Sudeten German Party Complaint to the League of Nations and the Situation of the German Minority in Czechoslovakia

L. Novotný

For citation: Novotný L. Sudeten German Party Complaint to the League of Nations and the Situation of the German Minority in Czechoslovakia. *Vestnik of Saint Petersburg University. History,* 2021, vol. 66, issue 4, pp. 1177–1189. https://doi.org/10.21638/11701/spbu02.2021.409

The ethnic problem had never before been such a pressing issue at the international level as it was in the initial post-war years, in particular, in the areas of Central and Southeast Europe. Based on post-war negotiations, the idea of international protection of national minorities was born, which was closely connected with the system of peace treaties concluded with defeated states. The submitted study uses unpublished sources of Czechoslovak (National Archives in Prague, Archives of the Ministry of Foreign Affairs in Prague) and British (National Archives in Kew) provenance, published sources and specialist publications to look at the complaints of national minorities to the League of Nations during the 1930s; specifically — at the petition of the Sudeten German Party in Czechoslovakia in 1936, which concerned an instruction from the Ministry of National Defence to companies intending to apply for state contracts about the ethnic composition of their employees. It uses this example to demonstrate the instrumental nature of Sudeten German Party policy, showing that it did not represent a real attempt at improving the living conditions for the German minority in the First Czechoslovak Republic but rather was a deliberate effort to increase the visibility of the political entity and to internationalize the issue of the cohabitation of Czechs and Germans in interwar Czechoslovakia. The study also demonstrates that another objective of the Sudeten German Party was to attract attention from Great Britain, which had been avoiding significant engagement in Central Europe.

Keywords: Czechoslovakia, Great Britain, ethnic minorities, League of Nations, complaints.

Жалоба партии судетских немцев в Лигу Наций и положение немецкого меньшинства в Чехословакии

Л. Новотны

Для цитирования: *Novotný L.* Sudeten German Party Complaint to the League of Nations and the Situation of the German Minority in Czechoslovakia // Вестник Санкт-Петербургского университета. История. 2021. Т. 66. Вып. 4. С. 1177–1189. https://doi.org/10.21638/11701/spbu02.2021.409

Национальные проблемы никогда не имели такого значения на международном уровне, как в первые годы после окончания Первой мировой войны. Особенно они обострились в регионах Центральной и Юго-Восточной Европы. Создание новой

Lukas Novotný — PhD (History), Associate Professor, University of West Bohemia, 2732/8, Univerzitní st., Pilsen, 301 00, Czech Republic; novoluk@khv.zcu.cz

Лукаш Новотны — PhD (History), доц., Западночешский университет, Чешская Республика, 301 00, Пльзень, Университетская ул., 2732/8; novoluk@khv.zcu.cz

международной системы гарантий, основанной на Лиге Наций, международной организации, которая должна была максимально устранить эскалацию споров между странами и предотвратить их разрешение посредством войны, дало национальным меньшинствам возможность вносить официальные предложения в свои предложения и жалобы. Таким образом, на основе послевоенных переговоров родилась идея международной защиты национальных меньшинств, которая была тесно связана с системой мирных договоров, заключенных с побежденными государствами. Представленное исследование посвящено феномену жалоб национальных меньшинств в Лигу Наций в 1930-х гг. Оно основано на неопубликованных источниках чехословацкого (Национальный архив, архив Министерства иностранных дел) и британского (Национальный архив) происхождения, опубликованных источников и научной литературы. В частности, рассматривается петиция партии судетских немцев в Чехословакии в 1936 г., которая касалась инструкции Министерства национальной обороны компаниям, намеревающимся подавать заявки на государственные контракты, в отношении этнического состава своих сотрудников. Документ на выбранном примере демонстрирует, что политика партии судетских немцев была попыткой не улучшить реальные условия жизни немецкого меньшинства в Первой Чехословацкой республике, а лишь поднять авторитет этого политического образования и заявить на международной арене о проблеме сосуществования Чехословакии и Германии в межвоенный период. Исследование также показывает, что цель судетско-германской партии состояла еще и в том, чтобы привлечь внимание Великобритании, которая до определенного времени избегала активного участия в Центральной Европе и выступала против политического участия в регионах, малозначимых для ее внешней политики.

Ключевые слова: Чехословакия, Великобритания, этнические меньшинства, Лига Наций, жалобы.

Introduction

The end of the First World War was followed by fundamental geopolitical changes resulting in the end of Austria-Hungary, the German Empire[1], the Ottoman Empire and the Russian Empire. New states were formed from the ruins of some of them — Poland, Czechoslovakia, Hungary, Germany, Austria, the Kingdom of Serbs, Croats and Slovenes, etc. This new order, however, came hand-in-hand with a new and fundamental problem — many people suddenly found themselves outside the borders of their former states having become ethnic minorities.

This ethnic problem had never before been such a pressing issue at the international level as it was in the initial post-war years, in particular, in the areas of Central and South East Europe[2]. The establishment of the new international legal guarantee system based on the League of Nations, an international organisation which aimed to eliminate the escalation of conflicts between nations to the maximum possible extent and to prevent their resolution through war, gave ethnic minorities a space to air their proposals and complaints at an official international forum. The idea of the international protection of

[1] The name German Empire remained the official title of the newly established Republic.

[2] *Szarka L.* Nation States and Minorities in Central Europe // Minority Hungarian Communities in the Twentieth Century. New York, 2011. P. 81–91; *Koziak T.* Consequences of World War I and the Causes of Ethnic Conflicts in Central and Eastern Europe // Ethnic Minorities in Slovakia in the Years 1918–1945. Prešov, 2011. P. 36–45.

ethnic minorities was born[3], and this was closely linked to the system of peace treaties signed with the defeated states[4].

