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The first comprehensive documentary treatment of the territorial and political clauses of the Treaty of St. Germain which forms the corner stone of the Austria which was recognized and established by the Allied and Associated Powers in 1919. \$6.00

HOOVER WAR LIBRARY PUBLICATIONS—No. 5

The Treaty of St. Germain
A Documentary History

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HOOVER WAR LIBRARY PUBLICATIONS—No. 5

The Treaty of St. Germain

A Documentary History of Its
Territorial and Political Clauses

With a Survey of the Documents
of the Supreme Council of the
Paris Peace Conference

Selected and Edited by

NINA ALMOND

and

RALPH HASWELL LUTZ

1935

STANFORD UNIVERSITY PRESS
STANFORD UNIVERSITY, CALIFORNIA
LONDON: HUMPHREY MILFORD
OXFORD UNIVERSITY PRESS

STANFORD UNIVERSITY PRESS
STANFORD UNIVERSITY, CALIFORNIA

LONDON: HUMPHREY MILFORD
OXFORD UNIVERSITY PRESS

THE BAKER AND TAYLOR COMPANY
55 FIFTH AVENUE, NEW YORK

MARTINUS NIJHOFF
9 LANGE VOORHOUT, THE HAGUE

THE MARUZEN COMPANY
TOKYO, OSAKA, KYOTO, SENDAI

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OF THE LELAND STANFORD JUNIOR UNIVERSITY

PRINTED AND BOUND IN THE UNITED STATES
OF AMERICA BY STANFORD UNIVERSITY PRESS

FOREWORD

THE TREATY OF SAINT GERMAIN forms the cornerstone of the Austria which was recognized and established by the Allied and Associated Powers in 1919. An understanding of this Treaty is essential to a knowledge of the complex problems which have arisen as the result of the decisions of the Allied Powers to maintain an independent Austria in Central Europe. In compiling a documentary history of the territorial and political clauses of the Treaty, the Editors have attempted to clear up certain points which heretofore have been obscure or distorted.

A comprehensive analysis of the documents of the Paris Peace Conference covering the negotiations concerning the Treaty of Saint Germain has been an arduous task. Three hundred forty-eight documents have finally been chosen for reproduction, about one hundred thirty-three of which are translations from the original French or German.

Selections have been made from thirty-five of the principal sources which deal with the Treaty. These are: Drafts of the Treaty which were presented by the Allied and Associated Powers to the Austrian Delegation on June 2, July 20, and September 2, and the Draft proposed by the Austrian Delegation; Minutes of the Plenary sessions of the Paris Peace Conference; Minutes of the Supreme Council, including the Council of Ten and the Supreme War Council, the Council of Five, the Council of Four, with Resolutions of this Council, and Index I.C.A., the Council of Heads of Delegations, with its Resolutions, and Index H.D., the Council of Ministers of Foreign Affairs and Council of Ambassadors; Reports of the Commissions on Rumanian and Yugoslav Affairs, on Czechoslovak Affairs, on Moroccan Affairs, on Belgian and Danish Affairs, and the Central Committee on Territorial Questions; Reports and Minutes of the Committee on New States; Compilations of the American Delegation at the Peace Conference consisting of *S-H* and *E.S.H.*

Bulletins; Documents and Minutes of the Supreme Economic Council; the Interim Report of the Inter-Allied Commission on the Relief of German Austria; *Notes de la Délégation de la République d'Autriche*; *Réponse des Puissances Alliées et Associées aux Rémarques de la Délégation Autrichienne sur les Conditions de Paix*; *Lettre d'Envoi au Président de la Délégation Autrichienne de la Réponse des Puissances Alliées et Associées*; *Conditions de Paix avec l'Autriche Allemande*, *Réponses aux Conditions de Paix du 20 juillet 1919*; *Deutsch-Österreich's Antwort auf die Friedensbedingungen*, *Die Note der Deutschösterreichischen Friedensdelegation an den Präsidenten der Friedenskonferenz vom 6. August, 1919, B. 914*; *Bericht über die Tätigkeit der deutschösterreichischen Friedensdelegation in St. Germain-en-Laye*; *Mittheilungen des Staatsamtes für Volksernährung über die Verhandlungen mit den Alliierten Hauptmächten über die Lebensmittelversorgung der Republik Österreich in der Zeit vom Dezember 1918 bis Anfang Oktober 1919*; Documents issued by the Yugoslav Delegation at the Paris Peace Conference, by the Czechoslovak Delegation, and by the Rumanian Delegation; *An Account of the Work of the Hungarian Peace Delegation at Neuilly from January to March 1920*; "Documentary History of the Treaty of Peace between the Allied and Associated Powers and Germany," by P. W. Slosson, H. C. Nixon, and M. Florence Wilson; "A Commentary on the History of the Treaty with Austria," by Louis H. Gray; and *My Diary at the Conference of Paris*, with Documents, by David Hunter Miller. In addition the Editors have made use of certain documents in the standard government sets of the Principal Allied and Associated Powers.

Most of the translations reproduced in this study were made in 1919 by the translators of the American Delegation. These documents were hurriedly rendered into English and contain many vagaries in form, especially in grammar and spelling. However, unless the meaning is obscured, the Editors have reproduced the original texts without comment. All other translations in the book have been made under the supervision of the Editors.

Professor P. W. Slosson, Mr. H. C. Nixon, and Miss Florence Wilson wrote in 1919 the official American "Documentary History of the Treaty of Peace between the Allied and Associated Powers and Germany." This work is, however, not a collection of documents, but a narrative based on the documents. In 1920 Mr. Louis Gray wrote the official American commentary on the Austrian treaty, entitled "A Commentary on the History of the Treaty with Austria." In his preface Gray states: "In view of the Commentary on the Treaty with Germany already written by Mr. H. C. Nixon and Dr. Preston Slosson and the History of the Covenant of the League of Nations by Miss M. F. Wilson, it has been possible to prepare a Commentary on the Treaty with Austria in relatively brief space." The main sources upon which this latter study is based are the Minutes of the Supreme Council to September 10, 1919, Minutes and Reports of certain of the Commissions and Committees set up by this Council, and *Notes de la Délégation de la République d'Autriche* and *Réponse des Puissances Alliées et Associées aux Remarques de la Délégation Autrichienne sur les Conditions de Paix*. Mimeographed copies of these two official American commentaries in the Hoover War Library have been of distinct value to the Editors of the present work. The history of the Versailles Treaty is printed as Volume XIX of the *Miller Diary*. It is to be hoped that Gray's commentary on the treaty with Austria also will be made available to American and foreign scholars.

The scope of the present study has been limited to the territorial and political clauses of the Treaty of Saint Germain as given in the Preamble and Articles One to One Hundred Seventeen. Articles dealing with territorial or political questions in other parts of the Treaty are covered only in so far as they are included in the discussions of the selected articles.

After weighing the advantages of a chronological arrangement of the materials in parts corresponding to the significant periods in the treaty negotiations, and a section by section or article by article treatment of the Treaty, as adopted by Slosson, Nixon, and Gray, the Editors finally

decided upon the latter plan as more usable. The documentary form of the work, which follows the excellent example of the *Bericht* and the Miller *Diary*, raises the question of selection, but in many of the sections of this study this difficulty is non-existent, since all of the available documents on the subject are reproduced.

The Editors have selected the following maps: (1) "Important Corridors of Central Alps." Inquiry 642*b*, published by Hunter Miller, and reproduced here through his courtesy; (2) "Yougo-Slavie." Map appended to Report No. 2 of the Commission on Rumanian and Yugoslav Affairs; reproduced through the courtesy of Professor Charles Seymour and the Librarian and Library Committee of Yale University Library; (3) "Übersichtskarte der Territorialen Friedensbedingungen für Deutsch-Österreich," appended to *Bericht über die Tätigkeit der deutschösterreichischen Friedensdelegation in St. Germain-en-Laye*, Bd. 2; (4) "Autriche," map appended to *Traité de Paix entre les Puissances Alliées et Associées et l'Autriche ... le 10 septembre 1919*.

The Editors wish to express their thanks for aid in the preparation of this work to Mr. Hunter Miller, Professor Charles Seymour, Professor Andrew Keogh (Librarian), and the Library Committee of Yale University Library, the Library of Congress, Mr. John C. White, Dr. Ray Stannard Baker, President Tyler Dennett, Dean Mary Yost, Professor Wm. Hawley Davis, Mrs. Jessie D. Whittern, Doubleday, Doran, and Houghton Mifflin Company. The Editors are also deeply indebted to the late Colonel James A. Logan.

Mr. Walther Milthaler and Miss Mary Scofield translated all documents which were not in the official American compilations or originally issued in English. Miss Ruth Macfarlane typed the manuscript for publication. Mr. Harry N. M. Winton, graduate student in Stanford University, prepared the index. To all of these the Editors wish to express their thanks.

NINA ALMOND
RALPH HASWELL LUTZ

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MAP: IMPORTANT CORRIDORS OF CENTRAL ALPS. Inquiry 642*b* (reproduced through the courtesy of Hunter Miller, Esq.) facing p. 340.

MAPS (folded insert at end of this volume)

YUGO-SLAVIE. Map appended to Report No. 2 of the Commission on Rumanian and Yugoslav Affairs, April 6, 1919 (reproduced through the courtesy of Professor Charles Seymour and the Librarian and Library Committee of Yale University Library).

"ÜBERSICHTSKARTE DER TERRITORIALEN FRIEDENSBEDINGUNGEN FÜR DEUTSCH-ÖSTERREICH." Map appended to *Bericht über die Tätigkeit der deutsch-österreichischen Friedensdelegation in St. Germain-en-Laye*, Bd. 2.

AUTRICHE. Map appended to *Traité de Paix entre les Puissances Alliées et Associées et L'Autriche, Protocole et Déclarations, signés à Saint-Germain-en-Laye le 10 Septembre 1919.*

INTRODUCTORY CHAPTER

DOCUMENTS OF THE SUPREME COUNCIL OF THE PARIS PEACE CONFERENCE, 1919¹

A. CHRONOLOGICAL SURVEY

THE DIRECTING force of the Paris Peace Conference of 1919 was the Supreme Council. This term of varying form, e.g., "The Council," the "Supreme Council," "Supreme Council of the Peace Conference," "Supreme Council of the Allies," was used to designate a changing body which, modeled on the Supreme War Council,² came into being as the result of the determination of the Great Powers to reserve for themselves the decisions of the important questions before the Peace Conference.³ "The Supreme Council is to be differentiated as a matter of form from the Supreme War Council which consisted of representatives of the same four or five Great Powers and, while

¹ In his extraordinarily valuable work, *My Diary at the Conference of Paris*, 21 vols. and portfolio of maps (New York, 1924) (hereafter referred to as Miller, *My Diary*), Hunter Miller has made available the most extensive collection of Supreme Council documents which has as yet been published. Two important series on the Paris Peace Conference are now being issued: (1) *La Documentation Internationale: La Paix de Versailles* (Paris, 1929+), published by Les Editions Internationales under the editorship of Professor Albert G. de Lapradelle; (2) *Paris Peace Conference; History and Documents* (New York, 1934+), published for the Carnegie Endowment for International Peace under the general editorship of James Brown Scott.

² H. W. V. Temperley, ed., *History of the Peace Conference of Paris* (London, 1920-1924), I, 250. Temperley also states that the Supreme War Council had taken for its model the British cabinet.

³ [Paris Peace Conference. Council of Ten] *Minutes*. B.C. A-63, January 12—July 5, 1919 (Paris, 1919) (at head of title, "American Commission to Negotiate Peace. Secret") (hereafter cited as B.C.). B.C. A-1, p. 9: "M. Clemenceau asked whether he was to understand that no decision could be taken without Costa Rica and Honduras being consulted. If so, he could not agree. . . . He had always understood that the four Great Powers would meet and settle these questions, admitting the cooperation of the other powers." Cf. also the first statement in footnote 7, *infra*.

the Peace Conference was going on, of the same individuals usually."⁴ Viewed chronologically the Supreme Council started and operated for a time as the Council of Ten. This body later divided into the Council of Four or Three, and the Council of Five or Council of Foreign Ministers.⁵ At the close of the activities of these councils there came into being the Council of Heads of Delegations, which preceded the Council of Ministers of Foreign Affairs and the Council of Ambassadors.

COUNCIL OF TEN

The Council of Ten consisted of two representatives from each of the Great Powers—the heads of government⁶

⁴ Miller, *My Diary*, XIV, Prefatory Note. "The Supreme War Council consists of the President of the United States, or his representative, and the Prime Ministers of Great Britain, France and Italy. Their power is supreme concerning all matters which have any military bearing."—*S-H Bulletin*, No. 39, February 24, 1919. (For complete *S-H Bulletin* entry see footnote 44, *infra*.) A military representative from each of the four countries was associated with the Council for the purposes of advising. A Japanese military representative was present for a short period although in the beginning the Japanese had decided not to be represented. Naval representatives were also associated with the Council when the occasion required. The Supreme War Council, as such, came to an end on January 10, 1920. At the last meeting of the Council of Heads of Delegations it was decided: "that the Interallied military organization should continue under the presidency of Marshal Foch at Versailles and have for instructions: (a) to act as military council to the Allied and Associated governments in the military questions arising out of the execution of the Treaty of Peace with Germany; (b) to execute the orders given to it by the Allied and Associated Powers in matters concerning the commissions of control and the Allied forces of occupation in the Rhineland and plebiscite areas. It was further decided: that, should the occasion arise, the Council should be consulted upon all military questions of common interest to the Allies which the latter might be agreed to submit to it."—H.D. 125(2). (For complete H.D. Bulletin entry see footnote 21, *infra*.) See also Sir Maurice Hankey, *Diplomacy by Conference* (London, 1920), pp. 13-15; Gabriel Terrail (Mermeix, *pseud.*), *Le Commandement Unique* (Paris, 1920), I, 171-73, and his *Les Négociations Secrètes et les Quatre Armistices avec Pièces Justificatives* (Paris, 1919), pp. 205-66; Sir Charles Callwell, *Field Marshal Sir Henry Wilson . . . His Life and Diaries* (New York, 1927), II, 13-63; Gt. Britain. War Cabinet, *Report*, 1918, pp. 19-22.

⁵ The Council of Ten did not entirely disappear. It held five meetings during April, May, and June. The purpose of these meetings was to bring together, in consultation, the Council of Four and the Council of Five.

⁶ In the beginning, at least, President Wilson's presence in the Supreme Council caused considerable anxiety to his colleagues. In November 1918 Clemenceau declared in a telegram to Lloyd George: "A particularly serious question is to know whether the President intends to take part in the Conference . . . in my opinion this seems to be neither desirable nor possible. Since he is chief of state

and foreign ministers of the United States, Great Britain, France, and Italy, and two representatives from Japan, one a former foreign minister.⁷ This Council held at least sixty-seven meetings, of which nineteen were also meetings of the Supreme War Council.⁸ The sessions of the Council were secret and only official communiqués concerning them were issued to the public. In addition to a special secretary for each delegation, a joint secretariat was present at each meeting. This joint secretariat was also the secretariat for the whole Conference. With very few exceptions the Council of Ten met in M. Pichon's room at the Quai d'Orsay. M. Clemenceau usually presided, and the interpreter was Professor P. J. Mantoux.

The Council of Ten determined the procedure of the Peace Conference, laid out its program, and fixed the representation of the Powers. It appointed many of the commissions and committees which worked on sections of the German and Austrian treaties, including the Financial (January 23 and March 1) and Economic (January 27 and March 1) Commissions, with their subcommittees, the Inter-Allied Naval and Military Committee (February 12), the Aeronautic Commission with its subcommittees (March 12), the Commission on the Means for Imposing the Armistice on Germany (February 10), the Commission on Submarine

he is consequently not on the same line as ourselves. To admit one chief of state without admitting all seems to me an impossibility."

President Wilson, by no means pleased with this attitude, stated in a telegram to Colonel House: "I play the same part in our government as the Prime Ministers play in theirs. The fact that I am head of the state is of no practical importance." Colonel E. M. House, *The Intimate Papers of Colonel House, 1926-1928*, arranged as a narrative by Charles Seymour (Boston and New York, 1926-1928) (hereafter referred to as House, *Intimate Papers*), IV, 209-10, 213.

⁷ The Japanese representatives were not admitted to the Council of Ten until the meeting on January 13 (B.C. A-1, p. 10); the Italian Delegation was not present at the meetings on May 1 and 2; M. Clemenceau was absent from February 19 to 28, while he was recovering from the shot of a would-be assassin; Mr. Lloyd George was in England from February 8 to March 5; and President Wilson was in America from February 14 to March 14. During their respective absences M. Clemenceau's place was filled by M. Tardieu, Lord Milner usually sat for Mr. Lloyd George, and Colonel House for President Wilson.

⁸ See "List of Minutes and Accompanying Documents" at the end of this chapter.

Cables (March 7), the Commission on the Control of Production of War Materials in Germany for the Disarmament of Germany (January 24), the Commission on Specification of War Materials Which Could Be Demanded from Germany to Prevent Her from Renewing the Struggle (February 7), and the Commission of Inquiry at Lubiana (March 8). It set up the territorial commissions which comprised the Commission on Czechoslovak Affairs (February 5), that on Rumanian and Yugoslav Affairs (February 1 and 18), that on Greek and Albanian Affairs (February 4-5 and 24), that on Belgian and Danish Affairs (February 12 and 21), the Commission on Polish Affairs (February 12 and 26), and the Central Committee on Territorial Questions, sometimes called the Frontiers Co-ordinating Commission or the Commission on the Frontiers of Enemy Powers (February 27). It anticipated authorization by the full Conference on January 25 of the Commissions on the League of Nations, on the Responsibility for the War and Guarantees, on Reparation for Damage, on International Labor Legislation, and on International Control of Ports, Waterways, and Railways. It provided for sending out field missions such as the Interallied Mission to Poland (January 29) and the Interallied Permanent Commission for Teschen (January 31), and received their reports. On March 11 it appointed the Interallied Permanent Commission for Teschen as a temporary "Interallied Investigation Commission upon the Plot Ascribed to the Enemy Governments against the Czecho-Slovak State," with orders to proceed to Prague. It guided the attitude of the Allied Powers toward Bolshevik Russia and handled the current Polish questions. The preliminary negotiations concerning the proposed revision of the treaties of 1839 were carried on by the Council of Ten. It established the mandate principle in the disposal of the German colonies, heard the claims of the smaller Powers, and provided for the several renewals of the armistice with Germany. It set up the Supreme Economic Council (February 8) and conferred upon it the authority to supervise all economic activities of the Allied and Associated Powers in connection with the

armistices. It supported the work of Herbert Hoover, Director General of Relief and Chairman of the Food Section of the Supreme Economic Council, in relief measures for the stricken countries of Central and Eastern Europe, thus tiding over the perilous period between the armistices and the signing of the treaties. It discussed such diverse subjects as the Prinkipo Conference, Zionism, the fate of Armenia, the press and the Peace Conference, the official language of the Peace Conference. Its major contributions to the Austrian Treaty were its momentous decision that the treaties with all enemy Powers should be worked out simultaneously, and its preliminary settlement of many of the boundary questions.⁹

It was soon found, however, that the Council of Ten was too large and deliberate a body to act effectively. The demands for a speedy conclusion of peace terms, driven by the growing menace of starvation and anarchy, penetrated within the doors of the Peace Conference. Moreover, the decisions of the Council could not be kept secret.¹⁰ The Council of Ten, therefore, ceased to meet regularly,¹¹ and two new bodies began to function. These were the "Council of Four" or "Big Four," "The Four," or, for a period, the "Council of Three," composed of the heads of government in the Council of Ten; and the "Council of Foreign Ministers" or "Council of Five," popularly known as the "Little Five," who were the foreign ministers in the Council of Ten.

