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THE
LEAGUE OF NATIONS
GENEVA, 1920.

REPORT OF
THE SECRETARY AND SPECIAL DELEGATE
OF THE JOINT FOREIGN COMMITTEE
ON
JEWISH QUESTIONS DEALT WITH BY
THE FIRST ASSEMBLY OF THE LEAGUE.

PRESENTED TO THE BOARD OF DEPUTIES OF BRITISH JEWS AND
THE COUNCIL OF THE ANGLO-JEWISH ASSOCIATION, FEBRUARY, 1921

LONDON.

The Joint Foreign Committee of the Board
of Deputies of British Jews and the
Anglo-Jewish Association,
2, Verulam Buildings, Gray's Inn, W.C.1.

1921.



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THE JOINT FOREIGN COMMITTEE
OF
THE BOARD OF DEPUTIES OF BRITISH JEWS
AND
THE ANGLO-JEWISH ASSOCIATION.

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LUCIEN WOLF, Esq.

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REPORT.

1. On November 16, 1920, in view of the approaching meeting of the Assembly of the League of Nations at Geneva, the Joint Foreign Committee passed the following Resolution:—

“Resolved, that the Presidents be empowered to instruct the Secretary to proceed to Geneva to watch Jewish interests during the meeting of the Assembly of the League of Nations.”

Two days later the Secretary learnt that certain constitutional questions affecting Jewish interests had been referred to a special Committee by the Assembly, and that they would come up for consideration within a few days. Thereupon the Presidents acted on the above Resolution, and the Secretary left for Geneva on November 22.

2. The first meeting of the Assembly of the League of Nations was of peculiar importance owing to the fact that its chief task was the completion of the organisation of the League. It had to establish its own procedure, to define the reciprocal relations of itself and the Council, to confirm the organisation of the Secretariat and its powers, to appoint Commissions to manage the various international interests confided to the League by the Covenant and the Treaties of Peace and their annexes, and in many other respects to make of the League a living reality, not only for the preservation of the world's peace, but for the co-ordination and effective development of the whole structure of international life. In this great task the Jewish Communities of the world could not but be deeply interested, owing to the vesting of the guarantee of the Minority Treaties in the League. These Treaties now govern the political life of all the great Jewish Communities of Eastern Europe, and it is to the League of Nations that these Communities will henceforth have to

look as the final guardian of their liberties. Hence it was necessary to watch very closely the evolution of the mechanism of the League, especially in regard to those of its functions by which effect might be given to the important Guarantee clause of the Minority Treaties.

3. The question had preoccupied the Joint Foreign Committee for several months before the meeting of the Assembly, but it was not until July that definite action was taken. It was rendered necessary by a notification from the Foreign Office, that, in view of the guarantee of the Polish Minority Treaty by the League of Nations, complaints in regard to the ill-treatment of Jews in Poland should, in future, be addressed to that body.⁽¹⁾ Communications were thereupon opened with the Secretary-General of the League, and an understanding was reached as to the scope of the recommendations which the Committee might address to the Council in order to secure that the best effect should be given to the League's guarantee of the Minority Treaties. The main object of these recommendations was to ensure swift action on the part of the League in cases of emergency such as pogroms or the imminence of such outbreaks. Cases of this kind had been foreseen by Article 2 of the Polish Treaty, but the Guarantee Article (Art. 12), which is common to all the Minority Treaties, provided no adequate machinery for dealing with them. The Minorities themselves had, apparently, no right of direct access to the League, and all action had to await the initiative of the Council moved by one of its State Members. This circumlocutory procedure might easily involve weeks of delay, during which irreparable mischief could be perpetrated. The Committee accordingly asked for an administrative mechanism which would assure prompt action, and recommended that the right of the Minorities to direct access should be recognised, and that the Secretary-General should be empowered to take appropriate action in cases thus brought to his notice.⁽²⁾ The Committee's Memorial came before the Council at its meeting in Brussels, on October 20, and gave rise to a Report by the Italian Delegate, Signor Tittoni,⁽³⁾ which was adopted by the Council, and which gives the Minorities all that was asked for on their behalf. Their right of direct access is recognised; their complaints are to be immediately communicated, not only to the Members of the Council, but also to the defendant States, and in urgent cases this communication may be made by telegraph, and an immediate meeting of the

¹ Appendix of Documents No. 1.

² *Ibid.* No. 2.

³ *Ibid.* Enclosure in No. 6.

Council summoned. These decisions were reported to the Assembly early in November, and were accepted by that body.⁽⁴⁾

4. Besides providing for prompt action on the part of the Council of the League, the Committee gave close attention to the scheme of the Permanent Court of International Justice, and made certain recommendations in regard to its competence and procedure in cases arising out of infractions of the Minority Treaties. These recommendations were drawn up by a special Sub-Committee appointed on July 7, 1920. They were four in number, and proposed (1) that the cause of action should be settled by the Court; (2) that proceedings should be initiabile by one of the parties to the action; (3) that the hearing of the cases should be in public, and (4) that the Court should be empowered to call expert evidence on questions of religious law or custom involved in the cases tried.⁽⁵⁾ The Hague Committee of Jurists, who drew up the first draft scheme, adopted provisions closely analogous to these recommendations;⁽⁶⁾ but on coming before the Council in Brussels, the Articles dealing with the competence of the Court, which involved Recommendation No. 1 of the Joint Committee, were much modified, and they were still further modified by the Assembly in Geneva.⁽⁷⁾ The Council in Brussels, however, inserted a special new Article which covered one of the points raised by the Joint Committee's recommendation; but although this was based on the procedure enacted by the Hague Convention of 1907, the Assembly deleted it.⁽⁸⁾ The action of the Assembly was founded on the contention that the provisions in the draft scheme were not warranted by the Covenant. Thus Recommendation No. 1 of the Joint Committee, in the form proposed, was lost. If, however, it does not appear specifically in the Statute as finally settled, it may, at any rate, be inferred from the Guarantee Article of the Minority Treaties by which, according to Article 37 of the Statute,^(8a) the procedure in cases arising under them must be governed. This Article stipulates that disputes growing out of these Treaties shall be referred to the Permanent Court on the demand of one of the Parties. It follows that the cause of action will be formulated by the plaintiff Party; and thus the Court, which will either admit or reject it

⁴ "Report by the Secretary-General on the work of the Council," p. 29; "Provisional Verbatim Record," November 17-20, 1920.

⁵ Appendix, Doc. No. 7.

⁶ *Ibid.* Nos. 9 and 10.

⁷ *Ibid.* Nos. 12-15.

⁸ *Ibid.* Nos. 12 and 15.

^{8a} *Ibid.* No. 15.

according to its relevancy to the Treaty, will have a deciding voice in settling it. It is, in short, a necessary consequence of the system of "unilateral arraignment" laid down in the Minority Treaties. Although the general application of this system was rejected by the Assembly, its possibility in special cases—by which, *inter alia*, the Minority Treaties are meant—is admitted by Article 41 of the Statute.^(8a) The Articles embodying the remaining three *desiderata* of the Joint Committee were adopted.^(8a)

5. How far the machinery thus devised will prove adequate for the effective execution of the Minority Treaties is a question which can only be solved by experience. It is impossible to foresee all the cases which may arise from the wide and complicated incidence of the Treaties. There can, however, be no doubt that, especially in regard to the action of the Council, it supplies a valuable procedure for realising the intentions of the Peace Conference. For the rest, both in regard to the Council and the Permanent Court, the Minorities must rely on the spirit with which those bodies envisage the high responsibilities imposed upon them by the Treaties. In this connection, it is gratifying to note the following passage in Signor Tittoni's Report on the Guarantee of the League. Referring to the limitation under which the right of moving the Council to action is reserved to State-Members of the Council, he says:—

"This is, in a way, a right and a duty of the Powers represented on the Council. By this right they are, in fact, asked to take a special interest in the protection of Minorities."⁽⁹⁾

As long as this appreciation of their duty rules in the Executive and Judicial Organs of the League, we need have no fear for the due application of the Minority Treaties. Certain details of the new machinery, especially in regard to the right of access, are still under discussion between the Joint Committee and the Secretariat of the League.

6. One of the most important results of the Secretary's mission to Geneva was a large extension of the *régime* of Minority Treaties in Eastern Europe. Among the new States applying to be admitted as Members of the League were a number of Republics which had been carved out of the old Russian Empire. These included Finland, Lithuania, Esthonia, Latvia, the Ukraine, the Caucasian States, and part of Armenia. In all these States the populations are mixed,

^{8a} *Ibid.*

⁹ Appendix Doc. Enclosure in No. 6.

and some of them contain large Jewish communities, which, in the past, have been subject to oppression and persecution. At the time of the Paris Peace Conference only one of these States, namely, Finland, had been recognised by the Powers, and it was consequently found impracticable to apply Minority Treaties to them. Even in the case of Finland no Treaty was proposed.⁽¹⁰⁾ On November 26 the Secretary addressed a reasoned Note to the Chairman of the Fifth Commission, which had been charged by the Assembly to report on the admission of new States, asking that none of the Republics referred to above should be admitted to membership of the League unless they subscribed the Minority Guarantees which had already been accepted by such Members of the League as Poland and Czecho-Slovakia.⁽¹¹⁾ The Note was at once printed and circulated, and on December 10 Lord Robert Cecil was good enough to bring the question before the Assembly itself, and it was referred to the Commission for consideration and report.⁽¹²⁾ It was then found that, under the terms of the Covenant, it was impossible to impose the proposed condition as such. The Commission however resolved on a strong recommendation requesting that, in the event of the States in question being admitted to the League, they should adopt the principles of the Minority Treaties in agreement with the Council of the League. This solution of the question was adopted by the Assembly on December 15, and was accepted by the Finnish Delegation, subject to the approval of their Government.⁽¹³⁾ The other States were not admitted to full Membership, but there can be no doubt that they will follow the example of Finland. The result of this arrangement will be the addition of no fewer than nine Treaties to the already long list of Minority compacts. For this signal success the thanks of the Jewish community—as of all the racial, religious and linguistic Minorities in the countries concerned—are due in the first place to Lord Robert Cecil, the senior South African Delegate, and Mr. H. A. L. Fisher, one of the British Delegates, both of whom, from the outset, strongly supported the proposals of the Joint Committee. The Delegates of the Alliance Israélite, M. Sylvain Lévi and M. Bigart, also rendered valuable service by their timely intervention with the Members of the French

¹⁰ "Peace Conference, Paris, 1919; Report of Delegation of British Jews," pp. 66-69, 110-111.

¹¹ Appendix, Doc. No. 16.

¹² "Provisional Verbatim Record," Dec. 10, 1920.

¹³ Appendix, Doc. No. 20 and enclosure. See also "Provisional Verbatim Record," Dec. 15 and 16, 1920. Since this was written an important correspondence has passed between the Joint Committee and the head of the Finnish Delegation, in which the good will and intention of the Finnish Government are set forth. (See *infra* Docs. Nos. 21 and 21a.)