The option of recourse to the League of Nations in regard to minority rights arose from a decision of the victorious powers on a system of international protection of minority rights based on the peace and minority treaties and guaranteed by the League of Nations. The newly established states had to sign these treaties as the price for their independence, or rather their acceptance into the new international organisation. On the other hand, due to the fact that the Covenant of the League of Nations did not deal with minority rights, there was a group of states to whom international minority protection did not apply[5], which was a phenomenon primarily based on the minority treaties. By signing them and incorporating them into their national legislation, the successor states also stated that they "accept and agree to the incorporation into the treaty with the Allies and Allied Powers of such measures which the said power shall consider necessary to protect the interests of the citizen (of the given state), who differs from the majority population by race, language or religion"[6].

The adopted system of international protection of minority rights caused reserved attitude from the new states of Central and South East Europe. The established binding rules of international protection of minority rights under the guarantee of the international institution were, however, necessary: "Almost 32 million people became minorities in Central and South East Europe. The greatest numbers of those in a new role of ethnic minority comprised Germans (7 674 000), followed by Ukrainians (5 210 000) and Hungar-

[3] National minorities and their protection during the interwar period remains today a common subject of research. Works considered classic today include: *Azcárate P. de.* League of Nations and National Minorities: An Experiment. Washington, 1945; *Claude I.* National Minorities — An International Problem. Cambridge, 1955; *Gütermann Ch.* Das Minderheitenschutzverfahren des Völkerbundes. Berlin, 1979. — For more recent research, see, e. g.: *Scheuermann M.* Minderheitenschutz contra Konfliktverhütung // Die Minderheitenpolitik des Völkerbundes in den zwanziger Jahren. Marburg, 2000; *Fink C.:* 1) The League of Nations and the Minorities Question // World Affairs. 1995. Vol. 157, no. 4. P. 197–205; 2) The Paris Peace Conference and the Question of Minority Rights // Peace & Change. 1996. Vol. 21, no. 3. P. 276–279; 3) Minority Rights as an International Question // Contemporary European History. 2000. Vol. 9, no. 3. P. 385–400; 4) The Great Powers and the New International System, 1919–1923 // From War to Peace. Altered Strategic Landscapes in the Twentieth Century. New Haven, New York, 2000. P. 17–35; *Kovács P.* The Protection of Minorities under the Auspices of the League of Nations // The Oxford Handbook of International Human Rights Law. 2013. P. 1–19. URL: https://www.oxfordhandbooks.com/view/10.1093/law/9780199640133.001.0001/law-9780199640133-e-14 (accessed: 13.06.2020); *Hilpold P.:* 1) Minderheitenschutz im Völkerbundsystem // Zur Entstehung des modernen Minderheitenschutz in Europa. Wien, 2006. P. 156–189; 2) The League of Nations and the Protection of Minorities — Rediscovering a Great Experiment // Max Planck Yearbook of United Nations Law. Dordrecht, 2013. P. 87–124; *Mazower M.* Minorities and the League of Nations in Interwar Europe // Daedalus. 1997. Vol. 126, no. 2. P. 47–63.

[4] *Ferenčuhová B.* Ochrana národnostných menšín v Spoločnosti národov a československá politika (1919–1926) // Hledání jistoty v bouřlivých časech. Češi, Slováci, Němci a mezinárodní systém v první polovině 20. století. Ústí nad Labem, 2006. P. 108; *Bamberger-Stemmann S.* Funkcie ochrany menšín v medzivojnovom období a ich aplikácia // Ibid. P. 87–88. — Ethnic minorities had two options for drawing attention to breaches of internationally guaranteed minority rights — either the League of Nations, or so-called *non government organizations*, i. e. international political, social and cultural organisations (*Tóth A., Novotný L., Stehlík M.* Národnostní menšiny v Československu 1918–1938. Od státu národního ke státu národnostnímu? Praha, 2012. P. 226).

[5] E. g. Germany or Italy.

[6] *Moravcová D.* Menšinový problém v meziválečném Československu // Střední Evropa. 1999. Vol. 15, no. 92\93. P. 179.

ians (3 112 000)"[7]. Ethnic minorities thus undoubtedly represented a potential threat to the stability of the system of peace. As such, the protection of the new order and neutralisation of the possible radical escalation of ethnic problems required a specific guarantee and assurance. The primary objective of the international protection of minorities in the interwar period was to eliminate negativism of the minority population towards the new states and to secure their loyalty to the greatest possible degree, that is to say, to maintain the territorial status quo within Central and South East Europe as created by the system of peace treaties. One can thus concur with the idea that "the protection of minorities was perceived as a kind of compensation for an unenforceable right to self-determination, which could not be provided to all"[8]. The international protection of ethnic minorities under the guarantee of the League of Nations was clearly conditional upon the loyalty of those belonging to the minorities of the states of which they were citizens. Nevertheless, the policy of the League of Nations and how it carried out its role as guarantor of minority protection in international law was perceived as a rather sluggish and hesitant, at least from the perspective of the states in Central and South East Europe[9].

It was the region of the Central and South East Europe which was most affected by these geographical and ethnic changes resulting in increased complaints from ethnic minorities over the policy of the states in which these minorities found themselves after the war, mostly against their will; in many of these cases they criticised the minority policy of the newly established states[10]. The actual procedure for considering submitted petitions has already been looked at sufficiently in historiography[11]. What was important was that the entire system from submission of complaints to the official completion of the petition procedure only ran its course in a few cases; the vast majority of complaints ended with a diplomatic settlement (dealt with at the level of minority commissions / commissions of three) with the relevant government. Between 1920 and 1940, around 900 petitions were lodged, of which only 16 were submitted to the Council of the League of Nations[12].

