the introduction thereto which deals with the question of the Protection of Minorities. (Documents A.6 and A.6(a) 1930.)

D. Annual Reports of the Mandatory Powers, the Reports of the Permanent Mandates Commission, and all other documents dealing with the Mandates question which have been distributed to the Members of the League since the tenth session of the Assembly.

The Agenda was adopted.

5. Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees.

On the proposal of the Chairman, M. François-Poncet was elected Rapporteur for this question.

M. François-Poncet (France) (Rapporteur) [Translation].—I must thank the Committee for electing me Rapporteur, and in order to speed up our proceedings I shall at once try to give a very brief summary of the circumstances in which the refugee problem comes before the Sixth Committee and the eleventh Assembly of the League of Nations.

May I pause for a moment to pay a tribute, on behalf of my country, to the memory of Dr. Nansen, whose generous action has left an unforgettable imprint upon the work with which we are about to deal?

Last year the Assembly decided to place the Refugee Service experimentally for one year under the administrative control of the Secretary-General, who was to put forward, after this year of experiment and investigation, such suggestions and proposals as he might think most suitable for the reorganisation of the refugee work. This reorganisation was already in contemplation during Dr. Nansen’s lifetime and has become still more necessary since his death; moreover, it is in accordance with the wishes expressed on several occasions by the Assembly and the Sixth Committee.

The Secretary-General has faithfully discharged his duties and drawn up a report (document A.28.1930.XIII) embodying the observations and suggestions he was asked to make.

Furthermore, the Inter-Governmental Advisory Commission for Refugees, to which this report was communicated, considered it at the beginning of September, and has in consequence made a series of definite proposals. It is primarily upon the Secretary-General’s report and that of the Inter-Governmental Commission (document A.34.1930.XIII) that the discussions of the Sixth Committee and the Assembly’s decisions must be based.

In his report the Secretary-General begins by recognising and emphasising with the aid of significant figures that, while progress must be made towards the winding-up of the work, the League must continue to give assistance as it has done for the last ten years to Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish refugees—not because the prospects of transferring and employing the refugees are particularly favourable, but, on the contrary, because the League cannot look with indifference upon the difficulties, anxieties and miseries to which a very great number of these refugees are still exposed.
The League's refugee work has two aspects which, in my view, must be clearly distinguished and separated—a legal aspect concerned with the legal protection, civil rights and legal status of refugees, and a humanitarian aspect concerned with their livelihood, the relief to be given them and the work and employment to be found for them.

The legal aspect of refugee relief rests upon a series of international and inter-governmental arrangements which have been brought about, negotiated and elaborated on uniform principles by the League and its qualified instrument, the Secretariat.

These arrangements, which are subject to revision and adjustment, are applied either directly by the regular authorities of the countries concerned or with the assistance and through the agency of delegates of the old High Commission for Refugees, but in any case in consultation with the League and under its patronage. It is natural enough, therefore, that the League (represented in this case by its Secretariat) should continue a work to which it is accustomed, which is of indispensable value, and which falls within its normal scope. The Secretary-General says he is quite prepared to do this. He considers that there is no need to appoint another High Commissioner for Refugees, but that the delegates might still be kept in those countries which have asked for their retention—Austria, Bulgaria, Estonia and France.

In that respect the present position would remain unchanged.

As regards the humanitarian aspect of refugee protection work—that which is concerned with employment and livelihood—the Secretary-General observes that it raises very difficult problems in connection with the finding of employment for labourers and their settlement, the distribution of cash relief, the advancing of sums which may or may not be recoverable, and financial administration, and that these questions involve supervision and control. They are obviously not within the Secretariat's province, nor are they the kind of problem with which it ordinarily deals. It is neither able nor willing to deal with them, and cannot undertake to do so.

Consequently, either the refugee protection work must be divided into two watertight compartments, one under the direct control of the Secretariat and dealing with all matters relating to the legal status of refugees, and the other under the direction of an office in touch with the Secretariat and subsided by the League but acting independently; or the administration of both compartments must be entrusted to a single office, in which case the Secretariat would have no direct responsibility.

Such are, in brief, the conclusions of the Secretary-General's report.

Faced by these conclusions, the Inter-Governmental Advisory Commission for Refugees has taken up a definite attitude. It has pronounced in favour of the two-compartment system—one compartment under the Secretary-General and the other under an international office to be established according to the principles laid down in Article 24 of the Covenant, that is to say, placed under the authority of the League.

This office would be established at Geneva and directed by an administrative board on which the Inter-Governmental Commission, the Secretariat, the International Labour Office and private organisations would be represented. It would direct and co-ordinate refugee relief, collect and allocate available resources for finding employment for refugees, settling them and generally improving their position, submit its accounts to the League auditor, and report to the Assembly every year.

It should be noted that this solution advocated by the Inter-Governmental Commission is in accordance with the Secretary-General's preferences as clearly shown in his report, and has also been accepted by the Advisory Committee of private organisations for refugees, that is to say, by those who are most directly and personally concerned.

In these circumstances, the first question that arises for us is whether we also should accept the Inter-Governmental Commission's system, and recommend the Assembly to adopt it. If so, the Sixth Committee should also state whether it considers that the organisation concerned with the legal status of refugees should be retained in the cases in which it now operates, and, in particular, whether it intends to retain the League's delegates where their presence is desired, and to continue to charge the Nansen stamp fee where it is in force. It should also state whether the delegation, which is of indispensable value, and which falls within its normal scope. The Secretary-General says he is quite prepared to do this. He considers that there is no need to appoint another High Commissioner for Refugees, but that the delegates might still be kept in those countries which have asked for their retention—Austria, Bulgaria, Estonia and France.

Lastly, the Sixth Committee would have to consider the financial conditions under which the system in question would operate—how the budget of the international office would be drawn up, what expenses the League should undertake to defray, and consequently what appropriation the Fourth Committee and the Assembly should be asked to vote.

Secondarily, the Committee will have to decide what use is to be made of the private fund which was collected by Dr. Nansen and is now in the hands of Mr. Lodge, and whether an appeal should be made to national or international philanthropic associations or private organisations.

It will have to express an opinion on certain points that have been raised by the Inter-Governmental Advisory Commission; on the problem of Armenian refugees in Greece, which is the subject of a special note (Annex 1); on the expediency of making a special appeal on behalf of the children of refugees whose position is particularly painful and sad; and on the future position of the officials of the present refugee service of the League.
If the Sixth Committee will concentrate its attention on the four main subjects to which I have just referred I am sure that it will easily and quickly bring to an end its task of determining the future organisation of refugee protection work.

The CHAIRMAN.—The point for decision in the first instance, as I understand it, is whether the Committee concurs in the proposal that there shall be two divisions of activity—one for juridical protection of refugees, which will be carried out, as I understand it, by the existing organs of the League, and the other dealing with the question of humanitarian assistance, which will be undertaken by an organisation to be created. It is open now for the members of the Committee to express their view with regard to these proposals.

M. RAPHAEL (Greece) [Translation].—It is my duty first of all to express my admiration for the lucidity and completeness of the statement just made by the Rapporteur.

The Greek Government has examined with great attention and interest the results of the proceedings of the Advisory Commission with regard to the functions to be entrusted to the Secretariat and to the new organisation of which the creation is proposed in the Commission's report. It cannot but accept the arguments put forward by the Secretariat in favour of dividing the refugee protection work into two compartments. Under this scheme all matters connected with the personal and legal status of refugees would remain within the Secretariat's province, while the humanitarian and social side of the work would be dealt with by a separate organisation.

The Greek Government is of opinion that, while the work on the question of legal status has been carried out very fully through inter-governmental arrangements which are applied in the various countries either by the High Commission's delegates or through the national authorities, there is still much to be done on the social and humanitarian side, and the new organisation will have a very long and difficult task before it.

Consequently, while the Greek Government agrees to the proposal made in the Advisory Commission's report that the refugee work should be divided up, it considers that the new organisation, which will very often find itself without material resources, must be given all possible moral authority and every possible safeguard to enable it to cope with the difficult positions with which it may be confronted.

Several problems which especially affect my country have still to be solved in connection with the finding of employment for refugees. The central organisation which is to be formed to co-ordinate and direct efforts that are at present scattered must therefore have, if not abundant material resources, at all events that moral authority without which it cannot possibly carry its task to a satisfactory conclusion.

MRS. HAMILTON (British Empire).—I only wish to make one point on the general question of principle and I wish to do this because last year, when the Committee did me the great honour of making me Rapporteur, I said it was the view of the British Government that there should be an undivided organisation for refugee work under the control of the Secretary-General. Circumstances and, above all, practical experience have converted my Government, as it has converted the Advisory Commission, to the view that undivided organisation is not now to be regarded as the best solution of the problem.

We have to pay the greatest respect to the experience acquired during nine months' working of the undivided organisation under the control of the Secretary-General. Although he has worked with the greatest good will, he has nevertheless come to the conclusion that that particular solution of the problem is not practicable and is not the most efficient. That conclusion must weigh heavily with us. The same conclusion was reached by Mr. Lodge, whom Dr. Nansen appointed as his deputy and who, in that capacity, rendered invaluable service during the period under review. Moreover, the representatives of the refugee organisations think it is of the utmost value that the Secretary-General should take over, as he is willing to do, the fullest responsibility for their political and juridical status—to give them, that is to say, what amounts in practice to a formal guarantee that they have the protection of the League behind them so far as their political existence is concerned.

There is another point. While the need for political and juridical protection may be expected to go on for a period to which we cannot see a limit, it will be within the recollection of members of the Committee that the Advisory Commission's report of 1929 stated very definitely the view that the humanitarian side of the work should have some limit set to it, and that it ought to be possible to wind it up within a definite period, for which a maximum of ten years was fixed.

Here, there is a very clear distinction between one aspect of the work and the other, from the very important standpoint of time. We have the assurance that the political work is safeguarded; we seek to set up an organisation within the League which will be able, while looking after the real interests and the grave needs of the refugees, in the spirit so magnificently exemplified by Dr. Nansen, to work towards the liquidation of that problem. I believe that the Advisory Commission's report proposes the establishment of such an organisation—whose work will be closely co-ordinated with that for which the Secretary-General takes responsibility, but with a measure of freedom in its own sphere that will make for genuine efficiency.

It is largely on the two grounds: one derived from practical experience that undivided organisation does not work smoothly, and the other that there is this important distinction
from the point of view of time between the two aspects, which causes me to urge this Committee to accept the same change of view which has taken place in my own mind, and therefore to endorse the recommendation for the new division of the work.

M. GIANNINI (Italy) [Translation].—It seems to me that in point of fact the report (document A.34.1930.XIII) before us contains three classes of questions in regard to which we have to decide upon our attitude.

The first question concerns the future organisation of the refugee work, on which subject we have before us specific proposals made by the Advisory Commission.

With regard to the second part of the problem—the question of legal status—there are in reality, as was observed just now, several different classes of questions. On some of these problems the Advisory Commission has proposed quite definite solutions, as, for example, that certain recommendations should be made to Governments, that their attention should be drawn to certain points, and so forth. There are other questions, however, on which the Commission has not been able to make specific proposals. Among these is the very question raised by the Greek delegate—that of the position of Armenian refugees in Greece and the position of refugee children.

On these two points the Advisory Commission has rather left matters to the Assembly; it has simply called the Assembly's attention to them, which means that we shall have to go thoroughly into the problem, in the hope of finding some practicable solution.

As regards the first problem—that of Armenian refugees in Greece—I should like to call attention to the fact that in their replies on the subject of the position of refugees, a number of Governments—indeed the majority—have pointed out that they have nowhere to put all these refugees, and that the question is a very difficult one.

I will not be easy for the Committee or the Assembly to come to a decision on this point. The difficulty is to find a Government that is prepared to receive these refugees in its territory, having regard to the fact that they have to be given work. No Government has made any proposal to this effect, and I repeat that it will be very hard to find a solution.

With reference to the position of refugee children, on the other hand, we have a proposal from the Advisory Commission that an appeal should be made on behalf of these children. I think that this proposal should also be taken up. At the same time, if we come to an agreement regarding the organisation of an International Office as suggested in the report, we must leave it to that Office to find a solution for the problem raised by the Greek Government. It is urgently necessary to settle the question of a refuge for these people, whose position in some countries is very difficult.

I also think that the matter of the appeal regarding refugee children should also be left to the organisation in question.

I wish therefore to make certain specific proposals. I propose that we approve in principle the Advisory Commission's report, so far as concerns the first part of the question, that is to say, the organisation of the refugee service. I also propose that we give our full approval to the report in so far as the various questions dealt with under (a), (b), (c), (d), (e), (f) and (g) are concerned.

Regarding Chapters II, III and IV of "Miscellaneous Questions", I propose that we recommend that these three questions be referred to the Office for examination with a view to a practical solution.

M. RAPHAEL (Greece) [Translation].—I should like to add a few words to what M. Giannini has said. I agree with him that the problem is a general one, but I would point out that it has a more specific aspect so far as it affects Greece.

In my country there are more than a million Greek refugees, and our Government is exerting all its efforts to find a refuge for this vast number of people. Consequently, our Government's difficulties in connection with non-Greek refugees are much greater and more serious than those encountered by other Governments, and while I thank M. Giannini for his proposal to call the attention of the new organisation to this matter, I should like to point out once more that the question is much more urgent for us than for other countries, though I am in agreement with M. Giannini on the problem as a whole.

M. FRANCOIS-PONCET (France) (Rapporteur) [Translation].—It seems to me that the Italian delegate's remarks are perfectly justified. Obviously the Assembly of the League is not in a position to put forward any practical proposal for the settlement of those refugees whose future is still uncertain, and who have nowhere to put all these refugees, and no work. It is precisely because the Assembly cannot solve this problem, however, that we think, like the Inter-Governmental Commission, that an Office should be set up, one of whose main duties will be to examine the position in the various countries in which refugees may be offered work and to do what is necessary when there is any prospect of success.

If we knew at this stage to what country to send the tens and hundreds of thousands of refugees who have still to find homes and employment, there would be no need for the Office; it is just because the position is so unsatisfactory that the Office is necessary.

As the Italian delegate rightly said, owing to the economic difficulties and the amount of unemployment in many countries at the present time, offers of employment are more restricted than ever.

At the same time, we must do something for these unfortunate ones, many of whom are living under the most wretched conditions; we must do something to support and assist them and give them such care as the most needy among them may require. Further, at the first possible moment, we must try to find some means of evacuating them.
In this connection I should like to say to the Greek delegate that we all realise his country's special position. The Greek Government has done admirable work for the refugees; it has treated them with great generosity, and I am happy to express my appreciation in public. But however great its generosity, we can well understand that in the long run such a position may become extremely trying; and I would say with absolute assurance that one of the first cares of the International Refugee Office, which we propose should be set up, will be to try to settle the question of finding employment for the Armenians who have been so long in Greek territory, and who are seriously disturbing the economic organisation of Greece.

I entirely agree with what has been said up to the present, and I would also urge on behalf of the French Government that the main proposal before us—that the Refugee Protection Office should be divided into two parts—be accepted. In that case, the legal status of refugees, their legal protection, inter-governmental arrangements, the supervision of the execution of such arrangements and any changes in them, questions of civil status, safeguards in connection with the civil status of refugees, and all other kindred questions, would fall within the province of the Secretariat; while the International Refugee Office would deal with all questions of employment, settlement, work, assistance and relief. Such an organisation seems necessary, and we shall have to go into the details of it later.

M. Motta (Switzerland) [Translation].—I think that in principle we can accept the suggestions before us.

Last year, I remember, when the Committee discussed these questions, it arrived at appreciably different conclusions. The prevalent idea then was to maintain unity of organisation and to avoid setting up anything in the nature of two separate bodies. I quite recognise that since that time the question has been specially studied, and lessons have also been derived from experience, so that to-day the best solution is very probably that of separating the legal part of the work from what I may describe in one word as the humanitarian part.

