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## **THE LEAGUE OF NATIONS AND THE PROTECTION OF MINORITY RIGHTS**

### *Abstract*

The minority issues in the era of the creation of nations and nationalism in Europe during the XIX century directly affected the existence of the Ottoman Empire. The minority problems in Southeastern Europe were an indirect generator of the crucial issues on the international stage. If observed from the aspect of a religious protectorate, these issues instigated the Russian-Turkish military clashes and started the wave of national uprisings among the Balkan peoples, which culminated with the Balkan wars. The struggle for supremacy over the Christian population within the Ottoman Empire also affected the Austro-Hungarian Monarchy and the Russian Empire. At a certain moment, even France demonstrated its interest, becoming not only a strategic partner of the Ottomans but also a protector of the Orthodox Christian population on the Balkans during the period from the end of the Crimean War in 1856 until the outbreak of the Great Eastern crisis. Basically, the minorities always existed, although their treatment as a political issue started at the end of the XVIII century. The Versailles system created new states with significant minority groups within their borders. Following the necessity for resolving their status and in accordance with the postulate upon which the new European order was built i.e. the "self-determination of the peoples", international obligations which guarantee the protection of minorities were set. The fulfilment of these obligations was generally guaranteed by the League of Nations, establishing a practice that enabled minorities to submit petitions to the Council of the League of Nations. Step by step, this practice opened the possibility for taking into consideration the minority rights within the frames of the internal law of the states which were part of the sphere of the newly established order. Ever since the creation of the Covenant of the League of Nations, there were several attempts, mainly by the American president Woodrow Wilson, to apply the principles for the religious, language, racial and national minorities.

*Keywords: Versailles system; League of Nations; Woodrow Wilson; Ottoman Empire; protection of minorities.*

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*When more than one nation joins together in one state,  
there will appear a national problem with the minorities,  
and when one nation is divided in several countries,  
appears at least the potential for an international problem.*

**K. A. McCartney**

The minority issues in the era of the creation of the nations and nationalism in Europe during the XIX century directly affected the existence of the Ottoman Empire. The minority problems in Southeastern Europe were an indirect generator of the crucial issues within the international concert. Observed from the aspect of the religious protectorate, these issues inspired the Russian-Turkish military clashes and started the wave of national uprisings among the Balkan peoples, which culminated during the Balkan wars. The struggle for primacy over the Christian population within the Ottoman Empire also affected the Austro-Hungarian Monarchy and the Russian Empire. At a certain moment, even France demonstrated its interest, becoming not only a strategic partner of the Ottomans and protector of the Orthodox Christian population on the Balkan during the period from the end of the Crimean War in 1856 until the outbreak of the Great Eastern crisis. Basically, the minorities always existed, although their question started to be treated as a political issue at the end of the XVIII century. "According to their origins, in the theory, the minorities are divided on three basic groups:

- a. "autochthonous" minorities, which historically lived on one territory as remains from the migrations of other tribes or nations. For them is also used the term "territorial minorities" because of their connection with a certain territory;
- b. "non-autochthonous" or non-territorial minorities, which appeared with the migration movements because of religious, political or economic reasons. This process still happens to the present times;
- c. "new autochthonous" minorities which appear in the contemporary processes of ethnic segmentation and the revival of some already forgotten languages and cultures, which become identification elements for certain groups."<sup>1</sup>

The origins of the international protection of the minorities can be found in the attempts for prevention and patronage of the great European powers over the Christian population in the Ottoman Empire. This protection mainly consisted in the system of capitulations, i.e. had a humanitarian character. The first treaty which was referring to the protection of the Orthodox population within the borders of the Ottoman Empire was signed between the Sublime Porte and the Russian Empire. That was the famous Treaty of Küçük Kaynarca, signed in 1774. According to this treaty, Tsarist Russia got the right to protect the entire Orthodox population within the Ottoman Empire, same as when the western European countries got the protection over the Holy places with the Sultan's firman from 1620.<sup>2</sup> In any case, Pandora's box from which among the numerous other issues came out the minority issues as well was opened after the French bourgeoisie revolution and during the period of Napoleon's wars, when the universal idea of *Liberté, Egalité & Fraternité (Freedom, Equality and Brotherhood)* – inspired the consciousness about the existence of human rights, which in the following period generated its energy into the creation of the national homogenous countries on the European ground. Therefore, these issues