The issue of complaints from the ethnic minorities of Central and South East Europe to the League of Nations has been studied academically from many perspectives. There are monographs and studies which look at the petitions of the Hungarian minority[13]; Martin Scheuermann gives an overview of petitions for selected states in his

[7] *Tóth A., Novotný L., Stehlík M.* Národnostní menšiny v Československu. P. 227.

[8] *Scheuermann M.* Minderheitenschutz contra Konfliktverhütung. P. 22–23.

[9] *Bamberger-Stemmann S.* Funkcie ochrany menšín. P. 89, 100.

[10] The most serious petitions in terms of content and form were lodged against Poland (203 in total), Romania (78 in total), Greece (41 in total), Czechoslovakia (36 in total) and the Kingdom of Serbs, Croats and Slovenes (35 in total)". *Tóth A., Novotný L., Stehlík M.* Národnostní menšiny v Československu. P. 233.

[11] First of all, mention should be made: *Gütermann Ch.* Das Minderheitenschutzverfahren des Völkerbundes. Berlin, 1979. Also see, e. g.: *Kovács P.* The Protection of Minorities under the Auspices of the League of Nations; *Tóth A., Novotný L., Stehlík M.* Národnostní menšiny v Československu. P. 229–232; *Scheu H. Ch.* Role mateřských států v systému meziválečné ochrany národnostních menšin // Právněhistorické studie. 2018. Vol. 48, no. 2. P. 107–109; *Scheuermann M.* Minderheitenschutz contra Konfliktverhütung. P. 30–41; *Fink C.* Minority Rights as an International Question. P. 390–391; *Zeidler M.* The League of Nations and Hungarian Minority Protection // Czech and Hungarian Minority Policy in Central Europe 1918–1938. Praha; Budapest, 2009. P. 90–93; etc.

[12] *Scheu H. Ch.* Role mateřských států. P. 109.

[13] *Zeidler M.* The League of Nations and Hungarian Minority Protection. P. 85–115. — The author looks at the complaints of Hungarian minorities against Czechoslovakia, Romania and Yugoslavia.

book[14], although he only focuses on the 1920s, while Patrick B. Finney looks at Great Britain's stance on minority protection in general[15]; Carole Fink examines Germany'[16]; and Christian Raitz von Frentz and Winson Chu explore Poland's role[17].

Despite Martin Scheuermann's above-mentioned monograph, there has been little academic focus on the complaints of the German minority in Czechoslovakia to the League of Nations in the 1930s, i. e. a period when Adolf Hitler and the Nazi Party were already in charge in Germany, and when the largest minority in the First Czechoslovak Republic was slowly but surely becoming an active component of Hitler's policy towards its smaller neighbour. As such, the subsequent text looks at Czechoslovakia's deteriorating international political situation and uses a selected example to show how instrumental the complaints of the German minority about the policy of the Czechoslovak government, and that they were not meant to ensure the minority issue be dealt with in a qualified and matter-of-fact manner, but rather to draw international attention to the living conditions of Sudeten Germans and exploit this for propaganda purposes to the benefit of Sudeten German Party policies.

The Czechoslovak state, established on 28 October 1918, inherited a complex ethnic population composition from its predecessor, Austria-Hungary: almost a third of the population did not want to live in the country and did not identify with it. This particularly applied to the German, Hungarian, Rusyn and Polish minorities[18]. Although by the beginning of the 1920s the negative relationship between the Czechoslovak Republic and a section of the minority population improved, with two German ministers even joining the Czechoslovak Government in 1926[19] and the German minority holding quite a strong position within education and the civil service, the situation began to slowly change following Adolf Hitler's rise to the role of German Chancellor in 1933. The Sudeten German Party (Sudetendeutsche Partei, SdP), the newly established political entity, became a powerful factor within Czechoslovak domestic politics especially after the 1935 election and also began to influence the international perspective on Czechoslovakia[20].

As noted above, the First Czechoslovak Republic had to agree to the international protection of its minorities[21]. The Czechoslovak Government, including governments

[14] *Scheuermann M.* Minderheitenschutz contra Konfliktverhütung. P. 51–370 (here also references to other publications). — The author looks at complaints against the Baltic states and countries of Central and South East Europe.

[15] *Finney P. B.* "An Evil for All Concerned": Great Britain and Minority Protection after 1919 // Journal of Contemporary History. 1995. Vol. 30, no. 3. P. 533–551.

[16] *Fink C.* The Weimar Republic and its "Minderheitenpolitik: Challenge to a Democracy" // German Politics & Society. 1996. Vol. 14, no. 1 (38). P. 80–85.

[17] *Raitz von Frentz Ch.* A Lesson Forgotten: Minority Protection under the League of Nations, The Case of the German Minority in Poland, 1920–1934. Hamburg, 1999; *Chu W.* The German Minority in Interwar Poland. Cambridge, 2012.

[18] *Tóth A., Novotný L., Stehlík M.* Národnostní menšiny v Československu. P. 30–31.

[19] German minority representatives remained in the government until 1938. The Hungarian minority did not make a similar step, i. e. joining the government, over the existence of Czechoslovakia.

[20] Most recently see, e. g.: *Novotný L.* The British Legation in Prague. Perception of Czech-German Relations in Czechoslovakia between 1933 and 1938. Berlin; Boston, 2019. — For Great Britain's policy in Central Europe in general, see especially: *Bátonyi G.* Britain and Central Europe, 1918–1933. Oxford, 1999.