Delegation, and by addressing a Note to the Assembly in support of the proposals of the Joint Committee.⁽¹⁴⁾ The Secretary also desires to express his personal acknowledgments to M. Enckell, the Finnish Minister in Paris and head of the Finnish Delegation, and to Professor Westermarck, the eminent representative of the Swedish Minority in Finland, for much helpful sympathy in the settlement of this important question.

7. Two questions relating to infractions of Minority Treaties also engaged the attention of the Committee during the Session of the Assembly. It having been reported in the Press that the Republic of Hungary had made application to be admitted to membership of the League, the Secretary on November 18 addressed a protest to the Assembly on the ground that Hungary was disqualified by certain violations of the Minority Clauses of the Treaty of Peace signed by her at Trianon on June 4, 1920.⁽¹⁵⁾ The violations were contained in an Act passed by the Hungarian National Assembly, which virtually excluded Jews from Hungarian Nationality and imposed upon them educational disabilities. It subsequently transpired that Hungary had not made any application to the League, and the Secretary accordingly asked that the protest should not be submitted to the Assembly.⁽¹⁶⁾ It remains, however, on record, and it will be renewed if at any future time Hungary should make application for membership without having purged herself of her default. It should be explained that no other representations could be made to the League in regard to the Treaty default of Hungary, because the Minority stipulations of the Treaty of Trianon have not yet received the guarantee of the League. When that happens the Joint Committee will, of course, take appropriate action.

8. The second case of infraction concerned Poland. For many months past reports have reached the Committee from which it appears that while no actual pogroms on a large scale have occurred in Poland, the Jewish population live in a state of great insecurity and fail to find adequate protection at the hands of the Government. This constitutes a clear violation of Article 2 of the Minority Treaty with Poland, and the question consequently arose of bringing this deplorable state of things to the notice of the Assembly. In view, however, of the serious political difficulties by which the Polish Republic was then beset, and the evident desire

¹⁴ Appendix, Doc. No. 19.

¹⁵ *Ibid.* No. 22.

¹⁶ *Ibid.* No. 23.

of leading members of the Polish Government to pursue a conciliatory policy in regard to the Jews, it was thought wiser to abstain from such action and to rely upon a direct exchange of views with the Polish Delegates then in Geneva. The Secretary's recommendations on this subject were sanctioned by the Presidents and were approved by many of the leading statesmen then in Geneva. Accordingly, *pourparlers* were opened with the Polish Delegates, MM. Paderewski and Askenazy. From the outset they pursued the friendliest course, and although the Polish Delegates were far from admitting all the charges made against their country, they were ungrudging in their acknowledgments of the moderation and conciliation displayed by the Joint Committee. The result was an exchange of letters, which will be found in the Appendix of Documents attached to this Report.⁽¹⁷⁾ The letter of the Polish Delegates is in many respects a notable document, but it is especially valuable for two reasons. For the first time we have, on behalf of the Polish Government, a public acknowledgment of their obligations under the Minority Treaty and an assurance that they will be scrupulously observed. In the second place, the letter embodies a *quasi* compact with the Joint Committee, under which direct relations are established between the Committee and the Polish Government with a view to the systematic investigation and redress of all reasonable grievances of the Jewish population. There is, of course, nothing in this agreement which deprives the Jewish population of their right of appeal to the League of Nations, should such a course prove necessary at any future time; but there is good reason for hoping that the *entente* now established may endure, and consequently that all litigious action may be avoided. In any case, the Jews cannot be accused of want of patriotism or self-sacrifice in the difficult times through which their country is now passing.

9. One further matter remains to be reported. On the suggestion of Mr. N. Sokolow, President of the Comité des Delegations Juives, it was resolved to present a Memorial to the Assembly setting forth the terrible sufferings of the Jews in Eastern Europe, owing to the pogrom war waged against them mainly in the Ukraine, and asking that the Council should be instructed to appoint a Committee of inquiry. The Secretary signed this Memorial on behalf of the Joint Committee, and it was also signed by Mr. Zangwill as President of the Jewish Territorial Organisation.⁽¹⁸⁾ It was presented to the President of the Assembly on December 8. The Delegates of

¹⁷ Appendix, Doc. Nos. 24 and 25.

¹⁸ *Ibid.* No. 26.

the Alliance Israélite presented a Memorial direct to the Council, in which they especially emphasised the necessity of a control and regularisation of Jewish emigration by the League.⁽¹⁹⁾ Owing to the late date on which the Memorials were presented, and the great congestion of work in the Assembly, it was found impossible to bring them before that body, and, although Lord Robert Cecil called attention to them at the meeting, on December 17, all that could be done was to order them to be printed in the *Official Journal*.⁽²⁰⁾ Consequently, no action was taken on the proposals of the Memorialists, but those proposals still remain, and it may be possible later on to approach the Council with regard to them.

10. In the course of the foregoing Report, the Secretary has made acknowledgment of the very great help he received in the discharge of his duties from eminent Delegates to the Assembly and other influential personages with whom it was his good fortune to come into contact. To this list he desires to add the name of the Grand Rabbin of Geneva, M. Ernest Ginsburger, who was untiring in his efforts to forward every branch of the good work undertaken by the Jewish Delegations, and who also extended to them a gracious hospitality. For the many courtesies and valuable assistance he received from the heads of Departments, and other officials of the Secretariat of the League, he also wishes to record his profound gratitude.

LUCIEN WOLF.

London, January 12, 1921.

¹⁹ Appendix, Doc. No. 27.

²⁰ Evening Edition, Dec. 18, 1920.

APPENDIX OF DOCUMENTS.

I.—THE LEAGUE'S GUARANTEE OF THE MINORITY TREATIES.

No. 1.

(The Secretary to the Presidents of the Joint Committee.)

July 16th, 1920.

I left at the Foreign Office to-day a copy of the telegram from Goldman, ⁽¹⁾ and asked that representations should be made at once in Warsaw. In reply, I was told that the Foreign Office looked upon all these matters as outside their jurisdiction now that the Polish Minority Treaty had been guaranteed by the League of Nations. ⁽²⁾ I replied that it was a little unfair to spring this statement upon me in face of what was apparently a great emergency, and that while I would certainly communicate with the League of Nations, I should feel obliged if the Foreign Office would meanwhile deal with the case I brought before them in the same way as similar cases had hitherto been dealt with. Eventually I was promised that this should be done.

This afternoon I saw Mr. Erik Colban at the League of Nations and discussed the matter with him. We went through the Treaty together, and we found that the League has no powers at this moment to deal with emergency infractions under the Treaty. All alleged infractions must go to the Council under a circumlocutory procedure which would be quite useless where an emergency like the present arises.

We agreed that the Secretary-General ought to be given a discretion to deal with such cases with as much promptitude as the Foreign Office has hitherto dealt with them, and it was arranged that I should address a letter on the subject to Sir Eric Drummond, who will bring it before the Council and ask for a ruling in regard to it.

LUCIEN WOLF.

¹ Telegram relating to threatened pogrom at Lemberg.

² Confirmed by official letter from the Secretary of State on July 17th.

(The Joint Foreign Committee to the Secretary-General of the League of Nations.)

September 2nd, 1920.

Sir,—1. This Committee, which is the only body duly elected and authorised by the Jewish communities of the British Empire to deal on their behalf with questions affecting the security and rights of their foreign co-religionists, has lately had under its consideration the guarantee extended by the League of Nations to the Treaty between the Principal Allied and Associated Powers and Poland of June 28th, 1919; and I am directed to ask you to be good enough to submit to the Council of the League the following expression of their views regarding the machinery for giving effect to that guarantee.

2. The Covenant of the League does not prescribe any procedure for dealing with infractions or dangers of infraction of the obligations imposed by Treaties placed under its guarantee. It is, however, laid down by *aline*a 2 of Article XII. of the Polish Treaty that any Member of the Council of the League of Nations shall have the right to bring such infractions or dangers of infraction to the attention of the Council, and that the Council may thereupon take such action as it may deem proper and effective in the circumstances. My Committee are of opinion that a similar initiative should be reserved to the Secretary-General of the League, and is, indeed, necessary if the guarantee of the League is to be acted upon with due promptitude and efficacy.

3. This procedure will, however, not suffice for dealing effectively with all infractions or dangers of infraction of the Treaties under consideration. It is a relatively leisurely procedure, adequate, no doubt, for the remedy of grievances of a purely constitutional and legal character such as may arise under Articles III.—XI. of the Polish Treaty; but it would scarcely suffice for emergencies which may easily be involved in infractions or dangers of infraction of *aline*a 1 of Article II. of the Polish Treaty, which assures "full and complete protection of life and liberty to all inhabitants of Poland."

4. The object of this stipulation, which is common to all the so-called Minority Treaties, is to provide against outbreaks of mob violence and acts of official oppression which have unfortunately been of frequent occurrence in Eastern Europe. In such cases irreparable mischief may be perpetrated at very short notice, and hence, by the time the Council of the League were seized of the infraction of the Treaty, only questions of possibly inadequate reparation would remain to be considered. Hitherto the practice has been to seek the diplomatic intervention of one or several of the Great Powers, and this has invariably been accorded with a promptitude which, in the great majority of cases, has proved effective. My Committee understand that in view of the guarantee of the Polish and similar Treaties by the League of Nations the Governments of the Great Powers are disposed to regard their responsibilities in cases of this kind as at an end, and they only await the adoption of suitable machinery by the League to decline all further proposals for such diplomatic action.

5. In these circumstances my Committee trust that a procedure will be sanctioned by the Council of the League which will assure the protection of life and

liberty under the Minority Treaties at least as effectively as it has hitherto been assured without those compacts.

6. My Committee venture to suggest for the consideration of the Council that the Secretary-General be invested with a discretion to take such immediate action as may be appropriate in cases of emergency arising under the provisions of Treaties similar to Article II. of the Polish Treaty where such obligations are placed under the guarantee of the League. This discretion should apply not only to actual infractions of the aforesaid Article, but also, and more particularly, to dangers of infraction which may be brought to the notice of the Secretary-General by responsible and duly qualified public bodies.

I am, Sir,

Your most obedient, humble servant,

LUCIEN WOLF.

The Secretary-General,

The League of Nations,

Sunderland House, Curzon Street, W.1.

No. 3.

(Commendatore Anzilotti to the Joint Foreign Committee.)

League of Nations,

Sunderland House, Curzon Street, W.1,

September 10th, 1920.

Sir,—I beg to acknowledge the receipt of your Memorandum of the 2nd instant, containing several suggestions with regard to the Minorities Clauses of the different Treaties and to the guarantee of the League of Nations with respect to such Clauses.

I have the honour to be,

Sir,

Your obedient servant,

D. ANZILOTTI,

Assistant Secretary-General.

Lucien Wolf, Esq.,

Joint Foreign Committee of the Jewish Board of Deputies and the
Anglo-Jewish Association.

No. 4.

(Commendatore Anzilotti to Mr. Lucien Wolf.)

Sunderland House,
Curzon Street, W.1.

September 22nd, 1920.

