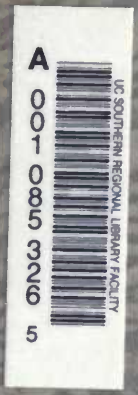
Heyking, Al'fons Al'fonsovich.
The main issues confronting the minorities of Latvia and Eesti.



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THE MAIN ISSUES CONFRONTING THE MINORITIES OF LATVIA AND EESTI

SUUM CUIQUE

by

Baron A. Heyking,
Ph. D., D. C. L.

LONDON
P. S. KING & SON LTD.
ORCHARD HOUSE, 2 & 4 GREAT SMITH STREET
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PREFACE.

The present publication consists of an historic survey of Latvia and Eesti, a chapter of separate cases concerning the breach of the minorities' rights in these countries and four papers bearing on the Baltic minorities' rights. The latter, having been abridged to avoid repetition and certain passages amplified, give useful information about a question which deserves the immediate and earnest attention of Europe before it is too late.

London, June 1922.

The Author.

Chapter I.

An Historic Survey of the Cultural Conditions of the Baltic Lands.

The beginnig of the history of the Baltic States resembles early English history in so far as the Saxon founders of the English heptarchy were of the same racial origin as those of Livonia. Up to the present the Estonians, natives of Estonia and Livonia, call the people of Teutonic descent inhabiting the Provinces, „Saxons". Looking through the historic vista of the past, the English Saxons may be reminded that there is a close relationship between themselves and the Baltic Saxons, although centuries of a different fate have, to a certain extent, obscured the remembrance of the tie between the people of these happy islands and those of the severely tried Baltic shores. Since their foundation by the Saxons, both countries have been over-run by various invaders, but neither actually lost touch with the other. Two illustrations of this fact may be quoted: King James I of England gave the island of Tobago, one of the Lesser Antilles, as a present to his godchild, James Duke of Courland, of the Kettler Dynasty; then again, many British families such as Hill, Scott, Jacobs, Addison, Magnus, Miller, Proctor, Armitstead, Gregg, Gordon, Bruce, Keith and others emmigrated to the Baltic lands and intermarried with the local nobility and bourgeoisie.

In prehistoric times Finnish — Mongolic tribes occupied the territory stretching from the Caspian and Ural seas to the shores of the Baltic. In the times of early Russian history, Slavonic tribes which had their habitation west of the tribes of the Mongolic race, succeeded in subduing them and subsequently intermingling with them, thereby making a wide breach in their previous uninterrupted chain running from south to north. In the south the Kalmucks, Kirghiz, Tcheremis and other tribes in the north, Finns in Finland; the Estonians (who up to the present time populate Estonia and the northern half of Livonia), the Lives (who held the southern part of Livonia) and the Coures (inhabiting Courland) were not slavonized. But the Lives and the Coures fell a prey to the Letts, who together with the Lithuanians, pushed forward from the south and occupied the territory which afterwards formed the principality of Lithuania, Courland, and the southern part of Livonia. The last descendants of the Lives could some fifty years ago still be found in the west of Livland, and of the Coures in the west of Courland, but both tribes must nowadays be considered as allmost extinct. The reason why the Letts fought their way towards the Baltic shores was the necessity for having an outlet to the sea.

In the twelfth century, German adventure brought about a new change in the fate of the Baltic shores, by sending colonists from the north of Germany, chiefly from Bremen, Lübeck, Hamburg, Hanover

and Westphalia, the abode of the great tribe of hardy Saxons, who gave Charlemagne so much trouble in subjugating and christianising them.

In 1201 Riga was founded by Bishop Albrecht. Just as the Saxons had themselves been converted to christianity by fire and sword, so they turned the same methods prevalent in that time, upon the Letts, and Ests. The Pope of Rome gave them his blessing and under his auspices the Holy Livonian Order of the Brother-Sword-Bearers was formed with a view to stamping out paganism in the Baltic lands. These fighting monks cannot be regarded as Conquistadores, as they were imbued with the high religious ideas of that time. They had to give a triple oath of life-long obedience to their superiors, and swear to poverty and chastity. In their fortresses and castles they lived an austere life of prayer, and waged battle whenever they were called upon to fight. It was a hard task to convert the Baltic pagans, and in the fifteenth century crusades were preached in northern Germany under the auspices of Rome for the Christianising of the Baltic shores. These efforts helped the Order of the Livonian Sword-Brothers to foster emigration from Germany and to become a powerful State, which, however, had to defend itself against insurrections and the growing weight of Moscovia, Poland and Sweden. The Livonian Order of the Brother-Sword-carers, under the leadership of the Herrmeister Walter von Plettenberg, inflicted many a defeat upon the Moscovians, but Ivan the Terrible succeeded in devastating and subjugating the land. The State of the Livonian Order was hard pressed on three sides by the Moscovians, Poles and the Swedes until in 1561, the last Herrmeister Gotthard Kettler had to surrender the Order, albeit, securing for himself Courland as Temporal Dukedom, suzerain to the Crown of Poland. The Dukedom was held throughout the Kettler and later, the Biron dynasties.

The Livonian Order as already stated ceased to exist in 1561. Livonia at first became a Polish province, thence, after a series of fierce wars between Poland and Sweden it passed into the hands of the latter; and subsequently was lost to Russia by Charles XII in the XVIII century, after his disasterous campaign against Peter the Great, by the Peace of Nystadt in 1721. Later, in 1795, after the third partition of Poland, which, as already mentioned, held suzerainity over the Duke of Courland, the Duke had to abdicate, and the Diet of the Nobles petitioned the Empress Catherine to incorporate the province into Russia. From these incessant wars between three great Powers surrounding the ancient State of the Livonian Order, it appears that each considered its possession as a condition sine qua non for further development, especially the Moscovian Tzars, and Peter the Great, who, finding it imperative to „open a window towards the west of Europe" deemed it necessary to possess that territory for the further development of the State, as the geographical position of these provinces is such that their position as an outlet to the sea, or as an essential prolongation of the coast-line, was indispensable to the growth of a first-class Power in the north.

During the progress of the last Great War, the Baltic Provinces were occupied by Germany, but after her defeat, and the Armistice,

Germany had to withdraw her army from Russia, and the Baltic Provinces thus remained unprotected. Thereupon a Baltic Militia was formed composed of Russians, men of Baltic-Teutonic descent, Letts and Ests, the attacking Bolshevik forces being also made up of Russians, Letts and Ests. It is a hopeful sign for the future that different races and different classes of the Baltic inhabitants had to unite in common defence of their homes against the Bolsheviks. In Estonia they fought with better success than in Livonia and Courland. The task of defending these two lastnamed provinces against the onrushing Bolsheviks was from the beginning doomed to failure, owing to the fact that the Lettish battalions of Lenin and Trotsky had carried on a very active propaganda in the provinces through their agents. Moreover, the Baltic proletariat of the towns and a certain number of the peasantry had strong Bolshevik leanings. An open rebellion of battalions composed entirely of Letts ensued, declaring themselves for the Bolsheviks. It was at this critical juncture that the British Fleet, which was at anchor before Riga, came to the rescue of the Baltic Militia on December 18th 1918. The mutinous Lettish battalions were surrounded, and since they would not surrender, their barracks were bombarded by the British Fleet until they capitulated. In order to further assist the Militia, the English Commander organised a patrol of military police in Riga, while the Militia advanced to meet the Bolsheviks. On January 1st 1919, a battle was fought in which, after severe fighting, the Militia was forced to retreat before the enemy. This brought Riga into imminent danger, and when on January 2nd it became known that the British Fleet would no longer grant assistance, but was under orders to sail from port, it was clear that Riga could no longer be held. By this time a great part of the population began a precipitous exodus. Families of women and children swept along the road on foot or on sledges in the greatest disorder, carrying with them all the property they could save. The rigours of the winter weather added to the horror of these refugees flying in terror from the Bolsheviks hard on their heels. Riga, Mitau, Dorpat and other towns became the scene of untold outrages and wholesale murder.

But the Baltic Militia, viz. the Balts, Letts and Estonians strongly supported by german volunteer forces succeeded in finally driving out the Bolsheviks, and then the Letts and Estonians, availing themselves of self-determination, which had been proclaimed as a fundamental principle of International Law at the Treaty of Versailles, were able to declare themselves as independent States. Latvia included the former province of Courland, the northern part of the province of Vitebsk, and the southern part of the province of Livonia; and Eesti consisted of the northern part of Livonia and the province of Estonia. As indepedent States they have been recognised by the European Powers and admitted to full membership of the League of Nations.

An episode in the military operations in Latvia, which merits special mention, is the expedition of the so-called Western Volunteer army under Bermont which was considered by the Letts as a treacherous attack against them. The army under Colonel Bermont was composed of Russians and Germans, (not Balts), numbering 50 000 men, was

intended to proceed by Bologoje to Lithuania to fight the Bolsheviks, and had the approval of the English representative in Latvia, Colonel March. As a matter of fact, the relations of this army to the Lettish and Lithuanian governments, were at the beginning quite satisfactory, as the territory of these two States was used only for the mustering of the troops, and the public administration of these governments was not interfered with in any way.

Bermont's forces were part of the north-western anti-Bolshevik front under the leadership of General Yudenitch, who appointed Bermont to the command of the so-called western army. On the 16th October 1919 all was ready for the march on Bologoje, when Bermont unexpectedly received the order from General Judenitch to embark at Libau for Reval and to march from thence to Narva. Bermont did not obey this order, and instead planned to march on foot through Latvia. To this effect, he asked the Lettish government by wire for permission to pass through Lettish territory. The answer was given in the form of an attack on Bermont's forces at Olay, and thus began the war-like operations between the Lettish Republic and Bermont's forces, which ended in the discomforture of the latter. Had the Letts not opposed Bermont, he would have been able to join Yudenitch's army, and Petrograd would have been taken from the Bolsheviks.

Between the Letts and Estonians on the one side and the Balts on the other there are political differences of an historic nature which need to be cleared up. It is said that the Germans did the Letts a great wrong when they occupied the country at the end of the twelfth century. This is not, however, corroborated by history. When the merchant adventurers from Lübeck and Bremen, found their way to the mouth of the Düna and were followed afterwards by the conquering monk-knights, they found the Letts and Ests at a low stage of culture, and there can be no doubt that, by introducing order and founding a State with proper administration, the new-comers raised the natives economically, morally and religiously*). In the first centuries of German occupation, serfdom did not exist. It only developed later on as an economic necessity when agricultural economic units were formed. Throughout the Middle Ages, in order to secure agricultural labour, the peasant was robbed of free movement and was bound to the land, glebae adscriptus. But the relation between the Lord of the manor and the serf was purely patriarchal. E. Seraphim in his history of Estonia, Livonia and Courland, gives the following account. „He who calmly and justly weighs the problem, will realise that during the Middle Ages the relation of the Germanic-Balts to the natives bears no special trace of hardness. On the contrary, it corresponds entirely to the development which the peasant population in Germany underwent, and which led, little by little, to the introduction of serfdom. It may be conceded

*) I take this opportunity of recommending the pamphlets of Oskar Bernmann "Die Agrarfrage in Estland" (Puttkammer & Mühlbrecht) and "The Esthonian republic and Private Property" by Ernest Fromme (Baltischer Verlag und Ostbuchhandlung G. m. b. H.) „The Balts in the History of Esthonia" by Robert Baltenius (Baltischer Verlag und Ostbuchhandlung G. m. b. H. Berlin) for trustworthy information about the agricultural question in Estland.

that the racial difference between the rulers and the ruled made this position more oppressive to the latter, but this cannot be regarded as a slur upon the former. Moreover, it cannot be denied that those responsible for and conducting the affairs of the country, were always alive to the needs of the peasant population." It should also be borne in mind that in judging the past of the Baltic lands, it is not fair to apply modern moral standards to bygone centuries. It is really difficult to see how things could have developed otherwise judging by the standards of that time. European civilisation and culture and the Christian religion were in the Middle Ages implanted all over the world by more or less forcible methods. To speak of special wrongs having been perpetrated upon the native inhabitants of the Balticum, is simply measuring a time of legalised violence by modern standards of legalised freedom, evidently, a fundamental logical error.

Until some fifty years ago, the Baltic burghers and nobility lived in close and amicable relationship with the Lettish and Estonian people of the town and country districts. The former patriarchal state of affairs had, of course, to give way to more democratic political and social constructions and the ruling gentry endeavoured to bring this about. While serfdom was abolished in Russia proper as late as 1861, Estonia, Livonia, and Courland liberated their peasants in 1816, 1817 and 1819 — viz., nearly half a century earlier. The manner in which the peasantry was liberated in the Baltic Provinces differs greatly from the methods adopted in Russia proper. Guided by the Utopian idea of providing all the peasants with land, the Russian government foisted upon them the communistic idea of the common ownership of land. A certain part of the property was expropriated from the landowners, and a price for it was paid from the States Exchequer. The land thus acquired was handed over to the villages under the stipulation that each village en bloc should repay the State by yearly instalments until the sum total originally paid to the landowners should be redeemed.

