



The Legal Status and Protections of Minority Groups

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Introduction

Out of the end of the Great War in 1918, and the collapse of the Austro-Hungarian, Ottoman, and Russian Empires, emerged a new dawn of contentions, issues and groups. None held greater promise, or threatened more chaos, than the rights of the world's religious and ethnic minorities.

With the elevation of *National Self-Determination* as a new bedrock principle for the international community, stressed in the 1919 *Treaty of Versailles*, new rights have been formalized. But with new rights come new tensions, between old states and newly recognized minorities, between needy and sometimes assertive groups, and often fearful or assertive states. Balancing the rights of minorities with the needs to states is the challenge facing the League of Nations.

In some cases, ethnic and international pressure was so powerful, it caused the greatest Empires to fracture into new nations. Prominent cases were the reemergence of an independent Poland, and the creation of new states in Central and Southeast Europe, such as Czechoslovakia and Yugoslavia. Minorities around the world looked on as the treaties signed as part of the post-war peace process gave a few independence and the others hope.¹



The Conference of the League of Nations meets in Geneva, Switzerland, September 1923. Topical Press Agency/Getty Images

As part of the conclusion to the Great War, these treaties not only created new states, they promised international respect for minority groups within state borders and called for the protection of groups that did not get outright independence.²

After witnessing massive inhumanities like Turkey's genocidal treatment of its Armenian minority, or the forced removal of millions of minority subjects after the war, the scale of the challenge was well understood. As attacks on groups like the Jews worsened through the 1920s and 1930s, there were calls for effective protections.

Though the goals of the post-Great War international community were lofty in protecting

¹ Fink, Carole. "The League of Nations and the minorities question." *World Affairs* 157, no. 4 (1995): 197

² Helmer Rosting, "Protection of Minorities by the League of Nations," *American Journal of International Law* 17, no. 4 (1923): 641



minority groups from harsh treatment, especially in Central and Eastern Europe, hundreds of groups were left out. They saw the precedents for minority protection but did not enjoy the effects themselves. The status of minority rights was even more tenuous in other parts of the globe.

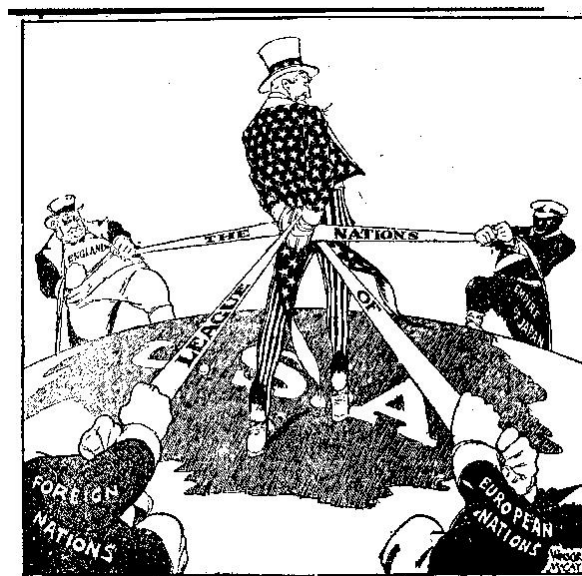
Sometimes this was due to prejudice and hate. In other cases, it was because the states ruling them had no intention of giving up authority. Colonial powers like Britain, France, Portugal and the United States wanted to keep their empires. Japan and Italy wanted to create new empires. And some like the Soviet Union were trying to preserve what they inherited.

To ensure minority groups were protected within all states, the League of Nations worked with mandates to enforce the standards of the international community upon any states which neglected or abused its minorities. Yet the ability to carry out protective operations remained undefined beyond the original treaties.³

Minority groups and their international supporters sought League assistance throughout the 1920s and 1930s. This usually amounted to minority-advocacy delegations, sent to Geneva to protest discriminatory practices or oppression. Sometimes the League sent fact-finding commissions to investigate and report back. Because the Member States of the League preferred to balance their own interests, these steps rarely lead to effective action⁴

Regardless of the outcome of their specific appeals, the League of Nations remained the principle forum for ethnic and religious minorities to be heard. In the later 1930's it served as a forum to discuss gender discrimination in legal codes.

