The Minority Protection System of the League of Nations and the Central and Eastern European States

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1. Introduction
After the fall of communism the issue of minority protection time and again gained importance in the work of international organisations such as the United Nations (UN), Organization for Security and Co-operation in Europe (OSCE) and in particular the Council of Europe (CoE) and the European Union (EU). In December 1991 the EU member states made the recognition of minority rights “in accordance with the commitments subscribed to in the framework of the CSCE” (Commission on Security and Co-operation in Europe) the precondition of international recognition for the Eastern-European and former Soviet states. According to the criteria set forth in 1993 at the EU Copenhagen Summit not only economic criteria were required for membership in the EU, but also certain political criteria, among them democracy, the rule of law, respect for human rights and protection of

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1 “Common Declaration of 16 December 1991” laying down declaration on the “Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union”, Bull. EC 1991–12, p. 127. However, the practice was not uniform. Whereas Croatia was recognised in 1992 although reservations had been expressed on its minority protection laws, Macedonia complying with all the criteria was denied recognition because of the protest of Greece.
minorities. Therefore, the situation of national or ethnic minorities in the candidate countries has always been a relevant factor in the procedures of enlargement with the European Commission’s annual reports monitoring and evaluating the candidate countries’ progress towards fulfilment of the Copenhagen criteria.\textsuperscript{2}

The linkage of the recognition or membership in international organizations to minority protection is nothing new. It has been widely applied in the aftermath of the First World War when the further reduction of the multietnic Ottoman Empire, the multinational Austro-Hungarian Empire and the extensive cessions of territories which were former parts of the German Empire led to the formation of new states and to a substantial addition of territories of other states. The new and also the greatly enlarged states of Central and Eastern Europe had to accept minority protection obligations in return for their recognition and membership in the League of Nations. Single precedents of such preconditions and protective treaties concluded for the benefit of national and especially religious minorities could already be observed before.\textsuperscript{3}

\section*{2. The Material Safeguards}

In the same way as in the end of the 20\textsuperscript{th} century in response to the eruption of violent conflicts in Yugoslavia, minority protection was primarily regarded as a conflict prevention instrument by the victorious powers also at the beginning of the 20\textsuperscript{th} century. Ethnic tensions arising from the enormous territorial changes of 1918/19 were expected to be averted by means of submitting the states concerned to minority protection systems. Although the principle of self–determination of peoples was declared the basic principle of the reconstruction of Europe in the Paris Peace Conference of 1919, the minority problems were extremely complex and intricate. As the borders of the new states did not fall together with the lines of ethnic groups almost all states in the region had smaller or larger minorities demanding their rights. Two further facts did not even enhance smooth relationship between minority and majority. Minority groups such as Germans in the re–born Polish state and other Eastern European as states, Hungarians in

\footnotetext{2}{The annual reports on the candidate countries “progress towards accession” can be found on the website of the European Commission: <europa.eu.int/comm/enlargement/docs.index.htm>.}

\footnotetext{3}{At the Congress of Berlin (1878), for instance, the recognition of the successor states of the Ottoman Empire was linked to granting freedom of religion, C. Gütermann, \textit{Das Minderheitenschutzverfahren des Völkerbundes} (Berlin, 1979) p. 15.}