In the Baltic Provinces, Estonia, Livonia and Courland, as no financial facilities could be expeeted at that time from a government which had not yet recognised such a measure, the liberation of the peasants had to be brought about in a less ambitious way, though more practical and beneficial. Each estate was divided up into lots; there were those that were given over to the peasants and those that were retained by the original land-owners. The peasants' land was at first leased to individual farmers among the peasants themselves, and afterwards sold to them as freehold by the help of local Societies of Credit founded by the gentry for this special purpose. Altogether the transition was carried out much more gradually; the landowners did not receive the price for the sale of their land in a lump sum, and individual property was introduced among the peasants — a form of ownership which, even from an agricultural point of view, proved superior to that of the common ownership in Russia. Of course it was not every peasant who could become a freeholder, but only those who through their own capability and industry were able to buy land and maintain themselves upon it. Others entered the various trades, becoming workmen, hiring themselves out to peasant or gentry land-

owners. This mode of procedure secured to the provinces a high degree of efficiency in the culture of the land and an all-round prosperity. The liberation of the peasantry in the Baltic Provinces has, therefore, borne much better results than in the rest of Russia, as has already been stated; in neither case was the land given to the peasants as a free gift, they had to pay for it, the difference consisting only in the manner of payment. In the Baltic Provinces only those paid for it who acquired it as a personal free property, while in the rest of Russia, the whole peasantry had to pay for it.

It was a further advantage of the Baltic Provinces that the landowners administered the estates themselves, living on the land, whereas in Russia proper, many of the nobility abandoned their landed property to the use of the peasants, receiving in exchange an annual royalty, the Obrok.

But what about agrarian murders and the spirit of revolt which made itself felt in the Baltic lands long before the Revolution? The local social constitution was certainly out-of-date, but all efforts made by the nobility and bourgeoisie towards local reforms, in a liberal sense, were systematically thwarted by the central government. During the last fifty years the Diets of the three provinces submitted to the Imperial government a series of projects of progressive reform in order to bring the Letts and Ests into line in equality of rights with the Balts, themselves. But, all these projects found an early grave in the archives of the Government, since it was deemed expedient by the Russian Bureaucracy to keep open the grievances of the Letts and Ests as a constant irritant against the Balts. Not content with this insidious policy of playing one part of the population against the other, the Russian Government endeavoured to instigate the Lettish and Estonian peasants against their land-lords, by infecting the schools with extreme socialistic propaganda, and by disorganising the whole economic and social fabric of the country. The bureaucracy sowed the storm and reaped the whirlwind! It was in 1905 that the Russian socialistic revolution overthrew also in the Baltic provinces the Russian governing power for the time being, and in 1917, that a Lettish Bolshevik regiment took a prominent part in establishing the Bolshevik regime in Petrograd.

The present crisis which has been precipitated on the Balts, has a two-fold root, one of which is related to the European cultural evolution, and the other to circumstances peculiar to Baltic life.

European culture is at present, in a transition stage, which is chiefly brought about by the ascendency of the manual labourer, the peasant and the proletarian. This process has been gathering strength from strike to strike, and revolution to revolution of the lower strata of the population which, favoured by the modern principle of personal freedom, aims more and more at levelling down the community to one position in life.

As long as the Constitution dividing the population into separate classes, existed, and the bidding for equality was limited, cultural evolution was not very apparent in public life, but when the barriers separating the classes had been done away with, in favour of a new social equality — which found its apotheosis in universal suffrage — before

the simple, uneducated man of the people, arose a new Fata Morgana of Equality, which changed his former contentedness into a delirium of envy and ambition. He regarded his services henceforth exclusively from the point of view of supply and demand. There was a constant demand for his work as no agricultural or industrial production is possible without the labourer. He therefore made his supply of work conditional on higher and higher demands for pay, in order to procure for himself a better financial and social position, as he was conscious of his own power in regard to the numerical superiority of his class, in comparison with the educated class, and universal suffrage gave him the opportunity to take advantage of it.

The process of levelling the different classes of society in their mode of life which is now going on in Europe, is nowhere more noticeable than among the Balts, who almost throughout belong to the educated classes, while the Letts and Estonians fill the ranks of the peasants, manual workers and proletarians, and as the difference of class here, coincides with the difference of race — more or less — the socialistic attack was the more vigorous, being supported by nationalistic aspirations. The Balt appeared in the eyes of the Letts and Estonians as an adversary in a double sense — as an educated man and also as not belonging to the Lettish or Estonian race.

The Letts and Estonians were caught by the nationalistic tendency of the age, which grew up amongst them stronger and stronger in opposition to the Slavophil policy of russification. Apart from the fact that for an Empire constituted of such heterogeneous elements as Russia, a forceful russification was dangerous, and a contradiction in terms, the Great Russians were in Russia in the minority (48 %) in comparison with the total number of the rest of the population; force produces opposition, attack — resistance, proscription of ideal values, such as racial individuality or religious conviction, enhances fidelity to personal individuality and faith. The Letts and Estonians became more and more nationalistic as they were subjected to a system of ruthless russification, and finally, when by the Russian revolution and the favour of the Entente Powers, they were given the possibility of separating from Russia, the consciousness of their racial individuality produced the desire for complete political independence. They took advantage of the nationalistic formula of self-determination and attempted to bring into effect the principle proclaimed by Bluntchli, by which humanity must chrystalise into as many States as there are racial individualities: „Each racial individuality a State, and each State a racial individuality".

Thus, when the inauguration of Latvia and Eesti took place, the Balts found themselves in the position of an alien element in their own country. They were in the minoritiy, their vote could not carry, and they were only able to take an indirect share in the foundation of these States on racial lines, simply because they were not Letts and Ests. At the same time, from masters they became servants, from superiors they were relegated to underlings, from rulers they became ruled, bound hand and foot to the majority.

The change was so sudden that it was deeply felt, more so as it was carried out in rather a brutal way, and an orgy of licence by people

who, for centuries, with few exceptions, had been kept at a level with the lower classes, broke out unrestrainedly. But it should not be forgotten that the Balts were an essential factor in bringing about Lettish and Estonian self-determination, having assisted these races to retain their national individuality. The Letts and Estonians have, therefore, at the moment of their political self-determination, every reason to consider the Balts, not as their enemies, but as their friends, to whom they owe their very national existence from being submerged.

There is no reason to anticipate the return of the old conditions of life in the Baltic lands; the Balts have, therefore, once and for all to reckon with the fact that a new era has arisen in the municipal and social life of Europe, and that their position in such racial States as Latvia and Eesti, must necessarily be different from that of the old Constitution. No illusions about that should be entertained. In purely democratic States, equality before the law is the chief pillar on which all conditions rest, therefore the Balts cannot demand anything more, but also nothing less, than to be on an equal footing with the Letts and Ests in all matters pertaining to public life. They can coalesce no longer in classes, but in political parties, and thus have the full advantage of acting according to their own poltical persuasion. In this way will they build up a faith in themselves and establish the justness of their claim to be treated as native co-citizens in Latvia and Eesti.

Generally speaking, minorities are more self-conscious of their individuality than the majorities, who, knowing their power, easily stagnate in their aims and ambitions. The poet says: — „Only he merits freedom in life who wins them every day". In the dynamic of human society, those on a lower strata continually struggle for the upward trend, these to whom Fate brings difficulties and hardships are invigorated all the more by their very struggle for life. The Baltic racial minorities will not be crushed out of existence. The Christian religion states that those who are called to bear, are also given the strength to endure.

Latvia and Eesti have all the conditions for prosperity at their disposal, provided they desist from the oppression, persecution and pauperisation of their minorities. Not enmity and strife, but good-will and peace provide the pledge for welfare and permanent success. Hatred damages not only others but oneself. To live at peace with one's neighbours and co-citizens, does not prejudice anyone.

What then is the real reason that the minorities in Latvia and Eesti, and especially the Balts, are looked upon with suspicion and hostility? Certainly not because the Letts and Estonians doubt their love for their homeland or because they are considered as useless drones! No, it is well known that the Balts desire to be useful to their country, and judging from a great number of them who have found a livelihood in countries even where there is a large supply of educated men, there is no doubt that they are a constructive element in any State. That which makes the minorities objectionable to the Letts and Estonians, is simply because they are not of the same racial stock. Now, that the Letts and Estonians in their newly created States are themselves the rulers, they should apply to their own racial minorities the

same principles they would have appreciated when they were under foreign domination.

The Letts and Estonians are also very hard in their judgment of the socalled „emigrants" who, in the majority of cases, are not emigrants in the strict sense of the word. Indeed, these „emigrants" are chiefly composed of people who against their will, left the home-country, or those, who for the time being, have managed to find a living abroad, or, those who were driven out of their homes by Lettish and Estonian nationalism and have lost the possibility of earning a livelihood in the Baltic lands — finally, those who fled before Bolshevism and who are now refused the permission to return home. All these people will be glad to return to their country as soon as the political situation there allows them to do so. At present, in Latvia and Eesti self-determination has produced an extreme self-assertion followed by ruthless intolerance. As if, because of self-determination, each State should consist of only one race!

Chapter II.

The Baltic Minorities' Rights. Their Relation to Municipal and International Law.

Lecture delivered at the Grotius Society in London, November 1921.

Gentlemen.

The civilised world is gravitating towards two opposite poles: Internationalism and Nationalism. Internationalism, which conceives of humanity as a whole, irrespective of differences of race, ethics and religion- and Nationalism, which is an appreciation of the affinity of racial origin, moral conception or religious persuation, are indeed, divergent, lying in different planes and cannot, therefore, be compared and measured one against the other. But, both these political forces are at the present time extremely active in bringing about fundamental changes in the internal and external affairs of the civilised world. Religious — so-called „black" Internationalism, extols the uniformity of faith above all other vital interests, and revolutionary, or „red" Internationalism, assuming an even more pugnacious attitude, demands universal class-warfare, in an endeavour to stamp out all inequality, while Nationalism indulges in racial exclusivences and intolerance. By their excesses both movements engender an atmosphere of strife and universal antagonism which, fanned by the fatal economic consequences of the war, is kindling the so-called Christian world into a blaze of hatred — a hell of deadly enmity!

But, in this cataclysm of varying political opinions. amid the clamour of warfare, in the turmoil of revolutions, if humanity is not to be submerged in an apocalytical upheaval, it must strike bed-rock on which to lay the foundations of future civilisation, upon which it can construct its Commonwealth. Let governments, State constitution,

religion and ethics be subject to grave changes, the natural conditions of human existence will always be the same, as long as human life shall run. The procreation of humanity rests on the maintenance of the family, which, together with other families related to each other, form an ethnographic unity, aggrandised by the coalescence of racial elements of the same origin, forming the tribe, the population of a given district. and finally, the nation. The natural course of national revolution has, in the past, often been diverted aside by conquerors in their lust for power, but, in spite of Imperialism, racial affinity vindicates its natural birth-right as the chief constructive principle and mainstay of the State. Nowadays, all races claim the right of existence by themselves and for themselves, and this right has been acknowledged by the common conscience of man.

Self-determination has also been butressed by a limitation of the sovereignity of the State. In early times, the individual was supposed to be neither more nor less than a mere particle of the community, as exemplified by the inexorable discipline enforced by the Spartan State. But the old idea of the State as the supreme arbiter of right or wrong, the one and only creator of public and private law, could not be maintained in the face of the requirements of an International community and the rigths of the single individual. Intervention or non-intervention, — no civilised State can any longer consider itself an entirely self-contained, and consequently, independent entity. Even between States, which only yesterday were at enemity with each other, there exists a community of interests, which if ignored, brings about a displacement of the economic balance of the world. While unemployment occasions to the Allies and the United States losses which are much greater than any reparations which could be wrung from Germany, the Germans, owing to the increase in the cost of raw products from abroad, the fabulous rise in the price of commodities — as a direct result from the depreciation of the German currency — are also no better off. There is something wrong in the state of the world, since the economic and financial solidarity of the nations have been so put out of gear by chauvinism and international hatred. The tragedy of the world war, as affecting the whole organism of civilised mankind, has made it clear to the vanquished as well as to the victors, that both are parts of one and the same world-wide economic, financial and political Commonwealth, just as disease afflicting one member of the human body necessarily affects the whole system.