According to the suggestions before us, the Secretariat would continue to deal primarily with the legal aspect of questions affecting refugees, while the humanitarian questions would be entrusted to a separate organisation.

It is interesting to observe that the Inter-Governmental Commission suggests that the Assembly should decide this year to set up an organisation coming within the terms of Article 24 of the Covenant. I do not know whether any such attempt has ever yet been made, but I do not think so. A great number of international organisations and international bureaux have been established in various countries, some under the authority of the League, and others, for special reasons, not under its authority; but in my belief, all these organisations have endeavoured to maintain useful and valuable relations with the Secretariat of the League and the League itself. In the present case, we are confronted by a proposal that goes a little further; namely, that the Assembly itself be asked to decide upon the establishment of an international organisation which would come under the terms of Article 24 and would be linked up with the League. For my own part, I should welcome this experiment, but I would point out that, in my view, it is a new idea, and we cannot quite foresee all its consequences.

I repeat that I feel most strongly that the refugee question must be a matter of concern to all who are interested in the League itself. Consequently, I am entirely in agreement with the proposals and suggestions that have been made, but—this is not a reservation but merely a suggestion—if the Assembly decides to set up an organisation to deal with the humanitarian work, if that organisation is established on the lines that have been indicated to us, that is to say, with an Administrative Board set up under such and such conditions, and if the budget of that organisation is supplied by an appropriation voted by the Assembly of the League, I am very doubtful whether in the long run, when that organisation has satisfactorily performed its humanitarian work, it will not inevitably come to encroach on legal questions as well.

It seems to me that if it were thought that such an organisation would do really useful and valuable work, it would eventually be found absolutely necessary to secure unity and to avoid any dispersal of effort or needless duplication of work.

These remarks of mine are not meant to raise difficulties—far from it. On the whole, I am entirely in agreement with the general conclusions reached by the Committee's Rapporteur, M. Francois-Poncet, to whom I have pleasure in paying tribute.

Count Apponyi (Hungary) [Translation].—The question we are discussing is one of those that concern mankind as a whole. It is for that reason that I shall speak of it here, although it does not directly concern my country in any way; but it is in the tradition of the League that even in such cases we should all interest ourselves in humanitarian questions.

I entirely agree with the proposal that we should divide the work into two parts—an organisation under the direct control of the League Secretariat, dealing with legal questions, questions of personal status and so forth, and another organisation, not directly connected with the League Secretariat, dealing with humanitarian questions.

I have been particularly impressed by the position described in the memorandum circulated by the Greek Government. There are some thirty thousand Armenian refugees, who have had to leave their own country for reasons into which I need not go, and who, for the same reasons, cannot return. On account of the geographical position, they are now
entirely dependent on the Greek nation. Obviously, such a situation cannot go on, and such a burden cannot continue to be borne solely by a nation which is not one of the biggest nor one of the richest.

The Rapporteur has dealt with this question particularly, and he says that one of the first duties of the future Office would be to solve this problem. Personally, I think that this would be the duty of the first of the two organisations—the one dealing with legal questions—since the question of the future nationality of the refugees is involved. That is my impression, but I will not give any definite statement of opinion yet.

In any case, I feel that the least we can do will be to recommend the competent organisation to give its special attention to the problem raised by the presence of this large number of refugees in Greece. My view is that if such a position were to continue, the Greek Government would have to be compensated for the expense which, owing to an accident of geography, it has had to bear unassisted.

I agree with the Rapporteur that this question of the Armenian refugees in Greece is deserving of the first attention of the organisation we are going to set up, and I would ask that this observation be embodied in the resolution to be passed by our Committee.

M. FOTITCH (Yugoslavia) [Translation].—The refugee question concerns Yugoslavia in two ways—first, generally, as a humanitarian question, and secondly, because my country has given hospitality to more than thirty thousand Russian refugees. It is for that reason that I must define my attitude in this discussion.

As regards the question whether it is desirable to reverse last year’s decision—to entrust questions affecting refugees to a League organisation—it seems to me that the experience of these last nine months is not wholly conclusive. Since, however, the Secretary-General and Mr. Lodge think that a different solution should be adopted, we are quite prepared to agree to the conclusions reached by the Inter-Governmental Commission.

I do not think that the Secretariat would be asked to shoulder any crushing burden as a result of the adoption of these proposals. If we follow the Commission’s recommendations, we could ask the Assembly to entrust to the Secretary-General questions relating to the protection of refugees and their legal status, and also to instruct him to investigate the development of the refugee problem. That is a subject which, as a matter of historical fact, has already been adequately investigated. As regards the future, I think that most of the work—that of ensuring and regulating the execution of existing arrangements and agreements—will fall on the other organisation.

We may congratulate ourselves on having determined the legal status of all refugees by a succession of arrangements between the Governments most closely concerned. If any changes or amendments have to be made in the status of the refugees the experience we are gaining in our respective countries will help us, and I do not therefore think the Secretariat will have too much to do.

It is primarily the new organisation that will have to be carefully worked out, and its functions must be clearly defined. Its principal task will be to investigate the question of the settlement of refugees. I will not use the word “evacuation”, because there are some countries, including my own, of which the refugee policy does not involve evacuation. Of course, if the refugees find better conditions elsewhere than in my country, they are perfectly free to go, but the Yugoslav Government’s policy as regards the Russian refugee question is not a policy of evacuation.

None the less, as regards the essence of the task to be entrusted to an autonomous office, I think that our Committee as a whole will be inclined to accept the Inter-Governmental Commission’s proposals. If the Sixth Committee agree to these proposals, we could perhaps appoint a Sub-Committee, which would, in due course, make a report to us, going in greater detail into the organisation and constitution of the proposed new body.

Dr. VÖLCKERS (Germany) [Translation].—My Government has studied with close attention the report of the Inter-Governmental Commission on the refugee question. I think that the solution proposed by the Commission is the best possible, for a division of the organisation was inevitable.

On the one hand, it would seem that all questions relating to the legal status of refugees and the execution of international arrangements should be under the direct responsibility and jurisdiction of the League—that is, they should remain within the province of the Secretariat.

On the other hand, as regards humanitarian questions, I think that the proposed solution—the establishment of an autonomous office—is a very good one and entirely satisfactory. At the same time, I quite understand the considerations that cause M. Motta to hesitate. In the Advisory Commission I was already doubtful whether the suggested organisation was sufficiently clear, and that was why I proposed that a Committee of Enquiry should be set up which might, perhaps, throw light on certain questions. I accordingly support M. Fotitch’s proposal that we should set up a Sub-Committee to draw up proposals that will be yet a little clearer.

Another question on which I should like to say a few words is that of the retention of the delegates appointed in the past by the High Commissioner. In its reply to the Secretariat (document A.28.1930.XIII), my Government proposed that consideration should be given to the expediency of entrusting to a national organisation the functions hitherto discharged by the delegates appointed in the past by the High Commissioner.
by the delegate of the League. Various Governments said that they saw no use for such delegates, while others thought that their retention was absolutely necessary. My own view is that we can leave it to Governments to decide whether they will entrust the delegates’ duties to a national organisation or keep the League delegates.

M. Fotitch (Yugoslavia) [Translation].—The German delegate has referred to a point that concerns us also. In its reply on the subject (document A.28.1930.XIII) of the value of the delegate appointed by the League’s High Commissioner, the Yugoslav Government said that it did not see what useful purpose the delegate could fulfil in our country. In Yugoslavia we have a special Commission for the protection of Russian refugees, and we undoubtedly regard the work done by that Commission as much more important and effective than any work that could be done by a League of Nations Commissioner. At the same time, I would add—and this would be a point to consider when the office is established—that such a delegate might do most useful work in connection with the placing of refugees.

The Chairman.—If no other member of the Committee desires to speak I should like to propose, in accordance with suggestions made by various members of the Committee, that we should appoint a Sub-Committee to consider the technical questions that have been mentioned. There seems to be general agreement in principle with the reports that have been submitted but it is obvious that considerations of a more or less technical nature will have to be taken into account.

I therefore propose that a Sub-Committee consisting of M. François-Poncet (France), Mrs. Hamilton (British Empire), and M. Antonia De (Roumania) be appointed for this purpose.

The proposal was adopted.

M. François-Poncet (France) (Rapporteur) [Translation].—The idea of setting up a Sub-Committee seems to me to be particularly justified because the organisation of an international refugee office raises many questions of detail that cannot be dealt with in the Sixth Committee until they have been systematically defined and discussed in a small Committee.

I must thank M. Motta personally, but I should like to point out that he made a slight mistake when he said that the office caused him some apprehension as being a “new idea”. I do not see that that is any objection; there is no reason why precedents should not be set up. The League in itself is one vast precedent.

M. Motta said that he was afraid that the Office, being entirely supported by the League, would become a serious burden upon it if considerable funds were demanded. On the assumption contemplated by the Advisory Commission and by the Secretariat, the League will only have to provide the Office with a grant equal to its administrative expenses, because it will also have other resources in the form of donations, the proceeds of appeals to charity, and the proceeds of the sale of Nansen stamps. Regarding this last item, we may have to decide whether the use of the stamp on certificates of civil status should be made general, and the proceeds of the sale of Nansen stamps. Consequently, there is no danger that the League will have to make any large grant. On the assumptions made, the grant will correspond exactly to the administrative expenses.

As regards pecuniary assistance for refugees, the funds will not be provided by the League but from other sources. I was anxious to point this out in order to show that the whole matter can be straightened out by a Sub-Committee, consulting the Secretariat once or twice. I am, in short, in favour of the idea and will gladly serve on the Sub-Committee.

I may add that it seems to me essential that the Chairman of the Sixth Committee should be Chairman of the Sub-Committee. We cannot have too much of his moral authority and his experience when we discuss these details with the Secretariat.

The Chairman.—I appreciate the suggestion of M. François-Poncet that I should also sit on that Sub-Committee, and I hope I shall not shrink from any duty which properly appertains to my office as Chairman, but I do feel very sincerely that the ability, knowledge and experience of the Vice-Chairman of this Committee would be of much greater assistance to the Sub-Committee than any service that I could bring. Therefore, with all respect, and I hope with the approval of the Vice-Chairman, I would suggest that, instead of myself, he should sit on the Sub-Committee.

M. Motta (Switzerland) [Translation].—I expressed myself rather briefly, with the result that my remarks have been somewhat misconstrued.

My only object in speaking was to call the Committee’s attention to the fact that we are starting on a new track. I did not say that we must not do so, because I think we ought to be capable of starting on new tracks. I merely wanted to point out that this was perhaps the first time that the Assembly had been asked to vote for the creation of an international bureau to fulfil a specific purpose under the terms of Article 24 of the Covenant; but I repeat that I did not for a moment suggest that this proposal ought to be rejected.

I quite realise that the budget of the new organisation would have to be supplied by a credit from the League and that the League could not be asked for all the money which the organisation would need. I am aware that the League will only have to furnish the funds
required for administrative purposes, all other forms of action being paid for by donations, 
contributions and grants from Governments or private bodies. I am, therefore, in agreement 
with M. François-Poncet.

One word more. There is one country that has displayed great interest in the refugee 
question—I refer to Greece—and I would propose that the Greek delegate be a member of the 
Sub-Committee.

M. RAPHAEL (Greece) [Translation].—I must thank M. Motta for his proposal and I will 
gladly serve on the Sub-Committee.

The CHAIRMAN.—I would suggest that the Sub-Committee should meet at the earliest 
possible moment as it is important that the report should be prepared at soon as possible. I 
understand it will have to be submitted to the Fourth Committee, in order that any proposals 
made regarding credits may be carried out with effect.

SECOND MEETING

Held on Friday, September 19th, 1930, at 10 a.m.

Chairman: Sir. Robert BORDEN (Canada).

6. Protection of Minorities.

The CHAIRMAN.—We have now to consider the question of the protection of minorities 

M. Koch-Weser (Germany) (speaking in German) [Translation].—It was the German 
delegation that proposed that the part of the Secretary-General's report on the work of the 
League and the Council dealing with minorities should be referred to the Sixth Committee 
of the Assembly.

You will remember that the late German Minister for Foreign Affairs, Dr. Stresemann, 
told the Assembly of the League last year that, in his view, the Sixth Committee should 
deal every year with the question of minorities and the solution of the problems which it raises 
for the League.

Indeed, unlike other matters which are of special interest to the general public, minority 
questions form the only group of important League affairs that is not regularly discussed 
in one of the Assembly Committees. In view of their importance these problems should, 
in future, be dealt with on the same lines as other questions. The German delegation therefore 
thinks it necessary that the various minority problems should be regularly discussed in one of 
the League Committees.

The great importance of the problem of minorities has been recognised time after time by 
authorities throughout the world. It is a particularly interesting phenomenon of recent 
times that world public opinion is taking an increasing interest in this problem. Even 
outside the circles actually affected it is more and more clearly realised that the question of 
minorities is one of the great problems of to-day and to-morrow—a problem for which a 
satisfactory solution must be found if political tension in Europe is to be eased.

The League of Nations is responsible for the protection of minorities. I do not wish to 
go into the question whether it is right that, in the discharge of its duties of trusteeship, the 
League should confine itself to examining such minority petitions as are submitted to it. 
Nor do I wish to express any opinion on the forms that might be proposed for a more thorough 
study of the problem of minorities. It has several times been suggested in the League that a 
Minorities Commission should be set up; and that is a suggestion we do not forget.

For the moment I propose merely to consider whether the League is doing all it can, in regard 
to minority petitions, to acquit itself of a task which has, from its inception, represented one 
of its most important fields of activity.

Everybody will agree that the League's activities in minority questions have had some 
satisfactory results. When, however, we consider the growing importance of the minorities 
problem and the public interest taken in minority questions, we cannot help feeling afraid 
that in certain circumstances the League may lose touch with the development of these 
problems. Every supporter of the League will certainly be anxious, in the League's own 
interests, that such a danger should be avoided.

Those who judge the League's work on minorities solely from the last annual report 
might conclude that the minorities problem bulks relatively small in the League's work as a 
whole. This has indeed been said publicly, but every supporter of the League will earnestly 
hope that there may be no foundation for such impressions in the future.

In point of fact the annual report tells us very little about the problem of minorities. 
Apart from a few complaints from Upper Silesia which are governed by special rules, only 
one minority complaint is touched upon, and that only from the standpoint of form.
Moreover, apart from a very brief reference in the introduction, the minorities problem is not dealt with in the report. I am quite sure, however, that, in future, this important problem will have to be dealt with in the annual report in a manner commensurate with its great gravity.

In the Official Journal for July 1930, the Secretariat published statistics of minority petitions. These statistics were published in consequence of the Madrid resolutions. No mention is made of this publication, however, in the annual report. Not the German delegation alone, but the general public, will regret in this connection that no mention is made of the work of the Committees of Three. The publication of the individual reports of the Committees of Three, to which I shall refer later, cannot make good this deficiency, because the public is most anxious to be fully informed of the proceedings of these Committees.

I should like to make a few remarks on the procedure in regard to petitions as improved by the Council resolutions adopted at Madrid and applied during the last fifteen months.

I think I may say that the procedure in regard to petitions, even in its present improved form, can be appreciably further improved in the interest of the protection of minorities. The statistics of minority petitions published by the Secretary-General in the Official Journal show fifty-seven petitions for the past year. Press reports, the accuracy of which I was not in a position to check, mention considerably higher figures, and state that the number of petitions is the outcome of a very strict selection. I should be very much obliged to the Secretariat for some more detailed information on this question.

According to the statistics published, twenty-six petitions out of fifty-seven—nearly half—were declared non-receivable. As a percentage this seems poor. Unfortunately, it is very difficult to judge the question impartially because, under the existing rules, petitions that are declared non-receivable cannot be communicated. These rules are designed to prevent petitions being used as a form of propaganda and the Council having to consider questions outside its jurisdiction. In my view, however, the Secretariat would not be going counter to these fundamental principles if it interpreted the rules regarding receivability as liberally as possible. It would thus be acting in the spirit of the Madrid resolutions, the object of which was to afford minorities greater facilities for approaching the League.