[21] "Czechoslovakia agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances" (Sbírka zákonů a nařízení státu československého (Sb. z. a n.). Vol. 1921.

over the course of the entire interwar period, stated multiple times that Prague had always fulfilled its international obligations and that the minorities had nothing to complain about. Although Czechoslovak politicians (e. g. Foreign Minister of many years and later President, Edvard Beneš) did not agree that minorities should have recourse to the newly established League of Nations, Prague still had to accept the system adopted after the end of the First World War, like it or not. This is evidenced in the complaints[22], mainly from the German minority, and to a lesser extent — from the Hungarian minority, against the policy of the Czechoslovak government during the 1920s. The Polish minority was an exception, with Poland itself often in the position of a state against whom complaints were made over its approach to minorities[23].

The substantive complaints from the German minority, and to a lesser extent — from the Hungarian minority, in Czechoslovakia to the League of Nations in the 1920s regarded a number of fundamental problems which in practice affected their lives the most. These were in particular the issue of citizenship and the related issue of civil servant pensions, the fair and proportional allocations of funds for minority schools, as well as land reform and matters regarding application of the Language Act[24]. Agricultural reform in particular drew great attention from the German minority during the first half of the 1920s: "Between February 1921 and March 1925 alone, members of the German minority in Czechoslovakia submitted ten petitions, memoranda and supplementary information regarding land reform to the League of Nations"[25]. When it got the space to make a statement, the Czechoslovak government, similarly to other European governments, repeatedly claimed in its written opinions that it was doing more than it needed to in regard to the status of ethnic minorities, and specifically that Czechoslovak laws granted them extra protection; government members also claimed that the new state wanted to give the same rights to all its citizens without distinction[26]. It should be acknowledged, at the same time, that

Praha, 1921. P. 2308). — Prague henceforth had to agree that any disputes in this regard would be considered an international matter in accordance with Art. 14 of the Covenant of the League of Nations (Ibid. P. 2309. Cf. URL: https://avalon.law.yale.edu/20th_century/leagcov.asp art14 (accessed: 20.6.2020)). — In the event of disagreement, the Council of the League of Nations would make a decision, and if it could not come to a final verdict either, then it would go to the Permanent Court of International Justice (*Moravcová D.* Menšinový problém v meziválečném Československu. P. 179).

[22] Due to ambiguities in the use of exact legal terms, and due to the "arbitrary practices of the LN" in judging the complaints of ethnic minorities, it is difficult to differentiate between the terms "complaint" and "petition". As such, they mean one and the same thing in this text. — *Petráš R.* Menšiny v meziválečném Československu. Právní postavení národnostních menšin v první Československé republice a jejich mezinárodněprávní ochrana. Praha, 2009. P. 104.

[23] *Tóth A., Novotný L., Stehlík M.* Národnostní menšiny v Československu. P. 233–235. — "Most petitions, however, caused practically no complications for Czechoslovakia. Where some problems did arise from petitioned complaints, Czechoslovak diplomats used all kinds of methods to settle these, including bribes and espionage, as illustrated by R. Petráš on the basis of contemporary Foreign Ministry documents" (Ibid. P. 235).

[24] The number of complaints relating to the Language Act submitted to the Supreme Administrative Court were as follows: in 1918 and 1919 none; in 1920 — two; in 1921 — twelve; and in the first half of 1922 — also twelve. One complaint was successful; 15 were rejected due to being inadmissible or unfounded. Cf.: Národní archiv Praha (NA). Ministerstvo vnitra — stará registratura (MV-SR). Handling period 1918–1924. Carton 505. Signature 20/2/43.

[25] *Tóth A., Novotný L., Stehlík M.* Národnostní menšiny v Československu. P. 236.

[26] For more on the complaints of the German and Hungarian minorities in Czechoslovakia during the 1920s, see in particular: *Scheuermann M.* Minderheitenschutz contra Konfliktverhütung P. 151–180. Cf. the basic overview: *Tóth A., Novotný L., Stehlík M.* Národnostní menšiny v Československu. P. 234–239, 241–245; Ferenčuhová. Ochrana národnostných menšín. P. 133–138; *Zeidler M.* A Nemzetek Szövetsége és

the domestic political situation within Czechoslovakia played a key role in the decision of whether to submit a petition. When an ethnically-mixed government was set up in 1926 with the participation of German ministers, the period of petitions from German minority against the Czechoslovak Republic also essentially ended[27].

The German minority resumed sending petitions to the League of Nations during the 1930s[28], once the foreign policy situation had changed for Czechoslovakia after 1933. The advent of the Nazi regime and its slowly increasing, if only instrumental, interest in the domestic political situation of the German minority in Czechoslovakia led to a change in climate, especially after 1935, in which petitions were made. The objective of the main political representatives of Sudeten Germans, the Sudeten German Party, was not really to achieve better conditions for the German minority but to internationalise the ethnic problem in the Czechoslovak Republic and demonstrate how badly the Government in Prague was acting in terms of its nationality policy[29].

The petition of SdP deputies and senators regarding military supplies, specifically against the so-called Machník Decree, can be considered to have been the most significant during this period, following Adolf Hitler's rise to power[30]. This concerned a written circular received by 18 businesses in regard to the ethnic composition of their employees which was to be decisive in any allocation of government contracts. Although the letters, in all probability, were not written on the personal initiative of National Defence Minister František Machník, his name remained linked to the document. The formulation was certainly extremely inappropriate: in recommendations to replace foreign employees with "domestic forces of Czechoslovak nationality" as quickly as possible, and to recruite officials and employees who professed support for "parties hostile to the state"[31]. The proposed procedure involved discrimination of Czech Germans especially because the fortifications were built on their territory, and thus the chances of their community profiting from the published contracts were reduced[32].