No State is any longer permitted to disregard the main ethical principles on which the civilised world is based and which are anchored in the moral conscience of mankind. For instance, no nation is at liberty to introduce slavery, wholesale slaugther of innocent beings, robbery, immorality, and so forth. The ten commandments have a supernational authority. This is the reason that the Russian Soviet Republic is still not considered as a legitimate power, although it has succeeded in holding its own, simply because it stands outside the pale of civilisation in its practise of rapine, murder, intimidation and bad faith. Sny State which adopts similar methods, in toto or in part, endangers its position as member of the civilised Commonwealth.

Self-determination, one of the fourteen points of Mr. Wilson, the late President of the United States, was adopted by the Peace Conference at Versailles. It had already been acknowledged by Napoleon III who threw this alluring formula ino the seething cauldron of varying nationalities and, in the course of the nineteenth century led to the creation of a series of new States on a racial basis, such as Germany, Italy, Greece. But at the Peace Conference of Versailles, this principle received a new sanctification by the fact that the old theory of power being the sole and necessary condition for the creation of a State, was superseded by the conception of the „Contract Social", namely, the will and the consent of the population living on the State's territory. Self determination is thus firmly anchored in the common racial ideal as well as in the new foundation of municipal law. But, to be sure, it must find its limits in the conditions of existence and the vital interests of neighbouring States, just as personal freedom is limited by the right to freedom of others who are enjoying equal privileges.

It is therefore self-evident that a community cannot be entitled to self-determination at the expense of another state. If it be so, self-determination, internationally, must necessarily lead to conflicting interests, which in the last instance, can only be solved by arbitration or war. The self-determination of the Baltic Borderlands for independence will have to be in consonance with the interests of a Russia capable of defending her vital interests, but, in the meantime, the political independence of these countries, may have a long run, as the yoke of the Soviets, which is now incapacitating Russia, may still last for some years to come.

Internally, self-determination means an arrangment between the majority which wields the power and the minority which has to submit, without, however, losing their right to exist individually. Here the problem becomes rather complex, as the habitat of the different races forming the State, is often not confined within strictly determined areas, but comprises territories where an intermingling of races has taken place throughout the course of time. Thus the Jews in the Diaspora, and even in Palestine form a heterogeneous minority; Armenia, Grusia and Aserbeidjan are interwoven with different tribes, such as the Tartars, Turks and Kurds, Georgians and many Caucasian tribes; Home Rule in Ireland is complicated on account of the Protestants in Ulster; Finland has to deal with her Aryan-Swedish stock as well as with the Finnish-Mongolic population; Alsace-Lorraine has to cope with her German speaking elements in juxtaposition to the French; Yugo-Slavia contains Italians within her fold besides her Slavs; Czecho-Slovakia and Poland have several millions of Germans; in addition to the Ugro-Altaic stock living in Hungary, there are people of Teutonic, Slavonic, and Roumanian extraction; Lithuania is interspersed with Poles and Russians; Eesti and Latvia are the homeland of not only Ests and Letts, but also of the Balto-Saxons, who, came some seven hundred years ago to the Baltic shores*) colonised, Christiansed and civilised the country uplifting it to a high level of culture and prosperity.

*) Vide Chapter I.

In most States who have constituted their own independene on the principle of self-determination, the much vaunted liberation from racial tyranny has only shifted the burden of racial oppression from the shoulders of one race to those of another. The case of Tzecho- Slovakia is especially instructive in that the Tzechs, who are the ruling people represent only 46 % of the whole population, yet they impose a harsh rule on the other races in the State, consisting of Germans — 26 %; Hungarians, Ruthenians, Poles — 14 %; and Slovaks 14 %.

In practise, self-determination, has been a principle of racial freedom only for people who are able to command the majority of votes and thus deciding the momentous question. „Who shall be on top? Who shall be the hammer — who the anvil," In consequence self-determination had to be supplemented by another principle designed to become a corrective, so to say, rounding off its edges and mitigating the evil of its uncompromising application. It was found necessary to restrict the power of the majorities in their unlimited constitutional authority, exercised over all the population residing within the territory of the State. The self-determination of minorities established a new stage of development of the positive law of nations.

It is clear, however, that the rights of minorities must, of their very essence and conception, differ from the rights of majorities. In the latter case, they imply the acknowledged faculty of independent existence as a State; in the former, a mere limitation of territorial sovereignty for the benefit of racial minorities. According to democratic parliamentary rule, and on the basis of universal suffrage, the majority of votes decides the whole legislation and order of State administration, the majority presides over the vital public interests of the community, and in this respect, any interference on the part of minorities must be excluded, on principle. Thus, the Baltic minorities do not in the least question the rights of Latvia and Eesti's parliamentary majority, they have the welfare and prosperity of their native land no less at heart than the majority. They are even convinced that, in respect to themselves, the carrying out of the principle of racial self-determination of minorities will actually strengthen and stabilise the State.

But self-determination should not degenerate into tribalism viz., the assumption that the State should consist throughout of one homogeneous racial block. No State in the world exists, in which all its citizens belong to one and the same race; the economic, financial and politic inter-dependence of all civilised nations, the vast development of the ways of communication by road, water and air, the historic process of migration, conquest, or peaceful penetration, make it a sheer impossibility for any single State to isolate itself by restricting within its fold only one distinct race. The ideology of tribalism is, therefore, absurd!

In Latvia, however, foreigners and persons belonging to racial minorities are denounced as parasites; those whose ancestors have lived in Latvia less than two or three generations are subject to a special tax. The nationalistic press proclaims that „only Letts can be considered as citizens". Jews are looked upon as citizens of Palestine, Russians of Soviet-Russia, Germans of Germany — and the like. Agitation against

people of alien extraction is also directed against the Exchange Committee and the Exchange bank of Riga. It is said that the exchange should be exclusively in the hands of „the reigning people". Thus, government and press in Latvia and Eesti emulate each other in promoting the most uncompromising tribalism, reinforced by Socialism, anti-democratic in its practical application, inimical to personal freedom, reactionary in its intolerance. The argument that they, the Letts and Ests, were the first arrivals in the country and therefore merit a privileged position in comparison with the alien races of the minorities, is not consistent with the principle of equality. Tribalism, in such a garb, bears the stamp of an exclusiveness and intolerance which was characteristic of the Boors towards the Africanders, and finally brought the Transvaal Republic to its downfall. Even the great Russian Empire was over-thrown, partly because it mismanaged and tyrannised its racial and religious minorities: Russia will only be resurrected in power again, when personal liberty and racial and religious tolerance are conceded as a conditio sine qua non of its constitution. According to the principles of modern municipal law, citizenship is acquired by birth or by the naturalisation of each individual, the history of forebears, centuries old, not being taken into consideration. Again a State which de facto, has a mixed population of different races cannot be allowed to expulse people from their territory, who had acquired their legal domicile in the country before the State came into existence. Yet such a breach of the law of nations has actually occured in Latvia where scores of people have been deprived of their estates and expelled from the country although they had acquired there their legal domicile before Latvia had been constituted an independent State, for the simple reason that they did not belong to the Lettish race. These people had come from the interior of Russia.

It is a postulate of reason to conform to the ideas of right of those whose support is solicited. Since England has taken so active a part in founding the Republics of Latvia and Eesti and is, up to the present, ready to protect these States, Latvia and Eesti have every inducement not to imperil this support by assuming an anti-democratic tribalism, which is incomprehensible and offensive to the English. If the Lettish and Estonian peoples assume a privileged attitude on the strength of the fact that they came to the Baltic lands before the Baltic minorities, by the same process of argument, the Gaelic natives of the British Isles should demand precedence of the Anglo-Saxons and Normans. Likewise, the American Red Indians might set themselves up to be the free-men of the United States and thereby claim special concessions. Can the Basques and Celtic-Gauls aspire to priority and exceptional advantages of position, on the ground that they were inhabitants of French territory long before the Franks came to the country and founded France?

In Public law as well as in Common law, there is the title of acquisition by specification. As in Great Britain, America and France, so in the Baltic countries, a „specification" has, de facto, taken place, for virgin forests have been cleared, towns founded, ways of communication opened up, knowledge and culture spread and the Christian religion introduced — in a word, civilisation has converted pre-historic con-

ditions of life into those of a prosperous community, thereby securing an new moral and physical status. From the point of view of Public and International law, there is not, therefore, sufficient support to the plea for special rights for the earlier inhabitants of the country.

Moreover, in Public as well as in Private law, after the lapse of a certain number of years, claims lose their validity. All the European nations are intruders, for have they not all come from Asia, the Mother of nations? Who would on this score deny them the right to live in Europe? Humanity may be regarded as a section of ethnographic seams super-posed one upon the other. Nations are composed of peoples which, as it were, are like ice-flakes lying in close proximity to each other, or over-lapping each other layer upon layer, brought about by the constant fluctuation and change of peoples through the march of time. The years have brought about a continual ebb and flow in the migration of the peoples. One might ask with propriety; „Are the Letts ready to recognise the few still remaining Lives as privileged persons on account of their priority in the land?" The principle of equity and justice does not permit measuring with two kinds of measures. „With what measure ye mete it shall be measured to you again". According to the parliamentary system, the government must always be prepared to be succeeded by the Opposition as soon as it loses the majority of votes. If ever in Latvia or Eesti the minority in a Coalition were called upon to form the Cabinet, would it be satisfactory to the Letts if they were treated in the same way as they are now treating their minorities? And, if ever it came to pass, that Russia were to reclaime her former provinces, would not the Letts and Ests, in the eyes of the civilised world, deserve greater consideration for their racial autonomy, if they in their turn, could shew that they themselves had granted autonomous rights to their minorities?

The violent nationalistic, and at the same time Socialistic programme of the Lettish and Estonian governments, is a contradiction in terms. If, according to the Socialistic teaching, an onslaught be made against the Possessing Classes, there is no reason why the Lettish possessing Classes should be spared; on the other hand, if from a Nationalistic stand-point, the Letts should be favoured at the expense of the racial minorities, there is no reason to benefit and protect proletarians of non-Lettish extraction.

Should Russia resuscitate, Latvia and Eesti would be called upon to square accounts with their former Lord and Master — if possible, peacefully. What Russians think of the matter may be gathered from different opinions expressed at National Russian Meetings. For instance, at the Russian Meeting for National Union, in Paris, in June 1921, one of the leading speakers, Mr. Semenoff, said, that the Border States would have to count with Russia bye and bye, for, in spite of the revolution, she had not gone under. He went on to say that Estonia, Lithuania and Latvia, together, cut off Russia from the Baltic sea, and that no less than one third of Russia's total export trade had to pass through these countries. „Even admitting the principle of national self-determination", continued Mr. Semenoff, „it is understood by itself, that it must not be carried out at the expense of subjugating one's neighbours. Russia must,

therefore, come to an agreement with the Border States, and without destroying their selfdetermination, Russia should be placed in a position which gives her freedom under all possible conditions." Likewise, the Russian Monarchist Congress at Reichenhall recognised that the Border States, enjoying a full „autonomy in Home affairs", must be given the means of cultivating their own racial peculiarities. The Russian newspaper, edited in Paris, „Obstche Djelo" (The Common Cause) of the 11th June 1921, expresses itself in favour of an understanding with the Border States, „but", adds the paper, „what is to be done, if an agreement with these States is not reached? It is clear that then it must come to a fight. Cut off from her Baltic ice-free ports by the Border States, Russia will not be able to exist as a great Power, more particularly so, as these States will hardly be in a position to keep their independence, and will unsuspectingly and involuntarily come under the influence of one of the great Powers whose interests happen to be opposed to those of Russia." Since the admission of Eesti and Latvia to the League of Nations, the language of the „White Russian" press has become even more threatening, and points to the inevitableness of war to regain the lost Baltic Provinces. Russian opinion is, therefore, quite clear on this point. It is true that Soviet-Russia has acquiesced to the separation of Latvia and Eesti but, the number of Communists is no more than 700 000 out of a total population in Russia of 125 000 000, and no representative Constituent Assembly has ever expressed its sanction of this self-determination.

Latvia and Eesti will have to undergo a test with the Russian Giant on the matter of their independence, which will be the easier to maintain when they can count upon sympathy and assistance from abroad, and, in the first place, much will depend on England, who has undertaken to protect her important interests in the Baltic States and has been at pains to use Latvia as an out-post against Germany, as well as against Russia. It was of importance for England, for political and commercial reasons, to counteract German influence in the Balticum, and thereby to assure for herself a preponderating position in those lands. This was well within England's reach, for she had at her command a sufficiently powerful fleet to keep the Baltic sea-board permanently under her control. At the same time, England was storing up a weapon against Russia. The traditional Russophobe policy of England is, of old, directed towards weakening Russia as much as possible. Lloyd George has not hesitated to make a statement to that effect in the House. England is endeavouring by every manner of means to keep in touch with Latvia and Eesti. She has undertaken to protect Latvia's interests in places where Latvia has no consular or diplomatic representatives of her own; an English newspaper has been founded in Reval; in general Great Britain stands in intimate relationship with the Latvian and Estonian governments.