COUNCIL OF FIVE

The meetings of the Council of Foreign Ministers¹² were usually presided over by M. Pichon and were held in his

⁹ B.C. A-63.

¹⁰ B.C. 17, Point 2: "Press Reports of Conversations." Hereafter in citing a numbered point in a document the point number will be placed in parentheses after the document number. Thus the citation above would be abbreviated to B.C. 17(2). Also B.C. 55.

¹¹ An interesting reason for the breakdown of the Council of Ten is found in the Lansing Diary, May 19, 1919: "H. White told E. T. L. that Council of 10 was broken up because British feared my attitude and thought they could handle Pres't in Council of 4." The Lansing Diary is in the Library of Congress.

¹² The Italian Delegation was absent from the meetings on April 26, 30, and May 3.

room at the Quai d'Orsay. In addition to the secretaries of each delegation there were present a joint secretariat and an interpreter. The meetings of the Council of Five were formal.

This Council heard reports and settled minor matters. Although in major affairs its decisions were not final, yet it served as a clearing-house for many of the complicated problems concerning the German and Austrian treaties and passed on its recommendations to the Council of Ten and the Council of Four for final decisions. It dealt at length with the situation in the Baltic countries, the proposed revision of the treaties of 1839, the matter of prize-court decisions, the opium traffic, the traffic in arms, and questions concerning the new boundaries of the countries of Central and Eastern Europe, especially the Succession States. It drew up the articles, which were approved by the Council of Four, establishing the Commission on Morocco (March 28), the Commission on German Colonies (April 23), the Commission on Baltic Affairs (May 9), and the Commission on the Revision of the Acts of Berlin and Brussels (June 25). Because of the absorption of the principal statesmen in the German negotiations, the Council of Five was especially active in the preliminary work on the Austrian Treaty. It was responsible for the important decision that the modifications made in the conditions of peace with Germany as a result of German counter proposals should, in so far as they were applicable, be made *ipso facto* in the conditions of peace with Austria.¹³ The Council of Five held the preliminary discussions regarding Austro-Hungarian interests in Morocco, the disposal of Austro-Hungarian territory outside Austria's frontiers, and most of the Austrian frontier questions, including the matter of the Klagenfurt plebiscite.¹⁴

¹³ [Paris Peace Conference. Council of Five] *Secretary's Notes* F.M. 1-29, March 27—July 2, 1919 (Paris, 1919) (at head of title, "American Commission to Negotiate Peace. Secret") (hereafter cited as F.M.). F.M. 29(6): "Austrian Treaty Resolution Proposed by the United States Delegation." The Council of Four had agreed upon this point in principle at its meeting on May 14. Cf. Miller, *My Diary*, XVI, 283.

¹⁴ F.M. 1-29.

COUNCIL OF FOUR

The Council of Four, which consisted of President Wilson, Mr. Lloyd George, M. Clemenceau, and M. Orlando or Baron Sonnino, was distinctly the Supreme Council of the Paris Conference. During M. Orlando's absence from Paris from April 24 to May 3 the Council of Three functioned. The meetings of the Council of Four (or Three),¹⁵ held at President Wilson's residence, Place des États-Unis, or at Mr. Lloyd George's apartment or at M. Clemenceau's office, were informal, with no presiding officer. M. Paul Mantoux acted as interpreter, out of courtesy to M. Orlando, who did not speak English, and after the first few meetings Sir Maurice Hankey was present as secretary. An Italian secretary, Count Aldrovandi, also attended the later meetings. The secretariat was installed outside the Council room, and technical experts usually entered the room to give required information and then retired.¹⁶

The Council of Four did more than any of the other Councils. It appointed many special commissions, committees, and missions such as the Commission on the Saar Valley (April 1), the Committee on Alsace-Lorraine (April 22), the Commission on Prisoners of War (April 21), the Committee for the Study of Questions Affecting China Outside

¹⁵ "On the afternoon of Wilson's arrival, March 14, was held what may be regarded as the first meeting of the 'Council of Four,' although on this occasion Orlando was absent. It took place in House's room in the Crillon. . . . Thereafter, all the more important decisions of the Prime Ministers were taken at these informal meetings, although it was not until March 24 that they became sufficiently regular to assume the title of the 'Council of Four.'" House, *Intimate Papers*, IV, 387.

¹⁶ There are certain known exceptions to this rule: Mr. Close, President Wilson's confidential secretary, was present at the meeting on April 24; Captain Abraham, British member of the joint secretariat, attended meetings on May 3 and June 28; Mr. C. L. Swem, President Wilson's stenographer, was present on May 18 and June 5; and the meetings on May 28 and June 9 and 16 were attended by members of the joint secretariat. "List of Minutes and Accompanying Documents" at the end of this chapter. Also Temperley, *op. cit.*, I, 499; Hankey, *op. cit.*, pp. 17-18; Ray Stannard Baker, *Woodrow Wilson and World Settlement* (Garden City, New York, 1922) (hereafter cited as Baker, *Woodrow Wilson*), I, xxiv-xxvi; C.M. 2(7): "Publication of the Records of the Conference." (For complete C.M. entry see footnote 28, *infra*.)

Shantung and Kiauchau (April 28). It received reports, heard statements from experts, gave instructions, and passed on questions including those referred to it by the Council of Five. In addition to its work on the treaties it was called upon to deal with a brief Bolshevik régime in Hungary and a Communist uprising in Bavaria. It struggled with the conflicting claims of Italy and Yugoslavia especially to Fiume and Dalmatia. The Council of Four directly supervised the making of the German Treaty and in the process overworked a small drafting committee. The notes replying to the German observations and counter proposals on the peace terms were handled by this Council with the aid of about a dozen small committees consisting of experts on the subjects dealt with in the various parts of the Treaty and a co-ordinating committee.¹⁷ The Council of Three set up the Committee on New States (May 1), which was especially concerned with the international obligations of the states of Central and Eastern Europe which were created or enlarged by the treaties of peace. While its major concern was the Treaty of Versailles, the Council of Four established the general principles upon which the final treaty with Austria was constructed and was directly responsible for the June 2 draft. "The inclusion of German Tyrol south of the Brenner in Italy, of German Bohemia in Czecho-Slovakia, and the veto on the inclusion of German Austria in Germany, were the three irrevocable facts which confronted the Austrian Delegation of the 2nd June."¹⁸ These irrevocable facts were decisions of the Council of Four. Its labors terminated with the signing of the Treaty of Versailles.

COUNCIL OF HEADS OF DELEGATIONS

After the signing of the German Treaty the Council of Four, the Council of Five, and the Council of Ten were superseded by the Council of the Heads of Delegations, represent-

¹⁷ H. C. Nixon, "The Council of the Peace Conference" (Paris, 1919), type-written MS. in the Hoover War Library. This author had access to all of the minutes of the Supreme Council. Also, Miller, *My Diary*, IX, 316-18.

¹⁸ Temperley, *op. cit.*, IV, 392.

ing the five principal Powers.¹⁹ Mr. Lansing served on this Council for the United States until his departure, when he was replaced by Mr. Polk, who was later succeeded by Mr. Hugh Wallace. After a short time Sir Eyre Crowe replaced Mr. Balfour. M. Pichon sat fairly regularly for France, but he was occasionally replaced by M. Clemenceau and later by M. Jules Cambon. Membership for Japan and Italy underwent changes. M. Mantoux was usually present as interpreter, and there was a joint secretariat in addition to secretaries for each delegation. With certain rare exceptions the decisions of this Council were final. Experts did not attend its meetings except when specifically requested to do so by the chairman.²⁰ Its meetings were secret, and communiqués were not issued by it to the press.

The Council of the Heads of Delegations directed the later negotiations and final signing of the Austrian and Bulgarian treaties and made progress with the Hungarian Treaty. It arranged for the protection of minorities in the succession states by special treaties with those countries and authorized the continuation of relief to their starving populations. It directed the work of Sir George Clerk in Hungary and took steps, with the aid of the Inter-Allied Mission to Hungary and the Inter-Allied Commission for Overseeing the Evacuation of the Baltic Provinces, to effect Rumanian evacuation of Hungary and German withdrawal from the Baltic states.

On July 2 the Council appointed the Commission to Supervise the Execution of the Treaty of Peace with Germany and the Committee on Organization of the Reparation Commission. It set up the Spitzberg Commission (July 7), the Commission on the Revision of the Treaty of 1839 (July 15), a commission which had been agreed upon by the Council of Five on June 25, the Commission of Inquiry to Be Sent into Asia Minor (July 21), the Allied Commission to Negotiate between the German and Polish Governments (August 4), the European Coal Commission (August 5), the Commission

¹⁹ Temperley calls this body the "Five." Cf. Temperley, *op. cit.*, I, 499.

²⁰ H.D. Resolution, July 5, 1919. (For complete H.D. entry see footnote 21, *infra*.)

to Study the Repatriation of the German, Austrian, and Hungarian Prisoners in Siberia (September 27 and October 2), and the Committee on Resumption of Diplomatic Relations with Germany (October 25). The Council dealt with the many and complicated matters involved in the carrying out of the treaties, such as prisoners of war, plebiscite commissions, the future régime of the Danube, affairs in the Caucasus, Danzig, Memel, the Dobrudja, Bessarabia, commissions on the delimitations of boundaries, problems relating to the territories to be administered under mandates, questions concerning the first meeting of the League of Nations, aerial navigation, war materials, merchant shipping, enemy warships, and certain details connected with the armies of occupation and inter-allied commissions of control.²¹ It was responsible for the settlement of the dispute concerning the status of Austria and for the omission, in the final draft of the Austrian Treaty, of a paragraph in the July 20 proof which declared that "Austria is recognized as a new and independent state."²²

The Council of Heads of Delegations was aided in its work on the Austrian Treaty by the commissions, with many changes in personnel, which had labored on the earlier drafts of the Treaty, a "Committee to Examine the Italian Claims to Tientsin," a "Committee on Political Clauses," and the committees whose primary concern was the replies to the numerous Austrian notes, namely, the committee set up during the latter part of June to reply to the Austrian notes regarding frontiers, and the committees, with changes in personnel, which had handled the replies to the German notes.²³

²¹ [Paris Peace Conference. Council of Heads of Delegations.] *Notes of a Meeting of the Heads of Delegations of the Five Great Powers . . .* H.D. 1-125, July 7, 1919—January 10, 1920 (Paris, 1919-1920) (at head of title, "Secret") (hereafter cited as H.D.).

²² H.D. Resolution 43 A (2b); Miller, *My Diary*, I, 327.

²³ F.M. 29(7), and Temperley, *op. cit.*, I, 504; F.M. 28(5) and Appendix B; H.D. Resolutions 11A and 33A; Louis H. Gray, "A Commentary on the History of the Treaty with Austria," [261] pp. (Paris, 1919), a mimeographed document in the Hoover War Library. Preface signed "Louis H. Gray, United States Embassy, Paris," pp. 2-3.

On January 10, 1920, the Council of Heads of Delegations was succeeded by the Council of Ministers of Foreign Affairs.²⁴

COUNCIL OF MINISTERS OF FOREIGN AFFAIRS

The Council of Ministers of Foreign Affairs²⁵ of the five Great Powers held three meetings at the Quai d'Orsay from January 10 to 21, 1920. Mr. Hugh Wallace represented the United States;²⁶ Lord Curzon, the British Empire; M. Cambon or M. Millerand, France; M. Scialoja, Italy;²⁷ and M. Matsui, Japan. M. Clemenceau, as president of the Peace Conference, attended one meeting. In addition to a secretary for each delegation, there was a joint secretariat for at least two meetings. M. Mantoux and M. Camerlynck were interpreters.

This Council continued the work on the Treaty with Hungary, dealt with Allied relations with Soviet Russia, the trial of Wilhelm II, the maintenance of the Inter-Allied Rhineland Commission, the admission of Switzerland into the League of Nations, the frontiers of Italy and Yugoslavia, and the Turkish question.²⁸ The Council of Ministers of Foreign Affairs bequeathed its problems to the Council of Ambassadors and the League of Nations.

With the close of the Council of Ministers of Foreign Affairs on January 21, 1920, the Supreme Council as such came to an end. It was revived for brief periods when the

²⁴ C.M. 2, p. 22. (For complete C.M. entry see footnote 28, *infra*.)

²⁵ The representatives from the United States and Japan were the ambassadors from those countries to France.

²⁶ The United States had no representative at the meeting on January 21.

²⁷ M. de Martino represented Italy at the last meeting in the absence of M. Scialoja, who was ill.

²⁸ [Paris Peace Conference. Council of Ministers of Foreign Affairs] *Notes of a Meeting* . . . C.M. 1-3, January 10-21, 1920 (Paris, 1920) (at head of title, "Secret") (cited as C.M.). On January 10, 1920, at the last meeting of the Council of Heads of Delegations, the following resolution was passed: "It was decided: that during the presence in Paris of the British and Italian Prime Ministers, there should be constituted: (1) a Council of the Heads of Government who would deal with questions of general policy; (2) a Council of Ministers of Foreign Affairs who would deal with questions arising out of the Treaty of Peace with Hungary and all matters not examined by the Council of Heads of Governments." H.D. 125(4).

occasion required, but it no longer sat *en permanence*. At the meeting of the Supreme Council in London, December 13, 1919,²⁹ it was decided "(1) that the present session of the Peace Conference should terminate by Christmas, or at the latest, within the fifteen days following the procès-verbal of the deposit of the ratifications of the Peace Treaty with Germany;³⁰ (2) that at the expiration of the present session of the Peace Conference, all important political questions should be handled by means of direct communications between the governments themselves, while all questions of detail should be taken up by the Conference of Ambassadors at Paris."³¹

COUNCIL OF AMBASSADORS

The Council of Ambassadors held its first meeting on January 26, 1920, and became the continuing representative of the five Great Powers in the intervals when the Supreme Council was not in session. The Council of Ambassadors usually met in Paris and consisted of the ambassadors to France from the British Empire, Italy, and Japan, with a representative from France. Since the United States did not ratify the Allied treaties with Germany, Austria, and Hungary³² and did not sign treaties establishing friendly relations with those countries until November and December, 1921, the American Ambassador to France represented his government in the Council of Ambassadors for the most part only

²⁹ Conference of December 11-13, 1919, in London.

³⁰ The Treaty of Versailles came into force by exchange of ratifications on January 10, 1920. Great Britain, Foreign Office, *British and Foreign State Papers*, (London, 1923), 1920, CXIII, 470-71.

³¹ C.M. 2, Appendix J.

The first step toward the establishment of the Council of Ambassadors was taken by the Council of Heads of Delegations on July 28 when it passed a resolution which provided for the setting up of a co-ordinating committee for the execution of the Treaty of Versailles. H.D. 17(1) and Appendix A.

The December 11-13 meeting of the Supreme Council in London created an "Ambassadors' Committee" to deal with minor political matters and with questions arising from the execution not only of the Treaty of Versailles but also of the Austrian Treaty. The activities of the Council of Ambassadors, as it finally emerged, were even wider in scope. C.M. 2(9), C.M. 3(3).

³² The United States did not declare war on either Bulgaria or Turkey.

in the capacity of observer. There were also present at the meetings an interpreter, secretaries for each member, and a joint secretariat, as well as persons who were concerned with the agenda of the day.

Since the Council could make decisions only on minor matters, its proceedings were necessarily often long-drawn-out and inconclusive, but it served a very real purpose as a clearing house for the presentation and discussion of the many complex problems of a post-war world. It carried on negotiations with regard to the treaties of Trianon and Sévres, both of which were signed in the summer of 1920. It discussed conditions in Soviet Russia and limitrophe states and matters connected with the execution of the treaties of Versailles, St. Germain, and Neuilly, and received reports of the commissions set up to carry out the provisions of these treaties, with the exception of the Reparation Commission, and certain commissions of control, which dealt directly with the Allied governments.⁸⁸ However, in several major crises, the divergent policies pursued by the League of Nations and the Council of Ambassadors forced the governments in 1924 to restrict the activities of the Council to their original scope, that is, to the winding up of details which issued from the application of the treaties of peace.⁸⁴

INTER-ALLIED CONFERENCE OF PRIME MINISTERS

While the Council of Ambassadors was functioning, meetings of the heads of governments of the Principal Allied and Associated Powers took place from time to time as occasion arose. A detailed account of these meetings during the years 1920-1923 may be found in Toynbee's *Survey of International Affairs, 1920-1923* (London, 1925), pages 5-34. This very valuable survey, however, fails to mention the six meetings of the Inter-Allied Conference of Prime Ministers which

⁸⁸ [Council of Ambassadors.] *Notes of a Meeting* C.A. 1-101, January 26, 1920-January 12, 1921 (Paris, 1920-21) (at head of title, "Secret") (hereafter cited as C.A.).

⁸⁴ Great Britain, *Parliamentary Debates* *House of Commons* (London, 1924), 5th ser., Vol. 170, col. 23, and Vol. 175, col. 909, February 25 and June 30, 1924.

were held at the Quai d'Orsay from January 16 to 20, 1920. At this Conference Mr. Hugh Wallace represented the United States; Mr. Lloyd George was present at all meetings; Mr. Bonar Law, Lord Curzon, Mr. Churchill, and Mr. Long also represented the British Empire at one or more meetings; M. Clemenceau and M. Millerand were present for France, M. Nitti for Italy, and M. Matsui for Japan. Each delegation was accompanied by secretaries. M. Mantoux was interpreter.

This Inter-Allied Conference of Prime Ministers continued negotiations concerning the Hungarian Treaty. It dealt with Allied relations with Soviet Russia, the Adriatic question, the occupation of plebiscite zones, the Bessarabian question, the admission of Switzerland into the League of Nations, the situation in the Caucasus, war criminals, and the extradition of Wilhelm II.³⁵ Succeeding Conferences of Prime Ministers continued the discussions of these questions to their final disposition.

