Chapter 3

Minority Protection in the Era of Human Rights

WWII transformed the principles of national self-determination and minority protection that figured prominently in the establishment of the League of Nation’s minority protection treaty system. Instead, a new approach described as universal human rights was implemented to protect the concerns of minority groups. The main reasons for this change were the successful exploitation of the minorities question by Hitler’s Nazi-regime, United States’ policy for the assimilation of minority groups, the cold war between the Soviet Union and the United States, preservation of the British colonial empire, and the emergence of the new doctrine of human rights. As I illustrate in the chapter that follows, human rights were promoted by the Allies as an alternative to the League of Nations’ minority regime. That is, legal protections against discrimination applied universally to all individuals in contrast to protections that promote the identity of distinct ethnic groups. However, the big three Allies’ objective was to prevent United Nations’ interference in domestic affairs in contrast to the promotion of human rights. The Allied interest was in preserving security and ending the scourge of another world war. In this chapter, I discuss how the doctrine of human rights incorporated a new UN minority regime for the promotion of cultural rights.

3.1. **Minorities as the Nazis Human Dynamite**

A United Nations Conference on International Organisations was convened by the victorious Allies in San Francisco on 25 April 1945 to provide a framework charter for a United Nations international administration after WWII.¹ In contrast to the birth and functioning of the League of Nations’, the United Nations was established before any peace treaty and was in no way involved in the settlement of European territorial constructions. The League of Nations had been bound up with European balances of power and the solution of territorial problems arising from the peace treaties of 1919–1920.² Therefore, the problem that confronted

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¹ Claude 111.
² Capotorti 26, para. 135.
the League of Nations to satisfy the national aspirations of minorities in Europe for self-determination was not present during the Conference. Also, Hitler’s use of German minority groups as a military tactic transformed Allied sentiment against minority protection. German minority groups were developed by Hitler as a ‘fifth column’ to disrupt, sabotage, and weaken national unity prior to his military offensives. As a result, the Conference refused to incorporate a minority protection article into the United Nations Charter.

Germany exploited opposition to the League of Nations’ minority protection treaty system as being punitively applied to protect only certain groups in weaker states defeated by the Allies. Certain groups among the protected minorities were unwilling to accept minority status under any terms, notably, Germans of various minority states, the Hungarians of Rumania, and the Macedonians of Yugoslavia, all of whom “strove relentlessly to embarrass and undermine their host states.” Inis Claude explains that for these groups, a national minority could owe no allegiance to an alien state, since nationality was the only legitimate basis of political obligation. Hungary utilised its co-nationals to stir up trouble in Rumania, and Bulgaria and Italy undermined the authority of Yugoslavia by supporting Macedonian unrest.

Hitler’s ‘fifth column’ was developed with the assistance of Nazi psychologists to weaken the enemy from within or “conquer him through himself” by cultivation of potentially disloyal groups within a country, namely, German minority groups as well as other groups sympathetic to the Nazi cause. Hitler succeeded in turning large numbers of these minority groups into “human dynamite” ready to be detonated at the command of the Fuhrer. As examples, three million Sudeten-Germans were effectively used by the Nazis to fight for “heim in Reich” permitting Germany to annex Sudetenland, as well as Bohemia and Moravia, from Czechoslovakia. Stories of Czechoslovakian atrocities against ethnic Germans were spread by Nazi propaganda to encourage irredentist German minorities. Seven hundred and sixty-five thousand ethnic Germans living in Danzig, Posnania, Pomorze, and Silesia, Poland were used by Hitler to annex the ethnically German populated corridor along Danzig, Poland. Nazi propaganda was used to spread stories of Poles murdering ethnic Germans. Poland’s German minority was used by the Nazis to promote espionage, sabotage, and “putsches”.

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3 Claude 44.
4 *Ibid.*, 45, 47.
6 Claude 47.
8 Claude 52.