Likewise, France, Latvia and Eesti's second sponsor, may be of use to them in the future. France's policy in the Baltic Border-lands follows the same line of conduct as in Poland, where the principle object is to prevent direct intercourse between Germany and Russia, by placing buffer-states in their way. France does not care whether Russia's

commercial relations with Central Europe are thus impeded, for French interests demand, first of all, a lasting political and economic weakening of Germany. For this reason, in case Russia were to try to remove the obstruction to free intercourse with Central Europe, France, most probably, would support Latvia.

The Baltic States have, therefore, in England and France protectors, whose favours are worth retaining, and should not jeopardise the advantages of the political situation and the safety of their future. For centuries, the Baltic countries have endeavoured to maintain their racial and cultural personality, and have been granted a certain degree of autonomy by their Swedish, Polish and Russian conquerors. Now, thanks to favourable political circumstances, they have been able to declare themselves independent. But, surrounded by more powerful States, which at any given moment may, as in the past, try to incorporate these valuable costal regions, Latvia and Eesti are bound to direct their policy chiefly towards the preservation of their own independence, or at least, by securing the position of Dominions with certain limitations as to their fiscal system and International policy. All that may obstruct and endanger this aim must be discountenanced, all that is conducive to its fulfilment, must be favoured. That is also the reason why the Baltic minorities deserve to be treated with respect and proper consideration — for the sake of safe-guarding the practical interests of the country.

Latvia and Eesti must choose between two opposite systems of State administration. Tribalism, is always short-sighted, and in the end, fatally turns to the disadvantage of the community. Diametrically opposite is England's example. Tribalism has never entered the soul of the English, and that is how they have fared so well. Their long historic past up to the present time, speaks of readiness to compromise and racial liberality. The structure of the gigantic Empire is held together by conciliation, mutual concessions for racial freedom and personal liberty. These then, are the two alternatives confronting Latvia and Eesti: tribalism and ruin, or racial tolerance and prosperity. Can there be any doubt which to choose?

Gentlemen, would you like to be treated like the Balto-Saxons? Imagine, if the Gaelic-Highlanders, the Celts from Wales, Cornwall and Devon were to come down on you and expropriate your landed property, requisition three-quarters of London for the benefit of their tribe, and brand you as intruders and foreigners ordering you back to Germany, Denmark and France — from whence you came — since they, the „Celts, are the original native population of the British Isles! What would you say to such a proposition? Would you meekly submit? I venture to think not! You would surely stand up for your ideas of right, for the traditions of your valiant fore-fathers, who founded the kingdom and Empire — for the priceless gifts of culture and civilisation. This is precisely what the Baltic minorities intend to do in this the hour of their trial. May I express the hope that your „cousins", the Balto-Saxons may have your sympathy — and perhaps even your assistance —. In Hugo Grotius' „De Jure Belli ac Pacis" Liber III, „Conclusio cum monitis ad fidem et pacem", you may find the incentive to do so."

The lecture was followed by a discussion. The Chairman, Sir Alfred Hopkinson, spoke on two different points; he dwelt first of all, on the Russia of the future. It was out of the question that, after over-coming the present crisis, Russia would not reclaim, either by federation or incorporation, her Baltic provinces and regain her two ice-free ports in the Baltic, Libau and Windau. It should be abundantly clear that Russia was bound to do so, in defence of her vital interests. Moreover, self-determination was a principle still subject to much criticism. It could not be unconditionally admitted, as no community could determine political independence for itself, without the consent of those parties interested and closely involved.

In answer to Mr. Bewes, Baron Heyking said that the Letts were chiefly Lutherans. The colonisation of Latvia and Estonia might be compared with that of Eastern Prussia by the Teutonic Order, with this difference that in Eastern Prussia the Prussians disappeared, but in Latvia and Eesti the new comers allowed the latter to retain their racial individuality. The natives now say that no one should be a citizen except a Lett. That is not self-determination. It is true that anyone may be naturalised. But naturalisation is denied to many. It is also a fact that these countries had serfdom. But, although they had lost their independeence, serfdom was abolished in 1816, whereas in Russia it lasted until 1861.

Mr. Henriques asked whether under the Treaty a recommendation might not be made by the League of Nations to confer equal rights.

Baron Heyking explained that there was no right of appeal except through one of the three delegates of the State, or by a delegate of some other State. England has agreed to protect Latvian commercial interests. But the Minorities wanted their rights. A Commission had recently been appointed at Vienna by the Union of Associations to consider all questions of minorities and to report to the League.

Master Jelf suggested that self-determination was not a part of International law. The other nations ought to help these minorities which possessed no rights as against States, and this should be done by way of counsel through diplomatic medium. We objected to a State of the British Empire going to the League with a complaint, i. e. Ireland.

Mr. Henriques however, contended that if a State denied rights to certain of its subjects, such subjects must have a right to come to the League.

Baron Heyking pointed out that self-determination had been recognised in treaties and therefore it came within International law. Latvia and Eesti were on the point of concluding a treaty with the League on these rights. The League had received an enormous number of complaints, but unless the delegates took them up, the minorities were powerless.

Mr. Cole asked whether an old feud did not exist between the native populations of Latvia and Eesti and the Balts. The lecturer replied that the Letts and Ests thought that there was reason for animosity on their side because of the ill-treatment they had received in times past. They had indeed passed through the unhappy stage of

serfdom — although it had never been practised in its worst form, nor out of malice — but it was an usage in conformity with the ideas then prevailing over the whole of Europe. Since 1561, when the Baltic State lost its intependence and was taken over by Sweden, Poland, and later on, by Russia, the position of the serfs in the provinces was very similar to that of the peasant class in those States to which they belonged. The Christianising of the Letts was probably not a case of peaceful conversion, and the Crusaders who, at the bequest of the Pope, over-ran the country, behaved no better than the Crusaders fighting their way to the Holy Land. But this was only of historic interest. At the present time, the Balts only claimed equality with the Letts and Ests and were most willing to colaborate with them without any aspirations for precedence. They only prayed to be relieved of oppression, expropriation and banishment.

One of the members of the meeting said that he could corroborate what he had heard in the lecture, as he, personally, knew of a former land-owner in Latvia who, having lost all his means of existence, owing to the expropriation of his estate, was now reduced to a position of having to work as a manual labourer by repairing roads in Bavaria. The lecturer said that Socialism and Nationalism in Latvia and Eesti had been instrumental in bringing about the impoverishment of the upper strata of society. There was no objection to the uplift and rise of the masses as long as this was brought about in conformity with the ideas of equality, the safety of private property and the maintenance of personal freedom. But the mode of procedure of the Lettish and Estnish governments was to a certain extent influenced by Bolshevik ideas, which although they had proved disasterous in Russia, had a hold on Latvia and Eesti.

Another gentleman suggested that the whole question might perhaps be looked upon as of mere local importance.

To this, the lecturer replied that Europe did not produce sufficient food-stuffs to feed her population, and relied upon an enormous importation from abroad. It was therefore much to the interests of Europe to secure food from those countries which grew corn. Latvia and Eesti were agricultural countries which, before the war, exported a large quantity of corn to the Western countries of Europe, but now they were obliged to import corn for themselves, and this was the result of the disintegration of agriculture by the so-called Agricultural Reform. Since Western Europe is involved, she cannot be unconcerned regarding the state of affairs existing in Latvia and Eesti.

Chapter III.

The Baltic Minorities' Rights detailed.

Paper read at the Assembly of the International Law Association, at The Hague, September 1921.

The very fact that Latvia and Eesti have been recognised de jure, by the Entente Powers, Germany and Austria, and many other states, and are admitted to full membership of the League of Nations, is indeed proof that these States are looked upon as civilised, and further-

more, their express desire for full rights of equality among other nations, is tantamount to a resolution to keep to the tenets of civilised rule. „Noblesse oblige". It may therefore be taken as a foregone conclusion that these States, if sincere and loyal to their professed political standpoint, are bound to respect and carry into practice those fundamental principles which are acknowledged by democratic communities and belong to positive International law. They should therefore enforce those minorities' rights enumerated in the treaties concluded by the Allied Powers with Poland, Austria, Hungary, Roumania, Turkey, Yugo-Slavia, Czecho-Slovakia, Bulgaria, Greece and Armenia, which are applicable to all the racial minorities in the world, and for whom the League of Nations have assured fair treatment, which rights the Baltic Minorities likewise desire to enjoy, viz.:

(1). A full amnesty to be granted to those natives of whatever racial origin or religious denomination they may be, who, for political reasons, have been deprived of their lawful civic rights. Those who sympathised with Bermont's ill-advised venture,*) had to fly abroad for their lives, thereupon, their property was confiscated, and they were stigmatised, „political criminals". In somewhat similar circumstances an amnesty was granted by the afore-mentioned Treaty with Turkey (Art. 144) by which the Ottoman government recognised the injustice of the law of 1915, and its additional treaties, concerning the abandoned properties, (Enval-i-Metrouke) and declared these decrees to be null and void, both with reference to the past and in the future. The Ottoman government likewise pledged itself to „make facilities for — as far as possible — persons of non-Turkish origin belonging to the Ottoman Empire, who had been forced into exil for fear of their lives, or being persecuted, since January Ist 1914, and to enable them to return to their homes and to re-establish their business. The Turkish government recognise that real or personal property belonging to such like persons must be restored to their rightful owners as soon as possible. The property must be returned free of any charge or tax, and without any indemnity whatsoever being made for the benefit of the actual holders." Thus, a precedent of a case in point is established, which may serve to make clear the position of the owners in Eesti and Latvia.

(2). The reinstatement to the right of property of those who have been thus deprived, adequate compensation being given for any inflicted loss by the Estonian and Latvian governments; and the inviolability of the right of ownership for individuals and „personnes morales", in so far as expropriation is not demanded by actual public necessity, real requirements for land for the agricultural classes being adequately satisfied. For all deprivation of property and expropriation meted out in accordance with public requirements, and inflicted loss caused by the Estonian and Latvian governments, a just and adequate compensation should be given. This would compare with similar provisions made by the Treaty with Turkey (Arts. 126: 128: 144: 281: 287: 288); with Poland (Art. 3); with Austria (Arts. 78: 250: 259: 264);

*) Vide Chapter I.

with Hungary (Art. 63); with Czecho-Slovakia (Art. 20); which, in the most unequivocable terms, affirm and proclaim the right of personal ownership, granting adequate compensation for any infringement thereof by the government in question. It is beyond any doubt that the Minorities' Treaties are based upon this principle, and Communism, syndicalism, or nationalisation of property are by no means countenanced. The nationalisation of landed property is, therefore, diametrically opposed to such Treaties, and must be definitely abandoned if Eesti and Latvia intend to subscribe to the Minorities' rights. Moreover, it is a self-evident fact that all members of the League of Nations, which recognise the right of private ownership as the foundation of their social and economic structure, are obliged to acknowledge the same principle.

(3). The reinstatement of „Pious Foundations and other personnes morales" which have been wilfully suppressed. Analogous provisions have been made by treaties concluded with Greece (Art. 14); Yugo-Slavia (Art. 10); Armenia (Art. 7); Austria (Art. 75).

(4). Personal safety and liberty such as provided for by the treaties with Poland (Art. 2); Greece (Art. 2); Hungary (Art. 55); Roumania (Art. 2); Czecho-Slovakia (Art. 2); Yougo-Slavia (Art. 2); Turkey (Art. 141).

(5). Equality of citizenship irrespective of racial origin or religious conviction. Appointment to State and Communal office to be made solely on personal merit and real qualifications, as provided for by the treaties concluded with Poland (Arts. 7 & 8); Bulgaria (Arts. 40: 51: 53: & 56); Roumania (Art. 8); Czecho-Slovakia (Art. 7); Yougo-Slavia (Art. 7); Turkey (Art. 147).

(6). Freedom of the press, of political opinion, conscience, meeting and association: political crimes to come under the competency of ordinary law-courts, as provided for by treaties with Poland (Art. 7); Turkey (Art. 145); Austria (Art. 66); Bulgaria (Art. 53); Greece (Art. 7); Armenia (Art. 4); Hungary (Art. 58); Roumania (Art. 8); Czecho-Slovakia (Art. 7); Yougo-Slavia (Art. 7).

(7). Freedom of commerce and industry as provided for by the treaties concluded with Poland (Art. 7); Turkey (Arts. 145 & 281); Austria (Art. 66); Bulgaria (Art. 53); Greece (Art. 7); Armenia (Art. 4); Hungary (Art. 58); Roumania (Art. 8); Czecho-Slovakia (Art. 7); Yougo-Slavia (Art. 7).