B. BIBLIOGRAPHICAL SURVEY

MINUTES OF THE MEETINGS OF THE COUNCIL OF TEN

The minutes of the meetings of the Council of Ten, the first phase of the Supreme Council, were carefully made up but were not generally taken down stenographically. The minutes in the English language have the British designation "I.C." (International Conference) or the American designation "B.C." (Bureau Conference). The American series is B.C. A-63, January 12—July 5, 1919.³⁶ "They [the minutes] were distributed in mimeographed form and the mimeograph copies were prepared by the British; hence the

³⁵ [Inter-Allied Conference of Prime Ministers, Paris, January 16-20, 1920.] *Notes of a Meeting* I.C.P. 18-23. (Paris, 1920) (at head of title, "Secret") (hereafter cited as I.C.P.).

³⁶ For an exact list of the B.C. documents, see "List of Minutes and Accompanying Documents" at the end of this chapter. B.C. 63 (I.C. 201 A), while a Council of Ten designation, refers to the third meeting of the Council of Heads of Delegations on July 5 before the H.D. lettering began.

I.C. references. The copies distributed by the American secretariat simply omitted the first page of the British mimeograph (which contained the names of those present, etc., and the numbered symbol) and substituted for this an American first page with the American numbered symbol, etc.”³⁷ Nineteen meetings of the Council of Ten were also meetings of the Supreme War Council, and the minutes of these meetings carry both symbols, i.e., B.C. and S.W.C. In the Hoover War Library set there are two versions of the minutes from B.C. A to B.C. 7, an English version³⁸ and an American; from B.C. 8 onward there is a single version, as described above, which is generally accompanied by a brief summary, its symbol being “a” following the number. Many of the minutes are accompanied by appendices.³⁹

MINUTES OF THE MEETINGS OF THE COUNCIL OF FIVE

The American symbol used for the minutes of the Council of Five is “F.M.” (Foreign Ministers). These minutes are similar in form to those of the Council of Ten and were made up in the same manner. The set runs from F.M. 1, March 27, to F.M. 29, July 2, 1919.⁴⁰

MINUTES OF THE MEETINGS OF THE COUNCIL OF FOUR

The minutes in the English language of the meetings of the Council of Four appear in two sets. In the early stages the symbol is “I.C. ‘A’-” —a British designation; the second series is “C.F.” I.C. 163 A, March 20—I.C. 181 F, May 7, in all 49 meetings, are doubtless meetings of the Council of Four (from April 24 to May 5, the period of M. Orlando’s absence from Paris, the Council of Three), at which Sir

³⁷ Miller, *My Diary*, XIV, Prefatory Note.

³⁸ “Villa Majestic,” which was the headquarters of Sir Maurice Hankey and the British secretariat, is usually inscribed at the end of each number of the British version.

³⁹ Documents B.C. 8-10, 14-62 are reproduced in Miller, *My Diary*, XIV-XVI.

⁴⁰ Documents F.M. 1-17, 19-20, 24-26 are reproduced in Miller, *My Diary*, Vols. XV-XVI. F.M. 28-29 (I.C. 200-201), while Council of Five designations, refer to the first and second meetings of the Council of Heads of Delegations on July 1 and 2 before the H.D. lettering began.

Maurice Hankey was present and drafted minutes of the proceedings.⁴¹ No regular minutes were kept of the meetings from March 14 to March 20, but M. Paul Mantoux, who was present as interpreter, took down notes of the proceedings.⁴² The C.F. set of minutes of the Council of Four begins with C.F. 1 on May 8, and ends with C.F. 99 A on June 28. Sir Maurice Hankey was secretary and Professor Mantoux interpreter at these meetings. The resolutions of this Council were also issued separately.

⁴¹ Since the minutes of most of the meetings of the Council of Four are not available for citation by the editors, they have been compelled to rely on such subsidiary documents as are at hand and on the statements of men important in the affairs of the Peace Conference. These statements, however, especially those concerning the period during which no official minutes in English were drafted, are often vague and at times conflicting. "It is true that the first two or three weeks of these Conferences [of the Council of Four] from about March 24 to April 19 were informal; and while no official minutes in English were made of the actual conversations this period is excellently documented with memoranda, letters, reports and copies of resolutions . . ." Baker, *Woodrow Wilson*, I, xxiv, xxvi.

In a later volume Mr. Baker remarks: "The minutes of one important meeting of the Heads of States, however, that of March 20, before the Council of Four began functioning formally, is here presented in full in Document I. It will serve as an excellent specimen of the voluminous minutes of the Four as kept by the Secretary, Sir M. P. A. Hankey." This Document I, which Mr. Baker has reproduced in full, is numbered I.C. 163 A and bears the caption: "Minutes of the Secret Conference of the Four Heads of States on March 20, 1919." Baker, *op. cit.*, III, vi, 1. Cf. also "List of Minutes and Accompanying Documents" at the end of this chapter.

The Hoover War Library has an index to the minutes of the meetings of the Council of Four: "Index of I.C. 'A' Minutes, 171 D-181 F, 19.4.19 to 7.5.19. Note: This is a complete index for above period of Council of Four Minutes prior to May 8th, where lettering 'C.F.' began. The I.C.A. series began on March 6th with I.C. 154-A" (Paris, 1919) (hereafter cited as Index I.C.A.). This index evidently covers the entire first series of the so-called "official" minutes of the Council of Four meetings, but it does not cover the unofficial minutes drafted by Sir Maurice Hankey of the informal meetings from March 20 to April 19. The editors have found no other reference to a document I.C. 154 A of March 6. If it refers to a Council of Four meeting, the representative from the United States was Col. House, since President Wilson did not arrive in Paris until March 14.

⁴² "As regards the first few meetings [of the Council of Four] notes exist which were taken down by Mr. Mantoux. . . . It was decided that they should be destroyed and only one copy thereof exists, which is in the possession of M. Clemenceau, who keeps them in a safe, and I think intends to destroy them. . . . As to the minutes drafted by Sir Maurice Hankey, it would be a pity to destroy them. One copy exists, in the possession of the English, and another which we [the French] have . . . the resolutions of the Council of Four . . . are preserved in the archives of the secretariat general, as in those of the delegates of the Great Powers." C.M. 2, p. 16.

MINUTES OF THE MEETINGS OF THE COUNCIL OF
HEADS OF DELEGATIONS

The records of the Council of the Heads of Delegations (H.D.) show a formality ranging between that of the Council of Ten and the Council of Four. The minutes, usually not stenographic, were elaborately reported by a joint secretariat. They are generally accompanied by appendices. The series runs from H.D. 1, July 7, 1919—H.D. 125, January 10, 1920, with an index for the set. The resolutions of this Council were also issued separately.⁴⁸

MINUTES OF THE MEETINGS OF THE COUNCIL OF MINISTERS OF
FOREIGN AFFAIRS AND INTER-ALLIED CONFERENCE
OF PREMIERS

The minutes of the Council of Foreign Ministers consist of a series C.M. 1, January 10—C.M. 3, January 21, 1920, with an index. These minutes are verbatim. The minutes of the Inter-Allied Conference of Premiers, Paris, January 16–20, 1920, bear the symbol I.C.P. 18–23. The minutes of these meetings are verbatim.

MINUTES OF THE COUNCIL OF AMBASSADORS

The Hoover War Library's set of minutes of the Council of Ambassadors begins with C.A. 1, January 26, 1920, and ends with C.A. 101 on January 12, 1921, the date of the first withdrawal of the American Ambassador from the Council. The Library's index for this set runs from C.A. 1—C.A. 138, January 26, 1920—August 17, 1921. The minutes were made up by a joint secretariat and are almost verbatim. They are accompanied by numerous appendices.

S-H AND E.S.H. BULLETINS

Accompanying the minutes of the Supreme and subsidiary councils are two sets of documents known, respectively, as

⁴⁸ Documents H.D. 4, 5 (extract), 9, 50–57, 59–61 are reproduced in abbreviated form in Miller, *My Diary*, Vol. XVI. For statements regarding the first three meetings of the Council of Heads of Delegations, before the H.D. lettering began, see footnotes 36 and 40, *supra*.

*S-H Bulletins*⁴⁴ and *E.S.H. Bulletins*.⁴⁵ The *S-H Bulletins*, covering the period of the Council of Ten, the Council of Five, the Council of Four, and the early meetings of the Council of the Heads of Delegations, contain miscellaneous documents of all sorts pertaining to the activities of these councils or of interest to them. The series, compiled by the American Commission to Negotiate Peace, is *S-H Bulletins*, Nos. 1-1428, February 2—December 7, 1919.⁴⁶ The *E.S.H.* set in the Hoover War Library, similar in form and subject-matter to the *S-H* series, accompanies the later minutes of the meetings of the Council of the Heads of Delegations, the minutes of the meetings of the Council of Foreign Ministers, the Inter-Allied Conference of Premiers at Paris and San Remo, and the Council of Ambassadors. The *E.S.H.* series, which was compiled in the American Embassy in Paris, consists of *Bulletins* Nos. 1-1358, December 12, 1919—January 3, 1921.

The Council of Foreign Ministers at their meeting in Paris on January 13, 1920, came to a decision regarding the printing of the minutes of the meetings of the Supreme Council as follows:

It was decided:

(1) that the minutes of the meetings of the Council of the Heads of Governments [Council of Four] should not be printed. The British and French governments should preserve the notes taken at these meetings and keep by them, pledging themselves to treat the same as strictly secret;

(2) that the records of the Council of Heads of Governments and Foreign Ministers [Council of Ten], those of the Council of Foreign Ministers [Council of Five], and those of the Council of Heads of Delegations should be printed, the total number of copies being 50, and distributed to the governments of the Principal Allied and Associated Powers at the rate of ten per government. The type used to print these documents should be destroyed as soon as the latter were worked off;

⁴⁴ American Commission to Negotiate Peace, [comp.] *S-H Bulletins*, Nos. 1-1428, February 2—December 7, 1919 (Paris, 1919) (at head of title, "Confidential") (hereafter cited as *S-H Bulletin*).

⁴⁵ American Embassy, Paris, [comp.] *E.S.H. Bulletins*, Nos. 1-1358, December 12, 1919—January 3, 1921 (Paris, 1919-1921) (at head of title, "Confidential") (hereafter cited as *E.S.H. Bulletin*).

⁴⁶ *S-H Bulletins*, Nos. 1-398 (with missing numbers) are reproduced in Miller, *My Diary*, Vols. XVII-XVIII.

(3) that all the resolutions (with the reservations referring thereto) adopted by the various councils mentioned in paragraphs (1) and (2) above, should be printed in a separate collection and distributed to each of the Allied and Associated Powers;

(4) that the conclusions of Part B of the Note from the secretariat general be adopted;⁴⁷

(5) that a double edition be made of the records thus printed, one part in English under the auspices of the British Delegation, and the other in French under the auspices of the Secretariat General;

(6) that each Delegation should inform the Secretariat General of the number of copies of each set which it would require.⁴⁸

LIST OF MINUTES AND ACCOMPANYING DOCUMENTS OF THE
COUNCIL, JANUARY 1919 TO JANUARY 1921*

Council of Ten, Council of Five, and Council of Four (First Series)

American Designation	British Designation	Date
B.C. A and [S.W.C. 1a]	I.C. 103	Jan. 12, 1919
A1 & [S.W.C. 1]	104	12
[A1a] & [S.W.C. 1b]		12
1+	105	13
[1+ A]		13
1 A & [S.W.C. 2]	105 A	13
[1 B] & [S.W.C. 2a]		13
1 & [S.W.C. 2b]	106	13
2	107	15
[2 A]		15
2+	108	15
3	109	16
[3 A]		16
4	110	17
4 A	111	17
[4 B]		17
5	112	20
[5 A]		20
6	113	21
6 A	114	21
[6 B]		21
7	115	22
7+	116	22

* This list is based on a typewritten MS. in the Hoover War Library: "List of Minutes of the Peace Conference from January 1919 to January 1920" which was compiled in the American Delegation in Paris in 1919. Symbols in brackets have been supplied by the Hoover War Library. All of the documents in the Hoover War Library sets are mimeographed copies.

⁴⁷ [Original note:] Concerning general publication, the Secretariat General esteems that, in conformity with the rules of the Conference, only the Protocols of the Plenary Sessions should be given publicity, and that the other documents of the Conference, which bear the mention "confidential," should be reserved for the exclusive use of the governments. Appendix H, C.M. 2.

⁴⁸ C.M. 2, pp. 18-19.

MINUTES AND DOCUMENTS OF THE COUNCIL—*Continued*

American Designation	British Designation	Date
[7 + 1]		22
8	117	23
A9	118	24
9	119	24
10	120	24
11	121	27
12	122	27
13	123	28
14	124	28
15	125	29
16	126	29
17	127	30
18	128	30
19	129	31
20	130	Feb. 1, 1919
20 A		1
20 B		1
21	131	3
21 A		3
22	132	4
22 A		4
23	133	5
24	134	6
25 & S.W.C. 3	135	7
26 & S.W.C. 4	136	8
26 A		8
27 & S.W.C. 5	137	10
27 A		10
28	138	11
28 A		11
29 & S.W.C. 6	139	12
29 A		12
30 & S.W.C. 7	140	12
30 A		12
31	141	13
32 & S.W.C. 8	142	14
33	143	15
34 & S.W.C. 9	144	17
35	145	18
35 A		18
36	146	21
36 A		21
37	147	22
38	148	24
38 A		24
39	149	25
39 A		25
40	150	26
40 A		26
41	151	27
41 A		27

MINUTES AND DOCUMENTS OF THE COUNCIL—*Continued*

American Designation	British Designation	Date
42	152	Mar. 1, 1919
42 A		3
43 & S.W.C. 10	153	3
43 A		3
44 & S.W.C. 11	154	5
44 A		5
45 & S.W.C. 12	155	6
45 A		6
46 & S.W.C. 13	156	7
47 & S.W.C. 14	157	8
47 A		8
48 & S.W.C. 15	158	10
48 A		10
49	159	11
49 A		11
50 & S.W.C. 16	160	12
50 A		12
51 & S.W.C. 17	161	15
51 A		15
52 & S.W.C. 18	162	17
52 A		17
53	163	19
	163 A*	20
54 & S.W.C. 19	164	21
55	165	21
56	166	22
57	167	24
57 A		24
F.M. 1	168	27
2	169	28
	169 C*	30
3	170	Apr. 1, 1919
	170 I*	5
	170 J*	7
	170 K*	7
	170 L*	8
	170 Q*	10
4	171	15
	171 D*	19
B.C. 58	172	16
F.M. 5	173	17
6	174	19
	174 A*	20
7	175	21
	175 A*	21
	175 B*	22
	175 C*	22

* Minutes of meetings at which Sir Maurice Hankey, K.C.B., was the only secretary present, and for which there were no B.C. or F.M. numbers.

THE TREATY OF ST. GERMAIN

MINUTES AND DOCUMENTS OF THE COUNCIL—*Continued*

American Designation	British Designation	Date
	175 D*	22
	175 E*	22
	175 F*	23
8	176	23
	176 A*	23
(U.S.) Mr. Close†	176 B*	24
	176 C	24
	176 D*	25
	176 E*	25
	176 F*	25
	176 G*	26
	176 H*	26
	176 I*	26
	176 J*	26
F.M. 9	177	26
	177 A*	28
	177 B*	29
	177 C*	29
	177 D*	29
	177 E*	30
	177 F*	30
10	178	30
	178 A*	30
	178 B*	30
	178 C*	30
	178 D*	30
B.C. 56	179	May 1, 1919
	179 A*	1
	179 B*	2
	179 C*	2
60	180	2
(Capt. Abraham)‡	180 A*	3
	180 B	3
	180 C*	3
	180 D*	3
F.M. 11	181	3
	181 A*	3
	181 B*	5
	181 C*	6
	181 D*	6
	181 E*	7
	181 F*	7
	181 G*	7
12	182	8
13	183	9

* Minutes of meetings at which Sir Maurice Hankey, K.C.B., was the only secretary present, and for which there were no B.C. or F.M. numbers.

† President Wilson's confidential secretary.

‡ Captain Edgar Abraham, assistant secretary in the British Delegation, British member of the Joint Secretariat of the Council of Ten.

MINUTES AND DOCUMENTS OF THE COUNCIL—*Concluded*

American Designation	British Designation	Date
14	184	10
B.C. 61	185	12
F.M. 15	186	14
16	187	16
17	188	19
18	189	20
19	190	23
20	191	24
21	192	June 3, 1919
22	193	4
23	194	11
24	195	12
B.C. 62	196	17
F.M. 25	197	18
26	198	19
27	199	25
(Capt. Abraham)	199 A	28
F.M. 28	200	July 1, 1919
29	201	2
B.C. 63	201 A	5

Indexes in Hoover War Library sets:

"Minutes of the Council of Ten and Foreign Ministers, I.C. 171-199, April 15—June 25, 1919. Index."

Index for I.C. 200-201 A is found in the Index to the minutes of the Heads of Delegations.

"I.C. 'A' series. Council of Four Meetings, April 19th—May 7th. Index."

COUNCIL OF FOUR

(Second Series)

C.F. 1-99 A.....May 8—June 28, 1919

Note: Sir Maurice Hankey was the only secretary present at all the C.F. meetings. Count Aldrovandi attended the later meetings. Mr. C. L. Swem, President Wilson's stenographer, was present at meetings 18 and 48, and meetings 37, 53, and 71 were attended by members of the Joint Secretariat.

Index in Hoover War Library set: "Council of Four Meetings, C.F. 91-99. June 25th—June 28th. Index."

The resolutions of the Council of Four were also issued separately.

COUNCIL OF HEADS OF DELEGATIONS

H.D. 1-125.....July 7, 1919—January 10, 1920

Index in Hoover War Library set: "Heads of Delegations Meetings, I.C. 200-201 A and H.D. 1-125, July 1, 1919—January 10, 1920. Index."

The resolutions of this Council were also issued separately.

THE TREATY OF ST. GERMAIN

COUNCIL OF MINISTERS OF FOREIGN AFFAIRS

C.M. 1-3.....January 10-21, 1920
 Index in Hoover War Library set: "Minutes of the Council of Ministers, C.M. 1-3, January 10-21, 1920. Index."

INTERALLIED CONFERENCE OF PREMIERS

I.C.P. 18-23.....January 16-20, 1920
 Index in Hoover War Library set: "Minutes of the Interallied Council of Premiers, I.C.P. 18-23, January 16-20, 1920. Index."

COUNCIL OF AMBASSADORS

C.A. 1-101.....January 26, 1920—January 12, 1921
 (Date of the withdrawal of the American Ambassador from the Council.)
 Index in Hoover War Library set: "Minutes of Council of Ambassadors. C.A. 1-138, January 26, 1920—August 17, 1921. Index."