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<sup>1</sup> Ортаковски, Владимир - *Меѓународната положба на малцинствата*, Мисла, Скопје, 1996. p. 25.

<sup>2</sup> Engelhardt, *Le droit d'intervention et la Turquie*, Paris, 1880. p. 18.



directly affected the national Slavic groups on the Balkan, which within the two Empires at the time were minorities. In the following historical circles, the genesis of the Eastern question can also be found in the tendency of the great European powers for the division of the great Ottoman heritage on the Balkan. In a great amount, the idea for pan-Slavism, whose inspirer was the high policy of tsarist Russia, was also aimed towards the Balkan possessions which were inhabited by different Slavic ethnonational groups, which represented the perfect reason for its political interests vis a vis the interests of Habsburg and Constantinople. In any case, observed chronologically, the process of creation of the national countries on the Balkan begun at the Conference in London on 3<sup>rd</sup> of February 1830, with the creation of the national monarchy of Greece. The main condition for the recognition of the Greek independence by the Great powers, was the protection of the religious minorities. On the demand made by France in the protocol of the London Conference from 3<sup>rd</sup> of August 1830, the three Great powers-protectors of Greece, have set the political organization of the new Greek country and in it were projected certain guarantees for the protection of the Catholic minority, to which was secured the right of free expression of religion, the full freedom of consciousness and the equality in the civil and political rights. This at the same time was the first time to be expressed the protection of minorities as a condition for recognizing an independent country.<sup>3</sup> Later on, with the Treaty of Berlin from the 13<sup>th</sup> of July 1878, for the first time were proclaimed the principles of religious freedom and equality of the citizens. These obligations referred mainly to the national and religious minority groups in the Ottoman Empire, as well as to the newly recognized national countries on the Balkan, i.e. Romania, Montenegro, Serbia and Bulgaria.<sup>4</sup>

The obligations stated in the Treaty of Berlin, in Article 4, were set the conditions for the recognizing of the Kingdom of Bulgaria. In this article was envisioned that:

*“...In the localities where are intermixed with Bulgarians, Turks, Rumanians, Greeks or other populations, the rights and interests of these populations shall be taken into consideration the question of the election and elaboration of the organic law.”<sup>5</sup>*

It is certainly clear that the international protection of the minorities until the end of World War I was far from efficient and effective. The decisions, which referred to the protection of the minorities, served more as an instrument for the European powers through which they could start military and diplomatic initiatives in favour of their momentary interests. Therefore, we can conclude that during the entire XIX century and the first two decades of the XX century the protection of the minorities was essentially ineffective and ultimately failed. From there also comes the non-implementation of the preventive activities, which were supposed to condition this protection, and this especially referred to the processes when the minority problems culminated in a full sense of the meaning. This dysfunctionality was mainly due to the failure to incorporate the system of monitoring and sanctioning in the cases when the treaties, which envisioned the protection of the minority groups, were flagrantly violated.

After the end of World War I, on 1<sup>st</sup> of May 1919, at the moment when the Paris Peace Conference has led the hardest negotiations by the powers of the Entente regarding the issue of the preparation of the Constitution of the League of Nation, a special commission was appointed, named Committee for new states. In this commission took membership: France, USA, Great Britain, and

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<sup>3</sup> Martens, F., *Nouveau Recueil des traité set conventionsc on clus par la Russi avec les puissances étrangères*, t. IV, Paris, 1917. p. 438.