---

a magyar kisebbségi peticiók // Etnopolitika. A közösségi magánés nemzetközi érdekek viszonyrendszere Közép-Európában. Budapest, 2003. P. 59–83.

[27] They did not end entirely, of course: in 1929, for example, a dispute between the Czechoslovak and German governments regarding minority protection was dealt with. Cf.: Das Sudetendeutschtum und der Minderheitenschutz in Genf: Teil I, Deutsche Gesandtschaft an das Auswärtige Amt, Prag, den 9. Mai 1929, Nr. A22 // Deutsche Gesandtschaftsberichte aus Prag. Innenpolitik und Minderheitenprobleme in der Ersten Tschechoslowakischen Republik, Teil III / ed. by M. Alexander. München 2009. P. 373–375; Das Sudetendeutschtum und der Minderheitenschutz in Genf: Teil II, Deutsche Gesandtschaft an das Auswärtige Amt, Prag, den 25. Mai 1929, Nr. A23 // Ibid. P. 375–376.

[28] Petitions were usually settled with a written response from Czechoslovakia to the Minorities Section director, and they were no longer further discussed within the League of Nations. *Petráš R.* Menšiny v meziválečném Československu. P. 107.

[29] Cf. e. g.: *Novotný L.* The British Legation in Prague; *Cornwall M.* The Devil's Wall: the Nationalist Youth Mission of Heinz Rutha. Cambridge (Mass.), London, 2012.

[30] "The written circulars sent to companies interested in fulfilling government contracts from the National Defence Ministry, then headed by František Machník, became termed the Machník Decree" (*Petráš R.* Menšiny v meziválečném Československu. P. 235). This decree "restricted the involvement of German companies in government arms contracts" (Ibid. P. 78).

[31] Chamber of Deputies Records. Electoral Term IV. 2nd Session. 1936, Record 288 (Urgent interpellation by deputies E. Kundt, Dr. H. Neuwirth and R. Sandner to the government that the National Defence Ministry tendering military contracts is issuing decrees and undertaking official acts in breach of the constitution and the treaty on the protection of minorities). P. 1.

[32] *Horáková M.* Právní ochrana menšin v Československu v letech 1933–1936 // COFOLA 2010: the Conference Proceedings. Brno, 2010. P. 506–518.

The events around this National Defence Ministry decree, which furthermore was neither a law nor at least a government decree, naturally aroused the opposition of representatives of the German minority, both from government parties and their newspapers[33], and in particular — from the leaders of the Sudeten German Party who decided to criticise it not just within the Czechoslovak Republic but rather to bring the entire matter to the League of Nations. Although according to Prime Minister Milan Hodža, the Czechoslovak government publicly rejected discrimination against the German minority and any breach of international contractual obligations[34], events were already in motion.

The actual petition containing the complaint of the Sudeten German Party and the Carpathian German Party arrived in Geneva in April 1936, and it was received by the Czechoslovak representative to the League of Nations, Rudolf Künzl-Jizerský, a month later. The Czechoslovak government's response arrived at the Swiss capital at the end of August[35]. As mentioned above, it was in regard to an unfortunately formulated ministerial decree which did not have the character of a law; the decree was not a part of Czechoslovak legislation, and the actual complaint about it, something its authors knew, was therefore a mere gesture although it did fulfil its purpose — to make Czech-German relations within Czechoslovakia worse and to get Great Britain involved in what was from its perspective a marginal ethnic dispute in Central Europe[36].

The petition submitted in French officially referred to one written circular from the National Defence Ministry (of 28 January 1936) and did not specifically mention František Machník. It then briefly outlined the reasons for submitting the petition and also included the actual circular of 28 January 1936. The authors of the petition argued that this procedure by the ministry was damaging to the over 3 million-strong German minority in Czechoslovakia, and made repeated claims that the Sudeten German Party represented over 70 % of the German population in Czechoslovakia. Neither did they fail to add that the decree had caused a wave of opposition across almost the entire German political spectrum, and that such an approach from the Czechoslovak government automatically affected the entirety of the strongest minority in the country[37]. This was followed by the obligatory analyses of press opinions, examples of public demonstrations expressing outrage over such steps from the Czechoslovak Government[38]. Finally, the petition's authors stated that as yet no complaint from the German minority in Czechoslovakia had come up for discussion at the Council of the League of Nations, and as such they had decided to submit this petition as evidence of a "dangerous deterioration in ethnic problems within the Czechoslovak Republic"[39].

---

[33] *Novotný L.* The Machník Decree of 1936 and its Perception by the British Legation in Prague and the Foreign Office // Central European Papers. 2013. Vol. 1, no. 2. P. 41–42. — For more details in this matter, see Great Britain's position on the whole matter (P. 39–50).

[34] Ibid. P. 43. — The actual directive was then cancelled in October 1936.

[35] *Novotný L.* The British Legation in Prague. P. 136–137. — The petition was dated 24 April 1936, the Czechoslovak Government received it on 18 May to submit its position, which it then sent on the last day of August. Archiv Ministerstva zahraničních věcí České republiky (AMZV). Section II. 1918–1939. SN. Carton 697. Reference number 121732/1936. English version of the document.

[36] *Novotný L.* The Machník Decree… P. 46.

[37] AMZV. Section II. 1918–1939. SN. Carton 697. Reference number 121732/1936. Text of the complaint. P. 1–4.

[38] Ibid. P. 5–19.

[39] Ibid. P. 21. — The petition's authors also proposed sending observers to Czechoslovakia to verify the factual basis of the complaint (Ibid).