Dear Sir,—With reference to your official letters of the 16th and 20th instant, (³) I beg to inform you that your Memorandum of the 2nd instant, and the observations that your Committee will make upon the Draft Scheme, shall be forwarded to Monsieur Léon Bourgeois, who has been entrusted by the Council with the Report on this subject. (⁴)

I must, however, warn you that Monsieur Bourgeois will report to the Council at the meeting which will be held at Brussels on the 20th of October next, and, therefore, it is urgent that you communicate to me, as soon as possible, everything you wish to submit to Monsieur Bourgeois.

Yours faithfully,

D. ANZILOTTI.

L. Wolf, Esq.

No. 5.

(The Joint Foreign Committee to the Secretary-General of the League.)

October 5th, 1920.

Sir,—1. I am directed by the Presidents of this Committee to thank you for your letter of the 22nd ult., in which you are good enough to inform me that Monsieur Léon Bourgeois has been entrusted by the Council of the League of Nations with the Report on the Memorandum I had the honour of submitting to you on the 2nd ult., and in which, also, you ask whether my Committee desire to submit any further observations which may be usefully communicated to Monsieur Bourgeois.

2. The Presidents readily avail themselves of your courteous invitation.

3. Since my Memorandum of the 2nd ult. was drawn up the Presidents have been made acquainted with the provisions of the Draft Scheme for the establishment of the Permanent Court of International Justice. They have examined this Scheme with the utmost care in order to ascertain whether it offers any provisions which would enable them to modify the views expressed in my Memorandum. They have found no such provisions, and they doubt whether it would have been possible to introduce any within the scope of the Scheme. The nearest approach to any provision for dealing with emergency cases of the character indicated in my Memorandum is supplied by Article 26, which constitutes the Chamber of Summary

³ Not printed.

⁴ Signor Tittoni was subsequently appointed to report on the questions raised in the Memorandum of September 2nd.

Procedure. This Chamber, however, would be useless in such emergencies as the threatened violation of Treaty stipulations similar to Article II. of the Polish Treaty, seeing that both the contesting Parties must invoke its jurisdiction, and even then it must have been preceded by abortive diplomatic negotiations (Art. 33).

4. But not only does the Scheme not supply any procedure for dealing judicially with emergencies of the kind dealt with in my Memorandum, but it strengthens the case for the diplomatic intervention prescribed in that document, inasmuch as by Article 33 it insists that no dispute of any kind shall be brought before the Court until it has been found impossible to settle it by diplomatic means.

5. Since diplomatic intervention is, therefore, inevitable, the only question is whether it should be undertaken by the League of Nations as the guarantor of the Treaties in question or by one of the States represented on the Council. It was stated in my Memorandum of the 2nd ult. that in view of the guarantee of the League the Governments of the Great Powers are disposed to regard their responsibility in this connection as at an end. This is certainly the case with Great Britain, for on July 17th last Earl Curzon of Kedleston informed this Committee that "in view of the Minority Clauses of the Treaty with Poland which placed the Minorities under the guarantee of the League of Nations" all representations in regard to possible infractions of that Treaty should be addressed to the Secretary-General of the League. In these circumstances the Presidents of this Committee submit that it devolves on the League of Nations to make the necessary diplomatic representations, and, that being so, it follows that the Secretary-General should be entrusted with a discretion to make these representations in emergency cases which cannot be brought before the Council with due promptitude.

6. The Presidents will be much obliged if you will kindly communicate this further expression of their views to Monsieur Léon Bourgeois.

I am, Sir,

Your most obedient, humble servant,

LUCIEN WOLF.

The Secretary-General,
The League of Nations,
Sunderland House, Curzon Street, W.1.

No. 6.

(Mr. Erik Colban to Mr. Lucien Wolf.)

League of Nations,
Geneva, 11th November, 1920.

Dear Mr. Wolf,—I beg to acknowledge receipt of your letter of November 1st. (°)

With regard to the question raised in your letter concerning the Permanent Court of International Justice, Mr. Anzilotti will write to you on that subject. (*)

° Not printed.

* *Infra* No. 12.

With regard to the Protection of Minorities, I enclose herewith a copy of the Report presented by Monsieur Tittoni, and which was adopted by the Council on October 22nd. On the same date, the League's guarantee for the clauses of the Austrian and Bulgarian Treaties was given.

The Czecho-Slovak and Yugo-Slav Treaties have now been registered with the Secretariat of the League, and the League's guarantee will be given at the earliest opportunity.

Yours very sincerely,

ERIK COLBAN.

Lucien Wolf, Esq.,

Secretary to the Joint Foreign Committee of the Jewish Board
of Deputies and the Anglo-Jewish Association.

Enclosure in No. 6.

THE GUARANTEE OF THE LEAGUE OF NATIONS IN RESPECT OF THE MINORITIES
CLAUSES OF CERTAIN TREATIES.

REPORT PRESENTED BY THE ITALIAN REPRESENTATIVE, M. TITTONI, AND ADOPTED
BY THE COUNCIL OF THE LEAGUE OF NATIONS MEETING IN BRUSSELS
ON 22ND OCTOBER, 1920.

Palais des Academies,

Brussels, 27th October, 1920.

The Council of the League of Nations has thought it advisable to determine the nature and limits of the guarantees with regard to the protection of Minorities provided for by the different Treaties.

The stipulations of the Treaties with regard to Minorities are generally defined in the following terms:—

“ The country concerned agrees that the stipulations in the foregoing articles, so far as they affect persons belonging to racial, linguistic, or religious minorities, constitute obligations of international concern, and shall be placed under the guarantee of the League of Nations.”

The stipulations with regard to minorities declare further that the country concerned “ agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.”

The countries concerned have further agreed that any difference of opinion as to questions of law or fact arising out of these articles between the Government concerned and any one of the Powers, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations, which dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice.

Up to the present time international law has entrusted to the Great Powers the guarantee for the execution of similar provisions. The Treaties of Peace have introduced a new system: They have appealed to the League of Nations.

The Council and the Permanent Court of Justice are the two organs of the League charged with the practical execution of the guarantee.

It may be advisable at the outset to define clearly the exact meaning of the term "Guarantee of the League of Nations." It seems clear that this stipulation means, above all, that the provisions for the protection of minorities are inviolable; that is to say, they cannot be modified in the sense of violating in any way rights actually recognised, and without the approval of the majority of the Council of the League of Nations. Secondly, this stipulation means that the League must ascertain that the provisions for the protection of minorities are always observed.

The Council must take action in the event of any infraction, or danger of infraction, of any of the obligations with regard to the minorities in question. The Treaties in this respect are quite clear. They indicate the procedure that should be followed.

The right of calling attention to any infraction, or danger of infraction, is reserved to the Members of the Council. This is, in a way, a right and a duty of the Powers represented on the Council. By this right they are, in fact, asked to take a special interest in the protection of minorities.

Evidently this right does not in any way exclude the right of the minorities themselves, or even of States not represented on the Council, to call the attention of the League of Nations to any infraction, or danger of infraction. But this act must retain the nature of a petition, or a report pure and simple; it cannot have the legal effect of putting the matter before the Council and calling upon it to intervene.

Consequently, when a petition with regard to the question of minorities is addressed to the League of Nations, the Secretary-General should communicate it, without comment, to the Members of the Council for information. This communication does not yet constitute a judicial act of the League, or of its organs. The competence of the Council to deal with the question arises only when one of its Members draws its attention to the infraction, or the danger of infraction, which is the subject of the petition or report.

The State interested, if it is a Member of the League, is informed at the same time as the Council of the subject of the petition. As a matter of fact, the Secretariat-General has for some time adopted the procedure of forwarding immediately to all the Members of the League any documents forwarded for the information of Members of the Council. This information, which may give the State concerned an opportunity of submitting to the Members of the Council such remarks as it may consider desirable, does not, however, partake of the nature of a request of the League for information with regard to the subject of the petition, nor yet does it imply, with regard to the State concerned, the obligation of furnishing evidence in its defence.

Any cases where, as the result of the petition, the intervention of the League seems to be urgently necessary, the Secretary-General may also adopt the above procedure, but in view of the urgency of the case, he will forward the petition in question to the Members of the Council as soon as possible (by telegraph if he think it advisable).

Each Power represented on the Council may demand that an urgent Council meeting be summoned in accordance with the provisions of the regulations in force.

This precaution will have the object of preventing any sudden act of oppression of minorities.

If the Council approves of the interpretation which I have had the honour to develop, it might adopt the following resolution:—

Resolution.

The Council invites its Members to draw the very special attention of the Governments to the conclusions arrived at in the present report.

II.—THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

No. 7.

(First Report of the Sub-Committee of the Joint Foreign Committee.)

The Sub-Committee, consisting of the undersigned, were appointed by resolution of the Joint Foreign Committee on July 7, 1920,

To consider whether any recommendations should be submitted to the Advisory Committee of Jurists, charged with the preparation of a scheme for a Permanent Tribunal of International Justice, with a view to the protection of Jewish interests in cases coming before the Tribunal, and if so, to draft such recommendations.

The Sub-Committee have not deemed it necessary to deal with questions of general organisation and procedure. In view of the precedents afforded by the organisation and rules of procedure adopted for other International Arbitral Tribunals, and notably the schemes for Permanent Courts of Arbitration set forth in the Hague Conventions of June 29th, 1899, and October 18th, 1907, for the Pacific Settlement of International Disputes, they are convinced that, in its general scope, the scheme on which the Advisory Committee of Jurists are now engaged will satisfy all the ordinary requirements of litigants and of the interests represented by them.

The Sub-Committee have accordingly confined themselves to the consideration of such rules of procedure as may be calculated to affect most directly specific Jewish interests, especially in connection with cases arising out of the Minority Treaties (⁷) guaranteed by the League of Nations.

The most important question with which the Sub-Committee have had to deal relates to the settlement of the terms of reference in cases originating in alleged violations of the Minority Treaties. This question is important for the following three reasons:—

1. The promptitude with which cases may be submitted to the Tribunal, or even their submission at all, may largely depend upon the procedure on this point;
2. The rules hitherto adopted in regard to it are not uniform; and
3. The practice suggested in Article XIV. of the Covenant of the League of Nations, which deals with the establishment of the International Tribunal, and that indicated in the Minority Treaties (*e.g.*, Article XII. of the Treaty with Poland of June 28th, 1919), are wanting in precision as well as uniformity.

⁷ The term Minority Treaties is used throughout this Report as a short title for the stipulations affecting persons belonging to racial, religious, or linguistic Minorities, contained in Treaties between the Allied and Associated Powers on the one part and Poland, Austria, Czecho-Slovakia, Serbia, Roumania, Bulgaria, Greece, etc., on the other part, and placed under the guarantee of the League of Nations

Hitherto the procedure in the great majority of International Arbitrations has been to leave the settlement of the terms of reference—the so-called *compromis*—to the litigants themselves. This has often involved long negotiations which have not only delayed the Arbitrations, but in many cases have failed altogether, and have thus prevented any Arbitration from taking place. This unsatisfactory method still prevailed when the first Hague Convention was signed. In the second Convention, however, an important reform was effected. While Article LII. admitted the old procedure as a general rule, Article LIII. prescribed an alternative in certain cases by which the Tribunal was declared competent to settle the *compromis* by its own initiative if the Parties in dispute failed to arrive at an agreement by diplomatic means.

