THE PEACE CONFERENCE AND RIGHTS OF MINORITIES

The following paragraphs, which are excerpted from various documents emanating from the Peace Conference, deal with the rights of persons "who differ from the majority of the population in race, language or religion." The vital interest which these excerpts have for the Jews of the world, in general, and for the Jewish populations of the countries concerned, in particular, is patent.

I. THE TREATY WITH GERMANY (Signed on June 28, 1919)

ARTICLE 86.—The Czecho-Slovak State accepts and agrees to embody in a treaty with the principal Allied and Associated Powers such provisions as may be deemed necessary by the said powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion.

ARTICLE 93.—Poland accepts and agrees to embody in a treaty with the principal Allied and Associated Powers such provisions as may be deemed necessary by the said powers to protect the interests of inhabitants of Poland who differ from the majority of the population in race, language or religion.

In the reply of the Allied and Associated Powers to the counter-proposals of the German delegates, which was delivered to the latter on June 16, 1919, the following passages appear:

Under Part I, The League of Nations.

III. The Allied and Associated Powers are prepared to accord guarantees, under the protection of the League of Nations, for the educational, religious and cultural rights of German minorities in territories transferred from the German Empire to the new states created by the Treaty. They take note of the statement of the German Delegates that Germany is determined to treat foreign minorities within her territory according to the same principles.

Under Poland, Upper Silesia.

The restoration of the Polish State is a great historical act which cannot be achieved without breaking many ties and causing temporary difficulty and distress to many individuals. But it has been the special concern of the Allied and Associated Powers to provide for the adequate protection of those Germans who will find themselves transferred to Poland, as well as of all other religious, racial or linguistic minorities. There is in the Treaty a clause by which there will be secured to them the enjoyment of religious liberty and also the right to use their own language and that of having their children educated in their own language. They will not be subjected to persecution similar to that which Poles had to endure from the Prussian State.

II. THE TREATY WITH POLAND (Signed on June 28, 1919) CHAPTER I

ARTICLE 1.—Poland undertakes that the stipulations contained in Articles 2 to 8 of this Chapter shall be recognized as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

ARTICLE 2.—Poland undertakes to assure full and complete protection of life and liberty to all inhabitants of Poland without distinction of birth, nationality, language, race or religion.

All inhabitants of Poland shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

ARTICLE 3.—Poland admits and declares to be Polish nationals ipso facto and without the requirement of any formality German, Austrian, Hungarian or Russian nationals habitually resident at the date of the coming into force of the present Treaty in territory which is or may be recognized as forming part of Poland, but subject to any provision in the Treaties of Peace with Germany or Austria respectively relating to persons who became resident in such territory after a specified date.

Nevertheless, the persons referred to above who are over eighteen years of age will be entitled under the conditions contained in the said Treaties to opt for any other nationality which may be open to them. Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must, except where it is otherwise provided in the Treaty of Peace with Germany, transfer within the succeeding twelve months their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in Polish territory. They may carry with them their movable property of every description. No export duties may be imposed upon them in connection with the removal of such property.

ARTICLE 4.—Poland admits and declares to be Polish nationals ipso facto and without the requirement of any formality persons of German, Austrian, Hungarian or Russian nationality who were born in the said territory of parents habitually resident there, even if at the date of the coming into force of the present Treaty

they are not themselves habitually resident there.

Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Polish authorities in the country in which they are resident, stating that they abandon Polish nationality, and they will then cease to be considered as Polish nationals. In this connection a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

ARTICLE 5.—Poland undertakes to put no hindrance in the way of the exercise of the right which the persons concerned have, under the Treaties concluded or to be concluded by the Allied and Associated Powers with Germany, Austria, Hungary or Russia, to choose whether or not they will acquire Polish nationality.

ARTICLE 6.—All persons born in Polish territory who are not born nationals of another State shall *ipso facto* become Polish nationals.

ARTICLE 7.—All Polish nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Polish national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Polish Government of an official language, adequage facilities shall be given to Polish nationals of non-Polish speech for the use of their language, either orally or in writing, before the courts.

ARTICLE 8.—Polish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish nationals. In particular they shall have an equal right to establish, manage and control at their

own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

ARTICLE 9.—Poland will provide in the public educational system in towns and districts in which a considerable proportion of Polish nationals of other than Polish speech are residents adequate facilities for ensuring that in the primary schools the instruction shall be given the children of such Polish nationals through the medium of their own language. This provision shall not prevent the Polish Government from making the teaching of the Polish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Polish nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budget, for educational, religious or charitable purposes.