S-H AND E.S.H. BULLETINS

American series:

S-H Bulletins, Nos. 1-1428, February 2, 1919—December 7, 1919. (Some of the early bulletins, in place of S-H, carry the symbol S.G. These letters indicate the office of the American Commission which prepared the subject-matter of the bulletin. The S-H and S.G. bulletins are one series.)

E.S.H. Bulletins, Nos. 1-1358, December 12, 1919—January 3, 1921.

CHAPTER I

CHRONOLOGY OF THE TREATY NEGOTIATIONS

INTRODUCTORY NOTE¹

THE BASES upon which the treaty with Austria was constructed were not as clear-cut as those underlying the Treaty of Versailles. There was the absence of an explicit acceptance by the Allied Powers of the Wilson-Austro-Hungarian pre-armistice correspondence such as the Allied memorandum of November 5, 1918,² with regard to the treaty with Germany. The 1915 Pact of London, Orlando's reservation concerning Point 9 of the "Fourteen Points" (he signed the Memorandum of November 5 without making public his reservation), the unconditional character of the armistice with Austria-Hungary, and the dissolution of the Empire still further obscured the legal and moral aspects of Allied obligations in the making of the treaty with Austria. Wilson, however, insisted that the principles underlying the two treaties should be the same:

These fourteen points and the principles laid down in the subsequent addresses were formally adopted, with only a single reservation, by the Powers associated against Germany, and will constitute the basis of peace with Germany. I do not feel at liberty to suggest one basis for peace with Germany and another for peace with Austria.³

¹ For general discussion of the bases underlying the Austrian Treaty, see Temperley, *op. cit.*, IV, 278-80, and Documents 109 and 116(d), *infra*.

² *Official U.S. Bulletin* (Washington, D.C., 1918), No. 456, pp. 1-2, November 6, 1918.

³ Memorandum sent by President Wilson to the Italian Delegation to the Peace Conference on April 14, 1919. Woodrow Wilson, *The Public Papers of Woodrow Wilson*, authorized edition, edited by Ray Stannard Baker and William E. Dodd (New York and London, Harper and Brothers, 1927) (hereafter cited as *The Public Papers of Woodrow Wilson*), tVI 460.

1. NOTE OF JANUARY 24, 1919, ISSUED BY THE SUPREME
COUNCIL OF THE ALLIED AND ASSOCIATED
POWERS TO ALL BELLIGERENTS⁴

1. *Warning to be issued to belligerents*

President Wilson read the following communication, which he suggested should be published and transmitted by wireless telegraphy to all parts of the world:

"The Governments now associated in conference to effect a lasting peace among the nations are deeply disturbed by the news which comes to them of the many instances in which armed force is being made use of, in many parts of Europe and the East, to gain possession of territory, the rightful claim to which the Peace Conference is to be asked to determine. They deem it their duty to utter a solemn warning that possession gained by force will seriously prejudice the claims of those who use such means. It will create the presumption that those who employ force doubt the justice and validity of their claim and purpose to substitute possession for proof of right and set up sovereignty by coercion rather than by racial or national preference and natural historical association. They thus put a cloud upon every evidence of title they may afterwards allege and indicate their distrust of the Conference itself. Nothing but the most unfortunate results can ensue. If they expect justice, they must refrain from force and place their claims in unclouded good faith in the hands of the Conference of Peace."

(This was agreed to.)

The meeting adjourned until 3 o'clock in the afternoon.

24th January, 1919

2. FIRST DISCUSSIONS BY THE SUPREME COUNCIL OF THE
PREPARATION OF A TREATY WITH AUSTRIA

(a) MEETING OF THE COUNCIL OF TEN, FEBRUARY 22, 1919⁵

M. Sonnino said that he had no objections to raise against the proposal to speed up as much as possible the settlement of Peace Prelimi-

⁴ B.C. 9(1), January 24, 1919.

⁵ B.C. 37(2), pp. 6-21. The editors have reproduced this document in full in order to illustrate the prolonged discussions which were carried on in the Supreme Council during the drafting of the Treaty of St. Germain as a result not only of the conflict of the Italian claims, under the Secret Treaty of 1915, with the Wilsonian principles, but also of the differences in interests of the French and British delegations, who were preoccupied with the treaty with Germany, and of the Italian Delegation, whose chief concern was the breakup of the Austro-Hungarian Empire.

naries. But he must draw attention to the fact that Germany alone had so far been mentioned (*e.g.*, the military conditions to be imposed on Germany, the economic, financial conditions to be imposed on Germany, etc.), and all other questions were presumably to be adjourned indefinitely. Now the other questions were frequently just as complicated and contained elements even more dangerous than those included in the German settlement. In the case of Germany, as a matter of fact, the Allies were faced by one enemy only with whom an Armistice had been signed, with whom negotiations were being carried on, and by whom certain terms had already been accepted. For Italy, the Austrian question was more complicated in that the former Austrian Empire was now divided into various states, some of whom were friendly, others semi-friendly and others hostile. The Austrian question was, therefore, a delicate and awkward one to settle.

Should the military, economic, and financial conditions to be imposed on Germany first be settled, what would happen to the other questions requiring settlement? He felt compelled to ask that question in the interests of his own country. Germany was an enemy of Italy, and the Italians had fought against her. But Italy also had another enemy, Austria, and in fighting her she had borne the full burden of the war. The Russian question, which had given rise to an infinity of dangers during the last few months, must also not be lost sight of.

What guarantees, what pledges would Italy have that all these other questions would be dealt with? It seemed to him that Mr. Balfour's proposal would have the effect of adjourning all those other questions indefinitely.

Mr. Balfour had said that the German question should first be settled and then demobilisation could proceed.

But when the British Army had been demobilised, and the American Army had gone home, Italy would be left to face alone a difficult situation. What would she be able to do? Whatever conditions the Allies might impose on Germany, she would be able to start again as soon as she saw fit, and no one would be there to prevent her doing so. He (M. Sonnino) agreed that everything possible should be done to hasten the signature of the Preliminaries of Peace. Some time had perhaps been wasted. That had been inevitable. But, in his opinion, the conditions of peace to be imposed on all enemy countries should be drawn up as quickly as possible and presented for acceptance. Otherwise, a separate peace having been made with Germany, the Allies might a few days later find themselves at war with half of Austria and perhaps also with Russia. What forces would the Allies then possess with which to defend themselves and what would be the final consequences?

Mr. Lansing expressed the view that it would be a mistake to treat the military terms of peace as distinct from the other terms of peace.

He would prefer to embody all the terms of a preliminary peace in one document: a separate Treaty being made with each of the enemy countries on identic lines.

As soon as the future frontiers of the territories of Germany, Austria, Bulgaria, and Turkey had been fixed, the state of war with the Czecho-Slovaks and Yugo-Slavs would ipso facto also cease and, at the same time, peace would have been made with the principal enemies.

He was strongly of the opinion that when peace terms came to be discussed with Germany, a complete document should be presented including everything and not merely a few Naval, Military, and other conditions. He thoroughly agreed with M. Clemenceau's viewpoint.

M. Tardieu said that Baron Sonnino had displayed considerable anxiety at the proposal that the final military terms of peace should be forthwith imposed on Germany, for the reason that demobilisation in that quarter would ensue. That question had already been considered by the Supreme War Council and their military advisers were about to produce a definite scheme. The Conference was now asked to decide whether other questions, financial and economic questions, should be added to the military terms in order to present to the Germans at one time the whole of the Preliminary Peace Terms. In his opinion, the military situation would remain the same whether the financial or economic conditions were added to the military terms to be imposed on Germany, or not. He agreed with Baron Sonnino that after the conclusion of the preliminary peace with Germany, difficult questions would still remain to be settled with other enemy countries. Nevertheless it would be agreed that all other problems would become easier of solution once peace with Germany had been concluded. For instance, the question of German Austria would become easier to solve after the frontiers of Germany had been fixed. Similarly, the conclusion of peace with Germany would remove one of the disturbing factors in the Russian situation. Consequently, he thought it would be possible to reconcile the two proposals before the Conference, namely, Mr. Balfour's proposal for a separate peace with Germany, and Baron Sonnino's desire to include all enemy countries. Meanwhile, he would urge all the commissions and Committees to expedite the submission of their reports with as little delay as possible.

Mr. Balfour pointed out that the third paragraph of his draft note covered the last point raised by M. Tardieu.

Mr. House enquired whether the final military terms would be embodied in the Armistice, or in the Final Peace Treaty.

Mr. Balfour thought that Mr. House's question did not arise out of the proposals now being discussed, since the present Armistice could be terminated at three days' notice.

M. Pichon thought the Conference should consider first of all the

German question, because it was, as M. Tardieu had said, the principal and the essential question. . . .

M. Sonnino here interjected "for you."

M. Pichon, continuing, said that he thought it was the principal and essential question for the Italians also, because Germany was the principal enemy. Furthermore, the conditions under which the last armistice had been renewed must be considered. Germany had been told that the Armistice would be renewed for a short term only, and the Allied military experts had been instructed to draw up and submit the final naval and military Terms of Peace, for the consideration of the Conference.

Mr. Balfour's proposal, which he (M. Pichon) thoroughly approved of, could very well be said to cover the points raised by M. Sonnino. The sole object of Mr. Balfour's proposal was to complete the military terms to be imposed on Germany by the addition of economic and financial clauses, the whole of which document would thus constitute the Preliminaries of Peace. The whole situation with Germany was, at the present moment, extremely serious and delicate, and it might become very unfavourable to the Allies if, after having announced to the Germans the fact that the final conditions would shortly be sent, the Allies found themselves unable to do so. Further, public opinion expected that this should be done, and great disappointment would arise should the Conference fail to keep its engagements, for the public considered that all other problems were bound up in the settlement of the German question. He thought it would be impossible to settle all the peace questions relating to every enemy country at one time. But as soon as the German question had been settled, he agreed the Conference could at once devote its attention to the settlement of the problems relating to Turkey, Bulgaria, and Austria-Hungary; though, as regards the latter country, which had no Government, he did not know with whom the Allies could discuss conditions. To sum up, however, he thought the Conference should at once settle the German problem, and immediately afterwards the Austrian. In his opinion, the Conference would only be complying with public opinion, and with the necessities of the present moment by adopting the procedure suggested by Mr. Balfour.

Mr. House enquired whether the Conference agreed to accept M. Clemenceau's proposal that all the terms of Peace should be dealt with together, instead of first dealing with the Military Terms.

Mr. Balfour said he would be prepared to accept that proposal provided it expressed the unanimous view of the Conference.

Baron Sonnino said that when last treating the question of the Armistice, the Conference had decided to invite the Allied military advisers to propose final Military Terms of Peace. The reason then given for agreeing to that procedure had been the desire to settle the mili-

tary question with as little delay as possible. Firstly, in order to remove, once for all, the necessity for the constant renewal of the Armistice and, secondly, also because once the military terms had been accepted by Germany it would be easier later on to impose all other necessary conditions. On that occasion, M. Orlando, supported by President Wilson, had asked that the same procedure should be followed in regard to Austria-Hungary. That proposal had also been accepted, and consequently no distinction had then been made between the two cases of Germany and Austria-Hungary. The two cases could not, therefore, now be separated, thereby creating a dangerous distinction. He, M. Sonnino, fully agreed that everything should be done to speed up the settlement of all questions. He would prefer first to get the military conditions out of the way, after which all the rest could be examined together. But, if the Conference decided to make a distinction and to separate the German question from the Austro-Hungarian question, and let everything else slide, the situation so created would spell revolution in Italy. Such a procedure would mean an indefinite prolongation of the Peace Negotiations with all other enemy countries: Italy would be obliged to keep up armaments whilst the other Allies were demobilising, thus bringing about in Italy a state of general discontent which could not with safety be allowed to continue.

In order to show a conciliatory spirit, he would be prepared, however, to accept the proposal made by Mr. Balfour on the understanding that whenever the word "*Germany*" appeared in his draft note, the words "*and Austria-Hungary*" should be added. Otherwise the words "*enemy powers*" should be substituted for "*Germany*." As far as the military conditions were concerned, he held the view that it would be preferable to settle the military terms at once, as the Allies would then be in a position to impose on the enemy the economic, financial and other conditions which might be considered just and equitable.

Mr. House thought that the peace terms to be imposed on all enemy Powers should be worked out simultaneously. Eventually, when the Conference met to decide the final Peace Terms, all the belligerents would be able to attend at the same time.

M. Sonnino agreed to accept that proposal. He asked that the words "*Austria-Hungary*" should be added after the word "*Germany*" wherever it occurred in Mr. Balfour's note. Otherwise, "*enemy countries*" could be substituted for "*Germany*."

(b) *Mr. Balfour's Second Proposal*

Mr. Balfour said that the Conference had a most important question to decide. He fully agreed with Baron Sonnino that other questions should not be delayed, whilst the questions with Germany were being settled. All he pleaded for was that the Conference should at all events

get through with Germany with all due speed: that the settlement of Germany should not be held up until the more complex problems of Austria-Hungary, Turkey and Bulgaria had been solved. The latter questions were, no doubt, fully as important, but the German question was more ripe for decision. Baron Sonnino had expressed the view that after Germany had been got out of the way, serious military troubles would arise with Austria-Hungary and Turkey. In his opinion that was a delusion. It was very difficult to believe that military troubles would arise in those countries once peace had been concluded with Germany. He (Mr. Balfour) was willing to accept any course that would not delay peace with Germany. If other cases could be got ready at the same time, so much the better: but it was essential that settlement with Germany should not be postponed until all other questions were ripe for settlement. In conclusion, he wished to ask the Conference to accept the following re-draft of his note:

"1. Without prejudice to the decision of the Supreme War Council to present naval, military and air conditions of peace to Germany at an early date, the Conference agree that it is desirable to proceed without delay to the consideration of Preliminary Peace Terms and to press on the necessary investigations with all possible speed.

"2. The Preliminary Peace Terms, other than the naval, military and air conditions, should cover the following points:

- (a) the approximate future frontiers of enemy countries;
- (b) the financial arrangements to be imposed on enemy countries;
- (c) our economic relations with enemy countries after the war;
- (d) responsibility for breaches of the laws of war.

"3. In order that the Conference may have at its disposal with the least possible delay the results of the labours of the various Commissions which have been investigating these subjects it is requested that the various Commissions will send in their reports to the Secretary-General not later than Saturday, March 8th. This will not apply to Commissions set up after February 15th which may be unable to render their final reports at so early a date, but it is requested that in these cases interim reports may be presented dealing with all matters affecting the preliminaries of peace with Germany.

"4. The Conference are of opinion that the question relating to the preliminary peace with Germany shall not be held up till the questions relating to other enemy countries are determined."

Baron Sonnino said he had two observations to offer to Mr. Balfour's proposal. He would first deal with a question of secondary importance, but it would be recollected that the Conference had decided on M. Orlando's proposition, to instruct their Military Advisers to draw

up the final Military and Naval terms with Germany and Austria-Hungary. He would therefore ask that the first paragraph should be made to read as follows: "Without prejudice to the decision of the Supreme War Council to present Naval, Military and Air conditions of Peace to Germany and *Austria-Hungary* at an early date, the Conference agree, etc."

The second and more important question he wished to raise had reference to paragraph 4. He could only see in it an invitation to all Commissions to expedite the solution of questions dealing with Germany to the exclusion of all other questions. If paragraph 4 had any meaning at all, it could only mean that henceforth the Conference would push on Peace with Germany and the rest could wait. Otherwise it had not *raison d'être*. In his opinion, it was an invitation to the Conference to postpone all other questions with the exception of those relating to Germany.

(c) *Mr. House's Proposal*

Mr. House said he would suggest going back to Mr. Balfour's original proposition regarding Germany: and similar proposals would be drawn up for the other enemy countries, with such alterations as might be necessary. The Conference would then, without delay, appoint the necessary Committees to deal with the various questions which still required to be examined and reported on.

M. Tardieu thought that M. Sonnino was mistaken in his interpretation of paragraph 4 of Mr. Balfour's new draft proposal. It was not suggested that settlement with Germany should be expedited to the exclusion of a settlement with other enemy countries. It would be relatively easier to make peace with a country like Germany, which still existed as a whole, rather than with Austria-Hungary, which had now disintegrated into a number of entities, partly friendly, partly hostile. For this reason he wished strongly to support Mr. House's proposal.

M. Sonnino held that the same result would be obtained by accepting Mr. Balfour's amended text with the omission of paragraph 4.

(d) *Mr. Lansing's Proposal*

Mr. Lansing suggested that the first paragraph of Mr. Balfour's first proposal should be made to read, as follows: "The Conference agree that it is desirable to proceed without delay to the consideration of Preliminary Peace Terms and to press on the necessary investigations with all possible speed." If so corrected the whole note would yield a text that would be made to apply to all enemy countries, a separate resolution being drawn up for each country.

M. Sonnino said he would gladly accept the first paragraph as just

amended by Mr. Lansing. That being done, he would further be prepared to accept Mr. Balfour's original draft, provided the words "enemy countries" were substituted for "Germany" in paragraph 2 and provided the last two words "with Germany" were omitted from paragraph 3. He clearly understood that under those conditions paragraph 4, proposed by Mr. Balfour, would disappear. In his opinion, there was no reason why Germany should go ahead of all other enemy countries, though it would be in the competence of the Conference at any moment to dispose of any set of subjects which might be ripe for solution. The inclusion of paragraph 4, as he had already stated, could only be interpreted as an invitation to delay all other subjects except those dealing with Germany.

Mr. Balfour said that he could not admit the inference. Paragraph 4 of his Draft Resolution did not imply that the Conference took no further interest in Austria-Hungary. It merely said that the Conference was of the opinion that the questions relating to the preliminary peace with Germany should not be held up until the questions relating to other enemy countries were determined. The view therein expressed in reality constituted the main part of the policy he wished to recommend to the Conference. Paragraph 3 of the Draft Resolution laid down that the consideration of all subjects should be speeded up. But, on the other hand, it was most important to get a preliminary peace with Germany as soon as possible. He felt that on that point Baron Sonnino and he himself held quite different views. The arrangements to be made with other countries should not be stopped on account of Germany; but, on the other hand, other countries should not prevent a settlement being reached with Germany.

M. Sonnino said that all he asked for was that no statement should be made to the effect that German questions should have preference over all others. Naturally, when reports were submitted by Committees, the Conference could decide to dispose of them irrespective of the enemy country involved. Otherwise, he feared the Committees would be influenced by the adoption of any resolution, such as had been proposed by Mr. Balfour.

Mr. Lansing thought that the Conference had lost sight of his proposals to have separate identic resolutions in respect of each enemy country.

Mr. Balfour understood that to mean that separate Commissions would have to be appointed dealing with each enemy country. He wished to enquire whether it would be possible to man all such Commissions, not only as regards the settlement of frontiers, but also as regards economic, finance and other questions.