It is this Rule which the Sub-Committee recommend for adoption in disputes arising out of the Minority Treaties. They feel justified in making this recommendation by the terms of *alinea* 3 of the Guarantee Article of the Treaties themselves.

It is true that under Article XIV. of the Covenant of the League of Nations the older Rule would seem to be prescribed, inasmuch as the disputes which the Tribunal is therein declared competent to determine are described as those “which the *Parties* thereto submit to it.” This, however, is quite elastic enough to admit of exceptions in the sense of Article LIII. of the second Hague Convention referred to above. Such an exception is clearly indicated by *alinea* 3 of the Guarantee Article common to all the Minority Treaties, and which, in the Polish Treaty, runs as follows:—

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

As, according to this stipulation, the option of referring disputes to the Permanent Tribunal may be exercised by one alone of the Parties, it would obviously be unreasonable to leave the preparation of the *compromis* entirely to the mercy of diplomatic negotiation between the two Parties.

For these reasons the Sub-Committee have drafted Nos. 1 and 2 of the Rules contained in the appended Recommendation.

The second point dealt with by the Sub-Committee relates to the degree of publicity to be given to the hearing of cases dealt with by the Tribunal. By Article LXVI. of the second Hague Convention it is stipulated that the hearings shall only be held in public if the Tribunal so decide with the assent of the Parties. A discretion of this kind is, no doubt, necessary in certain cases involving delicate questions of international comity, but the Sub-Committee are of opinion that it is undesirable, and may even prove mischievous, in cases arising out of the Minority Treaties. These cases will deal for the most part with acts of oppression and persecution, not only involving political and civil rights, but even life and liberty. It is very unlikely that in such cases the assent of the defendant Party to a public hearing would be easily obtained. The result would be that the judgments of the Tribunal would lack much of the moral force which would be created in public opinion by the publicity given to the proceedings.

For this reason the Sub-Committee are of opinion that all cases arising out of the Minority Treaties should be heard in public, and they have drafted Rule 3 in the appended Recommendation accordingly.

The only other point with which the Sub-Committee have judged it necessary to deal relates to evidence on questions of religious law, custom, and usage. These questions are likely to arise under several of the articles of the Minority Treaties (*e.g.*, Arts. II., VII., VIII., and XI. of the Polish Treaty), and it is important that evidence in regard to them shall be given in the most impartial, authoritative, and comprehensive form. The Sub-Committee accordingly propose, by the Draft Rule 4 contained in the appended Recommendation, that the Tribunal itself shall be empowered to call for expert evidence in addition to that presented by the Parties. There is, it is true, no precedent for this suggestion in either of the Hague Conventions, but it must be remembered that those compacts did not contemplate the determination of disputes relating to religious law. On the other hand, in the Rules of Procedure of the Anglo-Chilean Tribunal of Arbitration of 1894 there is an Article (Art. XII.) under which the Tribunal reserved to itself the power "of its own will" to order "further investigations" after the cases for the Parties had been closed. This is substantially identical with the stipulation now suggested by the undersigned in regard to religious questions coming before the Permanent Tribunal.

Recommendation.

The following is the text of the draft Rules of Procedure agreed upon by the Sub-Committee:—

1. In cases of disputes of an International character which arise out of stipulations affecting the rights of racial, religious, and linguistic minorities contained in Treaties guaranteed by the League of Nations, and which, on the demand of any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be referred to the Permanent Tribunal of International Justice, the Tribunal shall be competent to determine the issue to be adjudicated upon should the parties to the said dispute be unable to agree upon terms of reference within a period of one calendar month dating from the commencement of proceedings.

2. Proceedings in such cases shall be deemed to have commenced when one of the Parties files with the Secretary-General of the Tribunal a notice of the existence of the dispute.

3. The hearing of all cases arising out of alleged violations of the Minority stipulations of Treaties guaranteed by the League of Nations shall be in public.

4. In all questions of religious law, custom, or usage arising out of the aforesaid disputes, the Tribunal shall be empowered to call expert evidence in addition to any such evidence presented by the Parties to the disputes.

The Sub-Committee recommend that the above Rules be submitted forthwith to the Advisory Committee of Jurists with an expression of a hope that it may be found possible to embody them, or Rules to the same effect as the context may determine, in the Rules of Procedure of the Permanent Tribunal of International Justice.

E. N. ADLER.
H. S. Q. HENRIQUES.
LUCIEN WOLF.

London, July 23rd, 1920.

No. 8.

(*Mr. Lucien Wolf to Commendatore Anzilotti.*)

August 3rd, 1920.

Dear Sir,—With reference to your letter of the 6th ultimo, and in continuation of my letter of the 8th, I have the honour to inform you that at a meeting of my Committee held last Thursday the enclosed Report of the Sub-Committee on the Permanent Tribunal of International Justice (*) was unanimously approved and adopted, and I was instructed to communicate to you the recommendation therein contained. I need not add anything by way of explanation of the draft rules of procedure embodied in the recommendation, as a full *exposé des motifs* will be found in the Report itself.

My Committee will be glad if you will have the kindness to submit this Report and recommendation to the members of the Advisory Committee of Jurists, and to acquaint me with their views in due course.

I am, Dear Sir,

Faithfully yours,

LUCIEN WOLF.

Commendatore Anzilotti.

No. 9.

(*Commendatore Anzilotti to Mr. Lucien Wolf.*)

League of Nations,

4, Great Stanhope Street,

London, W., August 24th, 1920.

Dear Mr. Wolf,—In reply to your letter of the 23rd instant, (**) concerning the Jurists Committee scheme, I beg to assure you that that scheme gives satisfaction to the points of view of the Joint Foreign Committee.

I regret to say that I am unable to communicate the scheme to you, even confidentially, before the Council of the League of Nations has authorised its going outside the Council and the Secretariat. As soon as such an authorisation has been given I will not fail to forward the scheme.

Yours faithfully,

Lucien Wolf, Esq.,
Joint Foreign Committee.

D. ANZILOTTI.

No. 10.

(*Second Report of the Sub-Committee of the Joint Foreign Committee.*)

The Sub-Committee met on September 29th to consider the following documents:—

1. Draft Scheme for the establishment of the Permanent Court of International Justice prepared by the Advisory Committee of Jurists.
2. Report on the Draft Scheme by M. Albert de Lapradelle to be presented to the Council of the League of Nations at Brussels on October 20th, 1920.
3. Letter from the Secretary-General of the League stating that M. Léon Bourgeois would report to the Council on the Recommendations of the Joint Committee and asking that any further observations the Committee might desire to present should be sent in as soon as possible.

* See *Supra* No. 7.

** Not printed.

The Sub-Committee have duly examined Documents 1 and 2, and they beg to report that, in their opinion, the four Recommendations contained in their Report of July 23rd last are fully satisfied by the provisions of the Draft Scheme.

This will be seen by a reference to the parallel texts of the Recommendations and the corresponding Articles of the Draft Scheme appended to this Report.

With regard to the verbal differences between the two texts the Sub-Committee desire to submit the following observations:—

1. The main difference between the Recommendations of the Sub-Committee and the corresponding Articles of the Draft Scheme is that the latter apply in general terms the procedure sought to be established by the Recommendations specifically for actions arising out of the Minority Treaties. It must not be assumed from this that there is any doubt as to the application of this procedure to such actions: It is intended to apply to the whole range of work confided to the Permanent Court, and of this work the Minority Treaties form an integral part. Nor is this a matter of inference only, for M. de Lapradelle, in his Report (p. 33), calls special attention to the Minority Treaties and formally asserts the competence of the Permanent Court to deal with cases arising out of them.
2. In one important respect the Articles concede even more than the Sub-Committee ventured to suggest. By Recommendation 1 they proposed a restriction of the old practice of making actions before International Tribunals dependent on special Conventions, previously negotiated between the Parties. The object of this was to avoid delay and to defeat possible evasions of the jurisdiction of the Court. The Draft Scheme, however, sweeps away the whole system of special Conventions, and in this respect assimilates the procedure of the International Court to that of National Courts. The initiation of proceedings, as proposed in the Sub-Committee's Recommendation 2 rests with the plaintiff State, and the Court itself decides whether the case is one which comes within its jurisdiction. Thus all possibility of evasion or delay is effectively obviated.
3. Recommendation 3, which deals with the public hearing of cases under the Minority Treaties, does not find its obligatory terms reproduced in Art. 45 of the Draft Scheme, but, in effect, the object of the Recommendation will be attained. Hitherto International Tribunals have sat in secret, and it was only under exceptional circumstances that any part of the proceedings could be held in public. This process is now reversed. Publicity is a normal condition of the Permanent Court, and it is only at the request of one of the parties, accompanied by a statement of reasons, that the public can be excluded. Even then the Court retains its right to refuse the application for secrecy. The Sub-Committee do not doubt that in cases arising out of the Minority Treaties the Court will always give due weight to the reasons for obligatory publicity set forth in their Report of July 23rd, 1920.
4. With regard to Recommendation 4, which proposes the taking of independent expert evidence when questions of religious law are involved, all that need be said is that it is fully comprised in the wider terms of Art. 49 of the Draft Scheme, with which it corresponds. The Court being empowered to seek independent expert evidence on all or any of the issues before it, it will rest with the Party interested to see that this power is exercised for the proper elucidation of questions of religious law. On this point, too, the Sub-Committee trust that the observations contained in their Report of July 23rd will not be lost sight of.

With regard to the general character of the Draft Scheme, the Sub-Committee are happy to recognise that their anticipation, contained in their former Report, that it "will satisfy all the ordinary requirements of litigants and of the interests represented by them" has been abundantly realised. There is, however, one point on which they venture to suggest that some further precision is necessary. Art. 61 permits States who are not directly concerned in the case to intervene as Parties when the question at issue is the construction of a Convention to which they are also Parties. Would this apply to a group of identic Conventions like the Minority Treaties? Obviously the intention is that it should so apply, but the Article does not say so. If the right of intervention is conceded to all the Parties to identic Conventions, then another and a very important question arises. By Art. 28, if one of the Parties is represented on the Bench by a judge of its nationality the other Party can claim to be similarly represented. Would this enable all the Parties to the group of Minority Treaties to appoint judges of their respective nationalities when the construction of one of these Treaties is in dispute? It is true that Art. 28 declares that: "When several Parties make common cause they shall only count as one," but this does not seem to satisfy the requirements of National representation. It is of great importance that any doubt upon these two points should be clearly and definitely set at rest. Already nine Minority Treaties have been signed or are in process of negotiation, and if in any case arising out of any of these Treaties all their signatories can claim to be represented on the Bench the judicial balance of the Permanent Court would be seriously compromised.