I must always be remembered that petitioners who appeal to the League belong, in many cases, to the lower strata of society, and have no experience of petitions or indeed of documents of any kind. The certainty that the League will receive petitions as favourably as possible will appreciably increase the confidence of the classes and individuals who send their petitions to Geneva; nor will a more liberal interpretation of the rules regarding receivability injure in any way the Governments concerned.

A petition which is declared to be receivable is not sent in the first place to the members of the Council, but to the Government concerned, which, under the existing rules, is always entitled to veto the declaration of receivability. Moreover, I think that by such a procedure the Secretariat will be relieved of a somewhat trying responsibility.

I know quite well that during the past year the Secretariat has been concerned with the interpretation of the rules that were laid down to prevent a petition being based on unproved allegations, and to obviate the needless repetition of identical petitions at short intervals. Those also are rules which, in my view, should be liberally interpreted.

When we take into consideration the rapid development of events in contemporary politics, we ought not, I think, to refuse minorities the right of approaching the League afresh after the lapse of, say, about a year.

With regard to the procedure followed in connection with minority petitions, I am glad to find that some of the Committees of Three have made a thorough examination of the petitions submitted to them. It would, I think, be a great mistake to look upon minority petitions as matters of comparative indifference. Even what appear to be unimportant cases are always symptoms of the existence of tension.

Unfortunately we are bound to recognise the existence of such tension, which, in many cases, has still to be relieved, as is proved by the number of petitions submitted to the League.

Seeing that the examination of petitions is the only form of procedure by which the League discharges its trusteeship, it is most important that the Committees of Three should be able to examine in the greatest possible detail the petitions that reach them, and should, in such cases, be guided by the spirit and principles of the rules drawn up to assist minorities. Where, for example, the rights of minorities are recognised in principle, but are not interpreted in a way that corresponds with the true spirit of the protection of minorities, we cannot talk about the freedom of minorities and the development of their civilisation. If, for instance, schools or classes have been established for the children of minorities, but if at the same time those children are prevented in some way or other from attending the schools or classes or if they are taught by teachers who do not belong to the minority, then the right recognised in theory becomes an illusion in practice.

The work of the Committees of Three would undoubtedly yield better results if they met more frequently, and not only during the Council sessions—that is to say, not only three times a year. This has been made possible by paragraph 3 of the Madrid resolutions, but the Committees of Three have not yet exercised their rights in this respect. If I am most anxious that these Committees should meet more often it is because too much time is
frequently wasted in examining special cases. This occurs particularly when the observations of the Governments concerned are only received shortly before, or during, the Council sessions. The Committees of Three could certainly simplify and speed up their procedure if they at once asked the petitioners for further information, as they are entitled to do in consequence of the Council’s decisions at Madrid.

When minority petitions raise important questions, and questions of principle, it is possible, under the Madrid resolutions, to add two members to the Committees. I am very glad to learn that the delegate of Persia has recently exercised this authority, and I hope that his example will be regularly followed in important cases.

The Madrid resolutions state quite clearly that the Committees of Three shall be entitled to publish their proceedings with the consent of the Governments concerned.

According to the statistics published by the Secretary-General, the examination of twenty-nine petitions was concluded during the past year, but the findings have been published in only three cases. It is desirable that, in accordance with the Madrid resolutions, the percentage of such publications should increase, for their primary object is to strengthen public confidence in the League’s work in connection with minority petitions. I hope, therefore, that Governments will display as much liberality as possible in consenting to publication.

They will thus contribute to the development of a tried procedure without going counter to their own interests.

The Madrid resolutions leave the Committees of Three much latitude as to the form of their publications. With regard to the facts published, the utmost possible lucidity is always to be desired. It will, in particular, be necessary to publish all the facts that have influenced the decision of a Committee of Three. Consequently, it will be impossible not to publish the petition itself as well as the opinion of the Government concerned. The object of such a publication should be to give the general public the fullest possible idea of all the facts bearing upon a petition procedure. I am happy to say that I have found an irreproachable example of this kind of publication in the report of the Committee dealing with the complaints of the Mount Athos convents against the Greek Government. This is really a model report.

Similar principles to those underlying the form of these publications are also of importance in connection with the letters from Committees of Three to the Members of the Council. It must not be forgotten that the most important part of the work of a Committee of Three is to enable all the Members of the Council to decide whether they think it necessary, in view of their trusteeship for the minorities, to call the Council’s attention to a minority question. Accordingly, the letters should give a general survey of the question, of the Committee of Three’s attempts to find a solution, and of the documents relating to the particular case. For the same reasons every Member of the Council should be in a position to obtain information regarding the petition procedure at any time, and, in my view, he should have the right to examine the documents—even those documents which were sent to the Committee of Three by a Government by special request.

I have come to the end of my remarks on the procedure regarding petitions. I have, of course, been able to deal with only a very small part of the whole problem.

As Dr. Curtius said in the Assembly, the question of minorities is a European problem. It is not only necessary to give minorities legal safeguards for their rights as human beings, for their national character, for their native tongue, their civilisation and their religion in the countries in which they live, but to ensure that those safeguards are effective. We have to find—as public opinion is more and more clearly recognising—a satisfactory compromise between the legitimate interests of States and the no less legitimate interests of minorities. No one wishes to interfere with the legitimate interests of the State. I do not think that the problem of minorities can become a danger to the internal consolidation of a country. On the contrary, I am of opinion that this much-desired compromise which will enable minorities to fulfil their civilising function will contribute fundamentally to the consolidation of the State and to the growth of understanding between the nations of Europe.

It is a mistake to suppose that minorities are enemies of peace. The contrary is true. It is only in desperation that they may become enemies of peace. As a general rule minorities are always peaceable, because every war exposes them more than others to persecutions and upheavals. Minorities are peaceable by nature, because the fact that they have relations with two civilised nations at once keeps them from developing any jingo sentiment. Minorities that are free to develop their own civilisation are the predestined mediators between the mentalities of neighbouring peoples, and consequently they are the pioneers of a united Europe.

The pacification of the nations of Europe, and the growth of an understanding between them, will depend not alone upon the abolition of tariff barriers, but primarily upon the pacification of minorities. The League of Nations, which, as the principal factor in the maintenance of world peace, has already more than once supported lofty pacific ideas, will surely recognise the symptoms of our time, and see that it preserves its preponderant role in the great evolutionary movement towards universal peace.

Dr. Leitmaier (Austria) [Translation].—The part of the general report which is referred to our Committee does not, it is true, deal with the whole problem of the protection of minorities, but refers, naturally enough, to the work done by the Council during the past year on a number of petitions relating to minorities.

1 See Official Journal, July 1930, page 829.
As Austria is not a Member of the Council, and as for several years past no minority petition specially affecting Austria has come before the Council, I feel I must leave it to speakers better informed than myself to decide whether the improvements that the Council made at Madrid in the procedure regarding minorities have already proved satisfactory, or whether further improvements are now required.

At the same time, we should not be attach undue importance to the German proposal and the Assembly resolution by which effect was given to it, if we confined ourselves to discussing the question of unilateral treaty obligations. We will also have to cover the other aspects of the problem, especially the question of the fundamental conditions for the maintenance of universal peace.

It therefore holds that a reasonable and pacific settlement of minority questions is one of the most abundant and dangerous sources of political instability throughout the world. It therefore holds that a reasonable and pacific settlement of minority questions is one of the most fundamental conditions for the maintenance of universal peace.

Furthermore, the Federal Government is convinced that any State which settles minority questions in its territory on the lines indicated—namely, by guaranteeing to the minorities the conditions essential to their existence and the development of their individual culture, is not only contributing to the maintenance of satisfactory international relations but is following a procedure which is altogether in its own interests. As M. Briand said in the Council in eloquent words, which I trust he will forgive me for repeating—because as repeated by many of us he will lose much of their eloquence—· It is in no way to the interest of a country that any element of its population which has its own value and its own characteristics should disappear, and a great country which realises its own strength does not endeavour to bring about any such disappearance. It does not try to reduce its population to a uniform level. On the contrary, the strength of a country consists in assimilating the various elements of its population, without letting them lose their own characteristics and qualities. It is in this way that a country develops and acquires its full strength, which enables it to expand.

The convictions I have just expressed determine my Government's attitude not only towards all other minority questions, but also towards the League's task in this matter. Inasmuch as exacerbated nationalism is a danger to the domestic peace of individual countries as well as to the peace of the world, inasmuch as the best means of allaying this exacerbation consists in giving reasonable treatment to minorities, inasmuch, therefore, as this is a task which is in the interests both of individual States and of the commonwealth of nations, but which no one will deny to be very difficult and delicate, what, in our view, could be more natural than that the League should concern itself with that question and offer its Members, in this as in other fields, the aid and assistance of its very powerful organisation?

The Federal Government itself would welcome any action that the League might think fit to take with a view to increasing the effect of its intervention in the interests of the protection of minorities. I think I am justified in attaching special importance to this declaration because it is made by the Government of a State which has taken upon itself in the matter of minorities unilateral treaty obligations.

In conclusion, I should like to offer my most cordial thanks to the German delegation for having, by its proposal, provoked the present discussion on a subject which, I repeat, is regarded by my Government as of capital importance.

I trust that future Assemblies will regularly discuss this subject and will devote more and more of their attention to it; it is my conviction that merely by thus giving the minorities evidence of its interest the League of Nations will help to pacify exacerbated national feeling and thereby to maintain peace.

M. BERATTI (Albania) (Translation).—"Nothing is more calculated to disturb the peace of the world than the treatment which may be meted out to minorities in certain circumstances."

"The real problem is, while ensuring that the minorities shall preserve their language, culture, religion and traditions, to keep them as a kind of small family within the larger family, not with the object of weakening the larger family, but with the object of harmonising all its constituent elements with those of the country as a whole."

The utterances I have just quoted are not my own. The first is that of the founder of the League of Nations, President Wilson, and the second that of its moving spirit, M. Briand. The first indicates the basis on which the minority treaties are founded; the second explains their meaning and their object.

When it accepted the heavy task represented by the protection of minorities, the League took upon itself the solution of one of the most delicate problems that it could be called upon to examine—perhaps the most delicate of all. The League was, of course, quite right; it must not close its eyes to grave questions, and easy questions could have been settled without its aid. But has it solved this problem, or, rather, is it trying to find an adequate solution? Discontented spirits argue that its efforts are not commensurate with the breadth and gravity of the problem. They may be wrong; the question is a very delicate one. As M. Briand said at the Madrid session of the Council—the last at which the question of minorities was dealt with at length—the Council has to reconcile a sacred right, as embodied in certain treaties—namely, the right of minorities, with an obligation which is fundamental to the institution
of the League, the maintenance of the principle of the sovereignty of the States of which it is composed.

Improvements have been made in the procedure. How far have these improvements remedied the deficiencies to which attention had been called? We cannot yet tell. The fact is that the discontent of minorities, or of those who claim to represent minorities, still subsists. We are bound to admit that there is some justification for it when we consider that the League’s action in that direction is of a rather passive kind. To ascertain whether the provisions of the treaties relating to minorities are being carried out or not, we wait for complaints. Let us suppose for a moment, however, that, for one reason or another, a minority is not aware of the rights granted to it by the treaties and guaranteed by the League; or rather, that it does not know how it can assert those rights. In its ignorance, it does not avail itself of the right to appeal to the League against any breaches of the treaties by which it may be injured; or else its complaints are regarded as non-receivable. On the one side, therefore, we have an abuse, and on the other side ignorance.

In such a situation what will be the attitude of the League? Passive expectation? Such an attitude does not seem to be in harmony with the treaties or with the duty of protection that the League has assumed.

The members of the Council have a great responsibility towards minorities; a duty was assigned to every member of the Council by the resolution passed by the Assembly on October 22nd, 1920, on M. Tittoni’s report—namely: “To take a special interest in the protection of minorities”. I do not say that they are not doing anything—for be it from me to think such a thing. What I do say is that they ought to be doing more.

It is true that it is an ungrateful task for the members of the Council to stand up as accusers against other States. It is so ungrateful, as Sir Austen Chamberlain, the former Foreign Secretary of Great Britain, said, that the States Members of the Council would probably not be prepared to undertake it individually.

That was the main reason for the creation of the Committees of Three, which greatly diminish individual responsibility. They should also increase initiative—not to say courage. I cannot say whether this is actually the case.

Consequently, we must try to find some other arrangement. I would refer to the suggestions that have been made by a representative of Canada, M. Dandurand, and by a representative of South Africa, Professor Gilbert Murray. Special attention should be given to the proposal to set up a permanent commission, but not to meddle in the affairs of States and encroach upon their sovereignty—Heaven forfend!

The only aim would be to ensure greater continuity and greater initiative in the study of this problem, in order that peoples, and more especially minorities, might have the assurance that the League is watching over the oppressed, and to make it clear to any Governments that might not seem inclined to observe minority treaties—and those treaties alone—that the League expects them to display an equal solicitude.

Seeing that the League has a Mandates Commission which concerns itself with the conditions of life of natives in the colonies, and seeing that our Sixth Committee is thinking of setting up another Commission or office for the few hundreds of thousands of refugees, I do not think it will be out of place to consider seriously the establishment of a Commission which would take a special interest in the circumstances of minorities, numbering forty million in all.

Albania is one of the countries that have given an undertaking to the League, like the other States that signed the treaties, by a declaration in favour of minorities. In offering these remarks, however, I am thinking chiefly of the gravity of the problem and the urgent necessity of finding a solution in order to strengthen peace and good understanding between nations.

M. YOSHIZAWA (Japan) [Translation].—I have listened with much interest to the various speeches on this important and difficult question of minorities. Although Japan is not directly concerned with the protection of minorities under any international treaties, I should like to say a few words on the subject because, as Rapporteur to the Council, I take a great interest in the problem.

Our attitude was very clearly stated by my predecessor on the Council, M. Adatci, during the general discussion at the last session of the Assembly. After alluding to the circumstances in which the Council resolution of June 1929 was passed, M. Adatci said that that was the best practical solution that the Council could hope to find at present.

At the same time, he pointed out that the main difficulty resided in the existence of two different factors: respect for minority rights as embodied in treaties, and respect for the political entity of which the minorities form part and to which they owe perfect loyalty.

M. Adatci laid particular stress on the task entrusted to the League, which consists in reconciling these two aspects of the question. He concluded by observing that no satisfactory solution was possible without good will on both sides.

I have nothing to add to that declaration to-day. I would merely draw your attention to the fact that in our view sufficient time has not yet elapsed since the adoption of that resolution at Madrid for a considered judgment to be reached as to the practical effects of its application and the advisability of any immediate changes.

I will confine myself to these few remarks, but if it seems to me desirable I may again speak on this question at a future meeting.
M. BRIAND (France) [Translation].—I must first of all observe with very great pleasure that the remarks we have heard at this meeting have embodied no criticism of the way in which the League has discharged its duty to the minorities up to the present time. Certain hopes and desires have been formulated, but in none of the speeches that have been made have we heard any serious complaint against the League.

Reference has been made to my statement that the protection of minorities was the outcome of a sacred right. I used that formula in the Council, and I do not withdraw it. All of us in the League of Nations have felt that in this matter we were exercising a right and, therefore, not a duty—a difficult combination; we must always take great care to do nothing that might threaten the maintenance of peace and prove an obstacle to its consolidation. Consequently, the League's position in the matter is an extremely delicate one. The protection of minorities for themselves and in their own interest is a most praiseworthy object; it is a duty which we must carry out, but we must refrain from doing anything that might lead to or aim at profiting by a state of discontent at some point upon the earth's surface in order to create a feeling of animosity absolutely incompatible with our idea of peace.

Hitherto the League has endeavoured to follow a procedure which will give the minorities satisfactory safeguards and will not have the effect of exacerbating feeling and seriously encroaching upon the sovereignty of nations.