(8). Religious and scholastic autonomy and the right of maintaining racial and cultural individuality, as provided for by the treaties concluded with Czecho-Slovakia (Arts. 8 & 9); Roumania (Arts. 10 & 11); Yougo-Slavia (Arts. 8 & 9); Hungary (Arts. 55 & 59); Turkey (Arts. 148 & 149); Bulgaria (Arts. 50: 54: & 55); Greece (Arts. 8: 9: 10: & 12); Armenia (Arts. 2: 5: & 7).

(9). The right of changing allegiance without thereby incurring any penalty, adequate facilities being given for the transferring of property in case of option. Latvia and Eesti to recognise as Latvian or Estonian citizens — as the case may be — all persons who, at the moment of the proclamation of the independence of the Lettish and

Estonian States, had their legal domicile on the territory of these States or were born on that territory as provided for by the treaties concluded with Poland (Arts. 3, 4 and 5), Austria (Arts. 78 to 82), Roumania (Arts. 3 and 5), Turkey (Arts. 124, 125 and 143).*)

(10). Freedom to travel or reside within the territory of the State, or to leave and re-enter it at will, as stipulated by the treaty concluded with Turkey (Arts. 127, 143 and 144).

The reading of the paper was followed by a discussion in which M. van Zuylen and Mr. Rastorgoueff took the chief part. The former said:

„Having been recently in touch with an old family of Russians near the frontier, I feel compelled to draw attention to a state of things to which no speaker as far has alluded. The previous speakers have been talking about the right of minorities. Well, if there is no speedy help for that minority, I am afraid that soon no such minority will exist. The cruelty to those ci-devant rich people who had lands and property is most appalling.

In Riga, some months ago, the home for old-age people was closed, and all those infirm and old people were turned into the street; they had no home to go to, no help, no protection. The food at the public kitchens was refused to them. The houses they owned are no longer their own. You are aware that all property has been confiscated, and that the present Government has declined to give any guarantee as to persons or lands.

I may add that not only the home for old-age people has been closed, bud the adolescents' hospital at Riga has shared the same fate. Everywhere the private institutions' property has been seized and the owners turned out.

I sincerely hope that those who are going to Geneva will call the attention of the Assembly to these facts, and urge the immediate necessity of protecting the very existence of those minorities."

Mr. L. P. Rastorgoueff. „Though the question raised by my countryman, Baron Heyking, concerns only small localities in the Baltic States, I must say that behind it lies the much greater question of the rights of national minorities. After the great war, the map of Europe looks rather queer. Instead of the great Empires comprising each many nationalities, Europe is now divided into small portions; several new small States are being created, and not a single one is homogeneous; each State, by way of compensation, and by one means or another, has been granted strips of territories populated by people of different nationalities from the State itself. I do not know the present position in the Baltic States accurately, but it seems that newly created States which in past centuries have themselves been oppressed by dominant nations, are now striving to take revenge and are oppressing in their turn, the small minorities living within their territory. As far as I can understand, there is a hope that the Baltic States, which are not members yet of the League of Nations but which are applying for that membership, if they are admitted to the League of Nations, will have to alter

*) See Chapter VII.

their Constitution and grant certain rights to minorities. This seems to me to be all right. But, unfortunately, the Baltic States are not the only ones who oppress the minorities living on their territories. There are States which are members of the League of Nations who are doing the same, and perhaps worse, and yet the League of Nations is powerless and cannot restrain them. I am not going to dicuss what the reason is; that is a different question. But the fact is there that at present the League of Nations is powerless to restrain its own members from oppressing their national minorities."

Chapter IV.

Safeguarding the Rights of the Baltic Minorities.

Paper presented to the Council of the League of Nations Societies, at Vienna, October 1921.

At the present time, we stand on the threshold of a new era, in which people of different positions in life are no longer divided into classes, and where social and ethnographical equality is considered a necessary corollory to a free political community. Under such new conditions, all the elements of the population, differ as they may, racially or religiously, have equal rights before the law of a State to which they all owe allegiance.

In applying these fundamental principles, it is, above all, necessary that patriotism — love of a common homeland — should take the place of short-sighted and intolerant nationalism. A nation is but an international political entity. We speak of the American, the Swiss, the Belgian nations, and others, although these nations consist of very different racial elements, and in the cases enumerated, have not even a particular language of their own. In every State there are racial majorities and minorities which together form a political conception of the nation. These combine in a common national ideal which prevents them from drifting apart. At the present time, throughout the civilised world, „Democracy" is blazing forth in flaming letters all over the political horizon — a principle which, if it conveys any meaning at all — embodies the postulates of liberty, equality and fraternity. But how can these tenets be carried into practice if the majority make a point of subjugating the minority, setting at nought their rights as human beings and continually stirring up strife?

The rights of minorities in their essence represent the Magna Charta of humanity. They comprise principles, which civilised humanity of the twentieth century has proclaimed to be the irreducible heirloom of each single individual and every body of man. They are the rights of civilised man. Accordingly, the Treaty of Versailles and the supplementary Conventions with the new States do not limit themselves in establishing the privileges of religious freedom and equality, which were already provided for in the Treaty of Osnabruck 1648, in the Protocol of the four Allied Powers, Great Britain, Russia, Prussia and Austria — when the re-union of Belgium and Holland (1814) was recognised, at the Congress of Vienna (1815), likewise at the London Conference for the independence of Greece (1830), and again, at the

Treaty of Paris (1856), and also at the Treaty of Berlin (1878). The Treaty of Versailles goes farther, and places the legal position of minorities upon a new footing; no mere privileges are granted for minorities of race, language or religious denomination, no mere reference is made to the de facto situations — this time it is a question of rights.

These new and enlightened principles on positive International law, signifying the legal recognition of the inalienable rights of the weak as opposed to the strong, and in support of their very existence as human beings, manifest, however, certain discrepancies in the fact that the League of Nations — which has taken upon itself the function of being sponsor — is still in its infancy and has not yet acquired the power of enforcing its will under all circumstances. The tenets of the Minorities' Treaties have not always been conscientiously carried out, and the mere „guarantee" of the League of Nations has not had, in practice, the desired effect of impelling obedience. It must be admitted, therefore, that the executive power of the League is not quite what it might be. Moreover, the rights of minorities are not even theoretically sufficiently safeguarded. Minorities have hitherto not been recognised as public Corporations in the general system of the League of Nations or as subjects of International law. Only States as a whole have the right to address themselves to the International Tribunal, and minorities are not allowed to bring their grievances independently before the League of Nations, but have for this purpose to avail themselves of the instrumentality of a member of the Council, who must consent to identify himself with the contents of the petition to be adressed to the Council of the League of Nations. It is easy to recognise that such an order of procedure is totally inadequate for safeguarding the minorities' rights. Since the revocation of the Edict of Nantes up to the present day when breaches of the minorities' rights occur only too frequently, it is glaringly apparent that the position of racial and religious minorities towards the overwhelming power of their ruling majorities, is precarious to the extreme and demands an extra-territorial guarantee. If the minorities' rights are violated, there is little hope that redress can be attained by lodging complaints with the home government, which, in the position of judex in propria causa, cannot assure impartiality and justice. Similarly, the representatives of any given country who are members of the Council of the League of Nations, cannot be expected to voice the complaints of their minorities against their own Home government. And, as the Council of the League of Nations is composed exclusively of members of ruling majorities and does not admit a single representative of racial or religious minorities, these have no alternative but to find a member of the Council who could be persuaded to interest himself so far on their behalf as to identify himself with their cause. Thus there is no definitely constituted right for the minorities, but only a possibility that the complaint may come before the Council. However apart from very specific political circumstances which might induce a member of the Council to take an active interest in the complaints raised by the minority of a foreign State, the representatives of every country are supposed to observe the interests of their own State and, in the majority of cases, it

would hardly be consonant with such interests if a member were to become the mouth-piece for a minority and voice their grievances against a State with which his own country is on friendly terms. The absurdity of such a position is shewn not only in theory but in practice when minorities have found out to their cost that foreign State representatives will not compromise the friendly relations of their own State with that State against which the minority complains. And indeed, why should they do so? It is obvious therefore, that the whole position is totally unpracticable and although complaints from minorities have been numerous, no member of the Council of the League of Nations has come forward as their champion at the expense of compromising his own country.

In order to avoid the odium of voluntary initiative in taking up minority claims, it was established on the 22nd October 1920, on the motion of Italy — M. Tittoni, that the Council was ready to receive petitions from the minorities as information, and further, on the 25th October 1920, the Council gave the President the right to take cognisance of these complaints which were addressed to the Council „ex officio", and in each case, two members of the Council were designated to form a Committee of Inquiry. Finally, the Council adopted a resolution on the 27th June 1921, according to which all petitions coming from persons who are not members of the Council, must, prior to being brought before the members of the Council, be presented to the State concerned which may, within two months, offer its „observances" on the said petition. The afore-mentioned „Commission" of Inquiry — should it think fit to do so — may submit a report about the case to the Council which „may procede in a manner and give such instructions which may seem appropriate and efficacious under the given circumstances". For instance, a special Commission of Inquiry may be appointed to investigate on the spot. The decision of the Council must be unanimous. If no agreement is reached and the difference of opinion thus bears an international character, the case may, in accordance with Article 14 of the Pact of the League of Nations, be brought before the Permanent International Tribunal of Justice at the Hague.

This then, is the procedure existing at present for the safeguarding of the minorities' rights. From a juridical point of view, it does not bear criticism — it is unfair and ineffectual in achieving the very aim in view, viz., the protection of the minorities. It does not even bear the characteristics of a law-suit where the parties opposing each other enjoy the same legal position in Court, for it places the complaining minorities distinctly at a disadvantage owing to the fact that they are not represented in the Council, as is the case with their opponents who have every facility to make any statement they like in the absence of the other party. There is also no guarantee for the minorities that their complaint will ever be taken up, for that depends solely on the good-will of the President and the Council — in other words, on considerations of a political nature and not on the requirements of justice. Altogether, the Council is in no sense a court of justice. And even if it happened that a case passed through all the vicissitudes of the deliberations of the Council, it is hardly possible to assume that the minorities would get

any satisfaction. It reads very well that „in case of difference of opinion about questions of law or of fact between the interested State and another State, this difference will be considered as having an international character, and that in accordance with Article 14 of the Pact of the League of Nations, the question would then be liable to be brought before the Permanent Court of Justice at the Hague."*) But what State would care to spoil its friendly relations with another State „pour les beaux yeux" of a foreign racial minority? No doubt we are here confronted with, a sort of half-way house, an abortive compromise endangering political interests and at the same time unsatisfying to the most elementary requirements of justice. The minorities must have real international safeguards which should be created before this hitherto unsettled question threatens to involve Europe in another conflagration. The following two propositions would attain this end:

(1) Permanent Commissions of Control to be appointed by the League of Nations in Latvia and Eesti, empowered to supervise the application of the minorities' rights in these countries, to receive complaints from the minorities and bring them to the notice of the Council of the League of Nations and to take proceedings before the International Tribunal of Justice at the Hague.

(2) That the minorities of each country be admitted as public Corporations in the general system of the League of Nations, invested with the right to plead before the permanent International Tribunal of Justice at the Hague.

In setting forth these suggestions, it is well to note that the fifth Conference of the Federation of Associations of the League of Nations at Geneva in June 1921, decided to „invite the Council of the League of Nations to establish a permanent Commission to study any reports on complaints addressed to the League of Nations concerning the non-observance of minorites' rights and the measures to be taken in such an eventuality." In support of this idea, at the tenth session of the Council of the League of Nations in October 1921, Professor Murray, the delegate for South Africa, introduced an analogous proposal for creating a permanent Commission for supervising the observance of the minorities' treaties. Modern writers of repute on minorities' rights have repeatedly emphasised the importance of this consideration. The Bohemian, Professor Rudolf von Laun, stated that the right of minorities could not be safe-guarded except by international guarantee and with the right to appeal to an international court. Likewise, Dr. de Auer from Budapest in his paper read at the session of the International Law Association at the Hague in October 1921, vindicates the right of racial and religious minorities to take proceedings before the International Tribunal at The Hague.