One further point remains to be noticed. By Art. 31, of the Draft Scheme, the litigants before the Permanent Court can only be States, that is to say that private individuals or corporations, as such, cannot bring actions. M. de Lapradelle, however, makes the interesting and important statement that in laying down this rule the Committee of Jurists recognised that it would probably have to be modified in the future, and that accordingly Art. 31 was formulated "without prejudice to any subsequent development of the Permanent Court of International Justice" (Report, p. 33). This has considerable importance in connection with appeals under the provisions of the Minority Treaties. When those Treaties were framed it was widely felt that the right of appealing to the Permanent Court should be vested in the Minorities themselves and not necessarily in the guaranteeing States. This project was only abandoned because it was impossible at the time to indicate, in all the countries concerned, the precise public bodies to whom the exercise of the right should be entrusted. The views of the Committee of Jurists on this point afford ground for hope that this defect of the Treaties may at some future time be remedied.

With regard to Document 3, the Sub-Committee resolved to recommend that this Report shall be communicated to the Secretary-General of the League of Nations, and that in a covering letter it shall be suggested that the attention of the Permanent Court be directed to the views of the Sub-Committee in regard to public hearings and the taking of expert evidence as set forth in their Report of July 23rd, 1920.

In view of the urgency of the letter from the Secretary-General of the League it was further resolved to ask the Presidents of the Joint Committee to authorise the Secretary to make this communication forthwith.

E. N. ADLER.

H. S. Q. HENRIQUES.

LUCIEN WOLF.

London, Oct. 1, 1920.

APPENDIX.

The following is the comparative table of the Recommendations of the Sub-Committee and the corresponding Articles of the Draft Scheme referred to in the foregoing Report:—

SUB-COMMITTEE'S RECOMMENDATIONS.

1. In cases of disputes of an international character which arise out of stipulations affecting the rights of racial, religious and linguistic minorities contained in Treaties guaranteed by the League of Nations, and which, on the demand of any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be referred to the Permanent Tribunal of International Justice, the Tribunal shall be competent to determine the issue to be adjudicated upon should the parties to the said dispute be unable to agree upon terms of reference within a period of one calendar month dating from the commencement of the proceedings.

2. Proceedings in such cases shall be deemed to have commenced when one of the parties files with the Secretary-General of the Tribunal a notice of the existence of the dispute.

3. The hearing of all cases arising out of alleged violations of the Minority stipulations of Treaties guaranteed by the League of Nations shall be in public.

4. In all questions of religious law, custom or usage arising out of the aforesaid disputes, the Tribunal shall be empowered to call expert evidence in addition to any such evidence presented by the parties to the disputes.

ARTICLES OF DRAFT SCHEME.

Art. 34. Between States which are Members of the League of Nations the Court shall have jurisdiction (and this without any special convention giving it jurisdiction) to hear and determine cases of a legal nature concerning:

(a) The interpretation of a treaty.

(b) Any question of international law.

(c) The existence of any fact which, if established, would constitute a breach of an international obligation.

(d) The nature or extent of reparation to be made for the breach of an international obligation.

(e) The interpretation of a sentence passed by the Court.

The Court shall also take cognisance of all disputes of any kind which may be submitted to it by a general or particular convention between the parties.

In the event of a dispute as to whether a certain case comes within any of the categories above mentioned, the matter shall be settled by the decision of the Court.

Art. 35. When a dispute has arisen between States, and it has been found impossible to settle it by diplomatic means, and no agreement has been made to choose another jurisdiction, the party complaining may bring the case before the Court. The Court shall, first of all, decide whether the preceding conditions have been complied with; if so, it shall hear and determine the dispute according to the terms and within the limits of the next Articles. (See above.)

Art. 38. A State desiring to have recourse to the Court shall lodge a written application addressed to the Registrar.

The application shall indicate the subject of the dispute, and name the contesting parties.

The Registry shall forthwith communicate the application to all concerned.

He shall also notify the Members of the League of Nations through the Secretary-General.

Art. 45. The hearing in Court shall be in public, unless the Court, at the written request of one of the parties, accompanied by a statement of his reasons, shall otherwise decide.

Art. 49. The Court may, at any time, entrust any individual, bureau, commission, or other body that it may select, with the task of carrying out an enquiry, or giving an expert opinion.

No. 11.

(The Joint Foreign Committee to the Secretary-General of the League.)

October 5th, 1920.

Sir,—1. With reference to your letter of the 22nd ult., (¹⁰) in which you are good enough to invite this Committee to submit their observations on the Draft Scheme for the establishment of a Permanent Court of International Justice, to Monsieur Léon Bourgeois, I am directed by the Presidents to transmit to you, for the information of Monsieur Bourgeois, the accompanying Report of the Sub-Committee which was entrusted by this Committee with the study of the Scheme.

2. You will observe that the Sub-Committee report that, in their opinion, the Recommendations of this Committee have been fully met by Articles 33, 34, 38, 45 and 49. They trust, however, that in the event of the Council of the League desiring to make any modifications of these Articles the views and Recommendations of this Committee, as expressed in their Report of July 23rd, will be brought to the attention of the Council. They also venture to suggest that this Report shall be communicated to the Permanent Court of International Justice so that, if the judges deem it desirable, account may be taken of its views in any application of the aforesaid Articles in cases arising out of the Minority Treaties.

3. The only question unconnected with the Recommendations of this Committee with which the enclosed Report deals has reference to the provision in the draft scheme for appointing judges of the nationalities of the Parties in its bearing on cases in which the construction of one of the Minority Treaties may be involved. The Presidents will be obliged if you will kindly draw the attention of Monsieur Bourgeois to the observations of the Report (pp. 4-5) on this question.

I am, Sir,

Your most obedient, humble servant,

LUCIEN WOLF.

The Secretary-General,
The League of Nations,
Sunderland House, Curzon Street, W.1.

No. 12.

(Commendatore Anzilotti to Mr. Lucien Wolf.)

League of Nations.
Permanent Court of International Justice
Advisory Committee of Jurists.
Peace Palace, Geneva,

11th November, 1920.

Dear Mr. Wolf,—Referring to your letter of November 1st (¹¹) to Mr. Colban concerning the outcome of the Council Meeting at Brussels, I beg to answer your question as to the plans for the Permanent Court of International Justice.

The Council decided to submit as its own to the Assembly for its approval the Hague Court Scheme, with a certain number of amendments. These amendments

¹⁰ *Supra* No. 4.

¹¹ Not printed.

were mainly inspired by the consideration that the Council was not authorised to propose to the Assembly the adoption of rules which would, in the opinion of the Council, imply modifications in the Covenant. For this reason the old Articles 33 and 34 were replaced by the following:—

Article 33.

The jurisdiction of the Court is defined by Articles 12, 13 and 14 of the Covenant.

Article 34.

Without prejudice to the right of the parties according to Article 12 of the Covenant to submit a dispute between them either to judicial settlement or arbitration or to enquiry by the Council, the Court shall have jurisdiction (and this without any special agreement giving it jurisdiction) to hear and determine disputes, the settlement of which is by Treaties in force entrusted to it or to the tribunal instituted by the League of Nations.

In order to point out, however, that the Council did not in any way disapprove of the idea of compulsory jurisdiction, it expressed a view to the effect that the International Conferences for the Advancement of International Law proposed in the recommendations of the Hague Committee should be instructed to study the question of conferring upon the Court of Justice the right of compulsory jurisdiction.

The Joint Foreign Committee wanted a procedure by unilateral arraignment in minority disputes in order to make possible urgent action. Alternatively, the Joint Foreign Committee wanted to have the system of *quasi-compromis* adopted. The unilateral arraignment having been left out of the project as submitted to the Assembly (except in so far as covered by Treaties in force), the *quasi-compromis* has instead been introduced in the form of a reference to the Hague Arbitration procedure of 1907. This provision is to be found in the proposed new Article 36*bis*, which runs as follows:—

When the parties to a dispute agree to submit it to the jurisdiction of the Permanent Court of International Justice, the Court shall in the first place apply the rules of procedure which may have been laid down in the agreement, and, in the second place, in so far as they are applicable, the rules of procedure contained in the Hague Convention of 1907 for the pacific settlement of international disputes, always provided such rules are consistent with the provisions of Articles 36, 37, 39, 49 and 59 of the present Convention.

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I shall be glad to give you any further information on the above subject which you may desire.

Yours very faithfully,

D. ANZILOTTI. •

Lucien Wolf, Esq.,
Joint Foreign Committee of the Jewish Board of
Deputies and the Anglo-Jewish Association.

No. 13.

(Report of the Secretary to the Presidents.)

Hotel d'Angleterre, Geneva,
December 1st, 1920.

Having heard that the revised Draft Scheme of the Permanent Court of International Justice had had rather a bad time in Commission No. 3, I called on M. Anzilotti this afternoon and asked him whether he could tell me exactly what had happened. He said that so far as my preoccupations were concerned the scheme remained practically unaltered. Article 36*bis* has been suppressed and Articles 33 and 34 have been completely remodelled. Nevertheless our interests are safe. The provision remains that in cases provided for by Treaty the jurisdiction of the Court is obligatory without any special agreement between the parties. We consequently get our three points, viz. :—

1. Compulsory jurisdiction.
2. Unilateral arraignment.
3. Decision of the cause of action by the Court.

Compulsory jurisdiction—that is to say, in the Minority Treaties—is given in virtue of the provision cited above. Unilateral arraignment is provided by the Treaties themselves and is confirmed by the decision of the scheme that in such cases it shall have jurisdiction “without any special agreement between the parties.” The decision of the cause of action by the Court, on which we laid a special stress, is now obtained as a consequence of unilateral arraignment inasmuch as the prosecuting State will formulate it in its application to the Court, and the Court will either admit it or reject it according to its relevancy to the terms of the Treaty.

I expressed satisfaction with M. Anzilotti's explanation, but said I should have preferred a more explicit concession of our points. On general grounds I was disappointed with the Amendments. The rejection of compulsory jurisdiction in non-Treaty cases left International Arbitration practically where it was. The suppression of Article 36*bis* was still worse, inasmuch as it abolished the excellent procedure laid down in the Hague Convention of 1907, and was thus a distinctly retrograde step. Still, these were matters which did not concern my Committee directly.

LUCIEN WOLF.

No. 14.

(Memorandum by the Secretary.)

2, Verulam Buildings,
Gray's Inn, London, W.C.1,
December 20th, 1920.

I received this morning from Geneva the complete text of the Statute of the Permanent Court as adopted by the Assembly of the League on the 13th instant. I am sorry to say that the modifications of the articles referred to in my Report of December 1st go further than I had hoped, and that the concessions to us are not as definite as I anticipated in my provisional report placed before the Joint Committee last Wednesday. The jurisdiction of the Court in regard to cases referred to it under the Minority Treaties remains compulsory, but there is no definite statement that these cases shall come before the Court without a special agreement. On the other hand, it is not laid down that in such cases a special agreement shall be required; and hence we are thrown back on the Treaties themselves, which state that proceedings may be initiated on the demand of one of the Parties. Moreover, Article 40 of the new scheme specifically admits the possibility of unilateral arraignment.

ment, and this it seems to me can only refer to cases arising under the Guarantee Clause of the Minority Treaties. The situation thus created is not unfavourable to us, but is vaguer than I had hoped, and we must rely upon the Court itself to accept the plain meaning of the Guarantee Clause when the first case under the Minority Treaties comes before it.

