

ETHNIC CONFLICT AND THE LEAGUE OF NATIONS: THE CASE OF TRANSYLVANIA, 1918-1940

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In the years 1919-1920 a relationship was established between the newly created League of Nations and the Hungarian population of Transylvania, ceded to Romania by the Paris Peace Conference. Through the Covenant of the League, Article 12 of the Romanian Minorities Treaty, and Article 47 of the Treaty of Trianon, the Council of the League of Nations theoretically served as the protector of Hungarian minority rights in Transylvania. Count Albert Apponyi, the head of the Hungarian delegation in Paris, expressed a certain optimism in the League's supreme body: "The composition of the Council of the League of Nations is not unfavourable and it cannot be denied that there is... some evidence of good intentions to make improvements."¹

However, the adoption of the Tittoni² Report on October 22, 1920, reserved the automatic right of highlighting minority problems for members of the Council only. This excluded both Hungary, not admitted to the League until 1922, and the Hungarians of Transylvania, from directly submitting complaints to the Council; but a provision was included whereby non-members of the Council and private citizens could report infractions of minority rights through "petitions". These petitions would be discussed by the Council and subsequently acted on, if they were deemed "receivable".³

At this stage then, the League of Nations served as the only effective vehicle through which Hungary could assure the freedom from persecution of the Hungarians of Transylvania. In June 1922, Hungary requested British support in bringing the subject of minorities in the successor states⁴ to the agenda of the next meeting of the Assembly of the League.⁵ But British political opinion was reluctant to champion Hungarian claims alone, and Sir Eric Drummond, the first Secretary-General of the League of Nations, stressed the need for Hungary to use the League as a whole, without relying on one particular member. Indeed, Drummond believed the Hungarians would have a good case, based on Paragraph 2, Article 11 of the Covenant, and suggested that the Earl of Balfour might hint at this to Apponyi.⁶ The importance of the League for

Hungary was recognized by Apponyi in a speech before the Council in 1923, where he drew international attention,

to the difference between the position of a strong nation [Romania] and that of a weak [one] which can count only upon the League of Nations, and which therefore has only one recourse, namely, appeal to an institution which you yourselves established.⁷

The violation of minority rights in Transylvania concerned the League through two distinct cases: the issue of the "optants" or those Hungarians, predominantly living along the new frontier with Hungary, who had "opted" or chosen to retain Hungarian citizenship; and the case of the Székelys, the ethnic Hungarian descendants of the Habsburg Empire's Eastern frontier guards, who occupied a solid area of population in South-Eastern Transylvania. Both cases came before the Council of the League in regard to the controversial Romanian agrarian reform.

In July 1922, a Hungarian delegation pleaded the case of the optants before the League, regarding the expropriation of Hungarian-owned land as "a permanent cause of agitation," which, "promoted friction between the bordering nations,"⁸ of Romania and Hungary. The somewhat ineffectual response of the League was that it would "observe" the situation, and this set the standard for the international response to the problem of minority rights in Transylvania. From 1923 onwards, a number of petitions were submitted to the Council specifically regarding the expropriation of the Hungarian optants' property in Transylvania, and the effect this policy was having on relations between Hungary and Romania. A British Foreign Office Memorandum of February 1923 concluded that, "successive Romanian Governments have contrived to alienate all the elements of Transylvania, including the Romanians,"⁹ but by April it was believed that, "the Hungarians have weakened an otherwise convincing case by their incurable partiality for rhetorical effect."¹⁰ Drummond expressed his own views in a note for the British representatives at the Council on the issue of the optants:

The conclusions which our people who have been in Brussels have come to are that the Hungarians have really a weak legal case... it seems pretty clear that a clever lawyer, such as the Romanian Government possess in M. Titulesco [sic!], could make out a fairly strong case. At the same time the fact remains that the Hungarians *are* discriminated against unfairly by the agrarian law, inasmuch as the law is applied in a much severer form in Transylvania than in Old Romania... While recognising the above, and desirous of doing our part as regards holding Romania to her treaty obligations, we do not wish to appear as protagonists on behalf of big Magyar landlords.¹¹

Both Hungary and Romania maintained that the dispute reflected a violation of Article 11 of the Covenant, which authorized League intervention in the event of a threat of war between League members.¹²