At its first attempt, the Council adopted a procedure which gave rise to certain criticisms. We on the Council did not hesitate to consider these criticisms, and at one of our sessions, at Madrid, we entered into a full and interesting discussion of the problem. I should observe that, according to the treaties, such a discussion was only possible because the nations interested consented to it. They agreed to a reconsideration of the problem, and, after a number of meetings, we reached unanimity on a procedure. This procedure has been in operation for a little more than a year, and so far nobody has offered any serious criticism of it. Nobody has said: "The procedure has failed; it has disappointed our hopes; it has not benefited us as we expected; it does not give the minorities enough protection; we insist that it should be revised and remodelled." What has rightly been said is: "This procedure has not been in operation for long, and we must wait to ascertain what results it produces."

The problem, therefore, has only been brought before this Assembly by those who took the initiative, in such a way that we have, as it were, a certain freedom from liability. So far, I do not think that there is any cause for complaint regarding the way in which the procedure has been conducted, and, consequently, I feel that the League and its Council are not open to any serious criticism.

What will happen in the future? At this point I would ask all my colleagues to reflect upon the gravity of the problem. It is a matter that has a certain force of attraction which I regard as dangerous. It is a problem which one may be quite naturally inclined to investigate, and which one may discuss publicly, I will not say in a polemical spirit, but in a spirit that may border on that. It is therefore absolutely necessary that, no matter what the circumstances, this problem should be considered impartially as an entirely separate question, and that we should always be careful not to make use of it in any way that may disturb the peace.

I heard the delegate for Albania speak just now of the possibility of setting up a permanent commission to which all these questions would be referred. This proposal has been made but was not pressed. Why not? Because it is difficult to imagine a commission that would always be dealing with the problem of minorities.

In what form can the problem be expressed? In a mass form? In a collective form? I do not think there is one League delegate who would thus regard it; for, if it meant that nations, that States, were put on trial by communities, by minorities organised in communities and making complaint as such, you will realise that in a very short time peace would be shaken to its foundations.

The question of minorities, therefore, can only arise in connection with and in the form of individual cases. It is possible that minority rights may not be respected in the case of individuals, that they are not granted that to which they are entitled under the terms of the treaties, and it is natural that provision should be made for these cases.

What could a permanent commission do in such cases? What more could it do than the Committees of the Council which are called upon to deal with these problems? So far, they have not failed; the principles and norms are, according to the case in hand, represented on them; they know, in a sense, the conclusions reached; through their delegates, therefore, they can notify the Council, if they consider that to be necessary. It seems to me, therefore, that there are very extensive guarantees of justice, and these, in my view, are perfectly adequate.

To go beyond this without a reason—for nobody has given a reason—would be a mistake and indicative of pessimism. Why should we assume in advance that the Madrid procedure is not the sort of procedure to give good results? I have confidence in it; I voted for it and we adopted it unanimously in the Council—otherwise it could not have been put into operation.

It will be necessary to have the experience of a certain number of years to ascertain whether it would be advisable to modify this procedure. For the moment it seems to me that the best thing to do is to put on record that the League and the Council have not failed in their task.

This solicitude for minorities is a splendid and honourable thing, and it is an entirely new and modern thing. As I have already said in the Assembly, minorities have known other
times when they could not even make their voices heard. When they were overwhelmed by defeat, it was a tombstone that prevented their complaints from being heard.

It would not be fair at the present day to suggest in polemical language that they are neglected, that they have no chance to defend themselves, and that those in whose persons the rights established by the treaties are violated cannot effectively complain. The members of a minority have a remedy open to them; they have a very satisfactory procedure, and they can use it. Let us invite them to use it, and do not let us try to discourage in them the idea that it exists and is excellently fitted to assert their rights.

M. Beneš (Czechoslovakia) [Translation].—I would rather have waited a little longer before speaking in order to hear the views of other speakers, but the open, sincere and friendly manner in which the problem has been put in this Committee by the German delegate, by M. Briand and by the Japanese Ambassador, encourages me to give you my views at once. I shall be perfectly frank. It is beyond question that there are many different political and especially legal theses on this subject, and I think it necessary that we should see the matter clearly.

The discussion that has developed in this Committee is undoubtedly of great political gravity. It concerns a question of which the general importance in Europe and elsewhere is nowhere disputed, and which offers a great deal of scope for exaggeration. It is a very delicate problem, because it gives rein more than any other to the factor of emotion and passion. Lastly, it is a very complicated problem, because its nature is different in every country. It depends upon the historical development, the social and cultural conditions and the general civilisation of the peoples involved.

In short, this problem presents different aspects in different cases, though it has a few fundamental elements which persist throughout. For this reason, when taking part in debates on the subject in the Assembly, the Committees or even the Council, I exercised particular caution and paid attention to every aspect of the problem.

In this matter I have always felt extremely conscious of my responsibilities to the League because I feel that in dealing with such complex problems the League and all of us might easily make serious mistakes.

Having regard to what has been said here, especially the points emphasised by M. Briand, I should like to make three remarks.

The first concerns the question of procedure. This is intimately connected with the minority treaties. The present procedure has been established in the course of past years after protracted discussions and exhaustive consideration. The essential point to note, however, is that all procedures in connection with minority treaties have always been established in consultation with the States concerned and with their consent. That was the case in 1923 and later; it was the same when the procedure was altered; and it was the same with the Madrid decisions. If I dwell upon this fact it is to show that, from the legal point of view, nothing can be done in this direction in future without the consent of the States concerned. That is a right belonging to the States that have signed minority treaties, and my country is not prepared to relinquish it.

My second remark is this: from what I have just said you will see that we attach special importance to the question of procedure. The reason for this is very simple; it is that every question of procedure has the peculiarity of leading very promptly to the whole essence of the problem.

When we consider the question of procedure and the essence of any particular problem, we can never be quite sure where procedure ends and the main question begins; the boundary between the two is very often—indeed almost always—indefinable.

The same is true of the question with which my country is concerned. We have signed a minority treaty and have thus entered into certain undertakings. It is our intention to carry out those undertakings in full, and we are doing so. In this connection I might mention some very interesting cases.

Moreover, I am a fervent supporter of the protection of minorities, but it is clearly impossible to increase or enlarge unilaterally and for only one of the parties the obligations embodied in an international treaty. Especially we cannot do so in the form of a change of procedure.

It is for that reason that we are very cautious about procedure, and I would ask you to consider what I have said on that subject. In Czechoslovakia, we follow a very liberal domestic minority policy, because in my view loyal co-operation between minorities and majorities within a country is the only path to the desired goal. At the same time, I have no right whatever to assume new obligations on behalf of my country or to enlarge those already existing, even in the form of a change of procedure.

That is both a legal and a political attitude, but on this occasion I would lay particular stress on its legal aspect, both in the present and in the past and future. I have upheld this attitude for ten years, and I should be going back upon my past if I did not assume it during a discussion on a matter of principle like this.

I now come to my third and last remark. For the moment I agree with M. Koch-Weser in not wishing to discuss whether and with what justification our Committee and the Assembly can examine questions relating to minorities in their various aspects. But I should like to say that, in order to avoid setting up any legal precedent in either sense, I am prepared,
to discuss the problem of minorities as fully as may be desired in virtue of Article 3 of the Covenant of the League.

The problem will thus be discussed in its really general aspect, as it has already been more than once in the Sixth Committee in 1922 and in 1925. In both these cases general resolutions affecting minorities belonging to States Members of the League were moved and adopted.

If that is the procedure this year, and if resolutions to that effect are laid before us, I think the Czechoslovak delegation can agree to them.

A few more words about M. Koch-Weser's remarks. I am inclined to think that on certain points he touched upon the main question, and if this is so the reservation I have made will apply.

Secondly, at the conclusion of his speech, M. Koch-Weser made some remarks regarding necessary co-operation and compromise. I think that is an aim we all have before us, but the important thing is to choose the road we must follow.

Count APPONYI (Hungary) [Translation].—In my opinion we can only discuss the minorities question here along limited lines. The consideration of the problem as a whole, the examination of any complaints which might be raised generally against the regime applied to minorities in various countries, would assume proportions exceeding the scope of the simple question before us—whether or not we approve of that part of the Secretariat's report briefly summarising the Council's activity in this matter.

If the Hungarian delegation should find it expedient one day to initiate a discussion on the general situation of minorities it would not be done on the lines of such a report. We should base ourselves on Article 10 of the Covenant, which entitles all Members of the League to bring before the Assembly questions that seem to them likely to disturb international peace and good understanding between nations. The day may perhaps come when such discussion will seem opportune and even essential, and in such case it may probably assume considerable proportions. It may be that reference will then be made to the past. M. Briand has hinted as much; he compared the past with the present. I hasten to state that I fear no such comparison and am prepared to accept the debate, no matter how far back it penetrates.

It is, to my mind, a sign of progress that the minorities problem has to some extent become international. I should have liked it to have been always so.

If Hungary were one of the States—to some extent we are but to a much too limited degree—having minorities, I should not consider the assistance of the internationalism represented by the League of Nations and its organ, the Council, as a burden to be evaded but as a form of help and as a favour, as a barrier against a certain atmosphere which always pervades minorities.

As the representative of a country which still has minorities, though, it is true, in very small numbers, I am glad to accept the help of the League to enlighten us whenever we have made a mistake in any matter. I should not look on that as a sign of hostility but as a friendly act done in the spirit of internationalism as we wish to develop it.

I do not intend at this point to criticise, generally speaking, the minorities policy of States in which Hungarians reside. Under the Covenant, I should be entitled to do so, and, I firmly believe, even on the basis of the Trianon Treaty.

In a conversation which I once had with a prominent member of the Council regarding certain complaints of Hungarian minorities in one of the States which now contains a large proportion of inhabitants of Hungarian nationality, he told me: "I am quite prepared to discuss the matter with you owing to my personal consideration for you, but you have really no right to raise it, since it is not a matter of the rights of Hungarian citizens but of the rights of citizens of Hungarian nationality of another State." I replied: "Even from the legal standpoint I do not acknowledge the truth of this theory, because the Treaty of Trianon in its minority provisions refers to treaties concluded between the Principal Allied and Associated Powers and certain States which expanded rather freely over our territory. The fact of these Minority Treaties having been quoted in the Treaty of Trianon proves that we are legally justified in raising the question."

Admitting, however, that the other view is the correct legal one, you will all find it natural that we should be morally unable to disinterest ourselves in the fate of 3,300,000 Magyars who have been reft from Hungary and are now under foreign domination. From the standpoint of national psychology, no one will dispute our moral right to do so.

If, therefore, I confine myself within the very narrow bounds of our agenda, it does not mean that I have no remarks to make beyond what I am stating to-day, nor does it mean that I do not take a serious view of the situation of our minorities, and that I do not think that, sooner or later, the question will have to be discussed, not with the object of provoking a dispute, but, on the contrary, in the interests of peace and good understanding between the nations. No one will deny that the Peace Treaty imposed on us constrained Hungarian national sentiment to make a heavy sacrifice of its pride.

If we are to accept the Treaty, these sentimental difficulties, at least, must be reduced
to a minimum and not aggravated by a certain policy applied to our compatriots which can only increase the bitterness we very naturally and necessarily feel.

Those who have at heart the stability of the Peace Treaties as at present existing should be the first to make an effort to diminish the difficulties felt by countries like ours in supporting and securing acceptance for the Treaties they were forced to sign. We should be helped in our efforts to secure for Hungarian racial minorities treatment in accordance with the treaties and with the sentiments on which international understanding is founded.

From the strictly juridical standpoint, however, the Council can only deal with the question whether the minority treaties have been observed. If these treaties do not contain provisions capable of ensuring international peace and understanding, so much the worse. That is a different question which must be more widely discussed.

I shall not, however, even touch on the question whether the minority treaties have been observed, but will merely consider the procedure adopted by the Council to carry out its mandate. Is this procedure adequate; does it require amendment?

M. Briand has very rightly remarked that the changes of procedure introduced at the Madrid session are only one year old, and that the interval is too brief to say that the aim in view has not been achieved. I agree. If it were only a question of the provisions adopted at Madrid, it would be premature to ask for their modification after one year only, and there is no such suggestion in the German delegate's speech. Our complaint is not regarding the Madrid amendments, but regarding the whole procedure as it formerly existed. We think that the changes made at Madrid are insufficient and we base this statement on the fact that, compared with the substantial number of complaints brought before the Council, the percentage of those considered and settled in accordance with the wishes of the complainants is extremely small.

It would be absurd to say that the complainants were always right, but it is hardly likely that they were always wrong. Without desiring to move a resolution to this effect, I would like to point out what I consider to be the defect in the procedure hitherto adopted.

The procedure is as follows: Complainants submit their petition to the Secretariat. The latter transmits it to the Council, which, under the recent provisions (which are certainly an improvement on the old ones), appoints a Committee of Three. This Committee (which since Madrid, I believe, has even been enlarged to five members) acts as a court of first instance and states whether the petition is receivable or not. The opinion of the Committee of Five is communicated to all members of the Council, each of whom is thus entitled, even if the Committee finds the petition to be unacceptable, to maintain the contrary and insist on satisfaction being given.

This is more in the nature of a formal guarantee, as very few members of the Council would like to risk chilling the hitherto excellent relations between all countries for the sole purpose of satisfying the complaint of a minority, however equitable they thought it.

I should like all Members of the League of Nations to be given the right to bring a minority complaint to the notice of the Council. This, however, cannot be, as the minorities treaty itself gives this right to members of the Council only.

Continuing the procedure, let us assume that the complaint has been deemed receivable. It is quite naturally communicated in the first place to the State against which the complaint is made, which in turn sends its reply to the Council, and that is usually the end of the matter. The complainants do not know what reply has been given.

Frequently—I could cite cases in point—had the complainants been given a further hearing and afforded the opportunity of making observations on the reply of the State concerned, the Council's finding would have been entirely reversed.

I freely admit that complainants are not in the position of juridical persons. As the law stands, a minority as such is not recognised as a juridical person. Within the limits of national public law there may be collective entities, such as churches, which are held to be juridical persons, but this is not the case from the standpoint of international law.

I freely admit, therefore, that, formally, such a dispute cannot be considered as a bilateral case to which the State complained of is one party and the minority concerned the other. I agree that all the data supplied by complainants are accepted simply and solely as information, and not as documents of juridical significance. As, however, the Council has to give a decision, and as it must be given certain information in order to do so, it seems to me important that a form of procedure should be devised enabling complainants to submit their observations at every stage of the proceedings. If this is not done, the procedure in most cases will be such that complaints will be abortive.

I would state in this connection that if comparatively few complaints have recently been brought before the Council, the explanation should not be sought in the fact that there has been no motive for complaints. The truth is that minorities generally are convinced that it is useless to submit a complaint of any kind to the Council—that I can personally vouch for.

What I would mainly wish to see achieved would be a reform in procedure enabling complainants, at each stage of the discussion, to give the Council the information necessary for rendering a judgment.

Of the three declarations made by M. Beneš, there is one which I cannot wholly endorse. He stated that no change could be made in the procedure without the agreement of the States concerned. I would put this proposition, which seems to me too categorical, in another
way, and say that it is always desirable that all procedural reforms should be carried out with the help and agreement of the States in question. It is particularly desirable that it should be so, since the Council has no way of compelling the States concerned to accept a modification in procedure introduced by it.

From the legal standpoint, however, I cannot accept this theory. The Council cannot modify its procedure in any way which is inconsistent with the provisions of the minority treaties without the consent of the States parties to the said treaties, but where there is no inconsistency with such provisions I think the Council has a sovereign right to decide its procedure. By signing the minority treaties, the signatory States have not preserved intact the free exercise of their sovereign powers. They have unrestrictedly accepted the guarantee of the Council. The latter, therefore, is free to determine how it shall carry out its task and the obligations devolving upon it under the treaties. That does not conflict with the provisions of the minority treaties. The Council acts within the limits of its sovereign power. If the States concerned refuse to accept such procedure, they may perhaps, in justification of their attitude, advance legal arguments, but they will certainly be acting contrary to the clauses of the minority treaties by which they accepted the guarantee of the League for protecting the rights of minorities.