Yet, for the Member States of the League of Nations, the question became one of balancing the rights of individual groups on one hand, and their relationship with the state accused of oppressing that group on the other.⁵ In most cases the issue for the League is one compounded into addressing the power of the accused state while attempting to construct a coalition of states into action despite those states pursuing their own relationship with the accused state. Fully aware that issues of minority rights could trigger another World War, Member States saw the need to act, but also tread cautiously.



Not for everyone; the United States resists pressure to act with the League.

The League and Minority Rights

The Great War was initiated by intense feelings of minority national identity, uprising, and discontent. This was most extreme in the

³ Fink. "The League of Nations and the Minorities Question." 197

⁴ Ibid, 198

⁵ Ibid, 201



Austro-Hungarian, Russian and Turkish Empires. These feelings did not dissipate following the War. They continued to percolate within the within newly formed states and Great Powers alike.

Along this swelling discontent with the status quo within minority groups was the rise of *humanitarianism*.⁶ Though humanitarianism existed before the Great War, the War brought forward issues of human suffering into focus for several international non-governmental organizations which saw opportunities in the League.⁷ These groups, like the International Committee of the Red Cross and minority advocacy groups, mostly limited their calls to action within the League's mechanisms. The most prominent calls for League assistance occurring during Turkey's Armenian Genocide of 1915-1917, although those calls did nothing to save the Armenians of Turkey.⁸

Most cases brought to the League's attention were from Eastern European states. Typically a Member State raised concerns about treatment of its fellow nationals within the borders of their neighbors. Persisting in these areas were historic animosities which represented the legacies of the collapsed Imperial systems, such as intense feelings of distrust for ethnic Germans in Poland, including attempts to strip those people of the rights of citizenship, property, and to suppress the use of their native language.⁹

Most League members were especially worried the post-war danger of revolution. With the Soviet Revolution just a few years before in 1917, and the Soviet Union new supporting

minority revolutionaries around the world, tensions were high.

Most unsettled were minority rights movements in the remaining colonial empires of prominent Member States. This feeling served as a the most significant form of opposition to the establishment of a universal code of minority rights, which had been called on before within the League.¹⁰

The ever-growing list of minority and ethnic groups pressing for humanitarian help and rights of self-determination makes the issue impossible to deny. They affect the entire League membership. The condition of minorities like the Jews of Germany is a major problem of the international community. The rise of governments bent on territorial expansion like Hungary, Italy and Japan further threatens the situation of vulnerable minorities.

While the start of the League's concerns with minority protections began in the ashes of the Great War, the League of 1937 may hear cases brought forward from a variety of differing contexts and states. Though discrimination is not unfamiliar to League members, the security of minority groups persists as a concern for the League to address. If a Second World War is to be avoided, minority needs must be addressed, and balanced against the needs of the Member States.

Developing Issues and Legal Quandaries

The current situation for the Member States of the League is one where a diverse variety of

⁶ Helmar. "Protection of Minorities by the League of Nations," 657

⁷ Watenpugh, Keith David. "The league of nations' rescue of Armenian genocide survivors and the making of modern humanitarianism, 1920–1927." *The American historical review* 115, no. 5 (2010): 1320

⁸ Ibid, 1320

⁹ Helmar. "Protection of Minorities by the League of Nations," 657

¹⁰ Fink. "The League of Nations and the Minorities Question." 201



minority groups have approached Geneva seeking arbitration on a host of issues related to their status within their home states. There remains a commitment from the League to help maintain the international order, of which minority security plays a role; however, there remains hesitancy within most states to act for fear of recognizing minority assertiveness. This fear has served to severely limit the amount of issues brought forward to the Council at large for discussion, unless those issues are supported by a state.

Therefore, is no real consensus on the security and protection of ethnic and religious minorities within the League's Council. Still though, two blocs within the League itself regard addressing the issue of minority security; one of favor of expanding minority protections into a universal system and one opposed to such expansion. This has remained rather complicated within League politics, due to several major powers like France and Britain opposing such measures while emerging powers like the Soviet Union champion such ideas and have aligned themselves with less powerful states in Asia and Africa.