Mr. House said the American Delegation would be in a position to do so.

M. Pichon said that it was highly desirable to hasten on as soon as possible the settlement of all questions with Germany. That was the basis of the proposal made by Mr. Balfour. All information received from sure sources in Germany seemed to point to the fact that the present moment was particularly favourable for an immediate settlement. Therefore the present opportunity of reaching a settlement with Germany should not be allowed to pass, and it was essential that the various Commissions dealing with financial, economic and all other questions should also submit their reports without delay.

M. Sonnino had said that the Allied military advisers were ready to submit the final military terms to be imposed on Germany. He thought that only emphasised the fact that the other Commissions should rapidly come to a conclusion, so that, with as little delay as possible, the Allies might be in a position to present their preliminary peace terms to the Germans. That would not, however, in any way retard the examination of problems concerning Austria-Hungary and other enemy countries.

He (M. Pichon) thought M. Sonnino was mistaken in thinking that the Conference proposed to separate the two problems of Germany and Austria-Hungary in order to hasten the solution of the one at the expense of the other. He thought, however, the proposition that all questions concerning Germany should come first would be unanimously accepted, both on account of its situation and on account of the promise made at the last renewal of the armistice.

These, then, were the reasons in favour of giving the German question priority; these were the reasons which had led Mr. Balfour to make his proposal. The Conference had never for a moment dreamt of adjourning or retarding the consideration of all other questions. But the settlement of the German question was urgent.

M. Sonnino said that the Allies had only had one front during the war; were now two or three fronts to be created during the peace? He could not consent to that. He quite understood the necessity for pushing on the settlement of the final terms to be imposed on Germany; but if the German question were detached from the rest of the questions which called for settlement, that would be like constituting a second front, and he could never accept a proposal of that kind. Such a procedure would have most deplorable and most disastrous results in Italy, for it would be impossible to keep such decisions from the ears of the public.

If the Conference persisted in its intention, he (M. Sonnino) could not prevent it; each member must vote as he thought best; but he could not approve a decision which would constitute a positive menace to his own country.

He would not be opposed to priority being eventually given to the

German questions, if those were the first to become ripe for solution. But he could not agree that a condition to that effect should be made in advance.

Lord Milner enquired whether it would not be more important than anything else for the Conference to devote its time to a consideration of the final naval and military terms with Germany, provided the reports of the military advisers were ready. Once an agreement was reached on that subject, one compartment of the peace work would be finally dispensed with, even though the decisions reached were not at once presented to Germany.

Mr. House persisted in his opinion that the Conference should go back to Mr. Balfour's original proposal as regards Germany, and then pass similar resolutions as regards Austria-Hungary, Turkey and Bulgaria. He thought no one could object to that procedure.

Mr. Balfour thought that a decision had been reached that the Conference would not proceed with the military terms of peace as a separate proposition, and he regretted that M. Sonnino had again referred to that proposal. M. Clemenceau objected to it, and he (Mr. Balfour) did not wish to insist. In any case, it was a relatively small matter. The question of real importance was whether the Conference should decide to press on all questions leading to peace with Germany without getting entangled with all other questions relating to Austria-Hungary, Turkey and Bulgaria. He felt very strongly on that point and urged his colleagues to accept the proposals contained in the fourth paragraph of his revised note.

M. Sonnino enquired whether Mr. Balfour would agree to accept Mr. House's and Mr. Lansing's proposal.

Mr. Balfour said he preferred his own draft, but he would accept Mr. House's proposal merely with a view to reach a unanimous agreement.

M. Pichon said he would accept Mr. House's proposal for the reason given by Mr. Balfour.

M. Sonnino also expressed his willingness to accept Mr. House's proposal as an act of conciliation. He understood that four texts would be prepared, identic in form, except that a different enemy country would be mentioned in each. The note would, in each case, commence with the words: "The Conference agree that it is desirable to proceed without delay to the consideration of preliminary peace terms, etc."

(e) *Amendments to Paragraph 2 of Mr. Balfour's First Proposal*

Baron Makino enquired whether the approximate future frontiers of Germany, referred to in paragraph 2 (a), included the German colonies.

Mr. Balfour replied that it was intended to include the colonies.

Baron Makino thought that, in that case, leased territories of Germany should also be included.

Mr. Lansing proposed that paragraph 2 (a) should be made to read "The approximate future frontiers of Germany and the renunciation of colonial territories and treaty rights outside Europe," the words "and the renunciation of colonial territories and treaty rights outside Europe" being omitted from the texts relating to Austria-Hungary, Turkey and Bulgaria.

(This was agreed to.)

Mr. Lansing further proposed that the first part of paragraph 2 should be made to read as follows: "The preliminary peace terms, other than naval, military and air conditions, should cover, *inter alia*, the following points:"

(This was agreed to.)

M. Klotz suggested that paragraph 2 (b) should be made to read: "the financial conditions to be imposed on"

(This was agreed to.)

Mr. Lansing next proposed that paragraph 2 (c) should be made to read: "the economic conditions to be accorded to"

(This was agreed to.)

M. Matsui enquired, with reference to paragraph 2 (a), whether that would include all rights, such as rights over the railways and mines in China acquired by Germany.

Mr. Balfour thought that the words "*inter alia*" would cover such questions.

Mr. Lansing agreed, and remarked that the words "*inter alia*" would also cover the question of prisoners of war, which he had intended to raise separately.

(It was agreed that texts of the following draft NOTE, relating respectively to Germany, Austria-Hungary, Turkey and Bulgaria, should be prepared and distributed that evening, for consideration at the next meeting of the Conference:

"1. The Conference agree that it is desirable to proceed without delay to the consideration of preliminary peace terms with and to press on the necessary investigations with all possible speed.

"2. The Preliminary Peace Terms, other than the naval, military and air conditions, should cover *inter alia* the following points:

- (a) the approximate future frontiers of (*for Germany only*: and the renunciation of colonial territories and treaty rights outside Europe);
- (b) the financial conditions to be imposed on;
- (c) the economic conditions to be accorded to;
- (d) responsibility for breaches of the laws of war.

“3. In order that the Conference may have at its disposal with the least possible delay the results of the labours of the various Commissions which have been investigating these subjects, it is requested that the various Commissions will send in their reports to the Secretary-General not later than Saturday, March 8th. This will not apply to Commissions set up after February 15th which may be unable to render their final reports at so early a date, but it is requested that in these cases interim reports may be presented dealing with all matters affecting the preliminaries of peace with”)

2. (b) MEETING OF THE COUNCIL OF TEN, FEBRUARY 24⁶

PROCEDURE TO EXPEDITE BUSINESS OF CONFERENCE

2. M. Pichon said that the four texts had been circulated in accordance with the Resolution passed on Saturday last, and he called on M. Sonnino to make his remarks.

(a) *Amendment to Clause 2 (a)*

M. Sonnino called attention to the fact that the words: “and the renunciation of Colonies and territorial rights outside Europe” had been omitted from paragraph 2 (a) of the Resolution relating to Austria-Hungary. He agreed that Austria-Hungary had no Colonies, but Austria certainly had certain territorial rights outside Europe. He proposed, therefore, that the paragraph in question should be made to read as follows:

(a) The approximate future frontiers of Austria-Hungary and the renunciation of territorial rights outside Europe.

(This was agreed to) ♦

3. RESOLUTION ADOPTED BY THE COUNCIL OF TEN
FOR AUSTRIA-HUNGARY⁷

RESOLUTION NO. II

(*Relating to Austria-Hungary.*)

(*As Amended—See I.C. 148, Minute 2.*)⁸

1. The Conference agree that it is desirable to proceed without delay to the consideration of preliminary Peace Terms with Austria-Hungary and to press on the necessary investigations with all possible speed.

⁶ B.C. 38(2), p. 4, February 24, 1919.

⁷ B.C. 38, Appendix Aii.

⁸ B.C. 38(2). Reproduced as Document No. 2(b), *supra*.

2. The Preliminary Peace Terms, other than the naval, military and air conditions, should cover *inter alia* the following points:

- (a) the approximate future frontiers of Austria-Hungary and the renunciation of territorial rights outside Europe;
- (b) the financial conditions to be imposed on Austria-Hungary;
- (c) the economic conditions to be accorded to Austria-Hungary;
- (d) responsibility for breaches of the laws of war.

3. In order that the Conference may have at its disposal with the least possible delay the results of the labours of the various Commissions which have been investigating those subjects, it is requested that the various Commissions will send in their reports to the Secretary-General not later than Saturday, March 8th. This will not apply to Commissions set up after February 15th which may be unable to render their final reports at so early a date, but it is requested that in these cases interim reports may be presented dealing with all matters affecting the preliminaries of peace with Austria-Hungary.

PARIS
22nd February, 1919

4. DRAFT NEARING COMPLETION IN THE COUNCIL OF THREE, APRIL 26, 1919⁹

"Peace with Austria and Hungary: Questions nearing settlement Austria might be invited to Paris for 15.5.19—176 H (3)."

5. TELEGRAM FROM THE PRESIDENT OF THE PEACE CONFERENCE, INVITING THE AUSTRIAN DELEGATES TO COME TO ST. GERMAIN-EN-LAYE ON MONDAY, MAY 12, 1919¹⁰

CODE TELEGRAM
(Translation)

May 1, 1919

FROM: *The President of the Peace Conference*
TO: *General Haller, Chief of the French Military Mission, Vienna*

Transmit to the Austrian Government at Vienna at once the following communication:

1. The Supreme Council of the Allied and Associated Powers has decided to invite the Austrian Delegates, with full powers, to come to

⁹ "Index I.C.A.: Peace with Austria and Hungary."

¹⁰ *S-H Bulletin*, No. 252.

St. Germain-en-Laye on Monday, May 12, in the afternoon, to examine the peace conditions with the Allied and Associated Powers.

2. The Austrian Government is requested, consequently, to indicate at once the number, names and titles of the Delegates whom it intends to send to St. Germain, as well as the number, names and titles of the persons who will accompany them. The Austrian Delegation shall remain strictly confined to its mission and shall include only the persons specially qualified for their special mission.

(Signed) CLEMENCEAU

6. INVITATION OF THE FRENCH GOVERNMENT¹¹

(Translation)

EMBASSY OF THE FRENCH REPUBLIC AT VIENNA, No. 17

VIENNA, May 2, 1919

SIR:

I have received instructions from the President of the Peace Conference, which is now in session in France, to inform Your Excellency of the following:

1. The Supreme Council of the Allied and Associated Powers has decided to invite the fully authorized Austrian delegates to proceed to St. Germain-en-Laye on Monday evening, May 12, 1919, in order to examine the peace conditions with the Allied and Associated Powers.

2. The Austrian Government is therefore requested to indicate as soon as possible the number, names, and qualifications of the delegates whom it intends to send to St. Germain-en-Laye as well as the number, names, and qualifications of the persons who accompany them. The Austrian Delegation is required to restrict itself absolutely to its rôle and must comprise only persons who are qualified for their special duties.

In acquitting myself of this commission, which has been entrusted to me, of notifying the Austrian Government of this communication, I beg Your Excellency to accept the assurance of my highest regard.

(Signed) H. ALLIZÉ

*To His Excellency Dr. Bauer
Secretary of State for Foreign Affairs
Vienna*

¹¹ *Bericht über die Tätigkeit der deutschösterreichischen Friedensdelegation in St. Germain-en-Laye* (Wien, Deutschösterreichische Staatsdruckerei, 1919), 2 vols. and 4 folded maps (hereafter cited as *Bericht*) (French and German texts in parallel columns), I, 17.

7. FIRST ANSWER TO THE LETTER OF INVITATION¹²

(Translation)

FOREIGN OFFICE
No. I.—3539/2
VIENNA, May 5, 1919

SIR:

In acknowledging the note of May 2, 1919, the Foreign Office has the honor to thank the Supreme Council of the Allied and Associated Powers for the invitation addressed to the Government of German-Austria to send delegates of this Republic to St. Germain-en-Laye.

The delegates, fully authorized, will arrive at the specified time at their destination and will devote themselves to the peace negotiations in accordance with the instructions of the Supreme Council.

A complete list of the delegates will be delivered to Your Excellency tomorrow as soon as it has been approved by the Council of Ministers.

The delegates will arrive in Paris on Monday evening, May 12, or on Tuesday morning, in case their passage is delayed on account of unforeseen difficulties.

As agreed the delegation will be composed only of duly qualified persons; it will observe strictly the limits of its obligations and powers, and it will not abuse in any way the hospitality of the French Republic.

In accordance with international usage, the Government of German-Austria expects that it will be guaranteed free communication with its delegation by telegraph, telephone and diplomatic couriers.

Please accept, etc.

(Signed) BAUER

*To M. Henri Allizé, Representative of the French Republic
Envoy Extraordinary, and Minister Plenipotentiary
Vienna*

8. MEMORANDUM ON THE COMPOSITION OF THE
AUSTRIAN DELEGATION¹³

(Translation)

FOREIGN OFFICE
No. I.—3659/2
VIENNA, May 9, 1919

SIR:

The National Assembly has conferred, by unanimous vote, upon Chancellor Dr. Renner the full power to represent German-Austria at

¹² *Bericht*, I, 18.¹³ *Bericht*, I, 19-20.

the Peace Conference. By a like vote the National Assembly has assigned to him as political advisers the deputies Dr. Gürtler and Dr. Schönbauer. The commissioners, secretaries, experts, and employees of the Delegation have been appointed by the Council of Ministers of the German-Austrian Government.

The Foreign Office has the honor to submit to Your Excellency herewith the enclosed list of the members of the Delegation.¹⁴

The German-Austrian Government regrets that it has not been possible to limit the number of the members of the Delegation in accordance with the wishes expressed by Your Excellency, but in view of the federative character of the German-Austrian Republic it is absolutely necessary that the various countries whose boundary-lines are threatened by the aspirations of our neighbors be represented in the Delegation. It would be impossible to oppose this legitimate wish of the countries of which German-Austria is composed without immediately arousing the mistrust of the population toward the decisions of the Peace Conference. Your Excellency will see from the list that the Government proper has limited itself to strictly necessary numbers in appointing the delegates and their personnel.

The Foreign Office requests that Your Excellency inform it as soon as possible of the approval of the proposed list by the Allied and Associated Powers, and it also asks that the date of departure and arrival in St. Germain-en-Laye be definitely fixed, so that the necessary arrangements can be made.

Please accept, etc.

(Signed) BAUER

To M. Henri Allisé
Vienna

9. PROTEST OF THE CZECHOSLOVAK DELEGATION AGAINST
THE INCLUSION OF GERMANS OF BOHEMIA IN
THE AUSTRIAN DELEGATION¹⁵

PARIS, 9 May, 1919

To the Secretary General:

According to information that reaches us by newspapers or by despatches from Vienna, the Austrian Government has the intention of sending to Paris, either as plenipotentiaries or as experts, certain specialists on the litigated regions between Austria and the neighboring States, especially the Czecho-Slovak Republic. We have no objection

¹⁴ For list of members of the Austrian Delegation, see Document No. 19(a), *infra*.

¹⁵ *S-H Bulletin*, No. 278, Addendum.

to the Austrian Delegation presenting the defense of its point of view with all the means at its disposal and with competent men. However, we are obliged to draw the attention of the Conference to the fact that the Austrian Government perhaps has the intention of giving a character of special manifestation to the appointment of its Delegates, by sending to the Conference men who belong to the litigated regions.

I think such procedure is inadmissible. Indeed the decisions of the Conference regarding the German regions of Bohemia are already made and presented in the Peace Preliminaries to the German Delegation. The question of the Germans of Bohemia is considered as a question finally settled, and the Germans of Bohemia are considered as citizens of the Czecho-Slovak Republic.

At the same time, a time-limit for option and legal measures is provided in case any German in Bohemia does not wish to become a Czecho-Slovak citizen.

I therefore believe, sir, that the legal competence of each plenipotentiary and of each expert with an official character coming to the Paris Conference, ought to be truly Austrian, that is, he should have his home in Germanic-Austria and not in the disputed district the fact of which has already been settled. It would indeed be impossible, from the legal point of view, for a person to come to Paris to contest certain rights and certain territorial claims of the Czecho-Slovakian Republic and then to return to Bohemia, where according to the laws of the country he ought to be punished for High Treason.

It is impossible for the Czecho-Slovak Government to be placed in such a position, and for this reason I ask the Secretary-General to present to the President of the Conference the following request:

The French representative at Vienna, Monsieur Allizé, should call the attention of the Austrian Government to the fact that the decisions arrived at by the Conference demand that their Delegates include only persons residing in Germanic-Austria and not in the litigated regions.

Outside of the fact that the Conference has already made these decisions, the question of tact alone demands this solution.

I believe, Mr. Secretary-General, that it would be better in this way to avoid any incidents which might arise between the Austrian Government and the Delegations of the other States which are acquiring Austrian territory. I believe, indeed, that these Delegations would unanimously dispute the validity of the powers of any Austrian Delegates whose legal competency might be in doubt.

Please accept, Sir, etc.

EDWARD BENES

10. NOTE REGARDING THE EXAMINATION OF QUESTIONS BEARING ON THE TREATY WITH AUSTRIA-HUNGARY, SENT TO THE PRESIDENTS OF THE VARIOUS COMMISSIONS OF THE CONFERENCE BY THE SECRETARY GENERAL OF THE CONFERENCE¹⁶

I have the honor to advise you that the Council of the Heads of States desires that the examination of questions relating to the Treaty with Austria-Hungary and which are within the province of your Commission should be made with the least possible delay.

I am instructed to request you to submit the report concerning the clauses to be inserted in the Treaty of Peace by May 12 at the latest.

Accept, etc.

[HANKEY]

11. NOTE OF MAY 24, 1919, FROM THE GERMAN-AUSTRIAN DELEGATION, REQUESTING THE OPENING OF NEGOTIATIONS AT THE EARLIEST POSSIBLE DATE¹⁷

(Translation)

DELEGATION OF THE
GERMAN-AUSTRIAN REPUBLIC
Prot. No. 92

ST. GERMAIN, May 24, 1919

TO: *His Excellency the President of the Peace Conference, Monsieur Georges Clemenceau, Paris*

FROM: *Renner*

MR. PRESIDENT:

By the note from the French Mission at Vienna of May 2, the Government of the German-Austrian Republic was informed that the Supreme Council of the Allied and Associated Powers had decided to invite it to present itself at St. Germain-en-Laye on Monday, May 12, to examine the peace conditions.

The Government of German-Austria, after having assured itself of the consent of the National Assembly, hastened to appoint its plenipotentiaries and to organize its Delegation.

¹⁶ *S-H Bulletin*, No. 262, May 13, 1919.