I, too, shall refrain from submitting any motion, for I agree with M. Briand and believe that after the major discussion held only a year ago we should wait a little before saying whether the changes made after Madrid in the procedure hitherto followed are adequate or not. I shall only stress, as an idea which I have long cherished, the necessity of affording protecting the rights of minorities.

There is the further question of the Permanent Commission. In my belief such a Commission would be of great service as regards efficacy of control and as regards the guarantee given by the League Council for the thorough application of the minority treaties.

M. Briand asked what such a Commission would do. It would by all the means at its disposal collect observations on the state of affairs in countries which have accepted certain obligations towards their minorities. It would on its own initiative send reports to the Council. The data collected by it would be extremely valuable whenever the Council had to discuss any complaints ultimately brought before it. I believe that the mere existence of such a Permanent Commission would be a factor of tranquillity and moderation in this difficult problem of national minorities.

I confine myself to-day to these few remarks. It only remains for me to state the attitude they lead me to adopt as regards the vote which I must give.

I shall not vote against the proposal made by the Secretariat to note with approval the action of the Council and of the League of Nations in the sphere of protection of minorities, but I would state here and now—and I do so here to avoid having to repeat it before the Assembly—that while I have no objection to the adoption of the proposal, this does not by any means imply that I consider that the action of the League of Nations and of the Council for the protection of minorities has hitherto been satisfactory.

The CHAIRMAN.—Count Apponyi has referred to a proposal by the Secretariat approving of the activities of the Council and League of Nations in regard to the protection of minorities. I would like to point out to Count Apponyi that the Secretariat has made no such proposal. The Committee is now examining that part of the Secretary-General’s report dealing with the protection of minorities on the basis of the German delegation’s proposal to that effect. I should be glad if Count Apponyi would kindly explain exactly what he meant when he spoke of the Secretariat’s proposed resolution.

Count APPONYI (Hungary).—I agree that no resolution has been proposed by the Secretariat in the sense of the Chairman’s remarks, but it is always understood that when a report is submitted to a Committee for examination it is in order that the Committee should take note of it, and I should like to remark that, though I have no objection to the report being duly noted, this by no means implies that I entirely approve of its contents.

M. ANTONIADE (Roumania) [Translation].—As it is already very late, I shall confine myself to a very brief statement. I consider that after the highly important declarations of M. Yoshizawa and M. Briand the question dealt with in this debate has been put in its proper place and reduced to its proper proportions.

As regards my Government’s attitude to the minorities problem and as regards the policy adopted, whether juridical or political, I must declare that they have been completely defined in the declaration you have just heard from M. Beneš. I would merely associate myself with his observations and declarations, all of which reflect the sentiments of my Government and my delegation.

For the moment, I confine myself to this brief statement, with the reservation that, should a more concrete proposal be made, I shall then make known to you the opinion of my delegation.

The continuation of the discussion was adjourned to the next meeting.
THIRD MEETING

Held on Saturday, September 20th, 1930, at 9.30 a.m.

Chairman: Sir Robert Borden (Canada).

7. Protection of Minorities (continuation).

The CHAIRMAN [Translation].—We have now to continue our discussion on that part of the Secretary-General's report which deals with the protection of minorities (documents A.6 and A.6(a)).

M. Zaleski (Poland) [Translation].—I followed yesterday with close attention the very interesting discussion that developed on the minority problem, and I must admit that I find it a little difficult to define the scope of the question and to understand the aim in view.

It seems to me that, first of all, we must be clear as to the work we are asked to do, and we must consider whether and how far we are in a position to do it.

The Assembly has referred to us that part of the reports on the League's work since the last session of the Assembly which deals with the protection of minorities. The relevant passages in the Secretary-General's reports only represent a concise statement of the actual cases considered and settled by the Council. As regards the Council's exclusive jurisdiction in all these cases there is no doubt whatever.

It is, I think, needless to add anything to demonstrate the absolute uselessness—indeed, the definite impossibility—of reverting to these actual cases in our discussion. I do not think any of us would dream of suggesting that our Committee should make itself into a sort of court of appeal against the Council's decisions.

As regards the new procedure introduced at Madrid, mention is made of it on page 9 of the Secretary-General's report. I presume that it was with this passage in mind that some of the speakers yesterday laid stress on certain alleged imperfections in this procedure, and even suggested alterations.

I have no intention of trying to shelve the issue by raising the question whether and under what conditions the Assembly is competent to discuss the question of the application of the minority treaties, and more especially the rules of the procedure in connection with the protection of minorities—which procedure is in the nature of a body of regulations for the application of the existing minority treaties.

It is, however, my duty to say here and now that, in my Government's opinion, the Council is the only authority qualified to propose to the Governments concerned any changes in the present procedure which would entail, on the part of those Governments, action not contemplated by the minority treaties and declarations.

I must apologise to the Committee, but in these circumstances I myself am also forced to go back into the past, and to tell you again what I think about the existing procedure. As a matter of fact I am in entire agreement on the subject with M. Beneš, whose arguments and warnings have certainly helped to clear up the situation.

What do the minority treaties say, and what undertakings have the signatory States given?

The treaties provide for intervention by a Government which is a Member of the Council only in the case of a threatened or actual breach of the provisions relating to the protection of minorities. That, and that alone, is the essence of the procedure in regard to the protection of minorities guaranteed by the League of Nations. Apart from the Upper Silesian Convention, the treaties make no reference to minority petitions. If, therefore, we were to adhere strictly to the treaty provisions, every actual minority case, if it were to be considered by the League, would have to be laid before the Council by one of its Members on that Member's own individual responsibility.

In several respects the present procedure, established by various Council resolutions, exceeds the scope of the treaty commitments of the so-called minority States. This procedure is binding upon them only because they have freely accepted it. Quite recently, indeed, to demonstrate their good will towards the minorities, those States agreed to certain amendments to the procedure which were proposed by the Council at its Madrid session. As regards new suggestions or proposals, such as those for the institution of a Permanent Minorities Commission or a form of procedure in which the arguments of the Governments and the members of the minority would both be heard, I must say, quite frankly, that my Government could in no case agree to any such proposal, and that, generally...
speaking, it will not accept any change in the procedure which may tend to widen the existing divergency between the rules of the present procedure and the obligations that States have contracted under the existing treaties.

That, however, does not in the least mean that I shall always object to any discussion on suggestions of this kind, or others that might be submitted to us. There is one case in which the Polish Government would be prepared to reconsider its position, and that is if it were proposed to establish a system of protection of minorities which would apply equally to all the States Members of the League. This was the original idea of President Wilson, who generously desired to extend the benefits of protection to all minorities, without distinction, by a general clause embodied in the Covenant.

Such a general system would, moreover, be in harmony with the hope expressed by the third Assembly on September 21st, 1922, that “the States which are not bound by any legal obligations to the League with respect to minorities will nevertheless observe in the treatment of their own racial, religious or linguistic minorities at least as high a standard of justice and toleration as is required by any of the treaties”.

It is essential for the solution of minority problems in general that their political aspect should yield place to the humanitarian and moral aspect, since only thus can the unhampered and fruitful development of the cultural forces of each nationality be ensured. Any other attitude, especially that which sometimes leads certain minorities to look for support from abroad, can only hinder the establishment of good relations between the majorities and the minorities, and must bear within it the germ of disunion, which will be injurious, above all, to the minorities themselves. It is only by loyal co-operation between minorities and their Governments that it will be possible to reach that “satisfactory compromise between the legitimate interests of States and the no less legitimate interests of minorities” to which the delegate of Germany alluded yesterday in such eloquent terms. Only in such circumstances can minorities play the admirable part of a link between the peoples of Europe.

Mr. Buxton (British Empire).—I wish to express on behalf of my Government the very great satisfaction which it feels at the friendly, impartial and conciliatory tone which this discussion has taken. That we consider, and always have considered, to be the necessary condition of any satisfactory progress in regard to a question of this kind. We have always endeavoured, as far as we had influence in the matter, to use it in the direction of conciliation and co-operation. May I say that this spirit seems to have been shown by every speaker? I especially welcome the interesting declarations made by the delegates for Czechoslovakia and for Poland.

It may be that difference of opinion will emerge, but there are none, as far as I can understand, which need separate us at this moment. No one is called upon to commit himself to-day to some position on all the problems that will arise in the future. We may express our various points of view, but so far as this discussion is concerned no one is asked to say that precise resolutions or precise proposals for change should be placed on the agenda. The discussion therefore is perfectly open and perfectly free. It is particularly gratifying that the delegate for Czechoslovakia should say that he sees no objection to such discussion in this Committee on the general problems that may arise in future. The Polish delegate was perfectly entitled to state the position of his Government, for instance, as regards a Permanent Minorities Commission, but I think he would be the first to agree that that question is not under discussion at the present time. No one is asked to commit himself for or against such a proposal, and other people may have other suggestions of which the same may be said.

We are perfectly free as regards this great question, and on the other hand we are perfectly entitled, to express our opinions upon it, but we are not asked in any formal manner to take a decision in the form of a resolution. I noted with very great interest the declaration of the Polish representative that the position of his Government might be different, or would be different, if this discussion had a very general character. I very well understand the position he takes up. I well remember the position that his predecessor in 1924 took on that subject, and it is a perfectly intelligible position.

I want to say a few words about the position of Great Britain on this minority question and our sense of its gravity and magnitude. I should like also very briefly to touch upon changes in procedure instituted at Madrid in June last year. I find an impression existing in some quarters that we are extremists in this matter—that wherever a minority is claiming anything whatever, we always sympathise with that minority. That is quite a mistake, quite an illusion. Perhaps I may be allowed to remind the Committee that while my delegation represents Great Britain, it also represents the Labour and Socialist movement in Great Britain. We have been sent here by Labour and Socialist votes. The Labour and Socialist movement, in our country at any rate, has not an extreme belief in the principle of nationality. It considers that economic divisions are more important than national divisions. It is therefore by no means inclined to exaggerate or to lay great stress upon nationality claims. On the contrary, I think I may say that it is somewhat suspicious of nationality claims and minority claims and looks very narrowly at them.
It has, on the other hand, a very strong sympathy with people in other countries whom it considers to be either oppressed or in danger of oppression. It may not know a great deal about the details of such questions, but it does feel very strong sympathies. But those sympathies only extend to those claims which are legitimate and justifiable under the existing treaties. Our Labour and Socialist movement is not in sympathy with so-called minority movements, if there are such, that tend to have a revolutionary character or a character leading to violence.

But we do support the strict and loyal application of the minority treaties, and we think it is most desirable that this question should be reviewed by the League of Nations. We wish grievances to be met in so far as they are legitimate and serious. We recognise that discontent does exist, rightly or wrongly, in connection with the execution of the minorities treaties and that this discontent is a danger to the peace of Europe, and not only a danger to peace but a danger to the internal consolidation of the States concerned. The object of our intervention in this question is, I think I may say, not so much the protection of minorities but the improvement of conditions from the point of view of co-operation between States, and between the Government and the minority in any particular State.

It is that positive aim of improving international relations and internal relations in every State that appeals to us as a worthy and a desirable object for the League of Nations to pursue. We want conciliation and co-operation. In view of that, we feel that present conditions are not satisfactory. Rightly or wrongly, discontent exists. It may be founded upon insufficient knowledge, it may not be well based, but it is there. We know that in spite of the fine phrases that may be used here, in spite of the good faith of those who gather here and their desire to do their best in this difficult question, nevertheless things are not well, they are not perfectly satisfactory. There are elements of discontent which are still a danger to the peace of Europe. I think this discontent is not an unnatural thing. Great disturbances were caused by the War, great changes were brought about by the War, and the time that has elapsed since—if we take into account the history of peoples and the difficulties that exist—is comparatively short, so that we can hardly expect these difficulties to vanish all at once.

I may add that views of this kind are not confined to my own party, the Labour and Socialist party of Great Britain. I should like to remind the Committee of some observations that have been made previously by representatives of Great Britain. For instance, in 1921, the late Lord Balfour, then Mr. Balfour, used these words:

"Let us remember that we have set up machinery for protecting minorities and that we mean that the machinery shall work."

An interesting observation was made in 1924 by Professor Gilbert Murray, speaking in the name of the British Empire, which I should like to read to the Committee because I cordially agree with him. He said:

"The fundamental fact remains that unless these minorities can be made content, unless they can be made to feel themselves true citizens, with an equal claim on the attention of their Government with that of the rest of the nation, unless they can be made to feel for certain that there is for them, as for the members of every civilised community, justice somewhere in the world, I think two results will follow. The first is that the new nations will not succeed in building up their own national unity, and the second that the peace of Europe must remain insecure and precarious."

These are just indications that the attitude we wish to express to-day is not confined to any particular Party in our country. We recognise that this problem is a very thorny and difficult one. Anyone who represents it to be easy must be either a very unscrupulous or a very simple person. We know it is beset with complications of every kind. There are difficulties on the side of the Governments as well as on the side of the minorities. We understand them. We are sometimes thought to be a very simple people, but we are not quite so simple as we look. We understand what Governments feel in these matters. They fear that the interest taken by the League of Nations may stir up dangerous aspirations and feelings among certain sections of the populations. We quite understand that. We quite understand, too, that Governments that are bound by certain obligations, should ask themselves from time to time: Why are not other Governments bound by these obligations? That is quite natural. Any one may conceive that such feelings must exist, and we do not associate ourselves with every claim that is made by a minority.

We do not wish to apportion praise or blame. We consider that we occupy a central position in this matter. We wish to act, not as extreme advocates, not even as judges, but rather as conciliators between the two sides. We may perhaps, indeed, claim a certain impartiality for our country, because we are not as directly interested in these minority questions as some other countries. We are not under definite minority obligations, but you have only to look back into our history to realise that we have had long, dark, and tragic
difficulties in the past, of a nature not very different from some of those which afflict certain countries to-day.

We have, as we say in our country, "no axe to grind". We have perhaps a certain impartiality. We have the League spirit, and we believe in the responsibility of the League of Nations for the execution of treaties of this kind. We believe that the League of Nations, as a whole, has undertaken a certain guarantee; that guarantee is a solemn one, and it has obliged the League to consider from time to time how far it is discharging its very solemn obligation.

We believe that discussions of this kind cannot but be fruitful in promoting the atmosphere that is needed. We confess that, in spite of the improvements recently effected, we still feel the necessity of a careful watch being kept upon the way in which this important guarantee is being fulfilled. Even a discussion such as the present one, without any definite resolution, cannot fail to do good. It will show, at any rate, to those interested in minorities questions that their point of view is not neglected or ignored by the League, and it will possibly even ease the situation in some countries by removing any false or exaggerated impressions which may exist in the minds of such minorities.

With regard to the new procedure instituted at Madrid, we recognise that it is as yet too early to propose any changes. The procedure should be given a fair trial, but I would urge that the actual improvements—and I think they are important—which were effected at Madrid, should be used to the very full, and should be taken advantage of in every way possible.

I will give one or two examples that have occurred to me. Take the case of Resolution No. 4—"Communications concerning the action taken on petitions by the Minorities Committees." It is laid down that a Minorities Committee is to communicate the result of its examination by letter to the other members of the Council for their information. I think this is probably a very distinct improvement. Every Member of the Council is now informed of a definite step having been taken by the Minorities Committee in a particular case, and is informed of it at a definite moment, and if that Member wants to take any action itself, it is more in a position to do so. Previously, it did not know even the time at which a decision had been taken in a certain question. Now it does. The Committee of Three is under an obligation to report to the Members of the Council, whether it has decided in favour of a petition or against it. Previously, if the Committee decided against it, it was under no obligation at all, as far as I understand, to report. It simply let the matter drop. Therefore, to reject the petition was very much the easier of the two courses. We might almost say that a premium was placed upon its rejection, because in this way the task of the Committee of Three was very much simplified. Now, the Committees have to report on every petition, whether it is accepted or rejected. If it is rejected, naturally the Committee has to give very good and serious reasons for doing so.