Thus, a debate regarding the efficacy of current legal precedents regarding the treatment of minority groups within League members within the Council persists. Of principle concern in 1937 is the Committee for the Study of the Legal Status of Women and the protection of Jewish Minorities.

Recently formed, the Committee for the Study of the Legal Status of Women has sought to inquire about and protect the rights of women throughout League membership and improve their rights when possible. These concerns initially focused on nationality and continued to

grow in scope regarding the status of international marriage, citizenship, and domestic legal status.¹¹ Proponents of a generalization of women's rights in the League include: Brazil, Chile, Denmark, Norway, Sweden, Finland, Iceland, the Union of Socialist Soviet Republics, the Women's Consultative Committee on Nationality, Pan-American Union, and the Inter-American Commission of Women.¹²



League headquarters: Palais des Nations, Geneva, opened 1936

Anti-Semitism has been brought to the League continually as an issue for examination since the League's founding. With the retirement of Germany from the League due to critiques regarding their treatment of Jewish minorities in 1933, the International Jewish Community celebrated the first favorable action from the League regarding their repeated claims in the Bernheim Petition of 1933 which suspended anti-Jewish legislation in Upper Silesia under the argument it violated the German-Polish Convention of 1922.¹³ But this year that convention is set to expire, and as a primary component of the League's minority protections system the status of the German-Polish

¹¹ Eisenberg, Jaci. "The status of women: a bridge from the League of Nations to the United Nations." *Journal of International Organizations Studies* 4, no. 2 (2013): 10

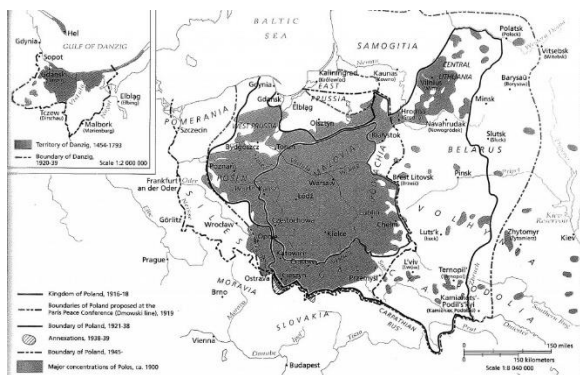
¹² *Ibid.* 14

¹³ Engel, David. n.d. *Minorities Treaties*. Accessed September 10, 2019. https://yivoencyclopedia.org/article.aspx/Minorities_Treaties.



Convention will be important beyond Europe.¹⁴ Major players in the protection of Jewish communities: The European Minorities Congress, Alliance Israelite Universelle, American Jewish Committee, Comite des Delegations Juives, and the Joint Foreign Committee of the Board of Deputies of British Jews and the Anglo-Jewish Association.¹⁵

The League will still act when the conditions enable it to do so. The primary avenue for addressing the concerns of minority groups lies in the League’s *Committees of Three*. This advises on whether items will be brought before the Council writ large and potentially voted on to go to the International Court of Justice at the Hague.¹⁶



When the map does not help: Polish minorities in Eastern Europe in the 1920s

Once the Committees of Three decides something requiring League attention has taken place, and it is within the scope of the League of Nation’s abilities and international legal codes to address, it then sends the case to be reviewed by the League’s Council.¹⁷ The Committees of Three are the primary interface between concerned minority groups and the League. Importantly though, the Member State accused of misconduct regarding minorities is still allowed to vote on all resolutions, including resolutions concerning accusations against them. Assuming the League Council or Assembly reviews the results from the Committees of Three, and a resolution is passed then several actions can be undertaken:

Role of the League of Nations

There are three different objectives for the League of Nations regarding the status and treatment of ethnic and religious minorities. There is initially the concern of the enforcement of the treaties which were signed at the conclusion of the Great War and League conventions decided upon to protect minorities. Prominently, of most importance to the League though is the maintenance of peace and the balance of power within the system, to the detriment and benefit of the states within itself. Finally, to a lesser extent there is the desire to protect the minorities, however small, mixed, or motivated those desires may be.