This, of course, only refers to the first of our recommendations as originally sent in to the Committee of Jurists and accepted by that body. The acceptance of all our other recommendations remains.

LUCIEN WOLF.

No. 15.

(Extracts from the Statute of the Permanent Court of International Justice.)

Article 31.—If the Court includes upon the Bench no judge of the nationality of the contesting parties, each of these may proceed to select or choose a judge. . . . Should there be several parties in the same interest, they shall be reckoned as one party only. Any doubt upon this point is settled by the decision of the Court.

Article 36.—The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force.

Article 37.—When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the Court will be such tribunal. The Court shall apply International conventions, whether general or particular, establishing rules expressly recognised by the contesting States.

Article 40.—Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the contesting parties must be indicated. The Registrar shall forthwith communicate the application to all concerned.

Article 46.—The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

Article 50.—The Court may, at any time, entrust any individual, body, bureau, commission or other organisation that it may select, with the task of carrying out an inquiry or giving an expert opinion.

Note by the Secretary.

Article 31, set forth above, gives satisfaction to a point raised in the second report of the Sub-Committee of the Joint Foreign Committee (*Supra* Doc. No. 10), and specially recommended to the attention of the reporter on the draft scheme in a letter from the Joint Foreign Committee on October 5, 1920 (*Supra* Doc. No. 11). Article 36 makes the jurisdiction of the Court compulsory in cases arising out of the Minority Treaties, and the effect of the quoted extract from Article 37 is to impose upon the Court in all such cases the rules laid down in the Guarantee Article of those Treaties. Article 40 gives effect to recommendation No. 2 of the Joint Foreign Committee (*Supra* Doc. No. 7), and is also important for its admission that the Court may deal with cases other than those brought before it by special agreement; that is to say, by "unilateral arraignment." Articles 46 and 50 cover recommendations Nos. 3 and 4 of the Joint Committee (*Supra* Doc. No. 7), to which, in substance, they give satisfaction.

III.—THE ADMISSION OF NEW STATES AND MINORITY GUARANTEES.

No. 16.

(*Mr. Lucien Wolf to the President of the Fifth Committee.*)

Hôtel d'Angleterre, Genève,

November 26th, 1920.

8881

To His Excellency the President of the Fifth Committee of the First Assembly of the League of Nations.

The Undersigned, duly authorised by the Joint Foreign Committee of the Board of Deputies of British Jews and the Anglo-Jewish Association, has the honour to submit to Your Excellency and the Members of the Fifth Committee the following observations on the proposed admission of certain new States to the Membership of the League of Nations.

1. Nine of the States now seeking admission have not yet been recognised by all the Powers. They are, with the exception of Albania, States which formerly formed part of the Russian Empire, and all of them contain mixed populations in regard to religion, race, and language.

2. It would seem, from the terms of the Covenant, and more especially Articles 1 and 10, that admission to the League implies recognition of the status of the Members as "fully self-governing communities" by all the Signatories of the Covenant. Thus the action of the League becomes substituted for the former action of the Great Powers in admitting such States to the family of Nations.

3. In these circumstances, the Undersigned submits that the admission of such States to the League shall be governed by the same conditions as those hitherto laid down by the Great Powers for recognition of their sovereign status.

4. One of these conditions which has been described as "the established procedure of the Public Law of Europe," and which has been consistently applied for over a hundred years, is that all new and enlarged States seeking the recognition of the European Concert should be required to give guarantees in the form of a binding international Convention, undertaking to comply with certain principles of government, more especially in regard to the equitable treatment of religious, racial, and linguistic minorities.

5. Five of the original Members of the League, namely Greece, Poland, Rumania, Yugo-Slavia, and Czecho-Slovakia, in their capacities of new or enlarged States, were required to sign such Conventions before they were recognised by the recent Peace Conference in Paris. Hence, in their cases, the signature of such Conventions was virtually a condition of their admission to the League, and it would be unfair to admit other States, similarly situated, without imposing such conditions.

6. Apart from the fact that the nine States referred to above all contain religious, racial, and linguistic minorities, eight of them have inherited from the Russian Empire, of which they were formerly integral parts, traditions in regard to the treatment of minorities which, if continued or revived, may seriously imperil the social peace and political stability of those States.

7. For these reasons, the Undersigned respectfully submits to the President and Members of the Fifth Committee, that if any of the States herein referred to are granted Membership of the League of Nations, they shall be required to sign Conventions embodying clauses providing for the equitable treatment of religious, racial, and linguistic minorities in the forms, varied according to the circumstances of each State, adopted in analogous cases by the recent Peace Conference in Paris.

LUCIEN WOLF.

Secretary and Special Delegate of the Joint Foreign Committee, etc

No. 17.

(*M. Paul Mantoux to Mr. Lucien Wolf.*)

League of Nations,
Geneva, November 29th, 1920.

Dear Sir,—I am instructed by the Secretary-General to acknowledge the receipt of your letter of November 26th, which we are communicating, according to your desire, to the ten members of the Committee dealing with the admission of new States.

Mr. Lucien Wolf,
Hôtel d'Angleterre,
Genève.

Believe me,
Faithfully yours,
PAUL MANTOUX

No. 18.

(*The Alliance Israélite to the President of the Assembly.*)

Alliance Israélite Universelle,
Paris, 10 Decembre, 1920.

Monsieur le Président,—La reconnaissance des droits des minorités est étroitement liée à la naissance de la Société des Nations. C'est à la Société des Nations que les traités passés avec la Pologne, la Tchéco-Slovaquie, la Yougoslavie, la Roumanie; etc., ont confié le soin de contrôler l'application de ces droits spéciaux. Il a paru que les Etats nouvellement nés ou profondément transformés devaient être défendus contre les explosions intemperantes d'un nationalisme néophyte qui tendrait fatalement à opprimer les éléments ethniques, linguistiques ou confessionnels les moins nombreux.

A l'heure où de nouveaux Etats sollicitent leur admission à la Société des Nations, l'Alliance Israélite, protectrice traditionnelle d'une minorité religieuse si souvent persécutée, croit devoir élever la voix pour demander à la Société des Nations qu'elle reclame des postulats une adhésion expresse aux stipulations qui concernent les droits des minorités. Dans le cas de la Finlande, en particulier, qui doit être résolu prochainement, sans prétendre en aucune manière incriminer les intentions de ce nouvel Etat, l'Alliance se croit obligée de rappeler que les lois finlandaises frappent de défaveur les confessions autres que la religion luthéreinne. Encore en 1917, au mois de novembre, le Diète a adopté une loi qui impose aux juifs indigènes, desirieux d'acquérir la nationalité finlandaise, les mêmes conditions, qu'aux Russes immigrés ou aux étrangers; de plus les droits confrérés en vertu de cette nationalisation sont plus restreints que ceux dont jouissent les nationaux de confession luthérienne. La Finlande aura certainement à cœur de donner cette garantie de bon et libre gouvernement qu'implique la reconnaissance, des droits des minorités. Si la lettre du Pacte de la Société des Nations ne permet pas à la Société d'imposer cette clause à ces nouveaux adhérents, il ne lui est point interdit de provoquer de leur part une déclaration spontanée qui règle la question. Toutes les minorités accueilleront avec reconnaissance une mesure qui, quelle qu'elle soit, les préservera dans le présent et dans l'avenir contre les entraînements accidentels d'une majorité sans contrôle; elles attendent avec anxiété la première décision qui sera prise sur cette grave question.

Agréez, Monsieur le Président, l'assurance de notre très haute considération.
Le Secrétaire, Le Président,
(Signé) J. BIGART. (Signé) SYLVAIN LEVI.

(Extract from the "Verbatim Record" of the Assembly, December 10, 1920.)

THE PRESIDENT: The following text of a resolution which Lord Robert Cecil wishes to propose has been given to me:—

"As a matter of urgency, the Assembly is not prepared to admit any New State into the League unless it will give an undertaking to enter into agreements equivalent to the Minority Treaties already accepted by several other States."

For the Assembly to examine this question it is necessary, according to the Rules of Procedure, that a two-thirds majority should decide in favour of its immediate discussion; otherwise it will have to be referred back to a Committee.

M. VAN KARNEBEEK (Holland): Committee No. 5 meets this evening. I propose that Lord Robert Cecil's motion be submitted to that Committee, which can see whether it is a matter for the Assembly; and then, if necessary, the Assembly can discuss it after hearing the Report of the Fifth Committee.

THE PRESIDENT: It seems to me the proposal of M. Van Karnebeek solves the question. The Fifth Committee, which is entirely competent, will meet this afternoon, so that there will be no delay.

(*Ibid.*, December 16, 1920.)

THE PRESIDENT: We will now take up the application of Finland. I call upon M. Poulett, *Rapporteur*, to address the Assembly.

M. POULETT (Belgium): The Report on the admission of Finland has been in your hands for several days, and therefore I do not propose to refer to it at any length. . . . There is a second point to which I should like to refer, with regard to the guarantee of the rights of minorities. Finland accepts this and agrees to give these guarantees, and she has put it on record in a letter which the Finnish Delegation has addressed to Lord Robert Cecil. The important passage of that letter reads:—

"In requesting to be admitted as a Member of the League of Nations, Finland desires to collaborate effectively and most sincerely in the realisation of the lofty objects that the League has in view, and therefore in regard to the principles which are generally recognised by the League for the protection of minorities."

I therefore call upon the Assembly to give its hearty support to the application of Finland for admission to the League of Nations.

The vote was then taken.

THE PRESIDENT: Thirty-nine States have voted for the admission of Finland. I therefore declare Finland elected into the League of Nations.

(*M. Paul Mantoux to Mr. Lucien Wolf.*)

League of Nations, Geneva.

December 24th, 1920.

Dear Mr. Wolf,—In answer to your letter of December 21st, I send you a copy of the recommendation adopted by the Assembly on the subject of the protection of minorities.

You will remember that as originally drafted by Lord Robert Cecil the proposal was in the form of a resolution. You will be interested to hear the history of its conversion to the lesser degree of a recommendation.

The Assembly referred Lord Robert Cecil's proposal to the Committee on the Admission of States. There was a long debate, in which the British and French Delegations supported Lord Robert. The first opposition came from the Canadian Delegation, who pointed out that the proposal had a bearing only on a European situation, that the League was a world League, and that as representative of an American community he could not vote for a proposal which tended to perpetuate any form of racial or linguistic difference. He pointed out that on the American continent, and generally in the New World, the objects of the leaders of the communities were to merge newcomers into the population, that the newcomers should contribute what was valuable in their characteristics to the whole, but should not form small communities which, in the future, would inevitably lead to fraction. He, therefore, was of opinion that if protection of minorities was necessary in Europe, it should be done by the European community outside the League.

