

XIII. INTERPRETATION OF THE TREATY PROTECTING MACEDONIAN BULGARIANS

The central preoccupation in the newly established Secretariat of the League of Nations, however, was the implementation of the minorities treaties, signed along with the peace treaties and creating a new system for the protection of the territories and populations of a divided Europe. The Minorities Treaty with the Serb-Croat-Slovene Kingdom was signed by the Allied and Associated Powers in St. Germain-en-Laye, 10 September 1919. The Yugoslav delegation did not sign the Treaty at that time; their signature is dated 5 December when the Serb-Croat-Slovene delegation signed the Austrian Treaty of Peace, the Bulgarian Treaty of Peace and the Minorities Treaty. This Minorities Treaty was the subject of many discussions from the very beginning — its genesis, drafting and final editing during the Peace Conference in 1919 at Paris — until the middle of the thirties, when the international situation brought about a complete revision of the complex minority question. In this first stage it is important to see the minutes discussing the advisability of submitting to the Council of the League of Nations, for its information, the confidential notes ex'

**The Work of the League: memorandum showing the work accomplished by the League during the*

first year of existence, LNA 40/10169/707.

*changed between the head of the Serb-Croat-Slovene delegation, N. Pachitch, and Clemenceau, President of the Peace Conference. (Letters dated 3, 13 and 23 November 1919.) **

The Serbian Minorities Treaty "was analogous to the other minorities treaties, and its relevant clauses were placed before the Council of the League of Nations in view of the guarantee by the League of Nations provided for in the Treaty. The Director of the Minorities Section, Erik Co/ban, was anxious to know, in this connexion, whether the aforementioned notes should be submitted to the

Council for its information. In his view, these notes were of great importance for the interpretation of the Treaty and he suggested to the Secretary-General, Eric Drummond, that he be prepared to interpret the Treaty for the protection of minorities in Yugoslavia, especially in Macedonia. According to Colban's view, in the case of the Polish Minority Treaty, the covering note sent by Clemenceau to Paderewski could be submitted to the Council. On the other hand, he did not intend to submit to the Council any similar note in the case of the Czechoslovak Treaty. In the case of Austrian minority clauses it was not deemed necessary to submit to the Council notes exchanged with the Austrian peace delegation. But in the case of the Serbian Minority Treaty, according to his thinking, the position was relevant in so far as the note from the Peace Conference of 13 November and the Serbian Note of 23 November both stress a binding agreement between the contracting parties as to the interpretation of the Minorities Treaty. According to Colban, these notes seemed to form an additional agreement and he thought that they should be submitted to the Council at the same time as the Minorities Treaty itself. The delicacy of the problem whether or not to submit these three notes to the attention of the Council was created by their contents. A consideration of these notes would have been tantamount to planning in advance an interpretation and implementation of the Minorities Treaty and condemn the text of this Treaty to remain a dead letter. The position of the legal advisers in the Secretariat appeared to be the same — they found it preferable to place the interpretation texts before the Council. To achieve this purpose it was necessary to have official communication and

*Cf. Peace Conference, 1919, Committee on New States (Minorities), Meetings on Macedonia:

Minutes and Annexes, In: The Complaints of Macedonia, International Documentation on Macedonia,

nos. 2-3; Letter addressed by Serb-Croat-Slovene Delegation to M. Clemenceau, dated 3 November, on

the Minorities Convention, p. 118-121; Draft reply to be addressed by the Supreme Council to the Presi-

dent of the Serb-Croat-Slovene Delegation on the subject of the Minorities Treaty, November 8, 1919,

p. 124-126; Letter of N. Pachitch to the President of the Peace Conference, 23 November 1919,

p. 143-145. For the original French version cf. annexes to Nicolson's report No. 15 of 10 November

1919, chapter III of the present volume.

authorization from the Peace Conference and also from the Govern-

ment of the Serb-Croat-Slovene Kingdom. In order to avoid the embarrassment of such treatment of the Yugoslav Minorities Treaty, one could elaborate a memorandum replacing the contents of these notes, and submitting it to the Council. This would avoid any publicity about the notes, forestalling, thus, any objections on the parts of Governments or ripples in public opinion. In the formal act of placing the Treaty under the guarantee of the League, it was felt necessary to avoid any possibility of discussion and interference on the part of the interested Government. Nor could the formula of submission of a memorandum to the Council avoiding the questions of a very delicate nature be considered satisfactory. Some of the members of the Council who had not taken part in the negotiations in Paris might have claimed that full information on the binding arrangements entered into by the contracting parties with regard to the interpretation of the text should be placed under the guarantee of the League. Everything possible was done in order to avoid publicity of the Serb-Croat-Slovene Minorities Treaty. However, it was printed as Parliamentary Paper *Cmd* 461, Treaty Series 1919, No. 17. The notes never received the force of additional arrangements concerning interpretation and implementation of the Serbian Minorities Treaty.

The fact that the leading political figures in the Secretariat of the League of Nations (*Drummond, Colban, Van Hamel, Paul Mantoux*) were informed about the manoeuvres of the Serbian Government at the Paris Peace Conference, and their wish to diminish the importance of the Serbian Minorities Treaty, played an important part at a later stage, when petitions, resolutions and complaints coming from Macedonia were received in the Secretariat of the League of Nations. On 9 September 1920, *Escoffier* of the *Ministere des Affaires etrangeres, Service fran fais de la Societe des Nations*, dispatched four ratifications of Minority Treaties to Colban, among them the Serb-Croat-Slovene ratification effective 16 July 1920, covered by a minute of the meeting of transmission of this ratification which took place on 16 July 1920 in Paris and signed by *Jules Cambon*, Minister of Foreign Affairs of France, and *N. Pachitch*, representative of Yugoslavia.

The Minorities Treaty of St. *Germain-en-Laye* signed on 10 September 1919 by the great Powers, to which the Serb-Croat-Slovene State acceded by a declaration of 10 December 1919, and which was ratified by the King of the Serbs, Croats and Slovenes, and deposited in the archives of the French Government with a brief note to all other signatories, is an example of an international treaty of vital importance for peace-keeping in the *Balkans*, the implementation of "which from the very beginning was paralysed on the grounds of being an illegal arrangement between the Serb-Croat-Slovene

Government and the governments of France and Great Britain. The solution given to the Macedonian question could not last. It was a delusion.

*The justice of the Great Powers proved to be a mockery,
and the Treaty for protection of Macedonian Bulgarians —
a farce
and a failure.*