The provisions of this Article shall apply to Polish citizens of German speech only in that part of Poland which was German territory in August, 1914.

ARTICLE 10.—Educational Committees appointed locally by the Jewish communities of Poland will, subject to the general control of the State, provide for the distribution of the proportional share of public funds allocated to Jewish schools in accordance with Article 9, and for the organization and management of these schools.

The provisions of Article 9 concerning the use of languages in schools shall apply to these schools.

ARTICLE 11.—Jews shall not be compelled to perform any act which constitutes a violation of their Sabbath, nor shall they be placed under any disability by reason of their refusal to attend courts of law or to perform any legal business on their Sabbath. This provision however shall not exempt Jews from such obligations as shall be imposed upon all other Polish citizens for the necessary purposes of military service, national defence or the preservation of public order.

Poland declares her intention to refrain from ordering or permitting elections, whether general or local, to be held on a Saturday, nor will registration for electoral or other purposes be compelled to be performed on a Saturday.

ARTICLE 12.—Poland agrees that the stipulations in the foregoing Articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United

States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Poland 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 any 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.

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 dispute 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.

In Faith Whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at Versailles, the twenty-eighth day of June, one thousand nine hundred and nineteen, in a single copy, which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers.

(L. S.) WOODROW WILSON. (L. S.) GANGA SINGH. (L. S.) ROBERT LANSING. MAHARAJA DE BIKANER. (L. S.) HENRY WHITE. (L. S.) E. M. HOUSE. (L. S.) G. CLEMENCEAU. (L.S.) S. Pichon. (L. S.) TASKER H. BLISS. (L. S.) L. L. KLOTZ. (L. S.) D. LLOYD GEORGE. (L. S.) ANDRÉ TARDIEU. (L. S.) A. Bonar Law. (L. S.) JULES CAMBON. (L. S.) MILNER. (L. S.) SIDNEY SONNINO. (L. S.) ARTHUR JAMES BALFOUR. (L. S.) IMPERIALI. (L. S.) GEORGE N. BARNES. (L. S.) SILVIO CRESPI. (L. S.) CHAS. H. DOHERTY. (L. S.) SAÏONZI. (L. S.) ARTHUR L. SIFTON. (L. S.) W. M. HUGHES. (L.S.) N. MAKINO. (L. S.) H. CHINDA. (L. S.) JOSEPH COOK. (L. S.) K. MATSUI. (L. S.) Louis Botha. (L.S.) H. IJUIN. (L. S.) J. C. SMUTS. (L. S.) I. J. PADEREWSKI. (L.S.) (L. S.) ROMAN DMOWSKI. (L. S.) ED. S. MONTAGU.

Following is the text of the letter addressed to I. J. Paderewski by Georges Clemenceau, the President of the Conference, on June 24, 1919, transmitting to him the Treaty to be signed by Poland under Article 93 of the Treaty with Germany:

SIR:

On behalf of the Supreme Council of the Principal Allied and Associated Powers, I have the honour to communicate to you herewith, in its final form, the text of the Treaty which, in accordance with Article 93 of the Treaty of Peace with Germany, Poland will be asked to sign on the occasion of the confirmation of her recognition as an independent State and of the transference to her of the territories included in the former German Empire which are assigned to her by the said Treaty. The principal provisions were communicated to the Polish Delegation in Paris in May last, and were subsequently communicated direct to the Polish Government through the French Minister at Warsaw. The Council have since had the advantage of the suggestions which you were good enough to convey to them in your memorandum of the 16th June, and as the result of a study of these suggestions modifications have been introduced in the text of the Treaty. The Council believe that it will be found that by these modifications the principal points to which attention was drawn in your memorandum have, in so far as they relate to specific provisions of the Treaty, been adequately covered.

In formally communicating to you the final decision of the Principal Allied and Associated Powers in this matter, I should desire to take this opportunity of explaining in a more formal manner than has hitherto been done the considerations by which the Principal Allied and Associated Powers have been guided in dealing with the question.