The chief objection against such a procedure lies in the fact that the minorities are not adequately organised, nor are they circumscribed as independent States, they are therefore unable to plead as a collec-

*) „Protection des minorités par la Societé des Nations, exposé historique et juridique", by Helmer Rosting, Palais des Nations Genève, 1922.

tive whole. But surely this deficiency can be remedied. Racial cadastres including everyboly belonging to a given minority have already been introduced in many States, and in theory this requirement has been copiously formulated*) and, furthermore, the minorities in many States, have organised themselves in closely bound corporations. For instance, in Estonia a bill was brought before parliament about „organisation of the autonomous racial minorities". In the different States the minorities are represented in Parliament by their respective members. It is therefore quite possible to look upon the racial minorities of a State as an organic whole, able to enjoy the position of a „personne morale" and endowed with full legal capacity even from an international point of view, although they are by no means an independent sovereign organism. The objection that no sovereign State could consent to have its dissentiont with its minorities brought before a foreign tribunal, is null and void, since the League of Nations and its associate, the permanent Tribunal at the Hague represent all the States which are its members and are therefore, not foreign but national in a wider sense. Of course a sceptic could say that even so the minorities cannot be sure that their rights will be observed since the League of Nations and the Permanent Tribunal at The Hague have no military force at their command, but, on the other hand, it would be of great importance if the Permanent Tribunal at the Hague were to pronounce itself on minorities' questions, for the moral weight of such judgements would undoubtedly go far to improve the position of the minorities.

The principles laid down in ten treaties concluded at Trianon, Versailles and Sèvres have inspired the „recommendation" of the Assembly of the League of Nations adopted on December 15th 1920, to the effect that: — „In the event of the Baltic, the Caucasian States, and Albania being admitted to the League, the Assembly requests that they should take the necessary measures to enforce the principles of the minorites' treaties, and that they should arrange with the Council the details required to carry this object into effect." Thereupon, the President of the Latvian Republic stated in the cession of the Constituent Assembly of the 23rd September, 1921, that Latvia, by her admission to the League of Nations, had acquired certain rights and also certain responsibilities. „It is our duty", said the President, „to adheer strictly, to International laws and customs." It is certainly true that the Latvian and Estonian governments have already incorporated some of the principles of the minorities' rigths into their constitution, but it is rather unfortunate that they are often not observed!**) The best of laws and the loftiest principles are worthless if not put into practice. From centuries past, minorities have been wronged and outraged by tyrannical majorities. The world sighs for peace, but no peace is possible until the rights of minorities become a living force and an article of political faith carried out into actual practice by all the nations of the world.

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*) Vide Wolzendorff: - „Recht der nationalen Minderheiten und der Nationalkataster", Berlin 1921.

**) Vide Chapter VI.

Chapter V.

Instances of Breach of the Minorities' Rights.

The systematic oppression and plunder of the defenceless minorities of Latvia and Eesti has been manifested in various ways. Only a few instances need be quoted — characteristic of this whole system. The events of the war and the Bolshevik invasion forced a considerable number of the landed proprietors of Latvia and Eesti to flee abroad as refugees, but all their present endeavours to obtain permission to return to their homes, are unsuccessful, various futile pretexts being extended to support this refusal. In their absence, their property is being confiscated, and those who decide to be naturalised in another State are denied the right of option to liquidate their affairs in their own country. The government administration of these estates by incapable and dishonest State officials has been most destructive in consequence of waste and robbery. Stupendous deficits amounting to millions of roubles are the result and are charged to the proprietor, and covered by forced sales of agricultural implements. Thus any compensation is automatically wiped out.

In Eesti, religious instruction is no longer obligatory in public schools. This measure has created consternation among the Ests themselves, who are by nature religious. The country churches and vicarages whose regular stipend was the land granted to them by the large landowners, have been deprived of their previous means of existence, their land having been confiscated without the grant of any sort of compensation. The pastors now receive from the community a salary which is quite inadequate. In Latvia, the land belonging to each country Church was expropriated, leaving a remnant plot of some 49 acres, for the pastor's use. In many towns, villages and scattered country districts, the parishes include a German-speaking and a Lettish community which both use the same Church. Consequently, each congregation should be given the portion of land left over for the use of their respective pastors. But it was only the Lettish congregation who were granted land for their pastor, while the German-speaking congregation were denied such. The centuries' old Baltic-Protestant Church of St. James (Jacobi) in Riga, is to be expropriated against the expressed will of the parishioners, in order that Roman Catholics Letts should have it. Other churches belonging to the Russian and German-speaking communities are also to be taken over by the Letts. Many schools of the minorities are subjected to a system of destruction by forceful means, such as the expropriation of the building of the Baltic classical school at Goldingen, the grammar school at Postroggen, Puhnen, Katzdangen and Kikkurn in Latvia. Only quite recently, the municipal administration at Riga, decreed that the directors of the German schools in the town should pass a written and oral examination in the Lettish language, before the beginning of the next term; the town representatives of German racial origin protested — of course in vain!

In Latvia three languages are spoken, Lettish, German and Russian, and in Eesti the languages are Estonian, German and

Russian, but only a small minority of the citizens speak ail the three languages. The names of the streets were therefore inscribed in all three languages, but now they are only written in Lettish or Estonian, as if none but Letts or Ests were living in the country! In the towns, Goldingen and Mitau, it is even intended to have the private inscriptions on entrance doors put up in Lettish only, converted into that language by the addition of Lettish syllables. In country districts, Lettish State employees make a point of only speaking the Lettish language, which is entirely unintelligible to many citizens of non-Lettish origin.

The right of ownership has been violated in many ways, for instance by depriving certain „personnes morales", such as the town guilds and the Corporation of Noblemen, of their legal rights, and confiscating all real and personal estate belonging to them, and all property under their private guardianship. The full significance of abolishing the Corporation of Noblemen in Latvia and Eesti, appears from the following trenchant fact, that on the first of March 1920, Latvia promulgated a preparatory law, according to which property belonging to „personnes morales" which had been pronounced non est, should, failing a legally constituted heir or successor, fall to the State. Thereupon, by the law of June 29th, 1920, the Corporation of Noblemen of Latvia was abolished for the express purpose of enabling the State to appropriate their property, although the Corporation no longer held any public office or function, and was merely a private society presiding solely over the private interests of its members like any other friendly society. In Finland, where the political circumstances resemble those of Eesti and Latvia, the continued existence of their Corporation of Nobles, with all its private rights, was confirmed by the Ordinance of 1918, notwithstanding the fact that the country is a Republic. Likewise, in England and other countries, the Guilds and ancient Corporations which no longer exercise any political rights, continue to exist as before, possessing houses, churches and collections of art treasures. The industrial guilds and Corporations of Noblemen in Latvia and Eesti were suppressed on the pretext that their property must be „placed under the administration of the government, since the present political structure of Latvia and Eesti does not admit of the existence of industrial guilds and Corporations of Noblemen". But, surely, as already mentioned there is no question of any public or political rights being exercised by these Associations, composed of free citizens who should have the right of congregating, of forming friendly societies and of possessing property. It is quite legitimate for any government to deprive any association from exercising such public rights as are considered opposed to the advanced republican aspirations of the country, but it is certainly unlawful to lay hands on property which does not belong to the State, and to prohibit the continued existence of „personnes morales", who, by law enjoy the right of possessing property. It is alleged that these „guilds" and „Corporations" should not be allowed to exist even as private institutions, because they are not composed of Letts and Ests, and politically may become of an anti-Lettish or anti-Estonian orientation. Apart from the fact that this is an insinuation without

any foundation whatever, it is uncontrovertible that racial minorities, such as the Balto-Saxons, Russians, Poles and Jews, should have the right to maintain their own racial ideals; they are legally represented in the Constituent Assembly, and are, by the constitution of the country, entitled to defend their interests, but, since they form so small a percentage of the whole population, it is simply unthinkable that they could ever be a real menace to the Lettish and Estonian Commonwealth. To any unprejudiced mind, the real reason for the suppression of friendly societies and the expropriation of their property is, therefore, only too apparent, in spite of the excuses and pretexts advanced — Latvia and Eesti have up till now been living on loot, this is the whole question as it stands!

The most striking instance in expropriation may be seen in the so-called Agrarian Reform, by which all private estates, larger than a medium sized peasant farm, have been expropriated — in Eesti from May 1st, and in Latvia, from October 1st 1920 — excepting only a plot from 60 to 80 acres which is to be assigned to the original proprietors, which land, according to the decision of the present Cabinet in Latvia, must by no means contain, either the manor or the chief agricultural buildings. According to the Agrarian Reform Act under the Ulmanis-Cabinet, in certain cases, the plots of land surrounding the manor had been legally assigned to their original owners, now by the Meyerowiz-government, even this piece of land is suddenly confiscated, and the unhappy owners are allotted a portion of land of regulation size in a far remote corner, and sometimes not even on the same estate. Here we have a double breach of the right of property! Furthermore, there is nothing more deliberately aggravating in the whole Agrarian Reform than the confiscation of houses where families have lived for generations, which become hallowed places of family tradition and where the intrinsic value is enhanced by ties of personal affection. It is easy to understand how poignant such a mode of action is, which does not bear the excuse of a necessitous economic provision, but is merely adding insult to injury.

The Agrarian Reform has been used as a weapon against the minorities. In this connection, it is not without piquancy that the President of the Latvian Republic, Tschakste, owns an estate of some 330 acres in the district of Bauske, while all other estates in the same neighbourhood belonging to Balts have been expropriated and partitioned off, the original proprietors being expelled from their homes.

Since 1919 the sale and purchase of plots of land in Latvija is only permitted by special licence given by the Minister of Justice. Such licence to buy land is only granted to Letts. For instance, the Agricultural Association of Balts at Bauske requested the Lettish government for permission to acquire the estate of „Kautzmünde" for opening-up nurseries, but they were refused as it was affirmed that Balts were not permitted to acquire land. This is an example of how „racial equality" is understood in Latvia!

Agricultural and Industrial works which had been legally assigned to Balts who had invested their capital in them to keep them going, have been expropriated, thereby bringing about ruination.

In the rural districts, agricultural industrial works have been expropriated en masse. Lately, in the neighbourhood of Riga and Wenden alone, there were expropriated: — mills in Lennewarden, Studdenbach, Stubbensee, Idsel, Bilsteinhof, Bersehof, Kempen, Ronneburg, Horstenhof, Lubahn, Lirsenhof, Lenzenhof, Festen, Castle-Serben, and Fehteln-Odsen; a lime-kiln in Lindenberg, brick-kilns in Kastran, Adiamunde, Koltzen, Bersehof, Siggund, Fistehlen, Serben and Dewen; breweries in Bersehof, Notkenshof and Lubahn; saw-mills in Lindenberg, Augustenthal, Lenzenhof and Mahrzen; a plaster-of-Paris factory in Pawassern; a fishcuring factory in Zarnikau and nurseries Sesswegen.

In Eesti no land whatever, was granted to the proprietors, forests have been expropriated without any compensation, while the expropriated agricultural land in Latvija will be compensated by only one tenth of the value it had before the war. But even this decimal compensation will not be paid in cash, but by mortgage bonds to be issued by a new State Agrarian bank having the express purpose — as the Bill itself sets forth — to destroy existing private Agrarian banks. Compensation for expropriated land is therefore practically non-existent. In Eesti this is even more apparent. The Estonian Agrarian Reform law does not lay it down as part of the duty of the State to offer compensation for expropriated land, but leaves the question of compensation — if any — to be dealt with by a law which will be drawn up in the future. Three years have passed since the Estonian Agrarian Reform law was issued, and no law regulating the question of compensation has, as yet, come into existence! Under such circumstances, the expropriation of the larger landed property can hardly mean anything else but pure and simple confiscation. Agricultural implements, the property of the larger estates, are compensated according to the decisions of a government commission, which makes it a point of fixing the compensation so low as to be ridiculously inadequate, averaging one tenth of the market value of the expropriated property. For instance, in Latvia a complete threshing machine, which before the war cost approximately 5,000 roubles in gold, is now estimated at 25,000 Lettish roubles, which are only equal to 250 gold roubles. However, the proprietor is not permitted to receive even this compensation until he has paid all the exhorbitant taxes demanded by the State, mortgage debts and the like. But as the landed property has been taken over by the State, the unhappy proprietor is naturally unable to pay up, and here again, the much vaunted compensation evaporates into thin air. Another similar case may be quoted of a Balt whose threshing machine, insured for 120,000 Roubles, was expropriated and a compensation of only 50,000 Roubles in paper was given to him, minus the cash! At the same time, he was charged for using the same machine, as price of hire, for one single occasion, 20,000 Roubles plus 4,000 Roubles insurance premium*). Such cases of systematic pauperisation are characteristic of the spirit of the Lettish government.

The expropriation of the larger landed property in Latvia and

*) Dr. P. Schiemann in the „Rigasche Rundschau“ of November 12th 9121, on „Government and Chauvinism“.

Eesti, is certainly most detrimental to the economic requirements of the country, the Baltic agrarian administration in the past having been one of the most efficient in Europe. Roughly speaking, two-thirds of the whole area of the country under cultivation, was in the hands of the peasants, while only one third belonged to the larger proprietors, on whose land lots of different sizes were partitioned out and let to individual farmers. And the land belonging to the peasants was securely safe-guarded by law against all possible encroachments. So satisfactory was this Agrarian constitution, that in Eesti the peasantry opposed the new land reform, but the government won the day by appealing to the instinct of the masses at large, especially to the Town proletariat, who had all to gain and nothing to lose from any change in the actual existing order.