- Draft a new international treaty to protect the specific minority group. A treaty creates standards for action and obligations in international law. It sets terms for the offending state and calls on Member States to act.
- Create a new Mandate Territory for the minority group, an autonomous, independent or semi-independent territory, usually ruled by a Member State under the guidance of the League.
- Establish of a Commission to investigate claims or recommend actions to address a minority situation.

¹⁴ *ibid.*

¹⁵ *Ibid.*

¹⁶ Fink. “The League of Nations and the Minorities Question.” 200

¹⁷ *Ibid.* 200



- Bring the issue to the Permanent Court of International Justice for adjudication.

However, there are limits. Amid these actions, the League still has paths its Member States may resist. Predominantly, the desire of the League Members to maintain the peace means most are unwilling to adopt revolutionary approaches to address minority issues. With fears of another World War in mind, most do not wish to risk upsetting international order. Most want nothing to do with anything that might compel them to go to war or to invade other states. Furthermore, the League Members are hesitant to undermine the sovereignty of Member States or even non-members like Mexico (before it joined in 1931) or the United States.

The need to help is offset by a strong fear of empowering minority groups at home. This restrains several prominent Member States from creating aggressive international legal norms or codes for minority protection. In the actual history of the 1930s, the League's actions were influential, but limited in scope, capability, and enforcement. All too often, Member States chose to leave the League rather than accept its pressure, as was the case for Germany in 1933.

Whether the League can do any better in this simulation remains to be seen.

Landmark Resolutions

The League had some successes when it has felt it has been able to act in the international system. Of greatest significance were resolutions, norm setting, and the creation of

internal League structures to address minority issues. Of particular note was the *German-Polish Convention of 1921*, the *Mandate System*, and the creation of the *Committee of the Study of the Legal Status of Women*.

Initially, [The German-Polish Convention Concerning Questions of Option and Nationality](#), commonly termed the *German-Polish Convention* of 1921, assisted in establishing a prominent set of norms and legal precedent to be utilized in Eastern Europe.¹⁸ This Convention was created by the League to enable a speedier resolution of concerns from the ethnic German and Polish minorities within Poland and Germany.¹⁹ In terms of League precedent, this convention demonstrated League authority on minority rights and protections, serving as a model for further legislative action and international law.²⁰

Next, the Mandate System offered minority groups within colonial territories opportunities to form independent communities, so long as they had shown significant social cohesion to function as states.²¹ Though far from perfect, subject to a European ideal of what it meant to be able to function as a state, Mandates offered the opportunity for former minority groups or populations under colonial rule self-governance and representation.²² These systems were used throughout the globe, with A mandates being within the former Ottoman Empire, B mandates in former German colonies, and C mandates in Southwest Africa and some Pacific Islands.²³ Of the mandates passed by the League, the most famous was [The Palestine Mandate](#) passed in 1919, which tried to settle questions regarding British rule, and create peace between Palestinians and Jewish settlers.

¹⁸ Fink, "The League of Nations and the Minorities Question." 198

¹⁹ Engel, David. n.d. *Minorities Treaties*.

²⁰ Ibid.

²¹ Matz, Nele. "Civilization and the Mandate System under the League of Nations as Origin of Trusteeship." *Max Planck Yearbook of United Nations Law Online* 9, no. 1 (2005): 74

²² Ibid, 75

²³ Ibid, 75



Finally, the creation of the [Committee of the Study of the Legal Status of Women](#) offers insight into how the League can address groups which have been discriminated against and seek to codify international legal codes.²⁴ Formed following the inability of the Council and Assembly to garner consensus on how to best determine the citizenship of women in international marriages, among other issues, the Committee was formed by several states seeking to clarify legal norms surrounding women's rights.²⁵

The creation of the Committee of the Study of the Legal Status of Women provides a model for the creation of other committees tailored to address issues routinely brought before the League. Thus, the establishment of committees enables the League to circumvent the Committee of Three system and more readily address issues frequently brought before the League.

Country and bloc positions

European States: Great power positions on minority rights vary within the League. The giants of Britain, France, and Germany have adopted positions which favor domestic resolutions of minority cases within their own territory but have supported resolutions to protect minority rights in other states.