1. In the first place, I would point out that this Treaty does not constitute any fresh departure. It has for long been the established procedure of the public law of Europe that when a State is created, or even when large accessions of territory are made to an established State, the joint and formal recognition by the Great Powers should be accompanied by the requirement that such State should, in the form of a binding international convention, undertake to comply with certain principles of government. This principle, for which there are numerous other precedents, received the most explicit sanction when, at the last great assembly of European Powers—the Congress of Berlin—the sovereignty and independence of Serbia, Montenegro, and Roumania were recognized. It is

desirable to recall the words used on this occasion by the British, French, Italian, and German Plenipotentiaries, as recorded in the Protocol of the 28th June, 1878:

"Lord Salisbury recognises the independence of Serbia, but is of opinion that it would be desirable to stipulate in the Principality the great principle of religious liberty.

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"M. Waddington believes that it is important to take advantage of this solemn opportunity to cause the principles of religious liberty to be affirmed by the representatives of Europe. His Excellency adds that Serbia, who claims to enter the European family on the same basis as other States, must previously recognise the principles which are the basis of social organisation in all States of Europe and accept them as a necessary condition of the favour which she asks for.

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"Prince Bismark, associating himself with the French proposal, declares that the assent of Germany is always assured to any motion favourable to religious liberty.

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"Count de Launay says that, in the name of Italy, he desires to adhere to the principle of religious liberty, which forms one of the essential bases of the institutions in his country, and that he associates himself with the declarations made on this subject by Germany, France, and Great Britain.

"Count Andrassy expresses himself to the same effect, and the

Ottoman Plenipotentiaries raise no objection.

"Prince Bismark, after having summed up the results of the vote, declares that Germany admits the independence of Serbia, but on condition that religious liberty will be recognised in the Principality. His Serene Highness adds that the Drafting Committee, when they formulate this decision, will affirm the connection established by the Conference between the proclamation of Serbian independence and the recognition of religious liberty."

2. The Principal Allied and Associated Powers are of opinion that they would be false to the responsibility which rests upon them if, on this occasion, they departed from what has become an established tradition. In this connection I must also recall to your consideration the fact that it is to the endeavours and sacrifices of the Powers in whose name I am addressing you that the Polish nation owes the recovery of its independence. It is by their decision that Polish sovereignty is being re-established over the territories in question and that the inhabitants of these territories are being incorporated in the Polish nation. It is on the

support which resources of these Powers will afford to the League of Nations that, for the future, Poland will to a large extent depend for the secure possession of these territories. There rests, therefore, upon these Powers an obligation, which they cannot evade, to secure in the most permanent and solemn form guarantees for certain essential rights which will afford to the inhabitants the necessary protection, whatever changes may take place in the internal constitution of the Polish State.

It is in accordance with this obligation that Clause 93 was inserted in the Treaty of Peace with Germany. This clause relates only to Poland, but a similar clause applies the same principles to Czecho-Slovakia, and other clauses have been inserted in the Treaty of Peace with Austria and will be inserted in those with Hungary and with Bulgaria, under which similar obligations will be undertaken by other States, which under those Treaties receive large accessions of territory.

The consideration of these facts will be sufficient to show that by the requirement addressed to Poland at the time when it receives in the most solemn manner the joint recognition of the reestablishment of its sovereignty and independence and when large accessions of territory are being assigned to it, no doubt is thrown upon the sincerity of the desire of the Polish Government and the Polish nation to maintain the general principles of justice and liberty. Any such doubt would be far from the intention of the Principal Allied and Associated Powers.

3. It is indeed true that the new Treaty differs in form from earlier Conventions dealing with similar matters. The change of form is a necessary consequence and an essential part of the new system of international relations which is now being built up by the establishment of the League of Nations. Under the older system the guarantee for the execution of similar provisions was vested in the Great Powers. Experience has shown that this was in practice ineffective, and it was also open to the criticism that it might give to the Great Powers, either individually or in combination, a right to interfere in the internal constitution of the States affected which could be used for political purposes. Under the new system the guarantee is entrusted to the League of The clauses dealing with this guarantee have been carefully drafted so as to make it clear that Poland will not be in any way under the tutelage of those Powers who are signatories to the Treaty.

I should desire, moreover, to point out to you that provision has been inserted in the Treaty by which disputes arising out of its provisions may be brought before the Court of the League of Nations. In this way differences which might arise will be removed from the political sphere and placed in the hands of a

judicial court, and it is hoped that thereby an impartial decision will be facilitated, while at the same time any danger of political interference by the Powers in the internal affairs of Poland will be avoided.