<sup>4</sup> (p.n.) Bulgaria was not independent until 1908.

<sup>5</sup> For more on the topic, see: The Treaty of Berlin 1878, in: Христов, Александар, Донеv, Јован - *Македонија во меѓународните договори 1875-1919*, Архив на Македонија, Матица Македонска, Скопје, 1994. p. 69.



later joined Italy and Japan. Among the other obligations, this commission was obliged to construct the rules for the protection of minorities.<sup>6</sup>

On the 10th of May 1919, the Committee of the Jewish delegations handed out the first memoir to the Conference. In it, they demanded a guarantee to the national, religious, ethnic and language rights of the minorities which lived in Bulgaria, Estonia, Finland, Greece, Lithuania, Poland, Romania, Russia, Czechoslovakia, Ukraine, Kingdom of SCS and in the other countries from Eastern and Central Europe. The Committee demanded: 1) civil, religious and political freedom for the people; 2) right of organizing and free development of the national minorities; 3) equality in the status of the separate individuals and the national minorities. All these obligations were to be placed under the protection of the League of Nations and every violation of the same was to be under the jurisdiction of an international court formed especially for that matter. The motives of the memoir were explained with the statement that the Committee submitted its demands, not only for the nine million Jews which represented minority groups in the above-named countries but also for the remaining minorities, which lived in them. In addition, the member of the Jewish delegation, Colonel House, prepared a project consisted of several paragraphs which were to be included in the peace treaty with Germany. The paragraphs were referring to the position of the minorities in Poland. This project has not been observed by the great European powers and was transferred to a specially formed commission within the Committee for new states, which decided that the above-named countries would accept the obligations regarding the protection of the minorities according to the form, which was exposed in the Jewish memoir. Interestingly, Poland, Romania, Greece and Yugoslavia protested against the Committee's decision, arguing that with the same was violated the principle of sovereignty and the principle of the state's unit.

The protection of the national minorities for the first time in an international sense was exposed at the Paris Peace Conference in 1919, but basically, the Pact of the League of Nations did not contain even one decision referring to the rights of the ethnic minorities. The Great Powers within the Pact did not include the clauses of the minorities because they considered that if it were not written on paper, they would not be obliged to respect them. According to that, the protection of the minorities with the Versailles system was not projected as one general rule in the international law, but only as a regional rule which was supposed to be exercised in the countries which with the international treaties or with the one-sided declarations were obliged to the minorities on their territories to enable legal protection and to secure certain rights. The establishing of the instruments for the protection of minorities within the Versailles system was conditioned by the principle of nationality. This principle in 1919 was still not fully formed, mostly because of the results left behind the Ottoman and Austro-Hungarian territorial heritage on the Balkan, and referring to the processes of the final formation of the national countries. In fact, within the borders of entire Europe could exist the same problem which we can recognize regarding Poland, in reference to the Jewish question, etc.<sup>7</sup>

The only political act, which was publicly stated by the League of Nations and was referring to the rights of the national minorities, was the Resolution, which was adopted by the General assembly of the League of Nation on its Third session from 21st of September 1922. With it was demanded that the countries, which were not obliged with the treaties, should also secure for the minorities

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<sup>6</sup> See: *Документи за Македонија*, Едиција документи за Македонија, книга 1, во редакција на проф. д-р. Димитар Гелев, Универзитет „Св. Кирил и Методиј“, Правен факултет „Јустинијан Први“ – Скопје, Скопје, 2008. “Summary of the issues that were discussed in sessions 1 to 64 of Committee on New States”, p. 30 – 39.

