

2. Precedents

The peace treaties concluded at the termination of the war of 1914-1918 included provisions intended to guarantee the rights of minority populations, and for permanent supervision to see that these terms were carried out under the League. It was regarded as essential that there should be some international instruments in force, to protect racial, linguistic and religious minorities in the new states which were set up in consequence of the collapse of the German, Austro-Hungarian and Russian Empires.

The solution of the problem was based on a guarantee for minorities under the League of Nations, and the task of active supervision to see that the terms were carried out was given to the Council of the League. The magnitude of the problem after the war of 1914 may be judged from the fact that the following states were bound by obligations in relation to their minorities, either by treaty provisions (in the case of enemy states), or by voluntary declaration (in the case of succession states): Albania, Austria, Bulgaria, Czechoslovakia, Esthonia, Finland, Germany, Greece, Hungary, Latvia, Lithuania, Poland, Roumania, Finland, Yugoslavia and Danzig.

The minorities procedure under the League was based on certain general principles which are relevant to the consideration of the problem before the Paris Conference. First the procedure provided for a collective guarantee under the League, and the League Council was given the responsibility to ensure that this guarantee was respected. The remedy for infractions of minority obligations was squarely placed on the Council and not upon the action of a neighbouring state or, indeed, of any individual state. Secondly, persons belonging to minorities were not given an international status and the responsibility for their treatment was placed squarely on the state to which they owed allegiance as citizens. Thirdly, a judicial element was introduced to reduce to a minimum the possibility of abuses arising from the intervention of individual states, by making it possible to have appeal to the Permanent Court of International Justice.

However, the effectiveness of the guarantee of the League depended on persuasion and the force of public opinion, and not upon any sanctions. The effectiveness of this guarantee therefore depended on the degree of support given by the respective members of the League to their functions in relation to the protection of minorities. To the extent to which this moral force of the League was lacking, the effectiveness of this type of guarantee proved inadequate.

3. The Problem of An Enforcement Procedure

The question arises whether the United Nations should assume a similar responsibility in relation to the peace treaties under discussion. In the views received from the Government of New Zealand on the Italian peace treaty, the High Commissioner for Canada