The response from the Czechoslovak government provided a meticulous and academic, rejection of the petition's wording[40], and a even a quick examination of both documents reveals a clear difference in pespectives. While the petition's authors were endeavouring to emotionally engage potential readers and making arguments about the bad fortune of the German minority in Czechoslovakia, Prague kept to simple legal terms and, as stated above, it did not consider the Defence Ministry's decrees to be legal standards (laws or government decrees). No objection could be made to them, and from a purely legal perspective, this was true. The Czechoslovak government also avoided making any sharper statements against the Sudeten German Party, and against the German minority as a whole. In its response, it meticulously attempted to prove that Czechoslovakia treated all its citizens equally.

The Czechoslovak government's basic argument was its claim that for extremely important military procurements it was not possible for companies bidding for tenders to employ individuals deemed unreliable to the state. It immediately added that the circular of January 1936 was not about nationality, but rather about reliability and loyalty. Thus the focus of dispute was shifted to whether the potential unreliability of a member of an ethnic minority as a worker for a particular company automatically meant that the company would be unable to receive the government contract[41]. The authors of the petition believed there was an evident attempt at damaging businesses with German employees, while Prague argued the opposite. Furthermore, Prague added that no international treaty ordered it to give contracts to companies employing individuals unreliable to the state. Finally, the Czechoslovak government stated that such circulars were also sent to Czechoslovak businesses, and it was therefore obvious that it was not an act against minorities but the same procedure was applied to all companies regardless of the nationality of their employees[42].

In early 1937, a meeting was held between Rudolf Künzl-Jizerský and Peter Christian Schou, where the Czechoslovak representative was informed that the minority committee had adjourned the hearing into the SdP petition. It became apparent during the debate why the Czechoslovak government did not want to speed up the handling of the Sudeten German complaint. Künzl-Jizerský referred to confidential messages from two people, whom he did not name, according to which it would be a good idea to put off dealing with the petition until such time as the Czechoslovak government came to an agreement with the activist part of the German political spectrum[43]. These messages referred to ongoing negotiations between the cabinet and certain political parties, which ultimately resulted in the so-called February Agreement[44].

The start of 1937 was marked by intensive negotiations between the Czechoslovak government and activist parties[45], whose objective was an improved economic, social and

[40] Cf. more in detail: Ibid. P. 22–27.

[41] Ibid. Reference number 113196/1936. P. 1–2. — It should be added that, according to the Czechoslovak government statement, the Defence Ministry did ultimately give contracts to companies which the original circular of January 1936 rejected (Ibid. P. 2).

[42] Ibid. P. 7–8.

[43] AMZV. Section II. 1918–1939. SN. Carton 697. Reference number 12683/1937. 1937. January 25. P. 2–3.

[44] Cf. more in detail: *Novotný L.* The British Legation in Prague. P. 149–150.

[45] The German Social Democratic Workers' Party in the Czechoslovak Republic, the German Christian Social People's Party, and the Farmers' League.

healthcare situation for the German minority, and an increase in the number of German officials. Prague was serious about its actions, but it should be added that its endeavours were an immediate contradiction to the Sudeten German Party, essentially weakening them, condemning them to failure[46].

In February, material was produced at the Czechoslovak Ministry of Foreign Affairs which summarised the position of the Czechoslovak governmen, and which declared, contrary to the actual facts, that there was no such thing as the Machník Decree[47]. In addition, it followed that current practice applied by the National Defence Ministry had never damaged any ethnic minority in Czechoslovakia. A far more important message, however, concerned a passage stating that the decree did not need to be applied in practice, because the Act on Defence of the State had come into force in May 1936[48], and this gave the Czechoslovak authorities a wide range of options for dealing with individuals deemed unreliable to the state. It explicitly stated, however, that it was strictly forbidden to describe someone as unreliable to the state purely on the basis of their language, nationality or religion[49].

In April 1937, the head of the Southern Department (Foreign Office), Owen O'Malley, met the director of the League of Nations' Minorities Section, Peter Christian Schou, in order to discuss the SdP's next steps regarding its petition. The British diplomat did not understand why the Sudeten Germans didn't submit another complaint, in response to which his partner explained that the party leaders followed instructions from Germany which rejected the role of the League of Nations within European politics[50].

A month later, the Czechoslovak government made a statement on the petition, something Peter Schou informed the Foreign Office's Legal Adviser, Herbert W. Malkin, about. It was clear from the statement that Prague rejected the complaint with the succinct explanation that the Machník Decree was neither a law nor a government decree, and that there was absolutely no legal reason to object to the document at the League of Nations. According to British diplomats, even those in the Sudeten German Party were resigned to the end of deliberations over its petition[51].

The Minorities Committee, then led by H. Malkin, also made a statement on the petition[52]. It was the committee's opinion that it made no sense at that time to submit the matter to the Council of the League of Nations because the Czechoslovak government had given an explanation to the entire matter, or specifically provided a clear position which repeated that the Machník Decree would not be applied in practice. Prague also stated that the so-called February Agreement had been adopted in February 1937, which clearly guaranteed equality to employees of Czechoslovak nationality and those of a minority nationality. The committee had thus come to the only possible conclusion, namely: "There is consequently no reason to enquire whether the said Circular could have had results liable

[46] *Tóth A., Novotný L., Stehlík M.* Národnostní menšiny v Československu. P. 356.

[47] The material referred to it as guidelines of executive departments.

[48] Sb. z. a n. Vol. 1936. P. 479–541.

[49] AMZV. Section II. 1918–1939. SN. Carton 697. Reference number 24237/1937. P. 1–2.

[50] The National Archives, London (TNA). Foreign Office (FO) 371/21128. R 2375/188/12. Foreign Office Minute (Mr. O'Malley). 1937. April 7. F. 127.