<sup>7</sup> Кушевски, Војо, *Македонското прашање во Друштвото на народите*, Менора, Скопје, 2001. p. 44.



on their territories at least: "the same level of justice and tolerance, as it was demanded by the agreements and with the regular action of the Council".<sup>8</sup>

Basically, the discriminatory treatment of the winning countries remained regarding the minority rights, as well as the rights of confession of faith and religion, which were treated as a privilege only for certain groups. Thusly the imagined system did not signify the finding of a final solution to the challenges, which came along with the new national-state entities. The intention to find international guarantees which would secure at least the minimal protection to the minorities, essentially left cracks into the newly drawn borders of Europe, because of which only two decades later one of the reasons for World War II were exactly the issues of the minorities which according to the Versailles system were found in different national countries. Such principle of re-tailoring the geographical map of Europe ever since Paris 1919 created reasonable conditions for some, while for others extremely unfavourable conditions, which was enough to generate jeopardy for the peace on the European ground. In that sense, it is evident that the Versailles system from 1919 did not find a solution, which would seriously cover the minority issues. In its essence: "The League of Nations Minority System, while ultimately considered a failure, nevertheless represented an innovative and far-reaching experiment in the international protection of minority rights. Thus, between 1919 and 1924 some nine treaties, five declarations and four local conventions were concluded, embodying minorities obligations under League guarantees, and elaborate machinery was established, including the role of the Permanent Court of International Justice."<sup>9</sup>

The international protection of the minorities was declaratively secured through the Committee for new state and protection of the minorities, which posed as an auxiliary organ of the General Council of the League of Nations. Still, the process for submitting petitions by the national minorities to this institution was very complicated because of the necessity that at least one of the permanent members of the Council supports the same. Therefore, it was ensured that the right of jurisdiction of the Permanent Court of international justice, in case of a dispute to be authorized institution, which will resolve these issues. This way, with the failure to legitimize the system of protection of minorities, the League of Nations got the function of a collective organ for surveillance and conduction of the minority decisions contained in the peace treaties signed with the defeated countries.<sup>10</sup>

The treaties which represented the established rules for the protection of the minorities brought with the Versailles system are divided into several groups, and they differ accordingly to the method of their creation. In the first group belong the treaties, which on the Paris Peace Conference were ordered to the defeated countries in the peace treaties. The connection between the obligations for the protection of minorities and the peace treaties points out the fact that the new territories were given to these states under the condition that they guarantee the rights to the minorities living in them.

In this category of treaties for the protection of the minorities belong: 1) Article 91, paragraph 1 of the Versailles Peace Treaty from 28<sup>th</sup> of June 1919, signed between the principal allied and associated powers and Germany, and was referring to the right of acceptance of the Polish citizenship of the inhabitants of the countries which remained within the borders of Poland. In Article 93 of the same treaty was declared the obligation of Poland "to protect the interests of

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<sup>8</sup> Vasilevska, Ivanka, *The Versailles System from 1919*, ResPublica, Skopje, 2016. p.348.

<sup>9</sup> Andreevska, Elena, *The National Minorities in The Balkans Under The UN and European System of Protection of Human and Minorities Rights*, Magor, Skopje, 1998. p. 27.

<sup>10</sup> Azcarte, P. De., *League of nations and national minorities*, Washington, 1945, p. 20 – 27.