The extended case of the optants was also notable for the lengthy and articulate debates between the Hungarian and Romanian delegates to the League, Apponyi and Nicolae Titulescu. Apponyi's basic argument was that conventional or international law should preside over national law. This was the basis on which Hungary had had to comply with the settlements of the Paris Peace Conference. Similarly, Romania had agreed to abide by international jurisdiction in the field of minority rights. "The Hungarian Churches," argued Apponyi before the Council in July 1923, "are great reservoirs of Hungarian culture in Transylvania," and Romanian culture, represented as it was by the state, was substituting itself in the region, in a "nationalist agitation to the prejudice of a minority and to the exclusive benefit of the majority Romanian population".¹³ Titulescu replied that any international discussion of the matter would question the Romanian social structure itself, and this represented an infringement on national sovereignty. In this matter the international treaties were not compatible with Romanian law, and Titulescu did not accept what he saw as an assault on "the interests of the Romanian peasant in defending the national soil".¹⁴ Exacerbated by the stalemate, "there was a widespread feeling... that it would be futile for Hungary to remain a member of the League if the League did nothing to safeguard Hungarian minorities beyond the frontiers".¹⁵ For British Foreign Secretary, Sir Austen Chamberlain, "this was not a question between Hungary and the League nor one in which Hungary had any *locus standi*; it was a question between the League and the Romanian government".¹⁶

In 1927 a Mixed Arbitral Tribunal upheld the Hungarian view that the expropriation of land in Transylvania constituted a violation of the Treaty of Trianon. However, the League could not compel the Romanian state to comply with its decision.

Fundamentally it was the familiar conflict between national and international law as well as a conflict between treaty obligations and national legislation and between the juridical and political method of handling an international dispute.¹⁷

A sombre Apponyi reflected on the position in 1928:

The extension of Romanian rule to the territories alienated from Hungary will obviously and necessarily result in a catastrophic decline in the standard of government, and, owing to the natural desire of the ruling race for speedy equalisation, in oppression, if not destruction, of the higher culture.¹⁸

Transylvania remained high on the agenda for the League of Nations. Both Drummond and Erik Colban, the Norwegian Director of the Minorities Section of the League, visited Romania in 1923. In May 1924, Colban once again visited Romania, including Transylvania on his itinerary. Throughout the trip, Colban was accompanied at all times by Romanian officials, and his only meeting with a representative of the Hungarian minority took place in Cluj (Kolozsvár, Klausenburg), with the Unitarian Bishop Ferencz.¹⁹ In the same city, Colban lectured at the Romanian University, where he stated that, "according to the League of Nations, the best way to escape conflicts in connexion with Minorities questions is a *sincere collaboration between the Government and the League of Nations*".²⁰ He appeared to be relatively unsympathetic to the plight of the optants, and one colleague, Charles Upson Clark, recalled how, following a visit to Transylvania, Colban "expressed to me afterwards his feeling that the government was handling a difficult situation with tact and fairness".²¹

By 1925, relations between Hungary and the League were strained to the extent that even Apponyi, the arch diplomat, was contemplating a more extreme policy. Lord Cecil, the British delegate to the League, recalled how "he said that his people... would never rest until they had righted their wrongs, if necessary by force of arms".²² However, Hungary had not given up hope of relying on the League. *The Times* of London published a statement of policy by the Hungarian Prime Minister, Count Bethlen, in June 1927:

The Hungarian Government did not intend to withdraw from the League of Nations, but would fight for their rights within the League... Hungary demanded that the League of Nations should fulfil the duty laid upon it by the Treaty of Trianon.²³

It was not until the Paris–The Hague Agreement of 1930, that the issue of the optants was resolved, albeit partially, through compensation for the expropriated land. By the terms of the agreement, an agrarian fund was established, partly through indemnity payments by the defendant states, partly by the war reparations payments of Hungary, and partly by the contributions of the Great Powers. Out of this fund, and on the judgement of the Mixed Arbitral Tribunal, the owners of expropriated land would theoretically be compensated. A sample diplomatic report from this time, however, reveals that ethnic conflict continued to characterize the fortunes of Transylvania:

There has been, in recent months, a deterioration in the relations between the Magyar and Saxon minorities and the Romanian authorities... at the bottom there is the racial, cultural, historical antipathy and this... will not be quickly overcome by any number of examples of local improvement and conciliation.²⁴

The question of the expropriated Székely land differed to that of the optants, in that it did not involve large properties. Moreover, the Székelys were subject to direct discrimination, as the property of the descendants of the Romanian frontier guards was exempt from expropriation. The government justified its actions on the grounds that the Romanians had full property rights, whereas the Székelys only possessed the right of usufruct or use of land belonging to the state.

As a consequence, a dozen petitions were brought before the Council, the first being submitted in October 1925. As with the case of the optants, the issue was not resolved for a number of years. Indeed, in a rare move in 1932, an international committee of jurists was appointed, which concluded that the Romanian courts could not adequately address the problem, and the issue would remain under international discussion.