The purely predatory character of the land reform is also shewn by the fact that, for want of applications for small holdings, the Lettish government decided to leave undivided nearly one third of the confiscated landed property, and to work these large estates for the benefit of the State, as though they had never belonged to private owners. On the 17th December 1920, the land owners of Latvia belonging to the minorities of different racial origin felt it their duty to lodge a formal protest before the Latvian Constituent Assembly against this so-called Land Reform. They pointed out that for adequate compensation they were ready to give up that portion of the land required by genuine settlers, but that they could not willingly submit to the wholesale confiscation of their land.

What, then, is the real meaning of this so-called Agrarian Reform? Is it to provide for landless settlers? Certainly not! For, as already stated the large landed proprietors have, from the very beginning, repeatedly shewn their readiness to partition off as much land as may be required to satisfy those who are genuine in their desire to settle on the land. Is it to improve the already existing agricultural system? Again, certainly not! The large landed proprietors were expert agriculturists, and Latvia and Eesti were among the most prosperous provinces of Russia. The dissolution of so many agricultural units, the lack of monetary means of the new settlers to erect houses and sheds, to buy the necessary implements, have disorganised the whole agricultural system of the country and considerably lowered the productivity of the soil at a time when the State was very badly in need of increasing its exportation of cereals abroad. Is it to introduce a more just and equal distribution of wealth? Most emphatically no! As agricultural production is, broadly speaking, an economic problem; let those be possessors of landed property who understand how to maintain themselves on the land without incurring perpetual loss. Thus the whole Latvian and Estonian legislation bears the stamp of a racial and socialistic movement directed against those landed proprietors who are not Letts, having been framed for the purpose of pandering to class-feeling and racial hatred, and not with the idea of promoting the welfare of the community. In a recent decision of the Supreme Court in Eesti, it was expressly stipulated that the large landed property should be abolished in order that „the land should be given to the autochthon

population", by whom, the Ests are indicated, not the Balts although they have been in the land for seven hundred years. Any small plot of land of the size of a peasant-holding, if possessed by a Balt, is expropriated for the sole reason that the owner is not a Lett. Likewise Baltic owners of gardens, houses, mills or any agricultural establishment have their property expropriated for the positively stated reason that the owner is not a Lett or Est. In the parliament and in the press of Latvia and Eesti, no secret is made of the fact that the Land laws are for the purpose of crushing the non-Lettish and non-Estonian elements of the State and are therefore pointedly directed against the minorities. According to a recent statement of Mr. Samuel, the Latvian Minister of Agriculture, the aim of the Agrarian reform is „the complete annihilation of the large Baltic landed properties, and the suppression of alien influence in the country". It is therefore nothing more than a device against the right of property, the lawful proprietor being evicted in order that he may be supplanted by Letts and Ests, but the de-possessed proprietors and their families, who used to live on the land, having now lost all their means of subsistence, are faced with the prospect of dying of hunger and want. Such is the catastrophic position of those land owners in the Balticum who are neither Ests nor Letts. And at the same time, the Letts know perfectly well that they cannot do without large landed properties.

The actual purport of the Agrarian Reform is often intentionally obscured, thus a correspondent from Riga writes to the „Temps" on the 4th May 1921, „Les grands propriétaires fonciers en Lettonie désirent maintenir l'intégrité de leurs domaines et de leurs privilèges surannées". But, there is no question of any „privileges"! The large land owners are only daring to raise an objection to robbery, and have the audacity to claim the right to their property.

But, even the ruthless and lawless Agrarian Reform was not deemed by the Letts as sufficient to economically annihilate the non-Lettish population. Small settlers of Russian and German racial origin who had come from the interior of Russia and settled in Courland before the Latvian Republic existed, and had acquired in the country their legal domicile and their homesteads of the size of a peasant's holding, were evicted by force, and their estate seized from them without compensation. — Morever a Bill has been introduced stipulating that petty traders in articles of foot and those for daily use will be admitted only in the same proportion as their race bears towards the Lettish population. Of course the chief sufferers will be the Jews whose number of traders is far in excess to their numerical proportion to other races.

If it be necessary to give further proof that the chief aim of the authorities in Latvia and Eesti, lies in their appropriation of the possessions of the minorities, examples can be quoted of the confiscation and requisition of their real and personal property in the towns. If in Riga alone, requisitioned furniture and houses were to be returned to their lawful owners, half a legion of State employees and State Institutions would have to give up their quarters! Confiscation is also the keynote of the enforced liquidation of the Agrarian banks, by which all the assets of these private institutions have been expropriated without

any compensation, the intention being to further destroy the economic resources of the Baltic minorities. But, especially malign is the confiscation of private property under the pretext that their owners are guilty of political crime. Those who were in sympathy with the Conservative government of Needra, or with the Bermont raid, are branded as traitors*). A special commission of political inquiry, under the Latvian Constituent Assembly is empowered to arrest and intern anyone, such inquiry being conducted much on the same lines as the Bolshevik „Tcheka". There is also a plan for the creation of a special political court to punish those who have opposed the formation of the Latvian Republic. Lettish subjects of non-Lettish extraction, are often only permitted to return from abroad under the express condition that they do not leave the country again, although there may be no legal proceedings of any kind instituted against them. Surely, this is nothing more than taking advantage of and engineering for party purposes past political enterprises. The so-called Russian North-western governments aim was to resurrect Russia by suppressing the Bolsheviks.

To form a clear idea of the position in which citizens of non-Lettish and non-Estonian origin now find themselves in Latvia and Eesti, it is worth while to refer to Baron W. Fircks very appropriate speech in the Latvian Constituent Assembly on the 11th October 1921.

On the 11th October, 1921, Baron W. Fircks said: — „Under this government which has been founded with the express intent and purpose of doing away with the minorities, attacks against them have been so much intensified, that an almost unbearable atmosphere has been created. The German-speaking peoples in the small towns and scattered around the country-side, are especially severely affected, and, if one happens to own an estate and belongs to the Nobility, he may be subjected to persecution and oppression in any form! Yet, a few months ago, it was not so. Then the landowners who returned to their places, had nothing to complain of in their parishes, and they were unmolested in the work in which they were occupied. However the position is very different today. Fostered ill-feeling among the various races has so grown apace, that peaceful co-operation has become almost impossible. Lately the newspaper „Talsener Anzeiger", which is published by the administration of the district under government control, gives prominence to an article calculated to stir up strife, in which there is an attack on the Jews demanding that they be driven out of the country, and then an onslaught is made against four Baltic gentlemen living in Talsen and the surrounding neighbourhood. These gentlemen are accused of treason and their expulsion is demanded: they are Latvian subjects, their documents are in order, and no legal proceedings have been made against them. Two of them, Baron Fircks („Okten") and Count Lambsdorff („Klahnen") were at one time accused of having supported the Bermont enterprise; a judicial inquiry was intended, but, on the demand of the Procurator the charge was withdrawn. The third gentleman, Mr. Pop, a hair-dresser, who was abroad during the whole of the period of national upheaval, cannot be accused

*) Vide Chapter I.

therefore for being a partisan of Bermont. The fourth gentleman Baron Hahn (Postenden), was, up to the last day of the war against the Bolsheviks, at the front at Lettgall, risking his life for the liberation of Lettland. No-one in the whole district of Talsen has ever looked upon these gentlemen as a menace to the country, but a press organ of the government considers itself justified in opening an attack upon them. Consequently, the head of the district has taken the matter up, and demands the town council to pass a vote against these gentlemen. He avers that these four gentlemen are, stirring up the people and that therefore they should be forced into banishment from the country!"

Apart from the flagrancy of such an act against four citizens of the unblemished reputation, this case of attempted expulsion from the State territory also merits comment from the point of view of International law. Since every State has the right to refuse admission to a foreigner deemed undesirable, it cannot be accepted in principle that a citizen is banished from his own native land, for he might be refused admittance to foreign States.*)

This will suffice to give an idea of the position of the minorities in Latvia and Eesti. The picture is fittingly completed by a declaration of the Prime Minister, Mr. Meijerowiz, given to the Secretary General of the League of Nations, which runs as follows: — „Concerning the protection of minorities in Lettland, I beg to point out that the Latvian Constituent Assembly has already taken measures which guarantee to the minorities the widest possible scholastic and cultural autonomy — measures which correspond to the general principles such as were formulated in the minorities' treaty, and the precise observance of which is assiduously controlled by the government". (Sic!)

Chapter VI.

Nationality.

A plea for Reform.

Paper read at a Committee on Nationality appointed by the International Law Association at 2 King's Bench Walk, Temple, London, on February 24th, 1922.

The term nationality is often used in different ways; to one it conveys the meaning of racial affinity, to another it has a territorial significance comprising the whole population of any given State. Has it a purely ethnographical meaning or is it a conception of municipal law? Surely, there can be little doubt about the true sense of nationality. Subjects of the law of nations and the League of Nations are not racial unities but political entities recognised as such by Public Law-viz., States. Racial affinities in many instances may have exercised a constructive agency in the formation of a State, but, again, in other cases this has not been so. It is not therefore possible to identify racial unity and the State and to use both terms promiscuously. Moreover, many states like China, Russia, the United States of America, Great

*) See Chapter VI.

Britain and Switzerland, though they offer the aspect of a mosaic of different races, are none the less nations in the true international sense of the word. Therefore, to all intents and purposes, nationality means political unity irrespective of race. And in this sense it is used in this paper.

Discrepancies in the legislation of the different states of the world in matters regarding naturalisation, and the relinquishment of nationality, have of old been one of the sorest points in the much vaunted community of civilised nations. As a matter of fact, this condition of affairs exhibits a deplorable lack of solidarity in the understanding and application of those fundamental principles on which civilised life is based; it makes international law contradictory — an inextricable maze of enactments opposed to each other. It is no exaggeration to say that there is no greater hindrance to the creation of an harmonious society of civilised nations, than this deficiency in the co-ordination of the rules defining nationality in the different states of the world, and there is therefore much room to adjust the idea of nationality to fit the various legislations so that there be no conflicting duties and inconsistencies in the status of the individual.

Recent international legislation has not helped to solve this problem, but has rather made it more complicated. Thus it would seem to be one of the tasks of the League of Nations to be instrumental in bringing the different legislations regulating nationality, into line with each other. The practical importance of this proposition from the point of view of international law needs no emphasis. A person who has no allegiance whatever, or has more than one, occupies a position involving great difficulties, and if ill-intentioned a loop-hole may be given to evade those obligations bearing upon national allegiance.

In the Middle Ages allegiance was perpetual, it could not be relinquished — „Nemo potest exuere patriam". In most states this idea of permanent nationality has been given up. For instance, in Great Britain, the Naturalisation Act of 1870 enabled a British born individual to renounce his allegiance by becoming the naturalised subject of a foreign Power. But in some states, this old conception of nationality as „caractère indélibile" is still preserved, as for instance in Russia and Turkey. With the exception of the lawful marriage of Russian women with foreigners, when the Russian nationality is given up as a mere consequence of marriage, a change of nationality by a Russian cannot be effected without an exception from the general rule being made, which exception used to be granted by a special license from the Emperor. Furthermore, persons of the male sex over fifteen years of age, could only obtain this permission after they had served their term of military service. However, according to a bill regarding nationality introduced in the course of special Inter-departmental deliberation of the Russian Home Ministry, before the war, Russian nationality might be ceded when: —

(1) Illegitimate children of Russian nationality were adopted by the father who is of foreign nationality:

(2) Russian women were married to foreigners:

A subject was expelled from Russian nationality when: —

(a) He became a foreign subject without previously severing the bond of Russian nationality:

(b) A naturalised Russian subject, obeying the laws of the country to which he formerly belonged, takes advantage of the rights of his previous nationality:

(c) A man evades military or naval service.

(d) Nomads are leaving Russian territory.