¹⁷ *S-H Bulletin*, No. 307, I-III; for the original French text, see *Notes de la Délégation de la République d'Autriche* (Paris, 1919) (at head of title, "Édition Provisoire"). An Allied publication, but the delegation responsible for the compilation is not noted (hereafter cited as *Notes*). Here, *Notes*, pp. 3-5, 13. For French and German texts, see *Bericht*, I, 23-27.

Considering the extreme importance of the peace negotiations to save the country and to re-establish the material life of the nation, the Government has appealed to the collaboration of important functionaries of the State, of jurisconsults and experts in political science, as well as to representatives of the provinces, without taking account of the vital interests of the administration for which the latter was assembled.¹⁸

The Delegation arrived on May 14, at St. Germain-en-Laye.

In conformity with the invitation of the President of the Peace Congress, the credentials were submitted on the 19th to the President of the Committee for examination, and on the 22nd the credentials of the other Powers assembled at Paris were, on recognition of the fact that they were in good and due form, submitted to the Military Mission of the French Republic at St. Germain-en-Laye.

Since that time no communication on the opening of negotiations has come to the German-Austrian Delegation.

Now, the long delay in the coming of peace raises in the mind of the people of German-Austria an uneasiness all the more serious as its prolongation seems incomprehensible to the masses and must necessarily provoke all sorts of rumors and fears. Such a state of public opinion gives rise to serious apprehensions on the subject of the maintenance of peace and order in our country, notably in the great industrial centers, as well as in the contested districts, either occupied by a neighboring State or exposed to military invasion. This condition of uncertainty may offer favorable ground for an irritation of the masses, in which unhealthy ideas may ferment.

The German-Austrian Delegation wishes also to add that the expenses entailed by the long stay of a large number of functionaries in a foreign country are out of proportion to our economic situation, which is more than precarious and which is well known to the Allied Powers.

The German-Austrian Delegation therefore appeals to the courtesy of the President of the Peace Congress to request the opening of negotiations with German-Austria as soon as possible.

It seems, in fact, consistent with the intentions of this High Assembly not to adjourn before reaching a decision on which depends the fate and the future of a nation now suffering in uncertainty and anguish.

(Signed) RENNER

¹⁸ The French text reads: "...ainsi que de représentants des provinces, sans tenir compte des intérêts vitaux de l'administration à laquelle ces derniers sont appelés à pouvoir."

PART II

REPLY TO GERMAN-AUSTRIAN NOTE REQUESTING OPENING
OF NEGOTIATIONS

(Translation)

PEACE CONFERENCE
OFFICE OF THE PRESIDENT

PARIS, 27 May, 1919

To: *His Excellency Dr. Charles Renner, Austrian State Chancellor,
President of the Austrian Delegation, St. Germain-en-Laye*

MR. PRESIDENT:

I have the honor to acknowledge receipt of your letter of 24 May, requesting that Peace negotiations with Austria should be opened as soon as possible.

The Council of the Principal Allied and Associated Powers wishes to inform you in answer to that communication that the draft of the Peace Treaty will be able to be presented to the Austrian Delegation Friday next, 30 May at noon at St. Germain-en-Laye.

However the following questions must be reserved in view of a further examination:

1. The strength of military forces to be maintained in the future in Austria;
2. The question of reparation and that of the public debt.

These two questions present a special aspect by the fact of the division of the Austrian Empire into several parts. This division makes the examination of these questions necessary with regard to their repercussion on the interests of these various parts and the attitude of the same.

Please accept, etc.

PART III

COMMUNICATION FROM THE GERMAN-AUSTRIAN DELEGATION BEARING
ON THE MEETING FOR THE OPENING OF NEGOTIATIONS SCHEDULED
FOR FRIDAY, MAY 30TH, 12 M AT ST. GERMAIN-EN-LAYE

(Translation)

DELEGATION OF THE REPUBLIC
OF GERMANIC-AUSTRIA
Prot. No. 113

ST. GERMAIN, May 28th, 1919

MR. PRESIDENT:

In acknowledging receipt of the Notice of May 27th, by which you had the kindness to communicate to me the answer of the Council of

the Principal Allied and Associated Powers, on the subject of the Peace negotiations with Germanic-Austria, I have the honor to inform Your Excellency that I will be glad to attend the opening of the said negotiations, Friday, 30th, at twelve, at St. Germain. I shall be accompanied for this occasion by the two political councillors, the four commissaires general and the four secretaries of the Delegation.

I take note of the decision of the Council according to which two categories of questions shall be kept for a later examination, and hope that the deliberations on the whole of the questions to be solved will be dealt with in the shortest possible delay.

Please accept, Mr. President, etc.

RENNER

*To His Excellency
The Chairman of the Peace Conference
G. Clemenceau
Paris*

12. COMMUNICATION FROM THE SECRETARY GENERAL OF THE BRITISH DELEGATION TO THE SECRETARY GENERAL OF THE PEACE CONFERENCE REPORTING CERTAIN DECISIONS OF THE COUNCIL OF THE HEADS OF DELEGATIONS WITH REGARD TO HANDING THE TREATY OF PEACE TO THE AUSTRIAN DELEGATION¹⁹

To: *The Secretary General of the Peace Conference*

FROM: *Sir M. P. A. Hankey*

May 27, 1919

MY DEAR COLLEAGUE:

The Council of the Principal Allied and Associated Powers this morning conferred with the Drafting Committee as to the date for handing the Treaty of Peace to the Austrian Delegates and reached the attached decisions.

I am directed to request that Your Excellency will communicate these immediately to the Drafting Committee.

Believe me, etc.

Enclosure

[HANKEY]

INSTRUCTIONS TO THE DRAFTING COMMITTEE
REGARDING THE TREATY WITH AUSTRIA

1. That the Draft Treaty of Peace, omitting the military terms and the clauses dealing with reparation and debt, shall be handed to the

¹⁹ *S-H Bulletin*, No. 315.

Austrian Delegates on Friday, May 30, at noon, and that the Drafting Committee shall proceed on this assumption.

2. That, as there is no time to print the Treaty in the final form, it should be handed to the Austrian Delegates in proof.

3. That, as there is not sufficient time to print the Articles of the Treaty with the three languages on a single page, the Drafting Committee should have authority to print the clauses in the three languages on separate pages.

4. That the Drafting Committee should devote themselves, with the least possible delay, to the consideration of the question referred to them on the previous day, namely, as to whether Austria was to be regarded as a new State or as an old State, the inheritor of the old Austro-Hungarian Empire, and should adopt whichever method proved most workable for the drafting of the Treaty.

(Initialed)

G. C.
W. W.
D. L.-G.
V. E. O.

PARIS
May 27, 1919

13. NOTIFICATION OF A DECISION BY THE COUNCIL OF FOUR TO THE EFFECT THAT IN CASE OF A DIVERGENCE IN THE PRECISE SIGNIFICANCE OF ANY CLAUSES OF THE TREATY WITH AUSTRIA AS DRAFTED IN THE ENGLISH, FRENCH, AND ITALIAN LANGUAGES, THE FRENCH TEXT SHOULD PREVAIL²⁰

BRITISH DELEGATION, PARIS
May 28th, 1919

MY DEAR HANKEY:

The question of whether the French text of the Treaty with Austria should prevail in case of divergence came up for discussion this afternoon at the Drafting Committee. The Committee is unanimously and strongly of opinion that the Treaty should provide that the French text should prevail. It would be a relief to the Committee if a decision to that effect could be obtained from the Council of the Heads of States tomorrow. The Committee propose to draft a clause for the purpose, and leave it to the Heads of States to disapprove it and direct its omission if they think well.

²⁰ *S-H Bulletin*, No. 340.

We understand that the Italian Section of the Treaty is not to be given to the Austrians on Friday; so that section stands over for the present.

(Signed) C. J. B. HURST

29th May, 1919

MY DEAR COLLEAGUE:

The Council of the Principal Allied and Associated Powers had under consideration this morning the attached letter, dated May 28th, from Mr. Hurst.

It was agreed that, in the Treaty with Austria, in cases of divergence between the precise significance of any clauses as drafted in the English, French, and Italian languages, the French text should prevail, and that the Drafting Committee should insert a clause in the Treaty to this effect.

A copy of Mr. Hurst's letter was initialled by the four Heads of Governments.

In view of the short time available, I communicated the initialled copy direct to Mr. Hurst, who undertook to hand it to the Drafting Committee.

Believe me,

Yours very sincerely,

M. P. A. HANKEY

*His Excellency Monsieur Dutasta
Secretary-General of the Peace Conference
Quai d'Orsay, Paris*

14. PARIS PEACE CONFERENCE, PLENARY SESSION, MAY 29TH, 1919, AT WHICH A SUMMARY OF THE AUSTRIAN PEACE CONDITIONS WAS PRESENTED²¹

Secret

M. Clemenceau opened the Session, and presented Protocols 5 and 6 for the consideration of the Conference.

Same were adopted by the Conference.

M. Clemenceau speaks in French.

(M. Mantoux translates the foregoing):

M. Clemenceau said that the title of this document "General Scheme of the Treaty of Peace" is somewhat misleading, because, as a matter of

²¹ Mimeographed document in the Hoover War Library. The plenary sessions of the Peace Conference were held on January 18, January 25, February 14, April 11, April 28, May 6, May 7 (Presentation of Conditions to German Delegation), May 29, May 31, June 2 (Presentation of Conditions to Austrian Delegation), June 28 (Signing of the Treaty of Versailles). In the Hoover War Library Collection the protocols of the first six meetings are numbered and printed. The minutes of the other meetings are unnumbered and mimeographed copies.

fact, some parts of the Treaty of Peace with Austria have been left out, because they require some further examination. These are the Military Clauses, which affect not only the Allied and Associated Governments on one side, and Austria on the other side, but also the neighboring States, and because of this they have to be examined more closely. The same applies to the Reparations Clauses, and this is why they have been referred back to the Special Committee.

M. Bratiano speaks in French.

(M. Mantoux translates the foregoing) :

M. Bratiano asked whether the document here would be communicated, and whether it is the full Text of the Treaty or only a Summary, as in the case of the communication that took place before the German Treaty was sent to Versailles.

M. Clemenceau speaks in French.

M. Mantoux translates the foregoing :

M. Clemenceau answered that this is a full Summary that will be read presently to the Delegates.

M. Bratiano speaks in French.

(M. Mantoux translates the foregoing) :

M. Bratiano says that in the name of the Governments of Greece, Poland, of the Serbians, Croats, and Slovenes, and of the Czecho-Slovaks, and Roumanians, he would ask the Conference for a delay of 48 hours, so that having the Treaty in their hands they may look closely at the Clauses interesting each of them. A verbal exposition like this, even if fairly complete, would not serve their purposes, and even listening to the reading of the whole Treaty would not cover the case. 48 hours is the least we want, to be able to look carefully at Clauses that may and will affect each of our separate States. And this is what we ask the President of the Conference to consider : if it is possible to give us the full Text today, that would delay the Meeting with the Austrian Delegates only by 24 hours ; if we can have the Text only by tomorrow, the delay would be one of 48 hours.

M. Clemenceau thereupon asked the members of the Conference what their desires in this respect were.

M. Clemenceau speaks in French.

(M. Mantoux translates the foregoing) :

This meeting will be adjourned, and will be held on Saturday, May 31st, and the presentation of the document to the Austrians will take place on Monday, June 2nd. Meanwhile, I beg the representatives of the Powers interested to send in their suggestions or objections to the different parts of the Treaty as soon as possible, so that the Heads of the Principal Allied Governments may have time to consider them.

(Thereupon, at 3:20 P.M. the Meeting adjourned.)

15. ALLIED RECOGNITION OF THE AUTHORITY OF THE
AUSTRIAN DELEGATES TO NEGOTIATE IN THE
NAME OF THE REPUBLIC OF AUSTRIA²²

(Translation)

PARIS, May 29, 1919

MR. PRESIDENT:

I have the honor of returning enclosed to Your Excellency the full powers which you were kind enough to deliver to me on May 19, 1919, and concerning which I have received instructions to address to you the following notification.

The Allied and Associated Powers have decided to recognize the new Republic under the name of "Republic of Austria." They therefore declare their willingness to recognize the full powers which were delivered on May 19 as authorizing the delegates named therein to negotiate in the name of the Republic of Austria.

Please accept, etc.

The President of the Committee on Credentials

(Signed) JULES CAMBON

His Excellency Mr. F. Renner

President of the Delegation of the Republic of Austria

16. POSTPONEMENT OF THE DELIVERY OF THE
CONDITIONS OF PEACE²³

(Translation)

PEACE-CONFERENCE

THE PRESIDENT

PARIS, May 29, 1919

MR. PRESIDENT:

The conference, which has gathered today, to examine the conditions of peace with Austria, has expressed through various of its members a wish to have an additional two days for the study of this document.

Under these conditions, the delivery of the treaty to the Austrian Plenipotentiaries cannot take place till noon of next Monday, at St. Germain.

In expressing my sincerest regrets for this involuntary delay, I beg you to accept the assurance of my highest esteem.

(Signed) G. CLEMENCEAU

His Excellency Dr. Renner, Chancellor of Austria

President of the Austrian Delegation

St. Germain-en-Laye

²² Bericht, I, 30.

²³ Bericht, I, 28.

17. NOTE FROM THE GERMAN-AUSTRIAN DELEGATION
RELATIVE TO THE POSTPONEMENT OF THE
OPENING OF NEGOTIATIONS²⁴

(Translation)

DELEGATION FROM THE
GERMAN-AUSTRIAN REPUBLIC
Prot. No. 133

ST. GERMAIN-EN-LAYE
May 30, 1919

SIR:

With the note of the 29th. inst.* Your Excellency has kindly informed me that the Council of Allied and Associated Powers has postponed the opening of Peace Negotiations with German-Austria. Able only to acknowledge these kind communications I dare to express the hope that the delay brought to the opening of the deliberations will have no influence upon the moment when the work of peace is perfected.

One cannot indeed ignore that—as I have explained in my note of the 24th inst., and in my verbal communications of the 22nd, 26th and 29th inst.—a postponement of peace may have, in the countries we represent, the most dangerous social consequences and cause bloody uprisings in the contested territories. The new postponement of the opening of the discussions puts upon me the duty of applying again to the obliging courtesy of your Excellency, begging to be granted an interview so as to discuss the questions mentioned above. It would be of the greatest importance to avoid the danger of having the negotiations of peace disturbed by other incidents of the same kind.

It is above all imperative that during the discussions between the Great Powers about the establishment of mondial peace no disturbances should arise owing to new hostilities as disastrous as useless, occurring in Central Europe.

As I have expressed in my notes, the cause and reasons of these unfortunate events might be destroyed through a prompt determination of the frontiers, taking into account the national interests as well as the economic needs.

Please accept, Mr. President, the assurances of my high consideration.

(Signed) RENNER

NOTE—The foregoing is quoted as a matter of record, not having been received in time for circulation before the Session of June 2, at St. Germain.

* [Original note:] This note not yet received from the Secretary General of the Conference.

²⁴ *S-H Bulletin*, No. 307, iv; for French and German texts, see *Bericht*, I, 29.

18. REPLY FROM ALLIED AND ASSOCIATED POWERS TO
AUSTRIAN NOTE OF MAY 30, RELATIVE TO METHOD TO
BE EMPLOYED BY THE AUSTRIAN DELEGATION IN MAK-
ING OBSERVATIONS ON THE CONDITIONS OF PEACE²⁵

(Translation)

PEACE CONFERENCE
OFFICE OF THE PRESIDENT

PARIS, May 31, 1919

TO HIS EXCELLENCY: *Chancellor Renner, President of the Austrian
Delegation, Saint-Germain-en-Laye*

SIR:

In your letter of 30 May you expressed the wish to be received by the Supreme Council to present verbally your observations.

According to the rules set by the Conference for negotiations, the exchange of views must take place only in writing. Therefore, if the Austrian Delegation wishes to present observations it will have all liberty to do so in memorandums addressed to the President of the Conference. These memorandums will be strictly confidential and will be communicated only to the members of the Supreme Council.

Please accept etc.,

(Signed) CLEMENCEAU

19. THE AUSTRIAN DELEGATION

(a) LIST OF MEMBERS OF THE AUSTRIAN DELEGATION
TO THE PEACE CONFERENCE²⁶

(Translation)

GERMAN-AUSTRIAN DELEGATION TO THE PEACE CONFERENCE
LIST OF MEMBERS OF THE DELEGATION

PLENIPOTENTIARY:

The Chancellor of State Karl Renner

DEPUTIES OF THE NATIONAL ASSEMBLY:

Professor Doctor Alfred Gürtler,	} Political Advisors	Represents the Chris- tian-Socialist Party.
Doctor Ernst Schönbauer		Represents the "Gross-deutsche Vereinigung."

²⁵ *S-H Bulletin*, No. 307, v; for the French and German texts, see *Bericht*, I, 36, and *Notes*, p. 16.

²⁶ *S-H Bulletin*, No. 338; for the List in German, see *Bericht*, I, 1-3.

REPRESENTATIVES OF THE GOVERNMENT:

<p>The Representative of the Secretary of State for Foreign Affairs, Professor Doctor Franz Klein, former Minister,</p>	<p>} General Commissioners</p>	<p>An expert in international law.</p>
<p>Chief of Section Franz Peter, director of counsellors,</p>		<p>Occupied with prisoners of war and inter-departmental affairs.</p>
<p>Chief of Section Johann Andreas Eichhoff, political director,</p>		<p>Political director of the Foreign Office, specialist on the protection of minorities and questions of nationality.</p>
<p>Chief of Section Doctor Richard Schüller, economic director,</p>		<p>Economic and financial expert.</p>

Department of Foreign Affairs:

<p>Counsellor of Legation Georg Frankenstein,</p>	<p>Secretary-General of the Delegation.</p>
<p>Professor Doctor Rudolf Laun,</p>	<p>International law and protection of minorities.</p>

<p>Consul Edgar Prochnik, Consul Friedrich Hlaváč, Consul Walter Mayrhauser, Mr. Otto Pohl, Chief of Press Service, Doctor Josef Wirth, representative of the Correspondence Bureau of Vienna;</p>	<p>} }</p>	<p>Secretaries under Frankenstein.</p> <p>The official news agency.</p>
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Department of National Defense:

<p>Colonel Karl Schneller;</p>	<p>Military questions; prisoners of war.</p>
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Department of Finance:

Section Advisor Viktor Brauneis,
Section Advisor Johann Patzauer;

Department of Traffic and Communications:

Chief of Section Otto Müller-Martini.