[51] Ibid. R 3292/188/12. M. Schou (League of Nations) to Sir W. Malkin. 1937. May 10. F. 216; R 3262/188/12. Mr. Walters (League of Nations) to Mr. Stevenson. 1937. May 11. FF. 213–214.

[52] Also in the committee were representatives of Latvia, Vilhelms Munters, and Sweden, Rickard Johannes Sandler.

to constitute a violation of the rights which have been guaranteed to the minority by a treaty"[53]. There was a dispute at the Chamber of Deputies in March over the Machník Decree between SdP deputy, Ernst Kundt, and Czechoslovak Foreign Affairs' Minister, Kamil Krofta. This was in response to the question from a Member of the Parlamennt and the the explanation of the government's position, in which Kamil Krofta described the petition as mere SdP propaganda, which he believed had nothing to do with its minority obligations established post-1918[54].

The review of the SdP's petition against the Czechoslovak National Defence Ministry decree, lasting over a year, ended with an outcome that at first glance appeared favourable to Prague, and in contrast unfavourable to the petition's authors. A careful examination, however, reveals another understanding. The Czechoslovak government was put into a negative light, in particular within British diplomacy, while the Sudeten German Party managed, following the success of a number of trips by its leader, Konrad Henlein, to London[55], to draw international attention once again to what they claimed was the mistaken and short-sighted ethnic policy of the Czechoslovak government.

If after the end of the First World War and during the period of establishing the system of international legal protection for minorities there were problems in the actual procedure of submitting petitions, these were successfully eliminated during the course of the 1920s. The entire problem of the Sudeten German Party's complaint over the Machník Decree and the subsequent wrangling lasting over a year between Prague and Geneva demonstrated the complexity of the minority problem even at the start of the second half of the 1930s; this time, however, the stumbling block was rather the international political situation.

The complaint itself can be perceived at a number of levels. First of all, there was the purely legal evaluation of whether the National Defence Ministry's letters met the criteria for a law or government decree. After clarification of the position of the Czechoslovak government, there could be no doubt that it was not a legal standard. Another level was the objectively unfortunately chosen tone of the letters as they implied discrimination against employees of certain companies purely on the basis of nationality, and this certainly contributed towards a deterioration in relations between Czechs and Germans during the First Czechoslovak Republic. The final level was in regard to the exploitation of the so-called Machník Decree by the Sudeten German Party for propaganda purposes, and the shifting of the discussion of the status of the minority issue within Czechoslovakia to an international level, specifically — to the League of Nations.

---

[53] AMZV. Section II. 1918–1939. SN. Carton 697. Reference number 74612/1937. English version of the document. P. 2–3. Herbert Malkin in particular requested on behalf of the Minorities Commission that the Czechoslovak Government clearly declare that in awarding government contracts it would not apply nationality as a factor in its provision / non-provision. Ibid. Reference number 61005/1937.

[54] Ibid. Reference number 36328/1937. Answer of the Foreign Minister. 1937. March 13. P. 1–2.

[55] Cf. more in detail: *Novotný L.* Konrad Henlein's Visits to London. The Contribution on the Internationalisation of the Sudeten German Issue in the Second Half of the 1930s // Zgodovinski Casopis — Historical Review. 2018. Vol. 72, No. 1–2. P. 214–230. — In fact, SdP members referred to the fact that their awareness-raising foreign trips were not to Germany. AMZV. Section II. 1918–1939. SN. Carton 697. Reference number 154965/1936. Minutes of a meeting between deputy Neuwirth, Heinrich Rutha and Foreign Minister Krofta. 1936. September 22. P. 2. — This was only partially true, since they did of course travel to Berlin for instructions, and they were guests at official events, such as during the Olympic Games (Ibid. Reference number 22846. 1936. October 12. P. 6–7).

A closer study of the matter has brought together all three levels of the problem, in which the SdP succeeded in creating an atmosphere, especially amongst British diplomats, implying that the Czechoslovak government was breaching the international obligations it had committed itself to in 1918. The complaint itself very soon receded into background, with those submitting it very quickly losing interest in adding to it and being indifferent to the fact that it was never dealt with by the Council of the League of Nations. They had fulfilled their plan by putting the Czechoslovak Republic into a negative light following the "calm" period from the mid-1920s, with Prague having to explain the steps of the National Defence Ministry. Thus the original unfortunate formulation, linked to František Machník, began to take on a life of its own. Even though the Czechoslovak government had explained the entire matter satisfactorily, it should be acknowledged that it was the Sudeten German Party which emerged the de facto victor of the dispute — it had highlighted at an international forum its own perception of the reality of the majority nationality living alongside minorities, and it had engaged Great Britain in its arguments. Not only in London, but in particular at the British Legation in Prague, the idea began to germinate with increasing vigour that more pressure would have to be put on Czechoslovakia to make concessions to its German minority.

References

Azcárate P. de. *League of Nations and National Minorities: An Experiment*. Washington, Carnegie Endowment For International Peace, 1945, 216 p.

Bamberger-Stemmann S. Funkcie ochrany menšín v medzivojnovom období a ich aplikácia. *Hledání jistoty v bouřlivých časech. Češi, Slováci, Němci a mezinárodní systém v první polovině 20. století*. Ústí nad Labem, Albis international. 2006, pp. 87–105.

Bátonyi G. *Britain and Central Europe, 1918–1933*. Oxford, Oxford University Press, 1999, 252 p.

Chu W. *The German Minority in Interwar Poland*. Cambridge, Cambridge University Press, 2012, 344 p.

Claude I. L. *National Minorities — An International Problem*. Cambridge, Harvard University Press, 1955, 248 p.