Although this Bill is an improvement on the former idea of nationality, it is not satisfactory in that it deprives Russian individuals of their nationality irrespective of the question whether they have acquired another nationality, thus creating the possibility of a status of „no nationality" whatever. Bolshevik legislation has even aggravated this position by pronouncing all Russian fugitives abroad who up to March 1st, 1922, did not petition the Bolshevik authorities for a national pass-port, to be deprived of their nationality. But Russians who have fled abroad from Bolshevik oppression, rapine and murder will certainly not do this, and thereby, over two million souls lose their Russian citizenship without being naturalised in any other country, being liable to be expelled as „undesirable aliens" or refused admittance! Truly, this is an appalling situation and a danger which assumes an especially threatening shape at the present moment when scarcity of food-stuffs and fear of socialistic propaganda induce many states to be very cautious in dealing with immigrants and aliens. For instance, the United States, which at one time was the haven for European emigrants, has found it necessary to restrict immigration by most drastic measures, and the British colonies have followed suit. It is therefore altogether an impossible proposition that human beings should be international outcasts — citizens of no State — without a national home, without national protection, liable to affronts or outrage from anybody, or to become a burden on any State. This case of Russian fugitives from Russia is of course of an exceptional nature, and has even become more difficult to deal with since the Congress of Genoa, when Bolshevik Russia has, by the very fact of being admitted to an international deliberation, gained a form of international recognition, which hitherto had been denied, and which is tantamount to an official recognition de jure, as an independent State. However, all European states who do not believe in Bolshevik murder and rapine masquerading as a system of government, will have to admit that the fugitives from Russia must enjoy the right of asylum and for the sake of pure humanity, they should not be handed over to their Bolshevik butchers. Under these circumstances, the anomalous position of emigrants of no country, will have to last until Russian affairs become more normal. In the meanwhile, Russian emigrants being at least subditi temporarii, should be allowed to enjoy certain rights in their personal status and should be treated with regard to their passports and legal affairs, independently of the Soviet Government on their own merits, as they cannot be expected to apply to Soviet authorities. As a very temporary way out of this international difficulty, the Foreign Office in each country where Russian Bolshevik refugees happen to be living, should grant them certificates of personal identity drawn up on the strenght of two or

more reliable witnesses, and these certificates should have the character of passports enabling the holder to reside in the country issuing them and to travel in other countries after obtaining the necessary visas from the representatives of those countries they intend to visit.

Banishment of citizens from their own country is a practice which leads to a state of affairs entirely incompatible with the point of view of harmonious relations between the States of the world. An example may be quoted of the Russian Penal Code (Art. 325), which sets forth that „any person, having gone abroad, who takes service there without the authority of the Government, or who becomes naturalised, incurs loss of all his civil rights and perpetual banishment". Many states which were created by the Versailles Peace Conference, have adopted this obsolete idea for no other reason than the convenience of shifting the burden of responsibility for their own nationals to countries wherever these unhappy people may be finding temporary shelter. However, it may certainly be laid down as an axiom that no state can free itself from the obligation to deal with its own subjects. For instance, Latvia considers herself at liberty to expel some of her own citizens of non-Lettish racial origin and to forbid others to return home from abroad. Thus she is keeping out of the country many of her citizens who, though of non-Lettish descent — have, with their ancestors, lived for centuries as natives of the country. This is a crime against nationality and a breach of international law. For the sake of those principles which the League of Nations has undertaken to defend, it is important that each lawful citizen of Latvia should be allowed to return to his or her native land, to live there unmolested and in peace.

The laws determining nationality passed by the Latvian Constituent Assembly on September 5th, 1919, and October 7th, 1921, do not acknowledge this principle in all its compass. Only such persons may apply for Lettish citizenship: —

(a) Who up to August 1st 1914, had been living on Latvian territory at least within the last twenty years:

(b) Who up to 1881 had their domicile in Latvia:

(c) Who are the descendants of those under categories (b) and (c), provided that all those under these categories were Russian subjects at the moment of Latvia's separation from Russia and who at that time had their domicile on Latvian territory.

Thus, all those of Baltic, Jewish or Russian origin who, at the approach of the German army of occupation in the Baltic Provinces, had been transported by the Russian Government into the interior of the Empire, where they were forced to stay until the conclusion of peace, should not be considered to have forfeited their right to Lettish citizenship. But the Latvian authorities refused them admittance when they attempted to return to their own native land. Not one of the 21 Jews who had been evacuated from Latvia to the Province of Tcheljabinsk, were given permission to re-enter Latvia; out of 154, who were sent to the province of Saratow, 151 were turned away from the Lettish frontier; out of 81 evacuated to Moscow, 75 were not allowed to return to Latvia, and none at all were allowed to go back from Polotsk, Vitebsk, and so forth. Banishment has also bean inflicted on small

settlers of Russian and German racial origin, who years before the war, had bought small peasant estates in Latvia and acquired a domicile in that country. Finally, those accused of sympathy whit the first conservative Cabinet of Needra or with complicity in the war-like operations if Colonel Bermont-Avaloff have likewise been denied permission to return to Latvia, although they may have been actually born on Latvian territory.*)

Altogether the Latvian law of nationality is by no means in keeping with the rights of minorities granted in the Minorities' Treaties and with the general principle of jus soli and jus sanguinis. It precludes a great number of persons who undoubtedly have a right to consider themselves Latvian citizens, although they belong to the racial minorities of Latvia. The term of twenty years and forty years residence in Latvia prior to 1881, which is demanded before citizenship can be granted, are so many pit-falls for those who find it difficult to procure documentary proof relating to their movements in past periods of time. According to International law, when ceding a portion of territory to another State, a certain limit of time is given to the population of that district in which to elect to continue their previous nationality. After the lapse of such period of time they become, ipso facto, citizens of the state which had acquired their territory. This principle was observed, for instance, in the peace treaty of Frankfurt, 10th May, 1871, in the German-English Agreement concerning Heligoland on June 1st, 1890, and the Spanish-American treaty on Cuba on November 18th, 1898. It was therefore, the general rule that the people adopted the nationality of the new State which had acquired their territory whilst opting and the option for another nationality was the exception. The same principle is also maintained in all treaties, there being a difference only in time limit allowed for the exercise of the option. The peace treaty of Versailles is no exception to this rule.

Latvia has adopted the opposite procedure by recognising only a certain part of the population, viz., the Letts, as citizens in all cases racial minorities being placed on a different footing: they had to petition within six months for admission to Lettish citizenship. The difference is obvious, instead of a right, permission for a petition is given, which might be refused or accepted by the Lettish authorities — and as a matter of fact, these petitions were often rejected or simply ignored — a flagrant breach of international law. It is therefore fully comprehensible why the racial minorities in the Baltic states demand that the question of their nationality should be settled on the same lines as in other countries, as in accordance with international law.

In certain states, desertion is another source of „no nationality". According to the American Act of March 3rd, 1865, deserters from the United States' military or naval service „are deemed to have voluntarily relinquished and forfeited their rights of citizenship." Here, as in the case of banishment, the State rids itself of its own citizens, although internationally, it has no right to do so.

The number of persons belonging to no country is also swelled by those who have been denaturalised in accordance with the British

*) See Chapter I.

nationality and status of aliens Acts, 1914 and 1918, and are practically in the same position as nationals banished from their own country. Such a predicament is further brought about by lawful authorities whose endeavour it should be to prevent such abnormities and not to create them. Forcible de-naturalisation is an absurdity from the point of view of municipal and international law.

According to the old German municipal law, Germans lose their nationality if they reside abroad for more than ten years without registering their names as German nationals in a German Consulate.

There is alto the case in British municipal law of children born abroad whose fathers never resided in the country of their nationality, which often results in no nationality, as in many states the mere fact of birth taking place on that territory does not, ipso facto, constitute the right of citizenship. The United States and Great Britain look upon such cases as acts of tacit expatriation without investigating whether the loss of one allegiance synchronises with the adoption of another. But as a general principle, expatriation should not be assumed except it coincides with naturalisation in another country.

Such then, are typical examples of individuals who find themselves outside the boundaries of any nationality, as a result of the looseness of municipal legislation in the various states of the world. In order to bring these varying legislations into line **it should be recognised as a fundamental principle that no individual should be put into a position, or be allowed to lose his or her nationality without acquiring a new one.**

Equally anomalous with „no nationality" is the case of dual nationality due to lack of co-ordination of the municipal legislations in different countries as to the conditions under which citizenship is acquired or lost. Russia and Turkey, as already mentioned, have hitherto preserved the antiquated idea of the immutability of nationality. A conflict in the legislation on this point between different states, is therefore unavoidable. In many states, as for instance, in Great Britain, (Naturalisation Act of 1870) a foreigner who has lived five years on the territory of the state, is entitled to make application for a certificate of naturalisation and to be admitted to his new nationality regardless of whether he has been duly discharged from his former allegiance. As long as special permission from the State has not been obtained, a Russian subject remains a Russian subject, his naturalisation in another country being null and void in the eyes of Russian law. A curious acknowledgement of this is contained in the annotation on the passport of such Russians naturalised in Great Britain, to the effect that the British Embassy in Russia is unable to protect the bearer in case he returns to Russia.

The same practice is observed by the United States in respect of naturalised subjects who, having left Russia without severing the bond of allegiance and evading compulsory military service, contend, on returning to Russia, to be immune from that obligation on account of their naturalisation abroad. In consular practice cases of dual nationality offer great difficulties, as persons claiming duality of nationality are inclined to claim the rights and to evade the duties of both nationali-

ties by an ingenuous system of playing off the one against the other. During the war cases were not infrequent when Russians of alien origin who had been naturalised in Great Britain claimed, on their return to Russia, freedom from compulsory military service, on the score of their adopted foreign nationality, and likewise, when they were in Great Britain they again tried to evade military service on the plea that they were still Russian subjects.

Dual nationality arises in every case where jus soli and jus sanguinis establish citizenship in opposition to each other. A child born on State territory, whatever his nationality may be, acquires ipso facto citizenship in the United States, Argentine, Venezuela, Chile, Bolivia, Brazil, Peru, Ecuador, Uruguay, Paraguay, Haiti, San Domingo. The same principle is observed in Great Britain, Portugal and Mexico, with this difference, that when the child attains his majority, he is free to decide whether he wishes to be governed by jus soli or jus sanguinis. On the other hand, European countries, with the exception of Great Britain and Portugal and also several states of Latin America, stipulate that the legitimate child should acquire the nationality of the father*).

The Peace Treaty of Versailles created other instances of dual nationality, but as a rule in those territories which had to be ceded by Germany and Austria, the general principle was maintained that voluntary acquisition of a new nationality entails ipso facto the loss of the previous one. Therefore, the voluntary option of Germans in the ceded lands for allegiance to the new territorial sovereignty, meant automatically loss of German nationality, but this principle which helps to avoid dual nationality, is not applicable in all cases. For instance, in the previous German districts of Eupen and Malmedy, which have become Belgian in accordance with Art. 36 of the Treaty of Versailles, and the subsequent decision of the Council of the League of Nations of September 20th, 1920, the population of these districts has acquired Belgian nationality. But Germany has not yet recognised this fact and therefore, this population is actually in the position of being Belgian in the eyes of the Belgians and German in the eyes of the Germans. In Alsace-Lorraine a double nationality exists for those German subjects who resided there before 1870 and their descendants, and have not been allowed the right of option by the Peace Treaty of Versailles. That treaty undertook to redress the wrong occasioned to France by the Treaty of Frankfurt, and the return to French allegiance for all those who lost it in 1871 to Germany. It appears therefore, that those who did not lose it to Germany — being then Germans — do not come under the Treaty of Versailles and are still of German nationality, although France may claim them as French subjects on account of their domicile being in Alsace-Lorraine, which is now a French territory.

Finally the Italian law of June 13th, 1912, Art. 7., expressly makes it possible for an adult to possess two nationalities and the German Staatsangehörigkeitsgesetz of July 22nd 1913, likewise follows suit. From a formal point of view no objection can be raised against § 13

*) Borchard. Diplomatic Protection, New York, 1919. Page 577.

and § 33 of the German law which provides that previous German subjects naturalised abroad, may on application regain their citizenship if they sever the bond of their new nationality. But § 25 (2) goes even farther, in providing that the German subject may, after naturalisation abroad, retain his German nationality if he has previously secured permission from his Home authorities to remain German. This is nothing short of encouraging double nationality, and is an open breach of the generally recognised principle that double allegiance cannot be admitted before the forum of international law. Germany has also of old considered as permissible that her nationals may enter a foreign State service without losing their allegiance. Of course the country involved had to consent. In previous days, Russia did not object to this arrangement; Turkey was another country where German officers occupied commissions in the best regiments of the army, retaining at the same time their own nationality. But some years before the war, Russia promulgated a law making it a rule that civil and military service of foreigners implied their naturalisation in the Empire.

Double nationality can only be avoided when naturalisation in another country implies, ipso facto, the severance of the previous bond of allegiance.

Each state has, of course, the right to decide under what conditions it grants naturalisation, and in this respect its sovereignty cannot be questioned, but as it is unable to prevent voluntary expatriation which, as an appanage of personal freedom, has nowadays been recognised by the majority of civilised states, it is de facto unable to prevent naturalisation abroad, and the only graceful way to acknowledge voluntary expatriation would therefore be to accept the fact without reservation, and thus put an end to double nationality.

By the same author

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