In late 1932 Pablo de Azcárate y Flores, the new Director of the Minorities Section of the League, visited Romania, and included a meeting with Székely representatives on his schedule. After hearing his report, the Committee of the Council decided, in 1932, to adopt a compromise solution which returned, in part, some of the Székely land and property.²⁵ This compromise pleased neither the Romanian government nor the Székely community, and the League had further demonstrated its ability to provide a short-term answer which only prolonged the long-term problem. For Azcárate, the problem had been solved by the 1932 decision:

No new petition was submitted on the topic, which makes it reasonable to assume that the compromise was accepted as practical and reasonable not only by the Romanian government, but also by the interested minority, and even the Hungarian government.²⁶

However, Azcárate had misread the situation. In particular, the Hungarian government, far from complying with the 1932 compromise, had begun to move away from the League. The following year, Count Bethlen, not in office but "popularly regarded as the power behind the scenes in Hungarian politics,"²⁷ reflected Hungarian opinion of the League on a visit to Britain:

The protection of minorities has not the slightest sanction, since the guarantee of the League of Nations is worth even less than any written sanction. The League of Nations, in order to safeguard its prestige, had much better declare openly that in its present composition and structure it is not in a position to fulfil its duty in this direction.²⁸

Bethlen concluded that the League was, "incapable of dealing with the great and difficult problem of revision," and further,

it is the Covenant and the by-laws of that body which... practically entirely prevent the solution, or at least an adequate or just reconsideration of any problem arising between two or more States.²⁹

The Hungarians of Transylvania continued to suffer the full effects of an aggressive policy of Romanianization, and the failure of the League to offer adequate protection accurately reflected Bethlen's argument. By the mid-1930's, with the advent of Hitler, the whole European system was changing. There was no room for failed Wilsonian ideals in this system. Poland's denunciation of minority obligations within the League, in 1934, signalled the end of League of Nations authority in the minority affairs of East Central Europe.³⁰

The League of Nations never fully resolved a coherent policy of minority protection, and this contributed directly to its own downfall. The League failed to take account of the extreme polarization which existed among the communities of East Central Europe. Although Azcárate acknowledged the fact that "in general the Romanian government never made any real attempt to foster in the local authorities... a spirit of cordiality and collaboration with the minorities," and that, "the Hungarian population very seldom enjoyed that fair treatment which... was demanded by the Minorities Treaties,"³¹ he also maintained that "it is nevertheless a fact that such injustices were neither so great nor so serious as to be of any real political interest."³²

At the heart of the problem, lay the increasing refusal of Romania to comply with her international obligations. In many respects, the League was no more than a vehicle for the Great Powers. Without the force of Great Power interest, the League had little sanction. In the increasingly polarized world of the 1930s, Hungary turned to Nazi Germany to recover her lost territory, and the Second Vienna Award of 1940 returned in part Transylvania to Hungary.

One observer of international human rights had concluded that, "the League System satisfied neither the interested nor the neutral parties concerned with the general issues of minorities,"³³ and if this was, indeed, the case, then one can only conclude that the "democratic" League had failed, and Transylvania was both symptomatic and emblematic of this failure.

A simple *recognition* of the rights of minorities is not enough in modern society. This was most forcibly demonstrated in Transylvania during the interwar period. There must be an active promotion of minority cultures and overall, any improvement will be measured through compromise, concession and, above all, mutual respect.