EXPERT ADVISORS:

Professor Doctor Heinrich Lammasch, former president of the Council of Ministers (Mrs. & Miss Lammasch), General Rudolf Slatin (Secretary, Mr. Eppstein), Professor Doctor Julius Landesberger, President of the Anglo-Austrian Bank, Professor Doctor Robert Sieger,	International law; So- ciety of Nations. Prisoners of war. Financial expert. Delimitation of frontiers. Statistics and popu- lation.
Doctor Wilhelm Winkler, Ministerial Secretary;	
<i>Boundary Questions:</i> Doctor Gruener,	A deputy; expert on the Tyrol.
Doctor Ernst Beer, Doctor Otto Ender,	Now absent; Governor of the Vorarlberg.
Doctor Robert Freissler,	Governor of Sudeten- land.
Doctor Franz Kamniker,	A deputy; expert on S. Styria.
Mr. Anton Klement,	Expert on Böhmer- wald.
Doctor Rudolf Lodgman-Auen,	Governor of Eger- land [German Bo- hemia]
Mr. Hieronymus Oldofredi, Doctor Franz Schumacher, Mr. Vinzenz Schumy, Mr. Josef Seliger,	Expert on S. Moravia. Expert on S. Tyrol. Expert on Carinthia. Vice-Governor of Egerland [German Bohemia]
Doctor Paul Sternbach,	Vice-Governor of the Tyrol.
Professor Doctor Martin Wutte.	Expert on Carinthia.
 PRESS SERVICE:	
Doctor Davis Bach, Mr. Johann Fillunger, Doctor Bernard Frischauer,	Christian-Social Party. Has left the "Neue Freie Presse," now represented by Ziffer.

Mr. Eugen Lehnhof,
 Doctor Richard Bermann,
 Doctor Johann Ubersberger.

A writer on Russian
 and Polish affairs;
 belongs to the Gross
 Deutsche Vereinigung.

TRANSPORTATION SERVICE:

Mr. Luza,
 Mr. Weingart,
 Mr. Zadja,
 Mr. Menzl,
 Mr. Sommert,
 Mr. Reitbauer,
 Miss Gorbel,
 Miss Murke,
 Miss Prochaska,
 Mrs. Fuchs.

USHERS:

Augustin,
 Krutsch,
 Sammer,
 Leitner.

1. COURIER

.
 The following financial and economic experts are expected in a few days:

Dr. Weiner,	Director of the Bodencredit Anstalt. ^a
Dr. Krasny, ^b	Director of the Discounts Bank. ^c
Dr. Hammerschlag,	Director of the Credit Anstalt. ^d
Mr. Rapp,	Secretary of the Austro-Hungarian State Bank. ^e
Mr. Weissenstein,	Manufacturer.
Mr. Urban,	Manufacturer.

A specialist on Museums is also expected.

^a Allgemeine Osterreichische Bodenkreditanstalt.
^b Maxim Krassny-Krassien.
^c Niederosterreichische Eskomptegesellschaft.
^d Osterreichische Kreditanstalt für Handel und Gewerbe.
^e Osterreichisch-ungarische Bank.

19. (b) PREPARATIONS AND INTERNAL WORK OF
THE AUSTRIAN DELEGATION²⁷

(Translation)

On May 12 at 7:20 P.M. the Delegation left Vienna by special train and arrived at St. Germain-en-Laye on May 14 at 6:00 P.M. There it was received at the station by the prefect of Seine-et-Oise. The prefect welcomed the Chancellor and assured him that the Austrian Peace Delegation would be treated with traditional French hospitality. The Chancellor uttered a few words of thanks.

The Peace Delegation was housed in a few villas; a district was assigned to it for its stay, to which the public was not admitted.

On May 15 the political representatives called upon the Commander of the French Military Mission, at St. Germain-en-Laye who had been assigned to act as intermediary between the Delegation and the Peace Conference. The Commander stated that he was awaiting a communication from the Supreme Council of the Allied and Associated Powers, by which the German-Austrian Peace Delegation was to be invited to submit their credentials.

On May 17 negotiations began with the Inter-Allied Finance Commission concerning the financing of the importation of food. These conferences were continued later on; their progress and results will be reported on below.

The request to submit credentials, referred to by the Commander of the Military Mission, arrived on the afternoon of May 19. In a note of the President of the Peace Conference, M. Clemenceau, the Chancellor was invited to St. Germain-en-Laye, on Monday, May 19, 1919, at 3:00 P.M., to present the credentials to M. Jules Cambon, the president of the Committee for Verification of Credentials. This committee was composed of M. Jules Cambon and of a representative of each of the five Great Powers, namely, Mr. White of U.S.A., Lord Hardinge of England, M. de Martino of Italy, and M. Matsui of Japan. An answer was given to the effect that the Chancellor, accompanied by four delegates, would submit the credentials.

The exchange of credentials took place within a few minutes of the hour set, with the usual formalities. The German-Austrian Delegation handed over its credentials. It received [in its turn] the credentials from all countries which were in a state of war with Austria or had severed diplomatic relations with her, with the exception of Russia and Montenegro. In addition to this, credentials of the Czecho-Slovak State, of Poland, and of Nicaragua were surrendered. The Serbian

²⁷ *Bericht*, I, 3-6.

credentials were issued in behalf of the Kingdom of the Serbs, Croats, and Slovenes.

The examination of the credentials did not bring anything essential to light. Except in the case of Panama, the credentials did not name specifically the countries with which peace was to be made. Only the credential of Panama referred specifically to negotiations with the succession states of Austria-Hungary also. After examination, all credentials were returned on May 22 by the military commander to the President of the Peace Conference, with a note saying that the documents were in good and orderly form and that they left no doubt as to the authority of their bearers to participate in the Peace Conference, to negotiate and to sign pacts, agreements, and other diplomatic documents which were to be executed.

2. THE INTERNAL WORK OF THE PEACE DELEGATION

On May 14, the very evening of arrival, the Delegation convened in one of the offices which had been assigned to the Chancellor. First of all, the principles were fixed for uniform conduct of all members of the Delegation with regard to questions of formalities. Furthermore, a division of labor was taken into consideration, according to which the various subjects, particularly regarding questions of territory, were to be discussed beforehand in preliminary meetings of commissions, or, if need should arise, in subcommittee meetings and then were to be treated in plenary sessions. In this way it was planned, while waiting to be informed of the conditions of peace, to review briefly the whole subject-matter as it had previously been worked out at home; the answer to questions or situations which might possibly arise were to be considered beforehand, since every saving of time would be of the utmost importance, especially since it was rumored that the time limit for answer would be short.

The organization of the program of work was continued on May 15 and finished on that day.

On the same day, the discussion of economic and financial questions was begun by reports of the department chiefs, Dr. Schüller and President Dr. Landesberger.

On May 16 the work on territorial questions was begun. This, too, began with reports. Department Chief Eichhoff discussed the general political problems, Professor Sieger the geographical problems, and Colonel Schneller questions of boundary protection and national defense. Later the work on the various territorial questions was subdivided according to federal countries. Subcommittees were formed, one each, for the Sudetic Countries, for Western Hungary and Styria, for Carinthia and for the Tyrol; the reports of these subcommittees were then discussed in joint sessions and plenary meetings and reconciled with

one another. In this way the foundation was created for later notes with supplements which had reference to territorial questions. The work in the subcommittees and the reports of these committees to the commissions and plenary sessions were entrusted chiefly to the representatives of the federal countries concerned, namely, Messrs. Lodgman-Auen, Seliger, Freissler, Klement, and Oldofredi for the Sudetic Countries, Beer for Western Hungary, Kamniker for Styria, Schumy and Wutte for Carinthia, Gruener, Schumacher and Sternbach for Tyrol, and Ender for Vorarlberg. Retired Minister Franz Klein presided over the sessions of the commissions. In the work of the subcommittees and commissions the following experts participated: for geographical questions, Professor Sieger; in questions of border-protection, Colonel Schneller; in questions of state, administrative, and international law, Professor Laun; and in statistical questions, Dr. Winkler. When, after the presentation of the final conditions of peace of July 20, some of the representatives of the occupied and endangered territories returned to St. Germain, the discussions and the work, on which Emil Kraft, newly appointed from Tyrol, also participated, were continued in an appropriate manner and brought to an end.

In a way similar to the handling of the territorial questions, the problems of the protection of national minorities also were discussed with representatives of the countries concerned, on the basis of reports of Professor Laun; this was done in both directions, namely, regarding the protection of Germans in non-German countries as well as the protection of non-Germans in German Austria. Thus, a basis was created for a later answer to the terms of the first draft of the peace treaty on the protection of national minorities.

Likewise the problem of a plebiscite demanded by German Austria for the disputed territories was taken up, as well as questions relating to the League of Nations. The report on the plebiscite was given by Department Chief Eichhoff, the one on the League of Nations by Department Chief Peter. To the work on the League of Nations, Retired Prime Minister Dr. Lammasch made very valuable contributions, which were submitted to the Peace Conference in supplements A and B of Note No. 501 on the League of Nations, of June 23, 1919 (Supplement 30).²⁸

Thoroughgoing discussions also took place between June 16 and 24 upon the arrival of the experts on financial matters; they were continued from July 20 to August 3 and concerned financial matters and other related problems. The following persons took part in this work: for the Foreign Office, Retired Minister Dr. Franz Klein and Department Chief Dr. Schüller; for the Ministry of Finance, Ministerial

²⁸ Reproduced as Document 83, *infra*.

Councillor Dr. Brauneis and Chief Financial Councillor Dr. Patzauer; for the Ministry of Justice, Ministerial Councillor Dr. Walker; for the Ministry of Communications, Department-Chief Müller-Martini; for the Ministry of Trade and Commerce, Industry and Public Works, Ministerial Councillor Dr. Ondraczek; as experts, Director Dr. Berliner, Director Dr. Hammerschlag, Director Krassny, President Dr. Landesberger, Secretary-General Rapp and Director Weiner. All financial sections of those parts of the peace conditions which had been presented on June 2 were discussed, the opinions of experts were listened to, and, with due regard to these opinions, the fundamental principles were fixed for the decision of the Peace Delegation on these terms. During the later developments the experts on finance named above gave a series of further thoroughgoing opinions on individual questions.

Special mention is deserved by the news service of the Peace Delegation. This service was handled by the Press Office under direction of Director of the Press Otto Pohl. The duties of the press service were twofold. On the one hand the problem was to inform the German-Austrian public as fast as possible of all the events of the Peace Conference and of the many notes and memoranda which were received and delivered, as well as to keep it posted on the public opinion in the Entente Countries toward German Austria and on the political, economic, and social events which seemed important in connection with the peace negotiations. This duty the Press Office fulfilled partly by informing the press department in the Foreign Office, partly by sending news to the Bureau of Telegraphic Correspondence (Telegraphenkorrespondenzbüro). The management of this service was entrusted to Dr. Wirth, acting press director. For telegraphic communication, a special wire from St. Germain to Vienna was available, the operation of which was, however, subject to many interruptions. In such cases it became necessary to use the French telegraph service, either through the wire of the Telegraph Office at Paris or through the wireless station of the Eiffel tower; unfortunately this meant always considerable delay. In spite of these difficulties it was possible to inform the German-Austrian public of events almost immediately after they had happened; this efficiency was due mainly to the devotion of Chief Controller Pack, who had also been called to St. Germain, as well as to the willingness to co-operate displayed by the French Telegraph Bureau officials.

The second duty of the Press Office in St. Germain was to keep the Peace Delegation posted on the most important events in German Austria as well as in the Entente countries and other foreign countries. This part of the information service was an especially difficult one on account of the complete isolation of the Delegation at St. Germain, but it was also an extremely important one. This news service proved to be indispensable, since the Viennese papers arrived only by

couriers, hence with considerable delay. However, the news service covered particularly the French, English, Italian, and Swiss press and reproduced in extract form the most important items from all papers once or several times during the day; this meant a considerable saving of time for the members of the Delegation.

Besides the official news service of the Bureau of Telegraphic Correspondence there was the reporting of events, which was taken care of by representatives of the German-Austrian papers who were attached to the Peace Delegation. During the first weeks of the Conference this group consisted of six gentlemen, of whom three represented papers in Vienna and the provinces of the three great German political parties of German Austria, namely, the Social-Democrats, the Christian-Socialists, and the Great Germans [Gross-Deutsche]; the three others represented the greatest newspaper enterprises or press groups of Vienna, namely, Steyermühl, Elbemühl, and Neue Freie Presse. The activity of the independent reporters afforded an opportunity to furnish the people back home with the necessary basis for a correct opinion and knowledge, with details which were less appropriate for official reports. Daily press conferences held by the Chancellor and a continuous intercourse of the press representatives with the experts of the Peace Delegation made it possible to facilitate for the German-Austrian public an understanding of the work of the Peace Delegation

20. PARIS PEACE CONFERENCE: STENOGRAPHIC REPORT OF THE PROCEEDINGS OF THE PLENARY MEETING FOR THE HANDING OVER OF THE TREATY OF PEACE TO THE AUSTRIANS, AT THE CHATEAU, SAINT - GERMAIN - EN-LAYE, MONDAY, JUNE 2, 1919, AT 12 NOON²⁹

At 12:25 the Austrian Delegation was ushered into the room.

M. Clemenceau declared the session opened.

M. Clemenceau speaks in French.

(M. Mantoux translates the foregoing):

Gentlemen, the plenipotentiaries of the Austrian Republic. The Allied and Associated Powers have entrusted me with the task of communicating to you the draft treaty which will have to be signed between us. If we cannot give you the whole document today, at least you will have the principal parts, which you will have full liberty to examine. It has been decided that you will be asked to offer your observations in writing, and we shall also answer in writing. You will be given a maximum period of fifteen days within which to present your written observations. If, before that time, you have any document to communicate,

²⁹ Mimeographed document in the Hoover War Library.

or any observation to make, we shall be glad to receive them, and we shall examine them with due attention.

The documents which will be handed over to you now include the following parts:

Preamble.

League of Nations.

Frontiers of Austria.

Political clauses: Czecho-Slovak State, Political clauses relating to certain European States, Protection of minorities, General provisions, Austrian interests outside Europe.

Naval and air clauses.

Prisoners of war and graves.

Penalties.

Economic clauses.

Aerial navigation.

Ports, waterways, and railways.

Labour.

Miscellaneous provisions.

The text of the clauses mentioned hereafter will be handed over at a later period:

1. Political clauses (Italy).

2. Financial clauses.

3. Reparation clauses.

4. Military clauses.

5. Clauses relating to the Serbo-Croat, Slovene State.

The Supreme Council, after having examined the observations which you will be good enough to send within the appointed time limit, will send you a written answer, giving another delay for final answer on your part.

(The above was translated into German.)

Thereupon M. Dutasta handed to Dr. Renner, on behalf of the Austrian Delegation, a book containing the terms of peace.⁸⁰

Dr. Renner was given opportunity to speak, and made an address in French.

Dr. Renner (speaks in French).

Translation of the foregoing:

For a long time the people of German Austria were waiting in distress for this present day to come, which shall relieve the tension caused by the uncertainty as to its future fate. We were longing for the hour of decision, because it was to render peace at last to our hard tried country and to offer us an opportunity to proclaim before this

⁸⁰ For text of the territorial and political clauses of this draft, see Document 60, *infra*.

illustrious tribunal, the world's highest authority, what our country is, and what the conditions are under which we may hope to organize the possibilities for the existence of an independent commonwealth.

The Danube Monarchy, against which the Allied and Associated Powers have waged war, and with which they have concluded an armistice, has ceased to exist. The 12th of November, 1918 may be considered the day of its death. From this day on, there was no Monarch any more, nor a big Power over which he could hold his sway, there was no more the fatal Dualism, neither an Austrian nor Hungarian Government, no army and none other recognized institution vested with public power.

There only remained eight nationalities deprived of any public organization, and over night they created their own parliaments, their own governments, and their own armies, in short, their own independent States. In the same way as the other national States our new Republic too has sprung into life, consequently she can no more than the former be considered the successor of the late Monarchy. From this very point arises the fundamental contradiction under which we are laboring the most, and which is waiting to be cleared before this high Assembly.

On the one hand no one could, from the standpoint of international law, contradict the judicious statement recently proclaimed by the chairman of this conference, according to which it would be contrary to all principles of international law, to reason, that a modification of the political form of government or a change of its leading persons would suffice to release a nation from assumed obligations. This entails the conclusion that all the territories of the ancient Monarchy and their peoples could be made responsible for the consequences of the war, which was forced upon them all by their former governments. Thus is weighing upon us, like upon all the other nationalities established on the territory of the former Austro-Hungarian Monarchy, a portion of the dreadful inheritance left us by the fallen Empire, the inheritance of war, the inheritance of exhaustion, the inheritance of the most cumbersome economic obligations. But our new Republic has freed herself from all those imperialistic aspirations which have become so fatal to the existence of the ancient Monarchy, she has ridded herself once forever of all these reactionary traditions which had turned the former Monarchy into a prison of its people—she is alas the unfortunate victim of that horrible crime of 1914, a crime committed by the former Governments however, and not by the people.

On the other hand all the succeeding States have, in the light of international law, come into existence after cessation of hostilities only. The German-Austrian Republic, in its present shape, has never declared war, never carried on war, and in relation with the western Powers

never had the position of a warring Power from an international point of view. And there could be no doubt as to the fact that our Republic never was at war with the new national States. On the contrary, in Vienna various commissions appointed by the succeeding States have met to settle the estate left by the late Empire, and to divide in mutual agreement among themselves all the rights and assets of this estate. Between them and us it is not the question of making peace but of liquidating the former partnership and of settling the future relations under the intervention and guarantee of the Powers, for which we pray. Nevertheless, these succeeding States, meeting face to face in Paris, are playing quite a different role in regard to their obligations assumed in the past. We expect to eliminate this contradiction at the Peace Conference. I reserve to myself the opportunity of drawing my conclusions from these contradictions later on.

We are before you as one of the parts of the vanquished and fallen Empire. Ready to assume our portion of the liabilities grown out of these our relations to the Allied Powers, we are well aware of the fact that our fate is resting in your hands.

We hope and believe that the conscience of the world shall not deny to our people, nor curtail the inalienable right of self-determination, which the Associated Powers have always proclaimed to be the very aim of their war waged against the Habsbourg and the Hohenzollern Monarchy, a right which has been realized by our neighbours with our ready consent, and a right which our people confiding in the principles recognized by the Allied Powers have adopted as the fundamental basis of their new constitution.

We trust that the world's common sense does not have in view nor will permit our economic ruin. The destruction of the economic unit of the Monarchy, the separation of our mountainous country from all its natural sources has condemned us these last six months to privations, which are by far exceeding the sufferings endured in war-time. It was only due to the generous relief action organized by Mr. Hoover, on resolutions passed by the Allied Powers, that we have been saved from down right starvation.

But in all these times of distress our people has, in a manner calling for admiration, shown discipline, patient endurance and good judgment. Our new republic did not stain with blood her revolution, and having faith in the decisions of this Conference, she even has abstained from any military action against the neighbors; although the latter have occupied two-fifths of her territory, she has proved to be a mainstay of peaceful and organized social development in Central Europe. This attitude our new Republic shall continue to maintain, provided that a just and democratic peace shall render to our country the possibility of an economic existence.