the inhabitants of Poland who differ from the majority of the population in race, language or religion."; 2) the separate treaty for the protection of the minorities signed between principal allied and associated powers and Poland, signed in Versailles along with the first treaty, put under the guarantees of the League of Nations, on 13<sup>th</sup> of February 1920. This was also the first treaty developed at the Paris Peace Conference, which was referring to the protection of minorities. It served as a template for the further preparation of the remaining treaties. It entered into force on 20<sup>th</sup> of June 1920; 3) from Article 62 to Article 69 of the Saint-Germain Peace Treaty with Austria, signed on 10<sup>th</sup> of September 1919, and entered into force on 16<sup>th</sup> of July 1920. It was placed under the guarantees by the League of Nations on the 22<sup>nd</sup> of October 1919. In its structure it was most similar to the treaty with Poland, with the small difference in the method of setting of the citizenship; 4) the separate treaty for the protection of the minorities signed between principal allied and associated powers and Czechoslovakia, signed at the same time with the Saint-Germain Treaty, on 10<sup>th</sup> of September 1919, entered into force on 16<sup>th</sup> of July 1920. It was put under the guarantees of the League of Nations on 29<sup>th</sup> of November 1920; 5) the separate treaty for the protection of minorities between principal allied and associated powers and the Kingdom of SCS, signed along with the Saint-Germain peace treaty on 10<sup>th</sup> of September 1919, and entered into force on 16<sup>th</sup> of July 1920. It was put under the guarantees of the League of Nations on 29<sup>th</sup> of November 1920; 6) from Article 49 to Article 47 from the Treaty of Neuilly-sur-Seine with Bulgaria, signed on 27<sup>th</sup> of November 1919, entered into force on 9<sup>th</sup> of August 1920. It was placed under the guarantees of the League of Nations on 22<sup>nd</sup> of October 1920; 7) the separate treaty for the protection of minorities between principal allied and associated powers and Romania, signed in Paris on 9<sup>th</sup> of December 1919, entered into force on 4<sup>th</sup> of September 1920. It was placed under the guarantees of the League of Nations on 30<sup>th</sup> of August 1921; 8) from Article 54 to Article 60 of the Trianon Peace Treaty with Hungary, signed on 4<sup>th</sup> of June 1920, and entered into force on 27<sup>th</sup> of July 1921. It was placed under the guarantees of the League of Nations on 30<sup>th</sup> of August 1921; 9) from Article 140 to Article 151 of the Sèvres Peace Treaty with Turkey, signed on 10<sup>th</sup> of August 1920 (ungratified and replaced with the Lausanne Treaty from 24<sup>th</sup> of July 1923); 10) the separate treaty with principal allied and associated powers and Greece (Articles 1 to 14), signed in Sèvres on 10<sup>th</sup> of August 1920; 11) the separate treaty for Thrace (Article 3) between principal allied and associated powers and Greece, signed in Sèvres on 10<sup>th</sup> of August 1920, together with the Sèvres Peace Treaty and replaced with the Lausanne protocol; 12) the separate treaty for the protection of minorities between principal allied and associated powers and Armenia, signed in Sèvres on 10<sup>th</sup> of August 1920, at the same time with the Sèvres Peace Treaty. This treaty remained unchanged because of the Bolshevik and Turkish occupation of the territories which were supposed to be included in the projected Armenian country; 13) from Article 3 to Article 6 from the separate treaty with which the great allied states recognized the annexation of Bessarabia to Romania, signed in Paris on 28<sup>th</sup> of September 1920; 14) from Article 37 to Article 45 from the general peace treaty with Turkey, signed in Lausanne on 24<sup>th</sup> of July 1923, which entered into force on 6<sup>th</sup> of August 1924. This treaty replaced the Sèvres Peace Treaty; 15) the protocol between the principal allied and associated powers and Greece which replaced the treaty with Greece regarding the minorities and Thrace, signed in Lausanne on 24<sup>th</sup> of July 1923, at the same time with the Lausanne Peace Treaty, which entered into force on 6<sup>th</sup> of August 1924.

The second group of treaties for the protection of the minorities, which were signed under the instructions of the League of Nations, without having connections to the peace treaties, were composed in form of declarations. On the first General assembly of the League of Nations, held on 5<sup>th</sup> of December 1920, was sent a general recommendation in favour of the minorities as a



condition for admission of some countries as members in the League of Nations. Those were Albania, the Baltic and some Caucasus countries. The fulfilling of the clauses for the protection of the minorities was connected to the admission of those countries as members of the League of Nations.