Cornwall M. *The Devil's Wall: the Nationalist Youth Mission of Heinz Rutha*. Cambridge, Harvard University Press, 2012, 384 p.

Eiler F. International Minority Defense System: The League of Nations. *Minority Hungarian Communities in the Twentieth Century*. New York, Columbia University Press, 2011, pp. 92–101.

Ferenčuhová B. Ochrana národnostných menšín v Spoločnosti národov a československá politika (1919–1926). *Hledání jistoty v bouřlivých časech. Češi, Slováci, Němci a mezinárodní systém v první polovině 20. století*. Ústí nad Labem, Albis international, 2006, pp. 107–138.

Fink C. Minority Rights as an International Question. *Contemporary European History*, 2000, vol. 9, no. 3, pp. 385–400.

Fink C. The Great Powers and the New International System, 1919–1923. *From War to Peace. Altered Strategic Landscapes in the Twentieth Century*. New Haven, New York, Yale University Press, 2000, pp. 17–35.

Fink C. The League of Nations and the Minorities Question. *World Affairs*, 1995, vol. 157, no. 4, pp. 197–205.

Fink C. The Paris Peace Conference and the Question of Minority Rights. *Peace & Change*, 1996, vol. 21, no. 3, pp. 276–279.

Fink C. The Weimar Republic and its "Minderheitenpolitik: Challenge to a Democracy". *German Politics & Society*, 1996, vol. 14, no. 1 (38), pp. 80–85.

Finney P. B. "An Evil for All Concerned": Great Britain and Minority Protection after 1919. *Journal of Contemporary History*, 1995, vol. 30, no. 3, pp. 533–551.

Gütermann Ch. *Das Minderheitenschutzverfahren des Völkerbundes*. Berlin, Duncker & Humblot, 1979, 360 p.

Hilpold P. Minderheitenschutz im Völkerbundsystem. *Zur Entstehung des modernen Minderheitenschutz in Europa*. Wien, Springer, 2006, pp. 156–189.

Hilpold P. The League of Nations and the Protection of Minorities — Rediscovering a Great Experiment. *Max Planck Yearbook of United Nations Law*. Dorddrecht, 2013, pp. 87–124.
Horáková M. Právní ochrana menšin v Československu v letech 1933–1936. *COFOLA 2010: the Conference Proceedings.* Brno, Masaryk University, 2010. P. 506–518.
Kovács P. The Protection of Minorities under the Auspices of the League of Nations. *The Oxford Handbook of International Human Rights Law*, 2013, pp. 1–19.
Koziak T. Consequences of World War I and the Causes of Ethnic Conflicts in Central and Eastern Europe. *Ethnic Minorities in Slovakia in the Years 1918–1945*. Prešov, UNIVERSUM-EU, 2011, pp. 36–45.
Mazower M. Minorities and the League of Nations in Interwar Europe. *Daedalus*, 1997, vol. 126, no. 2, pp. 47–63.
Moravcová D. Menšinový problém v meziválečném Československu. *Střední Evropa*, 1999, vol. 15, no. 92/93, pp. 174–192.
Novotný L. Konrad Henlein's Visits to London. The Contribution on the Internationalisation of the Sudeten German Issue in the Second Half of the 1930s. *Zgodovinski Casopis — Historical Review*, 2018, vol. 72, no. 1–2, pp. 214–230.
Novotný L. *The British Legation in Prague. Perception of Czech-German Relations in Czechoslovakia between 1933 and 1938*. Berlin, Boston, De Gruyter, Oldenbourg, 2019, 284 p.
Novotný L. The Machník Decree of 1936 and its Perception by the British Legation in Prague and the Foreign Office. *Central European Papers*, 2013, vol. 1, no. 2, pp. 39–50.
Petráš R. *Menšiny v meziválečném Československu. Právní postavení národnostních menšin vprvní Československé republice ajejich mezinárodněprávní ochrana*. Praha, Karolinum, 2009, 437 p.
Raitz von Frentz Ch. *A Lesson Forgotten: Minority Protection under the League of Nations, The Case of the German Minority in Poland, 1920–1934*. Hamburg, LIT, 1999, 312 p.
Scheu H. Ch. Role mateřských států v systému meziválečné ochrany národnostních menšin. *Právněhistorické studie*, 2018, vol. 48, no. 2, pp. 103–114.
Scheuermann M. *Minderheitenschutz contra Konfliktverhütung. Die Minderheitenpolitik des Völkerbundes in den zwanziger Jahren*. Marburg, Herder Institut, 2000, 516 p.
Szarka L. Nation States and Minorities in Central Europe. *Minority Hungarian Communities in the Twentieth Century*. New York, Columbia University Press, 2011, pp. 81–91.
Tóth A., Novotný L., Stehlík M. *Národnostní menšiny v Československu 1918–1938. Od státu národního ke státu národnostnímu?* Praha, Togga, Filozofická fakulta UK, 2012, 722 p.
Zeidler M. A Nemzetek Szövetsége és a magyar kisebbségi peticiók. *Etnopolitika. A közösségi magánés nemzetközi érdekek viszonyrendszere Közép-Európában*. Budapest, Teleki László Alapítvány, 2003, pp. 59–83.
Zeidler M. The League of Nations and Hungarian Minority Protection. *Czech and Hungarian Minority Policy in Central Europe 1918–1938*. 85–115. Praha, Budapest, Masarykův ústav a Archiv AV ČR, v. v. i., MTA Etnikai-nemzeti Kisebbségkutató Intézete, 2009, pp. 85–115.

Статья поступила в редакцию 9 февраля 2021 г.
Рекомендована в печать 14 сентября 2021 г.
Received: February 9, 2021
Accepted: September 14, 2021