I suggest that the Members of the Council, now being placed in a much more satisfactory position as regards information, should perhaps take a more active part, ask further questions, make their observations, and perhaps play a more important rôle in regard to particular petitions than they have done in the past, in consequence of this new procedure.

It has occurred to me that surely some fuller use might be made of the information already existing. We cannot but believe, although I do not know, that much information has already been collected in the Secretariat of the League of Nations, of which greater advantage might be taken in some of these proceedings. I am merely giving illustrations of how this new procedure might be worked to the fullest advantage.

While recognising that improvements have been made, and that it is premature to propose alterations, nevertheless I do suggest that care should be taken and that a watch should be kept upon the actual operation of these provisions, to see, first of all, that they are used to the full and, secondly, that an opinion should be formed as to their general effectiveness.

I do not want to insist further upon that point, although there are very many interesting details connected with the Madrid procedure which have not yet been very thoroughly explored; but enough has been said, perhaps, in these discussions to suggest the general line which should be taken.

I am not dealing with other proposed reforms. The Polish delegate has mentioned one of them—the Permanent Minorities Commission. That was also mentioned by the German delegate, by M. Briand, and Count Apponyi. My delegation does not wish to take up any position on the matter at the moment. We think it is quite worthy of discussion as one among other proposals, but if it is discussed, it should be very clearly and definitely laid down of what character such a Commission should be, and with what particular functions it should be invested. My purpose was not to open up these wider questions outside the sphere of the Madrid reforms, because it is of those that we are thinking at this moment, and no one is being asked to commit themselves as to questions outside that particular sphere.

The vital point with which I wish to conclude, as I began, is that we consider this minorities question as one of very grave importance, indeed, one of the most important questions in Europe. We fully recognise its difficulties and its complications, but we believe that even the great problem of European Union—of which we have heard so much in the last few days—can never be finally and satisfactorily solved, until we can produce contentment...
and reconciliation, not only as between States, but as between the various national groups which have their parts to play in the whole system of European life.

This is a great problem, and we heartily and cordially welcome the fact that this Sixth Committee, having taken the question into serious consideration, has been able to carry its discussion so far in an atmosphere of calm, quiet, and seriousness—I think we might add also of hopefulness—and we are glad that this is so.

M. Marinkovitch (Yugoslavia) [Translation].—If the discussion is to be kept within the limits laid down yesterday by the Japanese delegation, I can only associate myself with the statements made by M. Beneš, M. Antoniade and M. Zaleski. Should the debate change its character, however, I may wish to speak again.

Nevertheless, I must raise an objection here and now in connection with a remark made by the first delegate of Hungary yesterday. I entirely share his view of the importance and gravity of the problem before us, and I quite understand—I might almost say I share—the restrained emotion with which he spoke on this question.

Replying to M. Beneš, he observed that the Council can change its procedure without consulting the States concerned which have signed the minority treaties, or obtaining their consent, provided that the changes in question are not contrary to those treaties. What I wish to point out, however, is that such changes would necessarily be contrary to the treaties. The treaties do not merely provide for the protection of minorities and the League's guarantee, but they also, in Article 11, lay down the procedure to be followed. The procedure we are following now is inconsistent with the treaties, but we are following it because the States concerned have agreed to the changes.

I should like to add at once that this does not mean that my Government objects to any change in the procedure. I merely wish to point out that it could not accept any further unilateral obligations. If, however, as the first delegate of Hungary suggested, he or any other delegate were to raise the problem of minorities as a whole (which personally I shall not do, for reasons of political expediency), we should be prepared to discuss the question and to go as far in the matter of concessions as any other Government represented here.

M. Motta (Switzerland) [Translation].—I ask leave to offer a few remarks in that spirit of conciliation which has happily prevailed and continues to prevail throughout this discussion.

The question of minorities is one that interests public opinion in my country to an almost passionate degree. If, therefore, when the question was raised, I had remained completely silent, my silence might easily have been interpreted as indifference; and so you will realise that it was my duty as first delegate of the Swiss Confederation at Geneva to dispel any such apprehensions.

The keen interest taken by the Swiss public in minority questions probably derives from the history of our country, its experiences, and its peculiar character, which, as you know, distinguishes it very definitely from some other countries. It has attempted to form a synthetic State in which three great civilisations can work together.

I must apologise for these preliminary remarks, but I made them because they seemed necessary. Before proceeding, I must say that I am delighted that that part of the report on the work of the Council and the Secretariat concerning minorities has been referred to this Committee in consequence of a proposal made by the German delegation.

The Assembly took the view that this proposal was a perfectly natural one, dictated by circumstances, and also in harmony with our practice. It raised no opposition and was accepted by general consent.

You will, however, doubtless agree with me that no definite or positive proposal has been formulated, and that the discussion has been a friendly one conducted in that spirit which should prevail in all discussions at Geneva, although different views have been put forward and in some cases there has even been a conflict of principles.

We have before us no very definite draft resolution, no clear suggestion with a specific object; and, that being so, I am wondering what kind of report we shall have to make to the Assembly.

We might perhaps tell the Assembly that we have had an exchange of views which has not led to any definite results but has demonstrated the existence of an excellent spirit in all the delegations.

Why have we no proposal before us? I have been at some pains to consider this question, which seems to me a fundamental and perhaps even a predominant one at the present juncture. The answer, in my view, is that the Council instituted at Madrid a new procedure which was and is undoubtedly a considerable improvement on the earlier procedure. Little time, however, has elapsed since then, and there have not been many opportunities of gaining experience. Nobody will deny that further improvements are possible, but I think we all feel that we must wait a little longer and gain some actual experience of the working of the new Madrid procedure.

One question that has been discussed is in itself, I admit, a very delicate one, namely, whether this Madrid procedure could be established by the Council's vote without the explicit consent of all the States affected. I must admit that I am not sufficiently well informed to come to a decision on this question, which seems to me to raise very delicate legal issues.
I am aware that opinions differ on the point. For example, I heard it suggested that, while there can be no doubt that nothing in the substantive law of the minority treaties can be altered without the consent of all those affected, questions of procedure rest with the Council.

The first delegate of Yugoslavia told us just now that he thought the question of procedure should be treated in the same way as the question of substance itself.

I do not propose to discuss this point, but I would like to draw your attention to one fact. This discussion is in reality a purely theoretical one. Why is this so? Because the minority treaties entrusted the Council with the duty of watching over the safeguards provided for minorities in those treaties. It is not the Assembly as such, but the Council, that has been declared to be the competent body. I do not think there can be any doubt on that point. The Council, however, can only reach a decision unanimously, and it is hard to suppose that in the enlarged Council we now have there will not always be at least one country which is bound by one of the minority treaties. That being so—if we must have unanimity—

The Council, however, can only reach a decision unanimously, and it is hard to suppose that in the enlarged Council we now have there will not always be at least one country which is bound by one of the minority treaties. That being so—if we must have unanimity—and if we must have a State of that class in the Council—it is certain that in practice the consent of the States is indispensable, because without it there cannot be unanimity. That is why I consider that the question is more a theoretical than a practical one.

What conclusion is to be drawn from that? I listened with the greatest interest yesterday to M. Benes, when he said: "While I make every reservation in regard to the questions of law, I quite agree that generosity and loyalty are needed in the domestic policy of States; majorities must work with minorities and minorities with majorities."

This principle, this policy if I may so call it, holds good for every country in the world, whether bound by a minority treaty or not; and I welcome this declaration, which I regard as the most important statement that has arisen out of the friendly discussions in the Sixth Committee.

It is essential that this feeling should gain ground in all countries. It is essential that all countries should realise that the League of Nations definitely wishes that the treatment given to minorities should be fair treatment.

It has been said here that there is something sacred in the rights of religion and language. That is a great truth; M. Briand expressed it yesterday in eloquent terms, and there can be no doubt about it. We must, however, realise that it is not always easy to secure harmonious co-operation between majorities and minorities.

I should like at this point to make a statement which may perhaps impress you. In this country of Switzerland to which I belong, we have solved the problem, in my belief, to the satisfaction of all citizens. I am myself a representative of the smallest minority; I am proud of my language, and I am proud of the civilisation to which I belong. I am anxious that that language and that civilisation should co-operate with the other two great civilisations which are the pride of my country. But do you think that if we have solved this problem to our satisfaction our success has been due to the chances of a natural evolution in which man has taken no part? No, gentlemen, I can tell you that there is no question in the government of the Confederation to which more attention is paid than that of ensuring harmonious co-operation among us all. That is our constant care, and every measure we take is taken in that spirit. It is not an easy task, but it yields results, and happy results less; more it ensures prosperity, justice and brotherhood among all Swiss citizens.

That is the spirit on which I wished to lay stress, and I have done so with the same intention to which M. Benes referred yesterday.

What is the basis of our right to deal with this question? If there were a definite conflict, I agree that it would not be the Assembly but the Council that would be competent. The Assembly might perhaps take action if the conflict were to degenerate into a real menace to peace; but our right is established, as M. Benes said, by Article 3, paragraph 3, of the Covenant, which lays down that "the Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world".

Now it is obvious that the question of minorities is one of those that affect the peace of the world, because as long as minorities do not feel that they are being justly and fairly treated, the domestic life of States will always be disturbed, and so will their relations with one another.

One fact must have impressed you. It was the delegate of Japan who made a very clear and definite statement here yesterday. He is the Council's Rapporteur on minority questions. Now I have observed that minority questions brought before the Council have always, so far, been dealt with by representatives of non-European countries. Yet in my view the question of minorities is primarily a European question. I know that there are other countries that have to deal with minority questions; there is Canada, which, I may say, sets a magnificent example of liberalism and justice in the treatment of both sections of the population, and the French nation has representatives in that country whom we always welcome here when they associate themselves with the work of that nation of different race and language. But we have seen the delegate of Japan and before him the delegate of Canada, the delegate of Brazil and the delegate of Colombia, acting as Rapporteurs to the Council on minority questions which primarily concern Europe.

I have only one conclusion to draw from that fact, namely, that the co-operation of every country in the world, and in particular of the countries outside Europe, is valuable and necessary to us in questions which affect the peace of Europe and its future.

The Chairman.—The German delegate referred yesterday to the number of petitions given in the Official Journal of the League, as the number received by the Secretariat last year. This number is given as fifty-seven. Information which the German delegate had
Committees of Three. In this connection, I would refer to a very judicious observation made by the Permanent Commission that only the communications which refer to the execution of minority treaties are considered as minority petitions. The Secretariat, of course, receives a large number of other communications referring incidentally to the execution of minority treaties, but which cannot be classed as minority petitions.

Before suggesting to you a Rapporteur for this question, I desire to associate myself with what has been so well said as to the moderate, reasonable and friendly nature of the debate which has taken place in this Committee. I think it is a matter of congratulation, not only to all who are here present, but to the League of Nations itself, that this debate has been carried on in that spirit.

I come from a country which has had these problems to solve, and in which they have been very successfully solved. We have much the same problems, but perhaps we have not all the complications that occur in Europe. We are divided in Canada by considerations of race, of language, and of religion, and what is a majority in the federal arena of Canada becomes a minority in its most ancient province, the province of Quebec. Our experience has been this, and I beg that you will permit me to state it frankly : the best course to follow is that which gives to the minority every constitutional and reasonable right beyond the shadow of a doubt; and on the other hand, to impress on the minorities their duties, to consider not only their rights but the necessity of co-operation, and their duty in every other respect. In that way we have worked out, and are still working out, the problem in Canada, which is very much the same as your own. I am perfectly convinced that if this problem is approached in Europe in the spirit which I rejoice to note, has made itself manifest here to-day, you will have the same good results as those which, most fortunately, we have secured in my own country.

It is necessary, as I have said, to consider the appointment of a Rapporteur. There is a member of this Committee, whose distinguished ability, long experience, impartial outlook, and warm interest in the subject which occupies the attention of this Committee, must commend him to your judgment as a proper person to be selected as Rapporteur. I refer to M. Motta, first delegate of Switzerland. I am convinced, by the approval you have just manifested, that the choice which I submit to your consideration will meet with your approval.

The proposal was unanimously adopted.

M. Motta (Switzerland) [Translation].—I am deeply affected by the Chairman’s proposal and the reception given to it by the Committee. I thank the Chairman and I thank you all from the bottom of my heart. Of course I cannot refuse such an appeal. I am willing to prepare the report, and you may be sure that I shall prepare it in the same spirit as my speech just now.

Count Bonin-Longare (Italy) [Translation].—I am glad that I have not spoken until after many other members, because that enables me to express my views, not so much on the actual question before us, as on the discussion that has taken place and the conclusions to be drawn from it.

I note first of all that all the speakers have agreed that the problem is a very difficult one, and thereby admitted by implication that the task of the League in this matter is also extremely delicate. The League must beware of two possible risks—the risk of seeming indifferent, through negligence, to the rights of minorities as recognised by the treaties which it guarantees, and the risk of exciting, by too much zeal, passions which, though entitled to every respect, may have no justification in law and therefore would certainly not help to pacify opinion in our agitated world. The League has always tried to steer a course between this Scylla and this Charybdis and has therefore always striven to find the best method of procedure, and has changed it more than once in the direction of improvement.

In this discussion, the solicitude with which the League has devoted itself to the problem of the protection of minorities has never been called in question, and the speakers who have expressed their anxieties have not criticised the policy followed by the League, but the procedure by which it has put that policy into practice. Consequently, the precise problem that arises to-day seems to be whether the present procedure is to remain in operation or to be replaced by another.

The procedure at present followed is that which was defined at Madrid at the Council meeting of June 13th, 1929. I am not aware that in the course of our discussion any speaker has made any definite proposal to change that procedure. Count Apponyi, to whose moving words we listened once more with that attention and sympathy to which he has long been accustomed, stated, while making all the reservations his case demanded, that he would not object to the adoption of the report, and he did not put before us any proposal for a change in the procedure.

It is true that some delegates have expressed a preference for a special Permanent Commission. Personally, I must admit, I do not look with much favour on the creation of new special organs of the League, except, of course, where absolutely necessary. In the present case—and several other delegations agree with me here—I do not see that the new Permanent Commission could do that is not already being done, or could not be done, by the Committees of Three. In this connection, I would refer to a very judicious observation made by the Permanent Commission that the choice which I submit to your consideration will meet with your approval.
in the first place by the Japanese delegation, namely, that the present procedure has been in operation for only fifteen months. Can it be said, even by those who feel entitled to complain of its results, that such a brief period of experience is so far conclusive as to make us condemn the system and try to find another? In my view, the League must beware of too often and capriciously changing its methods. Not only would this suggest a state of nervousness, which ought always to be foreign to our association and which would injure its authority, but it would also mean that no attention was being paid to the obvious truth that no instrument, however perfect, can yield the best results until it has been properly used for a reasonable time.

In conclusion, it seems to me that this debate, to which all the speakers have made a valuable contribution in a sincere and conciliatory spirit, will not have been useless, because it will have helped to emphasise the complexity and delicacy of the problem and the attention that is given to it by the League.

At the same time, I feel that there is nothing to be done at present but to continue the experiment we began only fifteen months ago, and it is with that conviction that I give my approval to this part of the report on the work of the League since the last Assembly.

M. KOCH-WESER (Germany) [Translation].—I must first of all thank the Secretariat for its information regarding the petitions it has received. We note that the number of communications relating to the position of minorities that have been received by the Secretariat is more than fifty-seven, that figure referring only to those which were regarded as minority petitions, and of these only half have been declared receivable.