As a special group of treaties are considered the treaties for reciprocal emigration of the minorities. In this group belong: 1) The Convention between Greece and Bulgaria signed in Neuilly-sur-Seine on 27<sup>th</sup> of November 1919 (at the same time as the Neuilly Peace Treaty) for the mutual voluntary exchange of national minorities; 2) the Convention between Greece and Turkey signed in Lausanne on 30<sup>th</sup> of January 1923 for mutual exchange of the Turkish subjects from Orthodox confession of faith and the Greek subjects of Muslim confession, with an exception to the Greeks from Constantinople and the Muslims from Western Thrace. In that way, the obligations for the protection of the minorities were assigned only to the following countries: Poland, Czechoslovakia, Kingdom of SCS, Romania, Greece, Armenia<sup>11</sup>, Austria, Bulgaria, Hungary, Turkey, Albania, Finland, Estonia, Latvia, Lithuania and Germany.

Regarding the rights of the minorities under the jurisdiction of the League of Nations, this institution was authorized to prevent any possibility of a military clash between the native country and the country where a certain ethnic minority group belonged after the new territorial division. For these reasons, the League of Nations on the 22<sup>nd</sup> of October 1920 brought a Resolution with which was determined a foundational process for starting and observing the minority issues.

This process provided:

- The right to submit a petition for the countries which were permanent members of the Council of the League of Nations;
- The right to submit a petition by the minorities or their representatives which were delegated by them;
- An alternative for forming commissions that would be authorized to observe these petitions;
- The permission for the commissions to prepare recommendations for the Council of the League of Nations regarding the effecting of the instruments of prevention for protection of the minority rights.

With the Versailles system from 1919, the rights of the minorities in essence did not create any exceptional privileges for the minorities themselves. Therefore, from a formal aspect, the guarantees for the protection of the minorities were taken into consideration, but in practice, they had no use at all, mostly because of the non-existence of a control mechanism from the Council of the League of Nations. "The formal motives according to which the Versailles system was guided while giving the obligations for the protection of the minorities were exhibited in the letter of the French president Clemenceau to the Polish delegate Paderewski. In it, he explained that the Paris Peace Conference with the treaties for minorities did not intend to create a new institution. Further in the letter was stated that the new treaties for the minorities differed by their form from the former conventions which treated these groups. According to Clemenceau, this change of the form represented a necessary consequence and constructed the foundation of the new system of international relations established with the forming of the League of Nations. The guarantees for the fulfilment of the obligations from this sphere were left in the hands of the Great powers, but the experience showed that this treatment in practice did not have any use. With the establishment of the new system, the guarantees were submitted under the jurisdiction of the League of Nations. Therefore, in all the treaties was written one clause according to which the disputes that may have come out from the failure to meet the given guarantees were supposed to be sent for resolving to

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<sup>11</sup> (p.n.) This country will not be independent in the future.



the Permanent Court of International Justice. In that sense, the disputes could spring out from the political sphere and enter the field of the law."<sup>12</sup>

With this, nothing was ever done from the aspect of real protection of the minorities by the countries, which were not ethnically homogenous. For those reasons, the League of Nations did not reach its goal in the protection of the minority rights and in the securing of the implementation of the international treaties which obliged the signing countries to respect the national minority groups. The mechanisms of the League of Nations were not enough, were not effective and allowed the performance of the ethnic segregation, without giving any instrumental ban to its process. The main problem regarding the treatment of protection of minorities within the system of the League of Nations is that there was nearly one decade of activity regarding the setting of the procedure. As a closure to these activities is considered the session held in Madrid on 13<sup>th</sup> of June 1929, on which in the Council arrived a resolution by the Japanese delegate, Adachi. In that resolution it was demanded: a) in case when the Secretary General would determine some petition to be unessential, for his position he should inform the submitters of the petition; b) the president of the Council, when it is necessary, could increase the number of the members of the Committee for protection of the minorities from 2 to 4 members; c) the Committee for the minorities can be assembled on sessions not only when the Council presides, but also in the intervals between its sessions, in order to discuss the complaints; d) when the Committee for the minorities will evaluate that a complaint does not have a background to be put in the agenda of the Council, it is obliged to inform the members of the same regarding that issues; e) the Secretary General is obliged to submit equally to all the members of the Council all the letters which the different committees for minorities have sent to the members of the Council; f) the Committee for minorities will have the obligation in accordance to the interested parties, to publish the results of the discussed complaints; g) the Secretary General will publish at the same time before the official bodies of the League of Nations the following statistics: 1) the exact number of signed petitions; 2) the exact number of unaccepted petitions; 3) the exact number of accepted petitions given for studying to the Committee; 4) the exact number of the appointed committees for minorities; 5) the exact number of the discussed petitions by the committees.