4. The particular provisions to which Poland and the other States will be asked to adhere differ to some extent from those which were imposed on the new States at the Congress of Berlin. But the obligations imposed upon new States seeking recognition have at all times varied with the particular circumstances. Kingdom of the United Netherlands in 1814 formally undertook precise obligations with regard to the Belgian provinces at the time annexed to the kingdom which formed an important restriction on the unlimited exercise of its sovereignty. It was determined at the establishment of the Kingdom of Greece that the Government of that State should take a particular form, viz., it should be both monarchical and constitutional; when Thessaly was annexed to Greece, it was stipulated that the lives, property. honour, religion and customs of those of the inhabitants of the localities ceded to Greece, who remained under the Hellenic administration should be scrupulously respected, and that they should enjoy exactly the same civil and political rights as Hellenic subjects of origin. In addition, very precise stipulations were inserted safeguarding the interests of the Mohammedan population of these territories.

The situation with which the Powers have now to deal is new, and experience has shown that new provisions are necessary. The territories now being transferred both to Poland and to other States inevitably include a large population speaking languages and belonging to races different from that of the people with whom they will be incorporated. Unfortunately, the races have been estranged by long years of bitter hostility. It is believed that these populations will be more easily reconciled to their new position if they knew that from the very beginning they have assured protection and adequate guarantees against any danger of unjust treatment or oppression. The very knowledge that these guarantees exist will, it is hoped, materially help the reconciliation which all desire, and will indeed do much to prevent the necessity of its enforcement.

5. To turn to the individual clauses of the present Treaty, Article 2 guarantees to all inhabitants those elementary rights, which are, as a matter of fact, secured in every civilized State. Clauses 3 to 6 are designed to insure that all the genuine residents in the territories now transferred to Polish sovereignty shall in fact be assured of the full privileges of citizenship. Articles 7 and 8, which are in accordance with precedent, provide against any discrimination against those Polish citizens who, by their religion,

their language, or their race, differ from the large mass of the Polish population. It is understood that, far from raising any objection to the matter of these articles, the Polish Government have already, of their own accord, declared their firm intention of basing their institutions on the cardinal principles enunciated therein.

The following articles are of rather a different nature, in that they provide more special privileges to certain groups of those minorities. In the final revision of these latter articles, the Powers have been impressed by the suggestions made in your memorandum of the 16th June, and the articles have in consequence been subjected to some material modifications. In the final text of the Treaty it has been made clear that the special privileges accorded in Article 9 are extended to Polish citizens of German speech only in such parts of Poland as are, by the Treaty with Germany, transferred from Germany to Poland. Germans in other parts of Poland will be unable under this article to claim to avail themselves of these privileges. They will, therefore, in this matter be dependent solely on the generosity of the Polish Government, and will, in fact, be in the same position as German citizens of Polish speech in Germany.

6. Clauses 10 and 12 deal specifically with the Jewish citizens of Poland. The information at the disposal of the Principal Allied and Associated Powers as to the existing relations between the Jews and the other Polish citizens has led them to the conclusion that, in view of the historical development of the Jewish question and the great animosity aroused by it, special protection is necessary for the Jews in Poland. These clauses have been limited to the minimum which seems necessary under the circumstances of the present day, viz., the maintenance of Jewish schools and the protection of the Jews in the religious observance of their Sabbath. It is believed that these stipulations will not create any obstacle to the political unity of Poland. They do not constitute any recognition of the Jews as a separate political community within the Polish State. The educational provisions contain nothing beyond what is in fact provided in the educational institutions of many highly organized modern States. There is nothing inconsistent with the sovereignty of the State in recognizing and supporting schools in which children shall be brought up in the religious influences to which they are accustomed in their home. Ample safeguards against any use of non-Polish languages to encourage a spirit of national separation have been provided in the express acknowledgment that the provisions of this Treaty do not prevent the Polish State from making the Polish language obligatory in all its schools and educational institutions.

7. The economic clauses contained in Chapter II of the Treaty have been drafted with the view of facilitating the establishment of equitable commercial relations between independent Poland and the other Allied and Associated Powers. They include provisions for reciprocal diplomatic and consular representation, for freedom of transit, and for the adhesion of the Polish Government to certain international conventions.