As regards the receivability of petitions addressed to the League, I should like once more to stress the fact that the League's attitude ought to be as liberal as possible. Even if petitions couched in somewhat ill-considered language (which is sometimes due to a perfectly comprehensible state of excitement) were accepted, the disadvantage would be much less serious than if we led petitioners to suppose that the League does not care to consider their grievances.

It may be asked whether our discussion yesterday and to-day has been of any real value. I would answer "Yes"; those who have said that the League takes up a noli me tangere attitude to these questions were wrong.

I think we shall all agree that this discussion in the Sixth Committee has been useful, and has been necessary. On the other hand, I cannot agree with M. Zaleski when he says that we cannot set up a kind of court of appeal here. There was no question of that. As Mr. Buxton observed, we are not judges, but men trying to reconcile the various interests involved.

The question of minorities falls directly within the province of the League. It entails obligations upon the League, and what is more, it might, in certain circumstances, constitute a danger to the world peace. It is therefore natural that the League Assembly should concern itself with the question of minorities, for reasons explained a year ago by Dr. Stresemann, and expressed in a proposal made by Dr. Curtius at the present Assembly.

Every year the League ought to discuss these questions. It is in the League's own interest, as well as in the interest of peace.

All the members who have spoken in this debate have agreed that the problem of minorities is an extremely important one, and especially so at the present time. We should be greatly mistaking the trend of contemporary events if we failed to give attention to the guarantees which secure minorities the right to keep their own culture, to speak their own language, and to uphold the peculiar interests of their race.

I am most grateful to M. Briand for having said that we must study this question exhaustively, and that it falls within the province of the Sixth Committee. He added that we must not alter the Madrid procedure, but wait and see what results it produces in practice. That is exactly my own point of view. We have not proposed any change in the Madrid procedure; we have merely expressed a desire that the application of that procedure should be made as fruitful and effectual as possible.

On this point, I think I am in agreement with Mr. Buxton, who has also recognised that all the possibilities inherent in the Madrid procedure are not yet exhausted.

Consequently, the German delegation's demand for a better application of the Madrid procedure must not be treated as negligible. It is a very important demand, because it is at least as important to ensure that existing laws are properly applied as to make good laws. It is for that reason that I am once more calling attention to the question we have raised.

Suggestions have been made regarding the composition of the Committees of three or five members, the frequency of their meetings and the possibility of minorities making themselves heard, the publicity of the meetings, and the report to be made to the Council, which must be such as to enable its members to gain an accurate idea of the cases with which they have to deal.

These are the suggestions of the German delegation, and we shall press this point until all the possible applications of the present procedure have been exhausted.
The German delegation's proposals in this matter are based on actual cases. I think I may say that we all agree that when a remedy is necessary for existing inconveniences, that remedy must be found. The Albanian delegate spoke yesterday of the institution of a Permanent Minorities Commission. To-day it has been asked what would be the use of such a Commission. I should like to begin by considering the question in its negative form, and I would say that such a Commission could never relieve the Council of its responsibility for the decisions reached in actual cases.

When we look at the question in its positive aspect, there can be no doubt that such a Commission could bring out the general features of the actual cases which came before it. A Commission consisting of experts could establish general principles and bring about exchanges of views between countries like Switzerland and Canada, which already have an excellent system for the treatment of minorities, and the other countries, and it might thus help to create a world public opinion on the question of the treatment of minorities. That is a task for which the League and its Commission seem thoroughly qualified.

In the course of the discussion various speakers, including M. Benes, have pointed out that no change in the existing procedure could be decided upon by the Council without the consent of the States that have signed minority treaties. I will not go into this legal problem; I will merely say that on that point I associate myself unreservedly with the remarks of the Hungarian delegation.

In the matter of minorities, all these States are subject to the guarantee of the League, and if that is so it follows that the Council of the League can apply any procedure it thinks desirable, on its own responsibility, in order to operate the guarantee in question. The point at issue is merely how far the States will co-operate in this work.

It is, of course, a possibility that the States may not co-operate—that they may merely be asked to furnish the necessary documentation when a case of this kind comes before the Council. That, however, is a mere hypothesis, and I am under the impression that there has always, so far, been excellent co-operation with those States. I trust that it will be the same in future.

Yet again, in my view the Council of the League can change the procedure when it thinks necessary for the discharge of its guarantee obligations.

In the course of the debate M. Briand made a most important statement when he said that the study of minority questions would appear in a very dangerous light if it were not pursued in a spirit of truth. I entirely agree with the French delegate, but I would add that it would be still more dangerous if the League did not wish to deal with all minority questions.

It is, in fact, most important as a safeguard for peace and the maintenance of the present situation that the existing safety-valves should not be shut down. Consequently I think there is very much more risk in not dealing with these questions than in trying to shut down these safety-valves. It is only because the nations know that the League can deal with their grievances that they have confidence in it; and it is only on a basis of confidence on the part of the nations that any useful work can be done.

I would add also, quite frankly, that it would likewise be very dangerous to allow the impression to be formed that we think enough has already been done for minorities. In the course of yesterday's discussion it seemed that such an impression might perhaps arise but in my view there is no justification for such misgivings. I think that what we are doing for minorities is only a beginning, for there are danger spots in the world to which the League must devote the closest attention.

I feel that any statesman who has to deal with the minority question has an enormous responsibility, and I hope that the spirit that has made itself felt in our discussions here may spread to all Governments that find themselves confronted by such questions. I trust also that the spirit that prevails in Canada and Switzerland in regard to this matter will be the spirit in which we shall pursue our work in regard to minorities.

Originally it was the German delegation's intention to submit a resolution to the Assembly. As, however, the Sixth Committee has now appointed a Rapporteur, I think it will suffice for me to read that resolution and ask the Rapporteur to take it into consideration in his report. The resolution is as follows:

"Whereas it is undoubtedly necessary that the sacred rights of minorities should be maintained and protected in all their integrity, in order to strengthen peace and a good understanding between nations,"  
"The Assembly notes the Sixth Committee's report on the question of minorities,"  
"Requests the Secretary-General to lay before the Assembly in the annual report a survey, as detailed as possible, of the League's work in connection with minorities,"  
"Referring to the Council resolution of September 5th, 1923, expresses the hope that the conditions therein laid down for the receivability of petitions addressed to the League may be interpreted as liberally as possible,"  
"Contemplates enquiring at a later date into the efficacy of the procedure established at Madrid,"
"And expresses the hope that all the competent organs of the League will endeavour to exhaust all the possibilities inherent in the Madrid resolutions, more especially as regards the composition of the Minorities Committees, the frequency of their meetings, communications concerning the action taken on petitions in the Minorities Committees, and the publication of the result of the examination of a question by a Minorities Committee."

It is my impression that this text summarises the feeling of our discussions, and, I repeat, I should be obliged if the Rapporteur would take it into consideration in his report to the Assembly.

M. BOUROFF (Bulgaria) [Translation].—I also note with great pleasure the spirit of tranquillity and concord in which our debates in this Committee have so far been conducted. Even if we arrive at no definite resolution, the fact that it has been possible for this delicate question of minorities to be debated at length, frankly and in a spirit of conciliation—that it has been possible to emphasise the importance of the question and to isolate certain general ideas which are shared by all the Governments of the States Members of the League—that in itself is something remarkable and most valuable.

We have proved that although we are representatives of our countries, we also represent something wider and more general—the will to work for peace and concord among all nations.

Several general ideas have come to light in the course of this debate.

The first of these is that minority questions must in no case be used as a weapon to undermine the unity and integrity of States. I would lay stress on this, for the very reason that I represent a country which might be suspected of a different intention.

The second idea that has emerged from the discussion is that minority questions are intimately bound up with peace, and must consequently be the object of vigilant and indefatigable attention on the part of the League.

The third idea is that violence, whether on the part of the minorities or of the countries to which they belong, must be excluded. Violence serves no purpose; it is incompatible with the spirit that animates us, and with the peace that we wish to establish among nations.

It would be paradoxical for us to try to establish eternal peace among the peoples and at the same time to allow internal warfare, so to speak, within individual States. Nobody could maintain such an idea.

It is our duty to reprobate all violence, from whatever source it proceeds, and all methods of assimilating minorities by violence. These methods constitute a kind of slow moral assassination, which has all the disadvantages of violence and conflicts with all the interests of civilisation and peace.

When we are agreed on these few general ideas, we have already travelled a good part of our journey. We then have to co-operate loyally in the attempt to find the most effective practical methods of solving the difficult problem of minorities, with proper respect for the minority treaties and in a spirit of humanity and justice.

I am particularly glad to observe that there is unanimous agreement with the conclusion of the German delegate’s speech, in which he said that, so far from representing an element of discord between nations, minorities should serve as a link to improve international relations, to establish common ground in which mutual knowledge and interpenetration between races and nations may develop in the most useful and effectual way for the service of peace.

On that also we are all agreed.

How are we to bring about this rapprochement between national minorities and the dominant majorities—not a merely formal rapprochement based on texts of a more or less legal character interpreted in one way or another, but based on loyal co-operation? How are we to bring about this co-operation? Who is to take the initiative?

I will say quite frankly what I think; the initiative must come from those States which include minorities. We cannot expect a minority, newly created as the outcome of the war upheavals, exasperated and filled, often enough, with rancour, permeated with old memories and suspicions, to offer its hand in a kind of trusting enthusiasm to its new masters, in order to bring about this moral unity of which I am speaking. No, it is the State concerned that must take the initiative, that must take the first step, that must enter upon this policy of rapprochement, that must make the first gesture of generosity and confidence, to attract its minorities and let them feel that peaceful and loyal co-operation is a possibility for them.

You may rest assured that such a method will solve the difficult problems that arise much more easily and much more quickly, to the great benefit of civilisation and peace.

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You may rest assured that such a method will solve the difficult problems that arise much more easily and much more quickly, to the great benefit of civilisation and in the interests of peace, than any other procedure, however well organised, however well conceived. This is the path we must resolutely follow, and I may say that my country, which is one of those most keenly interested in the solution of these problems, will co-operate without reserve and without any ulterior motive.

I will not dwell upon the various suggestions that have been made with regard to the improvement of the procedure. I will agree to anything calculated to make the League’s action more effective. Moreover, anything likely to increase confidence on the part of the minorities will also enjoy the approval of the Bulgarian Government. Without going into some of these suggestions in greater detail, I will merely refer to two or three points that have been considered.

As to the question of petitions, I recognise, as everybody does, that the Madrid resolutions represent an appreciable improvement in the procedure. I agree also that we have not yet had enough experience to be able to decide whether to take a fresh line or not. A certain
degree of conservation in our methods seems to me a reasonable thing. Nevertheless, Count Apponyi’s remarks do deserve the attention of all of us.

A minority presents a petition; a Government, equipped with all the means for fighting, for investigation, argument and influence, gives a reply. If that reply disputes the petitioners’ case and their allegations, the matter is to all intents and purposes closed. Those who sent the petition do not even know what reply was given; they have no means of rejoining, as they are not even informed of the views and arguments put forward, to which they could perhaps reply in such a manner as to influence the Council towards a solution favourable to them. Do you really think that we should be encroaching on the sovereignty of the nations concerned, that we should be in opposition to the texts of the minority treaties, if we amplified this procedure and improved this method of work by making it possible for the minorities to reply? I do not think we should; indeed, I think that the results could not be other than good.

Either the petitioners are in the right, and they must be afforded facilities for proving it; or else they are in the wrong, and in that case an attempt must be made to convince them of the fact, for it is in the interests of peace that they should understand that if the League and the Council cannot accede to their petition, it is not out of ill-will, nor out of indifference, but because the petition is not receivable for formal and legal reasons. By that means we should succeed in creating that tranquil atmosphere which all of us here are earnestly concerned to establish.

I think, moreover, that there has been a tendency to attach too much importance to these means of taking the initiative: I refer to the sending of petitions. I would like to say that the right to petition is not the only means that can be adopted, does not in itself represent an efficacy which is, so to speak, complete.

I know some districts where there are minorities separated from their mother country; they have neither schools nor churches using their native tongue, and yet the Council has had no petition from them. Are we to conclude that those minorities are satisfied and content? Are we to believe that in a few years they have lost interest in their native tongue, their churches and their schools? Who would venture to uphold such a heresy? Obviously we have to assume that there are other factors hindering these minorities from exercising their right of petition. In such cases, are the League and the Council to remain impotent, and to seek no remedy for situations of the kind?

I know perfectly well that every Member of the Council has the right to raise questions affecting minorities. But the Members of the Council are so burdened with other business, so much absorbed in questions of vital importance, and the political relations between States are of such a nature, that it would in most cases be extremely awkward for a Member of the Council to undertake the defence of any particular minority against any particular State on its own initiative. Consequently, this opening, though it is offered to minorities, and though it seems perfectly effectual, has not so far revealed itself as being of any practical value.

These things being so, must we not consider the possibility of the League and the Council carrying out enquiries on the spot, investigations and impartial examinations from time to time—either through a permanent body or even without one, if it is thought that that would be incompatible with the text of the treaties? Must we not consider the possibility of the League and the Council not-contenting themselves with the documents put before them and the information collected with however much labour by a Secretariat, but also visiting every area where the situation seems unsatisfactory, where the minorities are deprived of their rights—every area where there are populations suffering from such a deprivation? I think it would not merely the right, but the duty for the League, in all such cases, in the ways and means of taking practical and effective action.

I will not dwell further upon this matter. I only wish to say, in conclusion, that in certain parts of Europe the problem of minorities is a vital problem—one that affects not only the relations between States, but the domestic situation and the internal peace of each State. I would emphasise that in these circumstances the minority problem in those regions is fundamentally and intimately linked with the problem of peace.

One conclusion therefore seems to me inevitable: that no improvement of procedure which would enable the League and the Council to intervene with increasing effect in the name of peace and in the interests of peace, and which would make it possible to arrive more quickly at equitable solutions, would be superfluous. If there must be a limit to this view, then I would emphasize that the observance of the existing treaties. All the improvements that may be contemplated must not be incompatible with the express terms of the treaties; on that point I agree with Count Apponyi.

But there is something higher and more important than the question of procedure, and that is the spirit in which we approach it. I am happy to be able to say that I have observed in the course of this debate that a genuine spirit of good will has been manifested, and this gives us every ground for hope in the future.

The election of M. Motta as Rapporteur of the Sixth Committee, which I cordially welcomed, was not merely a tribute to the distinguished qualities of that statesman; it was a tribute to his beautiful country, that model of freedom and democracy which sets so striking an example by showing how, in freedom and democracy, peoples of different races and tongues can work together, each one preserving its special characteristics, but all united in their desire to organise a commonwealth in which the freedom and prosperity of all will be assured. Let us be guided by this example, and we shall have deserved well of posterity.
M. Loudon (Netherlands) [Translation].—The problem of minorities is one of those that do not arise in the Netherlands. None the less, everybody in my country—and by everybody I mean the Government and the intelligent public—realises that that sacred duty to which M. Briand has referred, the duty of protecting minorities, involves the responsibility of the League as a whole. It is for that reason that special interest is taken in the problem in my country.

Does this mean that I propose to give my views now on the best means of protecting minorities? Not at all. I should have nothing to say. Besides, I feel that it is not for me, either personally or as representing my Government, to offer any opinion as to whether the establishment of a Permanent Commission is desirable. Some have expressed themselves in favour of it and others against. For my part, I do not feel that I am in a position to take up any definite attitude. In any case, the discussion that has developed here shows that, for the time being, such a thing is not to be thought of.

What we must do, as was very well said by Count Bonin-Longare (voicing, I believe, the views of several of our colleagues), is to give the measures adopted at Madrid a chance to prove their efficacy. I shall not go into those measures in detail. Without exceeding their limits, it will be possible—and this must be proved by practical experience—to extend still further the functions of the Committees of Three.

One thing that seems to me desirable is that the members of the Committees of Three should call in the assistance of their experts much more than they have done in recent years. Nor should it be too completely forgotten that not only the members of the Committees of Three but all members of the Council have the right to lay petitions before the Council.