We can conclude that: "The treaties ending the 1914-1918 war, in their provisions relating to the protection of minorities by the League of Nations, did not speak of 'national minorities, but of minorities of 'race, language and religion'. This expression, however, is by no means wholly satisfactory from the standpoint of terminology, given the lack of relationship between race and language on the one hand, and religion on the other".<sup>13</sup> With the abuse of such ineffective treatment of the minorities, the states used all the mechanisms which led to forceful assimilation of the national minorities which were found in their territorial borders. It is also certain that "any legal machinery for the protection of minorities, or perhaps more properly speaking, for the guarantee of specifically recognized minorities rights, would gain considerably in efficacy if the minorities for which the machinery is established were clearly defined", as will note Azcàrate. In any case, the experience of the revision of the map of Europe, above all of Central Europe made by the Peace Treaties of 1919 based on peoples national considerations were not applied in an absolute form. That is why the protection of minorities instituted by the Peace Treaties from the Paris Conference in 1919 was purely political. The object of protection of minorities which those treaties committed to the League of Nations was to avoid the many inter-state frictions and conflicts which had

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<sup>12</sup> See in: Пржић, Илија - *Заштита мањина*, Београдски универзитет „Правни факултет“, Београд, 1933. "Original transcript of the letter of Clemenceau to Paderewski". p. 108.

<sup>13</sup> Azcàrate, *League of nations and national minorities...* (q.w.), p. 3 - 4.



occurred in the past, as a result of the frequent ill-treatment or oppression of national minorities. This represented the crack through which gradually sifted the totalitarian regimes, which completely ruined the picture of democracy and liberalism throughout entire Europe.

With the Versailles system, the new countries were created, locating a great number of minorities within them. Because of the necessity of resolving their status and according to the postulate upon which was built the new European order, i.e. the "self-determination of the peoples", the international obligations were set which were guaranteeing the protection of the minorities. The practice of these obligations was generally guaranteed by the League of Nations, establishing the practice with which the minorities got the right to submit petitions to the Council of the League of Nations. This practice, step by step, created the possibility to take into consideration the minority rights in the internal law of the countries which were part of the sphere of the newly established order. Ever since the creation of the Pact of the League of Nations a few attempts were made, mainly by the American president Woodrow Wilson, in order for the principles for the religious, language, racial and national minorities to be applied. In his vision, as it was written in the so-called Second draft of Wilson, was planned that the following article will be implemented:

*"The League of Nations will demand from all the new states to be obliged, as a condition to be recognized as independent and autonomous states, that they will respect all the racial or national minorities in their legislature through the securing of a completely equal treatment and securing of the racial and national majority of their population, in a both legal and factual sense."*<sup>14</sup>

However, these efforts did not come to fruition, and therefore, the final draft version of the text of the Pact did not remain even one paragraph that would specifically mention the protection of the minorities. The powers of the Entente surpassed the universalization of the minority issues in the main document of the League of Nations because they feared the possibility that if they raise the awareness for the rights of the minority groups, they would lose control over their enormous imperial possessions. Because of this, the British leadership advocated for the minority issues to be treated on a secondary level, i.e. over the base of the system of treaties with which the Entente signed the peace pacts with the defeated countries in World War I.