Notes

1. Meeting of the Hungarian Delegation, May 10, 1920, in Francis Deák and Dezső Ujváry, eds, *Papers and Documents Relating to the Foreign Relations of Hungary*, Vol. 1: 1919–1920, (Budapest: Royal Hungarian Ministry for Foreign Affairs, 1939), p. 920.
2. Tommaso Tittoni, the Italian representative to the League of Nations.
3. For a full explanation of the procedure, and its subsequent modifications, see Oscar I. Janowsky, *Nationalities and National Minorities* (With Special Reference to East-Central Europe), (New York: Macmillan, 1945), pp. 185–192.
4. Romania, Czecho-Slovakia, and the Serb-Croat-Slovene Kingdom, later Yugoslavia.
5. The Earl of Balfour to Mr. Hohler (Budapest), Foreign Office, July 7, 1922, C/9534/7925/21, in Christopher Seton-Watson, ed., *British Documents on Foreign Affairs: Reports and Papers from the Foreign Office Confidential Print*, Part II, *From the First to the Second World War*, Series F, *Europe 1919–1939*, Vol. 1, *Central Europe, 1919–1922* (Baltimore, Md.: University Publications of America, 1990), p. 350.
6. Sir Eric Drummond to Mr. Lampson (private and confidential), February 27, 1923, in the Public Record Office, U.K. (Hereafter PRO), FO 371 (General Correspondence of Political Departments from 1906), 8918, C3861, p. 27.
7. L. P. Mair, *The Protection of Minorities: The Working and Scope of the Minorities Treaties Under the League of Nations* (London: Christophers, 1928), p. 153.
8. League of Nations, *Official Journal*, 3rd Yr., No. 8 (Part 2), (August 1922), p. 920.
9. Memorandum respecting Minorities in certain Central European Countries, Foreign Office, February 1923, C 3667/3667/62, in C. Seton-Watson, ed., *Confidential Print*, Series F, Vol. 1, p. 19.
10. Memorandum on Hungarian Minorities in Transylvania, April 9, 1923, PRO FO371, 8918, C3861, p. 280.
11. Note for the British Representatives at the Council of the League of Nations on the Question of the Expropriation by the Romanian Government of the Property of the Hungarian Optants, Foreign Office, June 27, 1923, C 11257/164/37, in C. Seton-Watson, ed., *Confidential Print*, Series F, Vol. 2, (1923–June 1930), p. 45.
12. *The Times* (London), April 10, 1923.
13. League of Nations, *Official Journal*, 4th Yr., No. 8 (August 1923), pp. 886–890.
14. *Ibid.* pp. 895–896.
15. Sir C. Barclay to Mr. Austen Chamberlain, Budapest, November 6, 1923, C 14270/13131/62, in C. Seton-Watson, ed., *Confidential Print*, Series F, Vol. 2, p. 171.
16. Sir Austen Chamberlain to Sir C. Barclay (Budapest), Foreign Office, December 3, 1925, C 15583/261/21, in C. Seton-Watson ed., *Confidential Print*, Series F, Vol. 2, p. 184.
17. Joseph S. Rouček, *Contemporary Roumania and Her Problems: A Study in Modern Nationalism*, Reprint of the 1932 ed. (New York: Arno Press & The New York Times, 1971), p. 160.
18. Count Albert Apponyi et al., *Justice for Hungary: Review and Criticism of the Treaty of Trianon* (London: Longmans, Green and Co., 1932), p. 19.
19. Sir Eric Drummond to Miles Lampson (enclosing copy of Colban's report of his visit to Romania), June 9, 1924, PRO FO371, 9967, C 9423/14/37, p. 45.
20. *Infratirea*, May 23, 1924, in Zsombor de Szász, *The Minorities in Roumanian Transylvania* (London: The Richards Press, 1927), p. 372.
21. Charles Upson Clark, *United Roumania* (New York: Dodd, Mead and Co., 1932), p. 353.

22. From Lord Cecil (British Delegate to the League of Nations), September 25, 1925, PRO FO371, 10801, C 12388/1259/37, p. 166.
23. *The Times* (London), June 23, 1927.
24. From Mr. Randall (Bucharest), commenting on a report by Mr. Elphick (British consul in Cluj), August 21, 1930, PRO FO371, 14434, C 6724/843/37, p. 382.
25. Pablo de Azcárate y Flores, *Protection of National Minorities* (New York: Carnegie Endowment for International Peace, 1967), p. 32.
26. *Ibid.* p. 33.
27. Viscount Chilton to Sir John Simon, Budapest, May 6, 1932, C 3788/58/62, in C. Seton-Watson, ed., *Confidential Print*, Series F, Vol. 3 (July 1930–December 1933), p. 185.
28. Count Stephen Bethlen, *The Treaty of Trianon and European Peace* (London, New York and Toronto: Longmans, Green and Co., 1934), p. 133.
29. *Ibid.* p. 173.
30. Edward Chaszar, "Trianon and the Problem of National Minorities," in Béla K. Király, Peter Pastor, and Ivan Sanders, eds, *War and Society in East Central Europe, Vol. VI: Essays on World War I: Total War and Peacemaking, A Case Study on Trianon* (Brooklyn College Press: Social Science Monographs; New York: Distributed by Columbia University Press, 1982), p. 486.
31. Pablo de Azcárate y Flores, *League of Nations and National Minorities: An Experiment*, Trans. Eileen E. Brooke (Washington: Carnegie Endowment for International Peace, 1945), pp. 44–45.
32. *Ibid.* p. 43.
33. Frank Koszorus, Jr., "The Forgotten Legacy of the League of Nations Protection System," in Király, Pastor and Sanders, eds, *Total War*, p. 559.