Since it was allowed to join the League in 1934, the Soviet Union has been supportive of minority and women's rights in the Assembly, gathering about itself several other Eastern European notables like Yugoslavia and Hungary. Those states favoring a state-centered approach on these issues include Belgium, France, Germany, Spain, and the United

Kingdom while those in favor of establishing more international norms includes Austria, Denmark, Hungary, Italy, Luxembourg, Norway, the Soviet Union, and Yugoslavia.

Latin American States: Making up the bulk of the Assembly are the Latin American states, with a unique perspective on the status and protections of minority communities. Though they favor universality of legal approaches for all nations, especially when concerning women's legal status, they are less sanguine about the League's over-focus on minority issues in Europe.

While most of them support women's rights as recognized by the League, on minority issues Latin American states are more mixed. Major states within this bloc in favor of an internationalization of minority rights, including Brazil, Nicaragua, Panama, and Paraguay. Advocates for a more state-centered approach to the issues includes Argentina, Chile, Peru, and Venezuela.

Asian States: Much like the Latin American states, East Asian powers have a more mixed bag of approaches when concerning the status of minority rights. The most outspoken proponents of increased international presence on this issue include Afghanistan, China, Iran, New Zealand, and Siam.

Meanwhile, Australia, India, Iran, and Japan are more supportive of imperial perspectives, and support retention of sovereignty, a state-centered League approach on these issues.

African and Middle Eastern States: With only a small number of representatives in the League, the African and Middle Eastern states represent only a small voice within the Assembly. Most of these states have attached themselves to the

²⁴ Eisenberg, "The status of women: a bridge from the League of Nations to the United Nations." 14; <https://biblio->

archive.unog.ch/Dateien/CouncilMSD/C-99-M-99-1945-V_EN.pdf, pg. 32

²⁵ Ibid, 14



positions of great powers with which they have close positions. This is true of Egypt and South Africa, who both support the United Kingdom position on a state-centered League approach. Abyssinia and Liberia are more inclined to support international legal action on the issue of minority protection.

North American States: With only a few states in the League, the North American bloc tends to be inclined to make their own decisions on League ground despite the close relationships these states have to other, more dominant League members outside of the region. Canada tends to support the United Kingdom. Mexico is very cautious about anything that would dilute its national sovereignty. The United States tends to remain quite on these issues. It favors measure like women's rights. But it is outspoken against policies that might affect the ability of its own states to control race relations.

Proposals for Action

The processes surrounding bringing minority issues to the forefront of the League for action is one which can be improved. There remain avenues for further League actions in order to ensure the protection of the rights of ethnic and religious minorities within the states of league members. The measures the League could take to assist in resolving this issue vary significantly from one to the next.

Here are a few examples. The League of Nations at ODUMUNC might chose other possibilities.

- **Create a universal code of minority rights** for all residents of League Members States. Or even roe ambitious, create rights for all people everywhere, including residents of colonial territories. This would compel all Member States, or all states, to deal with

issue of minority legal and political rights.

- **Recognize state sovereignty and supremacy** concerning the treatment of citizens through a League Convention. Such a measure would be welcomed by countries afraid of loss of control or seeking to expand their power to neighboring territories through conquest.
- **Increase the efficiency of the League** by streamlining of processes for the bringing forward of minority issues to the Council. Create a new permanent institution to hear complains, and standard, automatic response to League findings of neglect or abuse. By guaranteeing strong action, this would create a powerful deterrent.
- **Create new committees** to study issues surrounding minority rights and the legal protections they should have on either an international or regional scale. Rather than mandate a permanent or universal body and response, tailor responses to specific situations. This would allow the Member States to pick and chose when to get involved, and how much.
- **Adjust the process of the Committees of Three** and remove certain powers from accused states and ensure rigorous and thorough investigatory processes. Although short of assuring aggressive action, it would help facilitate informed decision-making.
- **Establish aid programs** to assist minorities who may be displaced by violence against them. These would require procedures governing when help becomes available, and funding



mechanisms, possibly even from the affected Member States.

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