He was followed by M. Motta, President of the Swiss Republic, who, while stating that he himself was a representative of a minority, objected to any new condition being imposed to the admission of a State to the League of Nations. He desired the League to be universal, and felt that if any new condition were imposed, beyond that already in Article I. of the Covenant, this might conceivably be impeded.

Mr. Branting, while agreeing with M. Motta, felt that something should be done for the protection of minorities in Europe.

M. Benes pointed out that, while it was possible and right on the American continent and in countries yet to be populated to attempt to form a single community, this was not possible in Europe. In America you were dealing with deracinés, who came singly, and could, therefore, be merged. In Europe minorities were often of older standing than the majorities who had control of their fates. Besides the attempt to merge minorities in Europe had, in the case of Austria and Germany, been one of the causes of the late war. It was, therefore, a mistake to say that it was purely a European matter. It was really a world problem, and even from the point of view of the New World it was important that the population should not grow up with a sense of inferiority and injustice. As a matter of fact a Minorities Treaty was a protection not only to the minority, but to the majority, as it safeguarded the majority against unjust accusations from the friends of the said minority. M. Benes thought also that one of the best ways in Europe of merging the minorities into the majorities was by removing all causes of discontent by giving them all that they claimed in the way of linguistic, religious, and other

rights. The removal of all disqualifications would make them contented, and gradually they would become unconsciously real citizens of the country they lived in.

M. Viviani suggested that it might be possible by altering the proposal to a recommendation to conciliate the various points of view.

The Sub-Committee was appointed to make a draft. There was a further meeting of the full Committee, and finally the draft I send you was adopted by them, and eventually by the Assembly.

The Finnish Delegation, subject to the approval of their Government and Parliament, accepted the recommendation, stating, however, that they thought their laws already included the principles of the Minorities Treaties.

I hope the above will give you the information which you require for your Committee.

I also send you, herewith, the minutes of the 5th Committee which deal with these problems.

Very faithfully yours,

PAUL MANTOUX.

(Enclosure in No. 21.)

PROTECTION OF MINORITIES IN CERTAIN STATES SEEKING ADMISSION TO THE
LEAGUE OF NATIONS.

RECOMMENDATION ADOPTED BY THE ASSEMBLY AT ITS MEETING HELD ON WEDNESDAY,
DECEMBER 15TH, 1920 (AFTERNOON).

“ In the event of Albania and the Baltic and Caucasian States being admitted to the League, the Assembly requests that they should take the necessary measures to enforce the principles of the Minorities Treaties, and that they should arrange with the Council the details required to carry this object into effect.”

No. 21.

(M. Charles Enckell to Mr. Lucien Wolf.)

Legation de Finlande,
22, Rue de la Paix,
Paris, le 27 Janvier, 1921.

Cher Monsieur Wolf,—Me référant à nos conversations à Genève, en décembre dernier, j'ai l'honneur de vous confirmer que c'est avec un vif plaisir que j'ai pris connaissance de vos vues dans la question des droits des minorités, et je n'ai pas manqué de les porter à la connaissance de mon Gouvernement.

Comme j'ai eu l'occasion de vous le dire, les stipulations concernant les minorités de religion, de race et de langue, en vigueur en Finlande, devraient actuellement être conformes aux principes qui sont à la base des traités de minorités existants. Les principes de la législation finlandaise sont à cet égard identiques à ceux de la

législation des pays scandinaves. Après sa séparation de la Suède, en 1809, la Finlande a, en Etat autonome et constitutionnel, modernisé ses lois. Ayant acquis une indépendance entière, elle désire sincèrement qu'aussi en ce qui concerne la protection des minorités, sa législation soit conforme aux principes généralement reconnus comme justes par les membres de la Société des Nations, et personnellement je serais heureux d'agir auprès de mon Gouvernement en faveur de la réalisation de ces principes.

Agréez, cher Monsieur, les assurances de mes sentiments les plus distingués.

ENCKELL.

No. 21a.

(*The Joint Foreign Committee to M. Enckell.*)

February 3rd, 1921.

My dear Mr. Enckell,—I beg to acknowledge, with many thanks, the receipt of Your Excellency's letter of the 27th ult., which I submitted to my Committee at its meeting yesterday. I am directed to convey to you an expression of the lively satisfaction with which my Committee have learnt of the intentions of your Government in regard to legislation in favour of the rights of Minorities in Finland, and also to assure you of their grateful appreciation of your sympathetic action in this regard.

I do not think that my Committee will intervene in the details of the negotiations which you will doubtless open with the League of Nations on this question except in one respect. As at present advised my Committee believe that the provisions of the present Finnish constitution are calculated to meet almost all the needs of the small Jewish community in Finland. The one exception relates to Nationality. Under the present Law Russian Jews permanently resident or born in Finland can only obtain Finnish Nationality by a difficult process of naturalisation. My Committee are of opinion that in view of the previous relations between Finland and Russia this Law ought to be modified so as to conform to the principles laid down in Article 3 of the Minority Treaty with Poland. That is to say, that Russian subjects permanently resident or born in Finland previously to the outbreak of the late war should be recognised as Finnish nationals *ipso facto* and without the requirement of any formality, subject, of course, to a right of option for Russian nationality. I shall be very grateful to you if you will kindly ascertain the views of your Government on this suggestion.

On all other points my Committee will be satisfied if the same concessions in regard to religious and educational autonomy and linguistic freedom which are granted to the Swedes are equally granted to other religious and racial Minorities.

Pray believe me,

Dear Mr. Enckell,

Very faithfully yours,

LUCIEN WOLF.

His Excellency Mr. Charles Enckell,
Minister of Finland, Paris.

IV.—TREATY DEFAULT OF HUNGARY.

No. 22.

(The Joint Foreign Committee to the Secretary-General of the League.)

November 18th, 1920.

Sir,—The attention of this Committee has been called to a statement in the Press that the Republic of Hungary has made application for admission to the League of Nations, and that this application will be referred to a Commission by the Assembly now sitting in Geneva.

I am directed to ask you to be good enough to communicate to the Assembly the following observations of my Committee on this subject before a final decision is taken :

The Hungarian National Assembly have lately enacted a law in which Hungarian Nationals belonging to the Jewish Race or professing the Jewish Religion are declared to be a separate nationality, and in that capacity are subjected to educational disabilities from which all other Hungarian Nationals are free. The law specifically provides for a percentage restriction of the number of Jewish students admitted to the Superior Schools.

This law constitutes a direct infraction of Articles 56 and 57 (Section VI.; Protection of Minorities) of the Treaty of Peace with Hungary signed at Trianon on June 4, 1920, and also of Article 58 of the same Treaty. These Articles admit and declare to be Hungarian Nationals all persons possessing rights of citizenship, or who have been born within Hungarian territory, who are not Nationals of another State, and they further declare such Hungarian Nationals to be equal before the Law and entitled to the same civil and political rights without distinction as to race, language, or religion.

In view of this infraction of a solemn Treaty obligation, I am directed to submit respectfully that the Hungarian Republic is not entitled to admission to membership of the League of Nations, seeing that the preamble of the Covenant of the League, which also forms part of the Treaty of Trianon, stipulates that one of the main objects of the League shall be "the maintenance of Justice and a scrupulous respect for all Treaty obligations in the dealings of organised peoples with one another," and that Article I. further provides that any State seeking admission to such membership "shall give effective guarantees of its sincere intention to observe its International obligations."

I am, Sir,

Your most obedient, humble servant,

LUCIEN WOLF,

Secretary.

The Hon. Sir Eric Drummond, K.C.M.G.,

The League of Nations,
Geneva.

No. 23.

(Sir Eric Drummond to Mr. Lucien Wolf.)

League of Nations, Geneva,

(Undated.)

Sir,—I beg to acknowledge receipt of your letter of the 18th instant, and to inform you that the Hungarian Government has not made application for admission to the League of Nations. I learn from your verbal communication to Mr. Colhan yesterday that, under these circumstances, you do not desire your letter submitted to the Assembly of the League of Nations.

I am, Sir,

Your obedient servant,

ERIC DRUMMOND,

Secretary-General,

Lucien Wolf, Esq.,
p.t. Hotel Angleterre,
Geneva.

V.—THE JEWS IN POLAND.

No. 24.

(Mr. Lucien Wolf to the Polish Delegates.)

Hotel d'Angleterre, Genève,

November 29th, 1920.

To their Excellencies the Polish Delegates to the Council of the League of Nations.

In confirmation of the verbal communications I have had the honour of making to your Excellencies, I beg to state that for some months past my Committee have been in receipt of letters and reports from their friends in Poland, from which it would appear that the Jews of that country are still the victims of a serious persecution.

Of organised acts of violence on a large scale—the so-called “ pogroms ”—no complaint is made, and my Committee are happy to conclude that, owing to the vigilance of the Polish Government, a great improvement has been achieved in this respect. But the general insecurity of the Jewish population seems to be beyond doubt. A bitter anti-Semitic agitation still troubles the social peace of the Republic and leads to numerous crimes against the Jews which, in the majority of cases, unhappily go unpunished. They are still also the victims of a widely organised boycott. Finally, their political and civil rights as guaranteed to them by the Constitution and by international Treaty are frequently ignored by the authorities, and no redress has been obtainable from the Government. My Committee have not yet fully investigated these charges, but their substantial truth appears to be established by two outstanding facts of indubitable authenticity. The first is the bitterness and magnitude of the anti-Semitic agitation, attested by the incendiary placards which, from time to time, have been posted up in great cities like Warsaw and Posen, and by the inflammatory denunciations of the Jews which appear daily in a large section of the Polish Press. The second is the great emigration of Jewish refugees to Upper Silesia and Eastern Germany, which these harassing conditions have occasioned. We are informed on very good authority that these refugees who have to be relieved from the extremely slender resources of the German Jewish communities number already 75,000 souls.

My Committee have been urged from more than one quarter to bring this deplorable state of things to the knowledge of the Assembly of the League of Nations now sitting in this city. They have resisted these appeals because they recognise the great difficulties with which the Polish Republic has to grapple at this moment, and they do not desire to add to those difficulties. Moreover, they sincerely desire the prosperity and happiness of Poland and the social peace of the Republic, and they are convinced that this can best be achieved by strengthening and not discrediting the Government and by the cultivation of a spirit of patience and mutual toleration and confidence by the Jewish and Christian Nationals of the New Poland. They feel, however, that it is time that a serious effort were made by the Polish Government to deal drastically with this question, and they will be much relieved if they can receive from your Excellencies an assurance that definite steps will be taken in the near future to promote a better feeling between all classes of the population, and more particularly between the Jews and their non-Jewish fellow-citizens. At the same time it will be necessary to secure for the Jews the

fullest respect for their Constitutional rights and the same protection for their lives and property as is extended to every section of the Polish nation.