From the aspect of the international law, the international instruments which covered the protection of the minorities after the war, as we stated earlier, were: a) the special minority treaties signed during the Peace Conference in Paris; b) the special chapters contained in the general peace treaties and c) the special chapters contained in the other treaties. As instruments of international protection of the minorities after the war are also taken into consideration: the unilateral declarations sent to the Council of the League of Nations, as well as the especially important international instruments i.e. the Conventions for protection of the minority rights, which did not fall under the direct protection of the Council of the League of Nations. Besides the Conventions for a reciprocal exchange of populations between Greece and Bulgaria and between Greece and Turkey, within this group are also: *the Convention between Poland and Gdańsk for the minorities in the free Gdansk in the free city of Danzig* from 9<sup>th</sup> of November 1920, and *the Treaty between Poland and Czechoslovakia* from 1925. Aside from the protection of the minorities to the Council of the League of Nations, they could also submit their questions to the Permanent Court of international justice. In essence, these were not original solutions because the same can be found in the decisions of the Peace treaty for a religion of Augsburg in 1555, in the Peace of Westphalia, the Treaty of Vienna from 1815 as well as in the Treaty of Berlin from 1878.

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<sup>14</sup> Miller, Hunter, David, *The Drafting of the Covenant*, Vol. 1, Putnam and Sons, New York, 1928. p. 91.

For these reasons, it is evident that these international instruments at the international conference in Paris in 1919 constituted a more serious, although unsuccessful, attempt for the protection of the minorities from the possible maltreatment and injustices of any kind. In fact, we can freely conclude that the goal of establishing the corpus minority issues within the Versailles system did not consist in the intention to resolve the minority issues but to construct proper methods, which would prompt intervention. This approach, from both political and legal, and of course from psychological aspect as well, represented a very sensitive area which often was led into collision with the individual interests of the countries, and at the same time threatened to distort the already established international relations. It is obvious that the system of minority issues after the war was limited exceptionally to the weaker countries, and especially treated those countries, which were defeated in the same war. In no existing sense, this system could be implemented in the internal law of all the states-members of the League of Nations. Therefore, the international problematization of the issues from the minority corpus slipping through its historical progress, entering the phase when they culminated in the concentration camps, or, in the slightly better version, in the emigration in the countries of the new world.

### **Bibliography:**

1. Ортаковски, Владимир - *Меѓународната положба на малцинствата*, Мисла, Скопје, 1996.
2. Engelhardt, *Le droit d'intervention et la Turquie*, Paris, 1880.
3. Martens, F., *Nouveau Recueil des traité set conventionsc on clus par la Russi avec les puissances étrangères*, t. IV, Paris, 1917.
4. Христов, Александар, Донеv, Јован - *Македонија во меѓународните договори 1875-1919*, Архив на Македонија, Матица Македонска, Скопје, 1994.
5. *Документи за Македонија*, Едиција документи за Македонија, книга 1, во редакција на проф. д-р. Димитар Гелеv, Универзитет „Св. Кирил и Методиј“, Правен факултет „Јустинијан Први“ – Скопје, Скопје, 2008.
6. Кушевски, Војо, *Македонското прашање во Друштвото на народите*, Менора, Скопје, 2001.
7. Vasilevska, Ivanka, *The Versailles System from 1919*, ResPublica, Skopje, 2016.
8. Andreevska, Elena, *The National Minorities in The Balkans Under The UN and European System of Protection of Human and Minorities Rights*, Magor, Skopje, 1998.
9. Azcarte, P. De., *League of nations and national minorities*, Washington, 1945.
10. Пржић, Илија - *Заштита мањина*, Београдски универзитет „Правни факултет“, Београд, 1933.
11. Miller, Hunter, David, *The Drafting of the Covenant*, Vol. 1, Putnam and Sons, New York, 1928.