I will confine myself to these few remarks. In the course of these proceedings we have seen that we are concerned with a very great cause. It is in the nature of human things that there should be serious grievances, unintentional or even intentional abuses, and we must not be surprised nor wonder if it takes years to settle such conflicts. In every country where there are minorities they must be made to feel that the League is taking up their case.

The way in which the debate on minorities has developed here shows that in this atmosphere anything can be said. We find more and more, both in the Assembly and in the Committees, that anything can be said and anything can be criticised. There is nothing to prevent us from speaking out frankly and courageously; all depends on the way in which it is done. In remarks of this kind we must adopt a proper tone and never wound the susceptibilities of others. Bearing this truth in mind, we can say to the minorities, "Fear nothing; be calm; we are working for you at Geneva". It is also extremely important that the same spirit as I described just now should be shown by the Press. By that means, we shall obtain the loyal and sympathetic co-operation between majorities and minorities of which M. Beneš and M. Zaleski have spoken.

I ask you—and I am thinking now of M. Koch-Weser’s proposal—to support this movement in favour of publicity among us. In my view, there can be nothing better than to discuss these questions frankly and openly, year by year. If the efficacy of the arrangements introduced at Madrid is demonstrated by the report that will be submitted to us each year, a great work will have been accomplished. Moreover, we shall know how to act in future—whether the method adopted is effectual, whether it is to be retained or changed.

The continuation of the discussion was adjourned to the next meeting.

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FOURTH MEETING

Held on Monday, September 22nd, 1930, at 9.30 a.m.

Chairman: Sir Robert Borden (Canada).

8. Protection of Minorities (continuation).

The Chairman [Translation].—We have now to continue the discussion on the question of the protection of minorities.

M. Michalakopoulos (Greece) [Translation].—It was not my intention to take any part in this discussion; I merely meant to say that I entirely associated myself with the statements made by M. Beneš, M. Antoniade, M. Zaleski and M. Marinkovitch.

With reference more particularly to the third point in M. Beneš’s statement, my country would be perfectly prepared to accede to any treaties that might establish a new international law on the subject, if that new law were regarded as necessary, or even as merely useful.

The discussion has, however, developed so much that I am obliged to speak, although Greece is in the peculiar position of having far more of her own minorities outside her territory than of other minorities inside. As a result of the two conventions that we have concluded with Turkey and Bulgaria on the exchange of population and property, the minorities in our country, even if we include religious minorities—Jews, Turks in Thrace, and others—
represent only 5% of the total population. That is not my own unsupported statement, but is confirmed by the testimony of persons competent to speak, of organs of the League itself, and by reports that have been laid before the Assembly and the Council by the American Chairman of the Greek Refugee Settlement Commission, Mr. Morgenthau, Mr. Howland and Mr. Eddy. We treat these minorities most liberally.

On the other hand, it is needless to point out that there are Greek minorities in Constantinople, in the Dodecanese in Cyprus, and in many other places. None the less, we are on the best of terms with the Governments and with the peoples among whom these Greek minorities live, because we have solemnly declared that we advance no claim to the territories in which they live.

Thus, if I had to speak in favour of one or other of the views that have been developed here, and if I spoke entirely in accordance with my own feelings, I should certainly be inclined to be in favour of the speeches supporting an extension of the procedure in respect of minorities. There is no doubt that we feel a certain romanticism in connection with, a certain sympathy for, minorities because it seems at first sight that this is a question of protecting the weak and oppressed. I think, however, that statesmen have a greater responsibility to their own peoples, and to the commonwealths of nations as we conceive it within the confines of the League. For that reason I wish to lay stress upon certain facts that will certainly not have escaped the notice of the members of this Committee.

It has been quite rightly said that the problem of minorities may prove a threat to peace, because there are some peoples, some States, that take an interest in the position of their minorities. That is only one aspect of the question, and you will allow me to say, with knowledge of the facts, that there is a further danger arising out of a certain irritation felt by the countries having minorities and for which there is some justification. These States feel, above all, as a result of some kind of misconception of the minority treaties, that they are the victims of foreign interference in their internal administration. This interference recalls the Capitulations, which at all events protected only foreign subjects, and yet have been abolished by all the peoples among whom they were formerly in force. This irritation might be detrimental to good understanding and peace.

It has been said that minorities are often ignorant of their rights, and that more liberal and favourable consideration should be given to their petitions. I think, on the other hand, that, so far from being ignorant, minorities are too often inclined to imagine that we have here a sort of court of appeal or higher tribunal that can try particular cases. It is true that the treaties aimed at the protection of minorities en masse, and that that protection was entrusted to the Council of the League in extremely judicious, politic and wise terms. Gradually, however, the procedure has diverged from those terms, and we have gone as far as to say that all petitions, even those from a few individuals belonging to a minority, can be examined.

You will perhaps allow me to mention a few instances to show how very frequently minorities, so far from being ignorant of their rights, have come to believe that they are privileged within their countries, and that they specially, and they alone, can appeal to the League for something which they cannot obtain either through administrative or through judicial channels in the country to which they belong.

We made an agreement with Turkey to liquidate the war, and this agreement was preliminary to an arbitration treaty. In concluding the agreement, as we felt that it would be impossible, or at all events extremely difficult, to arrive at a valuation of the properties to be exchanged, we simply wrote off the claims and demands on either side. None the less, the League received a petition from a large number of people who regarded themselves as a minority, asking it to take action to prevent the execution of the agreement, although its evident object was to establish peace. That will show you what an exaggerated idea minorities, or self-styled minorities, have gradually developed of their rights. That is why the competent service of the League of Nations, in making its choice, is obliged to leave on one side a large number of minorities petitions.

I will give you another example. It is as absurd as the first, but it shows that minorities are not ignorant of the jurisdiction of this Assembly but are inclined to exaggerate it. Various people suffered loss through the war, and the Greek Government passed a law whereby every victim was to be compensated to a certain extent. A petition was sent to the League by certain citizens who believed they formed a minority, and who, although they are nationals of my country, claim to form a separate class, in order to demand the protection of the League.

In meetings which carry less authority than those of the League of Nations we see illustrations of the danger of discussing these questions. Quite recently, for instance, a member of the minority seriously raised at an important meeting the question of dividing Belgium between the Flemings and the Walloons.

To say that minorities must receive more protection is in no way contrary to the interests of my country, but I do firmly believe that there is a threat to peace in that direction. Minorities always have existed and always will exist; there would be minorities even if the peace treaties now in force had never been concluded. If we were to remake the map of Europe and restore the pre-war state of affairs, there would still be minorities which, however, as M. Briand very wisely and very justly said the other day, would have neither the right nor the power to make themselves heard. Consequently, we must be very cautious in discussing such questions in the interests of peace.

Reference has been made to the legal question whether the existing procedure could be altered without the consent of the States affected. It has been said that the minority
treaties in themselves only contain the substantive or material law, while the procedure rests
with the Council. According to that view, the Council is competent to introduce measures
of procedure which would be valid even if they were contrary to the administration and
sovereignty of States.

If anything has fallen short of political wisdom it is the minority treaties. It was not
realised that by means of these treaties a number of States were being created regarding
which inaccurate assumptions were made, and which were apparently looked upon as half
civilised. Every civilised nation before the war was assumed to grant all its citizens the full
measure of freedom compatible with the interests of the State.

When the question of protecting the Jewish minorities in Poland arose, it was thought
that international arrangements must be made, and the same rules were applied to other
minorities. That was evidence of a certain feeling of suspicion towards some countries.
Obviously, if an international rule is to be established which will operate in all countries
there will be no ground for complaint. Certain States, however, have been looked upon as
inadequately civilised, and that is what chiefly annoys those States. It wounds the self-
esteeem of the peoples; it represents an inequality between States certain of which regard it
as an insult to their sovereignty, their civilisation and their sense of justice.

When such a procedure, such a principle, has already been adopted, the utmost caution
and prudence must be exercised in requesting the extension of the existing system in any
way whatever.

It has been said that substantive law is one thing and procedure another. M. Benes,
however, has quite rightly explained that it is not easy to draw a hard and fast line between
rules of procedure and substantive law. We know ourselves that even in private law it is
a very awkward distinction to make, and a fortiori the same applies to international law,
which is more delicate and more complex.

I should like to point out that it is nowhere said in the texts of the minority treaties that
the Council has power to establish any particular procedure. The minority treaties say that
any Member of the Council—not any Member of the League—is competent to assert that an
abuse exists in connection with minorities. The reason for that is quite simple, and if we
remember that the intention was to protect certain Jewish and other racial minorities we
must realise that the idea was to prevent persecution and assimilation by violence. The
national, gradual and voluntary assimilation of heterogeneous racial elements in a State is,
of course, a perfectly natural thing. My country has lost thousands, and perhaps millions,
of citizens who have become English, French, American or Roumanian; there is now in America
a large number of them who are in process of automatically losing, as one might say, their
Greek nationality. That happens in every nation. Nobody in our country, for example,
has complained of Greeks becoming naturalised Roumanians, because it is natural enough
that assimilation should take place owing to marriage, education and other influences. It
is improbable, therefore, that President Wilson, who represented a great country where
everything acquires the national characteristics, desired to prevent natural changes of
nationality, with which nobody nowadays dreams of interfering.

What has caused the Greek people most suffering in the course of its history is
assimilation by violence. It has not complained of the loss of millions of its citizens. Thirty
years ago, however, there were 200,000 of them in a territory annexed to a neighbouring
country. The British representative predicted what would happen to them in that territory.
They have been assimilated by violence. In a single day we received 60,000 of them who were
the victims of violent persecution in the form of riots, and that cost us much more from
the sentimental point of view than all we have lost by natural assimilation.

What the minority treaties were intended to prevent, therefore, was the acquisition of
national sentiment, assimilation by violence, and I am not the only one to say so. In the
discussion in the Council on December 9th, 1925, M. de Mello-Franco said:

"It seems to me obvious that those who conceived this system of protection
did not dream of creating within certain States a group of inhabitants who would
regard themselves as permanently foreign to the general organisation of the country.
On the contrary, they wished the elements of the population contained in such a
group to enjoy a status of legal protection which might ensure respect for the
inviolability of the person under all its aspects, and which might gradually prepare
the way for conditions necessary for the establishment of a complete national unity."

Later, Sir Austen Chamberlain said:

"It was certainly not the intention of those who had devised this system, as
M. de Mello-Franco had remarked, to establish in the midst of nations a community
which would remain permanently estranged from the national life. The object
of the minority treaties, and of the Council in discharging its duties under them,
was, as M. de Mello-Franco had said, to secure for the minorities that measure of
protection and justice which would gradually prepare them to be merged in the
national community to which they belonged."

That was the interpretation that was given.

Count Apponyi (Hungary) [Translation].—But he dissociated himself from it.

M. Michalakopoulos (Greece) [Translation].—It has been suggested that a new procedure
should be established. In my view, even the existing procedure is far removed from the spirit
of the treaties in force. It has been asked that a Permanent Commission should be
established, and without the consent of the peoples affected. Is that a question of procedure or a question of substantive law? I ask you, would it be, for example, a measure of procedure to appoint in every country a representative of the League for the purpose of receiving any complaints that the minorities might wish to make against the administration of the country in which they live? Is it a rule of procedure to appoint a judge who would be in the nature of an examining magistrate? In private law this is so, but in international law what country would admit that it would be a rule of procedure to appoint a commissioner inside that country? That is why M. Beneš so rightly pointed out that it is difficult to draw a line between procedure and substantive law.

What is meant when it is proposed to improve this procedure? Count Apponyi has very moderately said that, for the time being, he would be satisfied if the statements and explanations of the Government concerned were communicated to the petitioners. Hitherto there has been a petition and a reply. Under Count Apponyi's system the reply would be communicated; that would certainly lead to a rejoinder to which a counter reply would necessarily be given; again, the petitioners would have to be given another opportunity to express their views on the second communication from the Government concerned, and so on. The result would be to transform a serious meeting into a court of law in which the plaintiff and the defendant would merely advance their own arguments ad infinitum.

It has been said that a Permanent Commission would be useful. In politics, when we are trying to find something perfect, we often forget to look at realities. In this case, the idea seems to be that with the formula of a Permanent Commission we could cure all troubles and sweep away all complaints and lamentations. If, however, it were proposed to set up a Permanent Commission, I should ask whether it was to be composed of Members of the Council. If that were so, we already have the Committees of Three, which could even be changed into Committees of Five. In what respects would a new Commission differ?

Would the Permanent Commission perhaps be composed of high officials of the League? In that case, instead of having a bureau to deal with minorities with a high official in charge as Director of this service, we should simply end by having a few more officials, a collection of persons instead of one individual. What would those officials do? They would receive the petitions that the one official in charge receives now. What would they do with them? Could they impose on the States concerned whatever rules they thought desirable? Would they themselves be given the right to judge and decide in political matters? Certainly not; that would be incompatible with the provisions of the treaties, and it is certain that no State would allow its policy to be dictated by any other authority than the Council of the League.

I think that the policy that has been followed hitherto has been a very wise one. As M. Briand said two days ago, the present procedure, accompanied by reservations on the part of the minority States, is only a year old. It has not had a sufficient trial; we must await results. It is impossible to attain the absolute, and particularly in connection with this question to endeavour to do so might be dangerous.

If it is still feared that opinion will not be pacified, it is because territorial claims have not ceased to be advanced—because the countries concerned believe that those who seek to protect a minority and display some degree of activity in doing so are only dreaming of territorial gains. If the countries which have minorities in their territories are as sensitive and as circumspect as they are it is because they are afraid that those communities may one day be used as a lever to disrupt the treaties.

Can they be disabused of this suspicion, this idea? For our part we have succeeded in doing this because the States in which we have minorities are convinced that we have no territorial claims in mind. In this matter, as always, truth is to be found in the middle course. On the one hand we must avoid violence, and endeavour to establish sincere cooperation between the foreign and national elements; we must allow natural assimilation to take place, if that is possible, but without any form of violence. On the other hand, we must not give the impression that we wish to use those communities as a lever to disrupt the established treaties or, in other words, to disturb the peace.

I think I may conclude by quoting the French proverb: "Le mieux est souvent l'ennemi du bien."

M. Zaleski (Poland) [Translation].—When I addressed you last Saturday I thought, and doubtless several other members thought, that our debate was approaching its close; and for my own part I had no intention of speaking again.

I was under the impression that the general feeling of the Committee was that, after a very frank exchange of views on the minority problem, the Committee was not called upon to take up any attitude towards the Secretary-General's report, which, in any case, contained nothing that could be approved or disapproved by the Assembly.

In point of fact, that report is only a recapitulation of the Council's activities in the matter of the protection of minorities, and a statement of the fact that the new procedure proposed at Madrid has been put into effect. I understand that the German delegate agrees with us that the Committee would be exceeding its competence if it undertook the duties of a kind of court of appeal from the Council's decisions, and that consequently it is not called upon to make any investigations in actual cases that have already been settled, nor to criticise or censure the Council for taking action it was entirely competent to take.

Furthermore, I have the impression that the majority of the speakers were against any attempt to recast the Madrid procedure. In this connection I should like to emphasise
Dr. Curtius (Germany) [Translation].—The German delegation has submitted a draft resolution to the Rapporteur, not because it desires a vote to be taken in the Committee on the draft, but simply in the hope that the Rapporteur will make use of the text in drawing up his report.

We still consider that the Rapporteur should get into communication with the various delegations that have taken part in the debate, and should, in consultation with them, prepare a report that can be unanimously adopted by the Assembly.

I would remind you that the draft resolution which we submitted to the Rapporteur for his information consisted of three parts.

The first part was merely a repetition of the fact that the League is under an obligation to protect the sacred rights of minorities. I do not think anybody here will deny that principle, which is universally accepted.

In the second part, we expressed the desire that the existing procedure should be applied as liberally as possible, that all its inherent possibilities should be exhausted, and that its revision, sooner or later, should it be found inadequate, should be contemplated.