In these clauses the Principal Allied and Associated Powers have not been actuated by any desire to secure for themselves special commercial advantages. It will be observed that the rights accorded to them by these clauses are extended equally to all States who are members of the League of Nations. Some of the provisions are of a transitional character, and have been introduced only with the necessary object of bridging over the short interval which must elapse before general regulations can be established by Poland herself or by commercial treaties or general conventions approved by the League of Nations.

In conclusion, I am to express to you, on behalf of the Allied and Associated Powers, the very sincere satisfaction which they feel at the re-establishment of Poland as an independent State. They cordially welcome the Polish nation on its re-entry into the family of nations. They recall the great services which the ancient Kingdom of Poland rendered to Europe both in public affairs and by its contributions to the progress of mankind, which is the common work of all civilized nations. They believe that the voice of Poland will add to the wisdom of their common deliberations in the cause of peace and harmony, that its influence will be used to further the spirit of liberty and justice, both in internal and external affairs, and that thereby it will help in the work of reconciliation between the nations which, with the conclusion of Peace, will be the common task of humanity.

The Treaty by which Poland solemnly declares before the world her determination to maintain the principles of justice, liberty, and toleration, which were the guiding spirit of the ancient Kingdom of Poland, and also receives in its most explicit and binding form the confirmation of her restoration to the family of independent nations, will be signed by Poland and by the Principal Allied and Associated Powers on the occasion of, and at the same time as, the signature of the Treaty of Peace with Germany.

I have, etc.,

CLEMENCEAU.

III. THE TREATY WITH AUSTRIA

Up to the time of printing, the full text of the proposed Treaty with Austria had not been made public. Following, however, are extracts from the official summary of the draft of that document dealing with the protection of racial, linguistic or religious minorities in Czecho-Slovakia, the Serb-Croat-Slovene State (Jugo-Slavia), Roumania, and Austria:

Czecho-Slovakia agrees to embody in a Treaty with the Principal Allied and Associated Powers such provision as they may deem necessary to protect racial, religious, or linguistic minorities.

The Serb-Croat-Slovene State agrees to a similar Treaty for the protection of minorities.

Roumania agrees to a similar treaty as to the protection of minorities.

In a series of special clauses Austria undertakes to bring her institutions into conformity with the principles of liberty and justice, and acknowledges that the obligations for the protection of minorities are matters of international concern over which the League of Nations has jurisdiction. She assures complete protection of life and liberty to all inhabitants of Austria, without distinction of birth, nationality, language, race or religion, together with the right of free exercise of any creed.

All Austrian nationals, without distinction of race, language, or religion, are to be equal before the law. No restrictions are to beimposed on the free use of any language in private or public, and reasonable facilities are to be given Austrian nationals of non-German speech for the use of their language before the Courts. Austrian nationals belonging to racial, religious, or linguistic minorities are to enjoy the same protection as other Austrian nationals, in particular with regard to schools and other educational establishments; and in districts where a considerable proportion of Austrian nationals of other than German speech are resident, facilities are to be given in schools for the instruction of children in their own language, and an equitable share of public funds is to be provided for the purpose. These provisions do not preclude the Austrian Government from making the teaching of German obligatory. They are to be embodied by Austria in her fundamental law as a Bill of Rights, and provisions regarding them are to be under the protection of the League of Nations.

IV. Russia

The following passage is excerpted from the note of the four Powers, Great Britain, the United States, France, and Japan, addressed to Admiral Alexander Kolchak, head of the All-Russian Government at Omsk, on May 26, 1919:

Thirdly, that they will countenance no attempt to revise the special privilege of any class or order in Russia. The Allied and Associated Powers have noted with satisfaction the solemn declaration made by Admiral Kolchak and his associates that they have no intention of restoring the former land system. They feel that the principles to be followed in the solution of this and other internal questions must be left to the free decision of the Russian Constituent Assembly. But they wish to be assured that those whom they are prepared to assist stand for the civil and religious liberty of all Russian citizens and will make no attempt to reintroduce the régime which the revolution has destroyed.

Following is the part of Admiral Kolchak's reply, received in Paris on June 5, 1919, which refers to this point:

8. Having set ourselves the task of re-establishing order and justice and of insuring individual security to the population, which is tired of trials and exactions, the Government affirms the equality before the law of all citizens without any special privilege. All shall receive, without distinction of origin or of religion, the protection of the State and of the law.