Meanwhile, my Committee will be very glad to communicate to your Excellencies the reports which have reached them, so that the Government of the Republic may cause investigation to be made into the charges contained in them and grant redress where redress may prove necessary. In taking this course instead of acting on their treaty right to appeal to the League of Nations my Committee believe that they are offering to the Polish Government a convincing pledge of their confidence in the wise patriotism and high sense of justice of the Polish nation. If their attitude in this respect is loyally reciprocated by the Polish Government my Committee feel sure that a happy solution of the Jewish Question in Poland and with it the establishment of social peace throughout the Republic will present no insuperable difficulties.

I have the honour to be,
of Your Excellencies,
the most obedient, humble servant,

LUCIEN WOLF,
Secretary and Special Delegate of the Joint Foreign Committee.

No. 25.

(MM. Paderewski and Askenazy to Mr. Lucien Wolf.)

Délégation Polonaise
auprès de la
Société des Nations.

Genève, December 5th, 1920.

Dear Sir,—We have received your very kind letter stating that the Committee which you are representing have been urged from more than one quarter to bring certain Jewish complaints to the knowledge of the Assembly of the League of Nations now sitting in this city, but that “they have resisted these appeals because they recognise the great difficulties with which the Polish Republic has to grapple at this moment, and they do not desire to add to those difficulties.”

We beg to assure you that we must highly appreciate the noble motives which lead your Committee in resisting the demands for a drastic but sterile action, and that we are glad to know that this distinguished body “sincerely desire the prosperity and happiness of Poland and the social peace of the Republic, and they are convinced that this can best be achieved by strengthening and not discrediting the Government and by the cultivation of a spirit of patience and mutual toleration and confidence by the Jewish and Christian Nationals of the New Poland.”

The Government of Poland will learn with gratification that at last “of organised acts of violence—the so-called ‘pogroms’—no complaint is made.”

As to the charges which have been brought to your attention and seem to give you so much concern, we beg to reply:—

The insecurity is not felt by the Jewish population only. Owing to the state of war and to the continuous invasions insecurity affects in a high degree the whole of the country, and there have been many Christians who have suffered by it, who have lost their properties and lives.

The minority rights guaranteed by the Treaty of Versailles, accepted by the Government, and ratified by the Diet of Poland, though not yet proclaimed by the Constitution which is still being elaborated, have become a law in the country. No discrimination is officially made in regard of race or religion of the citizens,

all of them enjoying the same political and civil rights. Any transgression of this principle, if brought to the knowledge of the Government, will not remain unpunished.

According to your letter, the Committee "have not yet fully investigated these charges," but you quote as positive proofs "two outstanding facts of indubitable authenticity."

(1) "The bitterness and magnitude of the anti-semitic agitation attested by the incendiary placards which from time to time have been posted up in great cities like Warsaw and Posen, etc."

One must remember that the country is at war, that the masses of people are greatly excited, and that the part played by certain notorious persons in the leadership of Russian affairs might to an extent explain this deplorable excitement. We deeply regret the facts quoted, but we sincerely trust that they are of purely ephemeral character.

(2) "The great emigration of Jewish refugees to Upper Silesia and Eastern Germany which these harassing conditions have occasioned. . . ."

This emigration cannot be regarded as the consequence of harassing or of any form of persecution. It is simply due to a cause for which neither the Government nor the people of Poland could be held responsible. The economic conditions in Poland are distressing. Forty per cent. of this year's crops have been destroyed or taken away by the invaders. Food is scarce. Famine is menacing our cities and towns. In spite of it thousands of Jews are daily fleeing from Russia, where the conditions are still worse, and they are seeking refuge in Poland. Those who have some money remain in the country, while the destitute ones migrate further west in the hope of finding some better conditions.

The Polish Government realise the seriousness of the situation, and they are doing all in their power to improve it. They are going to protest against the action of a certain Government which has decided to expel a great number of Jews, natives of Galicia, without granting them the right of option as guaranteed by the Peace Treaty.

We shall be glad to have all the reports which have reached your Committee. We shall immediately communicate them to the Polish Government, and you may be certain that they will be investigated with the utmost impartiality and justice.

The Polish Government will spare no effort and no sacrifice in order to establish throughout the Republic that social peace for which all good men are so earnestly striving, and which is so indispensable for the welfare of mankind. They realise that the relations between the Jewish and Christian Nationals of Poland, though considerably improved, are not yet what they should be. They also realise that a complete solution of this important problem will require some time and patience. But knowing, as we do, the principles and intentions of our Government, we can assure you that they will most loyally and indefatigably endeavour that the problem be solved in conformity with Poland's glorious traditions of the past, in the spirit of toleration and mutual respect, and in a way satisfactory to the entire civilised world.

Thanking you again for your kind and thoughtful letter, we have the honour to remain,

Your obedient servants,

J. J. PADEREWSKI,
S. ASKENAZY.

Mr. Lucien Wolf,
Secretary and Special Delegate of Joint Foreign Committee of the
Jewish Board of Deputies and the Anglo-Jewish Association.

VI.—THE POGROMS IN EASTERN EUROPE.

No. 26.

(The Joint Committee and others to the President of the Assembly.)

Hotel Beau Séjour, Geneva,

December 8th, 1920.

Your Excellency,—The undersigned, on behalf of the representative Jewish organisations whose names are appended, have the honour to invite Your Excellency's attention and the attention of the High Assembly over which Your Excellency presides to the present terrible situation of the great Jewish masses inhabiting the countries of Eastern Europe.

A cry of panic and distress reaches us from large tracts of that immense region. After the appalling trials experienced by the Jewish population, in common with their non-Jewish fellow-countrymen, during the world war, in which they bore their part of sacrifices, of sorrows, and of hopes for a happier future, a fresh and even more frightful storm burst upon them in the shape of a new war—a war of extermination directed exclusively against them—the War of Pogroms. During the past two years the most thickly populated centres of Jewish life have been swept by an endless succession of pogroms. The hecatombs of Proskurov, the massacres of Uman, the carnage of Fastov, the funeral pyres and devastation in hundreds of towns, the seats of ancient Jewish communities, the atrocities and cruelties inflicted, the disasters and agonies suffered, constitute a catastrophe which has no parallel in the troubled history of the Eastern Jews during recent centuries. Brutalised hordes, with no thought but to kill, to dishonour, to burn and destroy, have descended in masses on the Jewish communities, devastating their homes and maltreating and murdering their peaceful and innocent inmates with a bestiality and fury which defy description. Everywhere men and women, old and young, the aged, the infirm, and the helpless, mutilated, tortured, outraged, burnt, buried alive; scores of communities overwhelmed or decimated, their hearths, their cemeteries, their sanctuaries destroyed or desecrated, every house either a ruin or a wailing place; thousands of emaciated fugitives wandering in the forests and hiding in caverns, and—most pitiable of all—many thousands of orphaned children, hungry, naked, and homeless, their young lives poisoned by terror and vagabondage.

Such is the spectacle presented by a large part of the Jewry of Eastern Europe. Never since the middle ages has the Pogrom Monster appeared in such terrible guise. What torrents of blood has he made to flow! How many victims has he deprived of life! What an immense abyss of misery has he dug! On how vast a scale have human law and divine truth been outraged and set at nought! And what, perhaps, is still more terrible is the continuation of the anguish, the haunting fears of every hour, the dread of a final catastrophe which keeps all minds on a poignant alert. Millions of human beings are troubled and paralysed, abandoned to fatalism and despair. This tragedy has not failed to find a response in the hearths of the Jews of all countries, and we believe in those of all good men throughout Europe and America. But help on an adequate scale is difficult to find.

It is to the League of Nations that the suffering populations now turn their eyes in a last effort of hope—to the League which personifies Right, Liberty, and moral authority as against Might, Tyranny, and Violence. We ask of the League a testimony of sympathy which will reassure our sorely tried brethren, the stretching out of a hand which will show them that they are not abandoned, and that there may yet be a chance of lifting their heads and returning to a life of peace, of fertile work, and, perhaps, of happiness.

We beg of Your Excellency to communicate this appeal to the Assembly of the League of Nations. We venture further to ask of the Assembly that it will refer it to the Council and suggest to that body the appointment of a Commission of Inquiry. To that Commission the organisations we have the honour to represent

will be prepared to submit all the evidence they have in their possession, together with suggestions for remedial action.

We have the honour to be,
of Your Excellency,
the most obedient, humble servants,
N. SOKOLOW,
President of the Committee of Jewish Delegations.
LUCIEN WOLF,
Secretary and Special Delegate of the Jewish Board of Deputies
and the Anglo-Jewish Association.
I. ZANGWILL,
President of the Jewish Territorial Organisation.

To His Excellency the President of the First Assembly
of the League of Nations.

No. 27.

(The Alliance Israélite to the President of the Council of the League.)

A Monsieur le Président de la Société des Nations,
Genève.

Paris, le 8 décembre 1920.

Monsieur le Président,

La tragédie de l'Europe orientale qui a déjà fait tant de victimes, et qui suspend sur tant de millions d'êtres des menaces terrifiantes, atteint en particulier la population juive, longtemps comprimée sur un territoire restreint par une politique malfaisante, elle a vu ses villes, ses bourgades, ses villages tour à tour pillés et dévastés par les armées allemandes et russes. D'Odessa à Vilna, des multitudes affolées par l'excès des souffrances appelant au secours, et, désespérées, préparent une immense exode de misère qui a commencé déjà. Les pays d'Outre-Atlantique, voient avec inquiétude arriver les premiers flots des émigrants. Le problème est, dans ses origines, international, le terrain d'où il surgit est partagé entre plusieurs états; une partie même—ce qui fut autrefois "less Territoires" dans l'immensité de l'Empire Russe—n'a pas encore de maître reconnu; des bandes de pillards se la disputent les armes à la main. Par ses contrecoups, le problème est aussi international; un afflux d'étrangers épuisés par la faim, exaltés par les privations, risque de compromettre à la longue l'ordre public et la santé publique. Des enfants orphelins qui par milliers et par myriades errent sur les routes parmi les décombres, ne peuvent attendre que du dehors l'intervention bienfaisante qui les disputera à la mort et à la haine.

Seule la Société des Nations peut aborder dans toute son étendue l'ensemble de ces problèmes redoutables. Elevée au-dessus des intérêts de confession et de race, guidée par des considérations de large humanité, elle peut seule assumer la charge de rechercher et d'élaborer des solutions communes susceptibles d'être appliquées dans la diversité des cas. Si elle n'intervient pas à temps pour donner à ces malheureux le réconfort d'une suprême espérance, une ère de massacres, de violences, de persécutions va s'ouvrir qui sera l'opprobre de l'Univers civilisé.

Au nom de nos frères si cruellement éprouvés, nous supplions la Société des Nations de constituer une commission pour étudier sans retard le problème juif de l'Europe Orientale, et pour rechercher les remèdes possibles dans l'ordre de la reconstitution et de l'émigration.

Veuillez agréer, Monsieur le Président, l'expression de notre considération la plus distinguée.

Pour le Comité Central:

Le Secrétaire:

BIGART.

Le Président:

SYLVAIN LEVY.

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