We know that we have to receive peace out of your hands, out of the hands of victors. We are firmly resolved to conscientiously weigh each and any proposition laid before us, each and any advice offered by you to us.

We shall above all make it a point to thoroughly inform you of the conditions prevailing in our country and to enlighten you as to the primary exigencies of our existence. If you heretofore had the opportunity to hear with few exceptions the voice of our neighbors only, we pray you, Gentlemen, to listen now to us with like attention, for you, the arbitrators of a big world, will have to decide the fate of our small world too, and it is only just and right that arbiters shall hear both parts.

We pray for a decision which would ensure for all future our national, political and economic existence. You may rest assured that it is our foremost wish to co-operate, according to our strength, within uncontested boundaries and to secure possession of our national freedom and civilization in the noble task assumed by the League of Nations,—and thus serve the cause of Peace.

(The above was thereupon interpreted into Italian.)

M. Clemenceau made the announcement that if there were no further observations to be made, the session was closed.

Session adjourned at 1:15 P.M.

21. NOTIFICATION OF THE FIRST TRIP OF CHANCELLOR RENNER TO FELDKIRCH⁸¹

(Translation)

GERMAN-AUSTRIAN DELEGATION No. 187
ST. GERMAIN-EN-LAYE, June 3, 1919

SIR:

Compelled by urgent business to return to Austria for about four days, I beg you to be good enough to inform the Peace Conference that, during my absence, I shall be represented by the retired Minister of Justice Dr. Franz Klein.

Please accept, etc.

(Signed) RENNER

*To M. Dutasta
Secretary General of the Peace Conference
Paris*

⁸¹ *Bericht*, I, 72; see also *Notes*, p. 18.

22. COPY OF A COMMUNICATION FROM THE AUSTRIAN DELEGATION, UNDER DATE OF JUNE 12, WITH REGARD TO NOTES TO BE TRANSMITTED IN FUTURE TO THE PRESIDENT OF THE PEACE CONFERENCE⁸²

(Translation)

DELEGATION OF GERMAN AUSTRIA

ST. GERMAIN-EN-LAYE
June 12, 1919

FROM: *Renner*

TO: *M. Clemenceau, President of the Peace Conference, Paris*

The bloody events of which Carinthia has been the scene has imposed on me the duty of appealing to your courtesy in my letter of May 30, requesting you to grant me an interview to explain the sinister state of things in Central Europe, which calls imperatively for intervention on the part of the Great Powers.

In your letter dated May 31, Your Excellency was pleased to inform me that according to the rules adopted by the Conference for the conduct of negotiations the exchange of views must take place exclusively in writing. You added that if the Austrian Delegation desired to present observations, it had entire liberty to do so by notes addressed to the President of the Conference, and that these notes would be regarded as strictly confidential, and would be communicated only to members of the Supreme Council.

While thanking Your Excellency for taking the necessary precautions to preserve the secrecy of the confidential notes of the German Austrian Delegation, I wish to inform you that, in order to avoid all possible misunderstanding, I will take the liberty to mark "confidential" the notes which I wish you to bring solely to the knowledge of the Supreme Council.⁸³

On the other hand, I should consider it quite proper, and I should be obliged to Your Excellency if you would communicate to the Press the contents of notes of the Delegation dealing with the peace negotiations, and not marked confidential.

With this plan in view, the Department of Foreign Affairs at Vienna has published the text of the note that I had the honor of addressing to you on June 10th.⁸⁴ I take the liberty of informing you of this, requesting you to do the same, if you think best.

(Signed) RENNER

⁸² *S-H Bulletin*, No. 359; for French and German texts, see *Bericht*, I, 81, and *Notes*, p. 27.

⁸³ Cf. Document 44, *infra*.

⁸⁴ Reproduced as Document 63, *infra*.

23. COUNCIL OF FIVE'S DISCUSSION OF THE REPLY TO AUSTRIAN NOTES⁸⁵

5. Mr. Lansing said that a number of Notes had been received from the Austrian Delegation. None of them had yet been replied to. He would suggest that Commissions be appointed to deal with each section of the Treaty affected by any of the Austrian Notes. He had prepared a draft resolution on this subject (See Annex B).

M. Clemenceau said that what Mr. Lansing desired was being done.

Mr. Lansing said that he did not allude to Committees employed on completing the unfinished portions of the Austrian Treaty. What he proposed was Committees to deal with the Austrian counter proposals to the portions of the Treaty which had been presented.

Mr. Balfour said he understood that the same Committees which had prepared the answers to the German Notes were preparing answers to the Austrian Notes.

M. Dutasta explained that there was a Section dealing with the Geographical questions, another dealing with the points relating to the League of Nations, another with the points raised concerning private property, in accordance with a decision taken by the Council of Four.

Mr. Lansing observed that the American Delegation knew nothing of this. The American Experts on Austrian affairs were not the same as the Experts on German affairs.

M. Dutasta said that the Secretariat-General had informed the Secretaries of the various Delegations asking each to nominate suitable delegates. Nominations had already been made for the Committee on Geographical questions, and the Committee was to meet on the following day.

(It was agreed that M. Dutasta should make a full report on the situation on the following day.)

Appendix B. to I.C. 200

DRAFT RESOLUTION⁸⁶

IT IS AGREED

That Commissions of five members, one to be appointed by each of the Principal Allied and Associated Powers, shall be set up to consider and prepare suitable replies to the various notes presented by the Austrian Delegation in regard to the clauses of the Conditions of Peace with Austria;

⁸⁵ F.M. 28(5) and Appendixes B and D, July 1, 1919.

⁸⁶ This resolution was not adopted, since on June 17 it had already been agreed that the Austrian notes should be referred to the same committees which had been set up to deal with notes from the German Delegation. Gray, *op. cit.*, p. 3.

That the numbers of these Commissions shall correspond to the number of sections of the Conditions of Peace with Austria;

That the member appointed by the French Delegation on each of these Commissions shall be empowered to convene his commission at such time as he may deem advisable or as he may be directed; and

That the Secretary-General of the Peace Conference shall be instructed to refer to the appropriate commission immediately each note submitted by the Austrian Delegation.

Appendix D. to I.C. 200

DRAFT RESOLUTION

IT IS AGREED

That the Secretary-General of the Peace Conference shall notify the Austrian Delegation that it will be allowed a period of not more than ten days, counting from the date upon which it will receive the last section of the Conditions of Peace, in which to make such counter-proposals or observations as it may see fit.

24. RESOLUTIONS OF COUNCIL OF FIVE REGARDING THE PERIOD OF TIME TO BE ALLOWED THE AUSTRIAN DELEGATION FOR REPLY AND MODIFICATIONS IN THE AUSTRIAN TREATY⁸⁷

Austrian Treaty. Resolution proposed by the United States Delegation.

5. The following resolution was proposed by Mr. Lansing and adopted:

"That the Secretary-General of the Peace Conference shall notify the Austrian Delegation that it will be allowed a period of not more than ten days, counting from the date upon which it will receive the last sections of the Conditions of Peace, in which to make such counter-proposals or observations as it may see fit."

Austrian Treaty. Resolution proposed by the United States Delegation.

6. Mr. Lansing proposed the following resolution:

"That the modifications which were made in the Conditions of Peace with Germany as a result of the German counter-proposals or for any other reasons, shall, insofar as they may be applicable, be made *ipso facto* in the Conditions of Peace with Austria."

M. Tittoni said that he had a reservation to make. Germany had been given an option of furnishing labour as a means of reparation. Italy had a superfluity of labour and did not desire that labour be offered as a form of reparation.

⁸⁷ F.M. 29(5-6), July 2, 1919.

Mr. Lansing suggested that, if this were the only reservation, the text proposed, together with M. Tittoni's reservation, be sent to the Drafting Committee for suitable modification and incorporation in the Treaty.

(This was agreed to.)

25. RESOLUTION OF THE COUNCIL OF FIVE THAT THE COMMITTEE SET UP TO ANSWER AUSTRIAN NOTES REGARDING FRONTIERS SHOULD REPORT ON THE FOLLOWING DAY⁸⁸

Austrian Treaty. Frontier between Austria and Hungary.

7. Mr. Balfour observed that he had pointed out on the previous day that the frontier between Austria and Hungary required speedy attention.

(It was agreed that the Committee newly set up to answer the Austrian notes regarding frontiers should endeavour to report on the following day.)

26. PRESENTATION OF THE JULY 20 DRAFT TO THE AUSTRIAN DELEGATION⁸⁹

(Translation)

On July 20 at noon, M. Dutasta, the Secretary-General of the Peace Conference, appeared at the Villa occupied by Chancellor Renner, accompanied by one officer from each of the English, French, and Italian Military Missions in St. Germain-en-Laye, and delivered to the Chancellor without further formalities the complete conditions of peace with a letter from the President of the Peace Conference dated July 20. In this accompanying letter these peace conditions were designated as the "Final Text of the Peace-Conditions," and a term of ten days was granted to the Delegation in which to turn in its written rejoinders. Furthermore, it was declared in this letter that several of the remarks which had been submitted by the Delegation before that time had already been taken into consideration in this "final text," and that for this reason no specific answer had been given to the individual notes of the Delegation. . . .

The peace conditions attached to this accompanying letter were, like those of June 2, in three languages, namely, French, English, and Italian, and the French text was declared to be decisive in case of disagreement. The peace terms, numbered consecutively, comprised 371

⁸⁸ F.M. 29(7), July 2, 1919.

⁸⁹ *Bericht*, II, 2.

articles, besides a number of supplements, some of which were of considerable length. The copies delivered to the Delegation were printed, but, like those of June 2, they were marked "proof." Enclosed with the Peace Treaty was also a map drawn to the scale of 1:1,000,000, which gave the new boundary lines of German Austria. It was marked "proof" ("épreuve") and designated as "Map No. 1" ("Carte No. 1," "Map No. 1," "Carta No. 1"). This map is not correct; however, according to Article 28, in case of discrepancies between the text and the map, the former is decisive.⁴⁰

27. NOTE FROM AUSTRIAN DELEGATION (NO. 800, OF JULY 21) ON THE TEMPORARY ABSENCE FROM ST. GERMAIN OF RENNER⁴¹

(Translation)

ST. GERMAIN-EN-LAYE
July 21, 1919

No. 800

FROM: *Renner, Delegation of the German Austrian Republic*
TO: *M. Dutasta, Secretary General of the Peace Conference*

Obliged by urgent affairs to proceed to Austria for about four days, I beg you to kindly bring to the attention of the Peace Conference that during my absence I will be represented by the former Minister of Justice, Dr. François Klein.

Kindly accept, etc., etc.

28. PETITION FOR EXTENSION OF THE TERM OF TEN DAYS ACCORDED TO THE GERMAN AUSTRIAN DELEGATION TO FORMULATE IN WRITING ITS OBSERVATIONS ON THE PEACE TREATY⁴²

(Translation)

GERMAN-AUSTRIAN DELEGATION No. 791
ST. GERMAIN-EN-LAYE, July 27, 1919

MR. PRESIDENT:

In your note of July 20 Your Excellency presented to me the complete text of the peace conditions in the name of the Supreme Council of the Allied and Associated Powers; ten days were conceded to the

⁴⁰ For text of the territorial and political clauses of this draft, see Document 61, *infra*. The map is not reproduced.

⁴¹ *S-H Bulletin*, No. 553; for French and German texts, see *Bericht*, II, 55, and *Notes*, p. 307.

⁴² *Bericht*, II, 61-62; see also *Notes*, p. 312.

Austro-German Delegation to formulate in writing its observations on the Treaty in its entirety.

The Delegation went immediately to its task in order to be able to submit its answer within the limit prescribed.

However, on account of the resignation of the German-Austrian Secretary of State for Foreign Affairs, which necessitated conferences with government representatives and the major political parties of German Austria, the work of the Delegation has been delayed. Only today have I been able to return to St. Germain from my trip undertaken for these purposes.

The very complex nature and the great size of the conditions of peace presented to the German-Austrian Delegation have, in addition, made it unavoidable to call in experts to elucidate certain questions.

The Peace Delegation, on its own part, also desires to expedite its work as much as possible. It is, however, of vital importance to German Austria to make known in the most conscientious and complete manner the facts and essential conditions indispensable for our livelihood. It is incumbent upon us to assist the Peace Conference to make its decisions concerning the fate of German Austria with full understanding of the very complicated circumstances which must be taken into account. I consider it, therefore, my duty to request the Supreme Council of the Allied and Associated Powers that the time accorded to the Delegation to draw up its answer be extended by at least one week.

Please accept, etc.

(Signed) RENNER

*To His Excellency, the President of the Peace Conference
M. Georges Clemenceau
Paris*

29. ANSWER OF THE ALLIED POWERS TO THE REQUEST FOR EXTENSION OF TIME⁴³

(Translation)

PEACE CONFERENCE
SECRETARIAT GENERAL
PARIS, July 30, 1919

MR. PRESIDENT :

In your communication No. 791 of July 27, 1919, addressed to the President of the Peace Conference, you requested that the time allotted to the Austrian Delegation to draw up its answer to the peace conditions, which were presented on July 20, 1919, be extended by one week at least.

⁴³ *Bericht*, II, 71.

I have the honor to inform you that the Allied and Associated Powers have decided to grant the Austrian Delegation an extension of seven days. This term will expire on Wednesday, August 6, 1919, at 1:00 P.M.

Please accept, etc.

For the Secretary General
(Signed) C. DE MONTILLE

*To His Excellency Mr. Chancellor Renner
President of the Austrian Delegation
St. Germain-en-Laye*

30. RESOLUTION OF COUNCIL OF HEADS OF DELEGATIONS
CONCERNING THE QUESTION OF ANSWERING
AUSTRIAN NOTES⁴⁴

July 29, 1919

RESOLUTION

11 A

It is decided that the various Commissions and Committees which handled the questions relating to the Peace Treaty with Austria, will be instructed to submit to the Council drafts of replies to the Austrian Notes received subsequent to the delivery of the final text: these drafts of replies will be submitted, for co-ordination, to the Central Committee which has already fulfilled these functions for the Treaty with Germany.

31. NOTE FROM THE AUSTRIAN DELEGATION, NO. 951, DATED
AUGUST 4, 1919, RELATIVE TO PRESENTATION OF AUS-
TRIAN REPLY TO THE PROPOSED CONDITIONS OF
PEACE⁴⁵

(Translation)

ST. GERMAIN-EN-LAYE
August 4, 1919

No. 951

FROM: *Renner*

TO: *President Clemenceau*

I have the honor to inform your Excellency that the observations of the German-Austrian Peace Delegation, referring to the Peace Condi-

⁴⁴ H.D. Resolution 11 A. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

⁴⁵ *S-H Bulletin*, No. 665; for the French text, see *Notes*, p. 320.

tions, as they were transmitted to me in the Note of July 20th last, will be presented to the Peace Conference on Wednesday, the 6th instant, the limit fixed in the Note of July 30th for the delivery of this reply.

I am unable, however, to furnish the necessary number of printed copies of certain parts of the observations before some days, as, despite all our efforts, the printing office will not succeed in finishing all the copies desired in due time.

Supposing that the Peace Conference will see no objection, I intend to leave Wednesday evening for Vienna, where I am called through urgent affairs. I shall return to St. Germain-en-Laye on Tuesday, the 12th instant. During my absence I shall be represented by Messrs. *Eichhoff* and *Schuller*.

Accept, etc.

32. RESOLUTION OF AUGUST 18, 1919, OF COUNCIL OF HEADS
OF DELEGATIONS CONCERNING THE FUNCTIONS
OF THE EDITING COMMITTEE⁴⁶

It was decided that the Editing Committee should be instructed to limit its labors to the coordination of the various replies prepared by the Commissions except when inconsistencies in these replies required the examination of any question on its merits.

33. RESOLUTION OF AUGUST 19, 1919, OF THE COUNCIL OF
HEADS OF DELEGATIONS CONCERNING THE FUNCTIONS
OF CO-ORDINATING COMMITTEE WITH REGARD
TO THE REPLIES TO AUSTRIA⁴⁷

It was agreed that the Coordinating Committee shall

(a) Coordinate the various replies to the Austrians, making only verbal changes; and

(b) Submit to the Supreme Council Annexes pointing out the questions where one or more members of the Committee think changes in substance should be made.

⁴⁶ H.D. Resolution 32.

⁴⁷ H.D. Resolution 33-A. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

34. REPORT OF THE HANDING OF THE REPLY OF THE ALLIED AND ASSOCIATED POWERS TO THE AUSTRIAN DELEGATION ON SEPTEMBER 2, 1919⁴⁸

(Translation)

On September 2, 1919, Monsieur Dutasta, Ambassador of France, Secretary-General of The Peace Conference, went to St. Germain-en-Laye, accompanied by his chief of cabinet, Monsieur Arnavon, first Secretary of Embassy.

He received, in the Pavillion Henri IV, at 18.25 o'clock, in the room called the "birth-room of Louis XIV," Chancellor Renner, accompanied by Herr Gurtler, political councillor of the Austrian Ministry of Foreign Affairs, and by Herr Franckessein, Councillor of the Embassy. There were also present: M. Arnavon, the Commandant Bourgeois, chief of the liaison group with the Austrian Delegation, Captain Stopani, of the Italian Army, and Captain Cook, of the British Army.

Monsieur Dutasta stated to Chancellor Renner that he gave him, in the name of the Peace Conference, the following documents:

- 1) Covering letter from the President of the Conference to the President of the Austrian Delegation;⁴⁹
- 2) Reply of the Allied and Associated Powers to the remarks of the Austrian Delegation;⁵⁰
- 3) Definitive text of the Peace Conditions;⁵¹
- 4) Protocols;⁵²
- 5) Declaration;⁵³
- 6) Special declaration.⁵⁴

Chancellor Renner at once gave a receipt for these documents. He was told that 15 copies of the Treaty and 200 copies of the Reply were now at his disposal and 185 copies of the Treaty would be sent to him the next morning, September 3.

Monsieur Dutasta called attention to the fact that the covering letter stipulated a limit of five days for the sending of the reply. Chancellor Renner then stated that he could not leave for Vienna before the next day, Wednesday the 3rd, that he had called meetings of the commissions for Friday the 5th and the following days, notably the Hauptaus-

⁴⁸ *S-H Bulletin*, No. 861.

⁴⁹ Reproduced as Document 73(a), *infra*.

⁵⁰ See Document 73(b), *infra*, with accompanying references.

⁵¹ For the text of the territorial and political clauses of this draft, see Document 59, *infra*.

⁵² Not reproduced.

⁵³ Not reproduced.

⁵⁴ Not reproduced.

schuss for Saturday the 6, and the National Assembly for the 7. Hence he could not, even under the best conditions, return to St. Germain before the morning of Thursday the 11. It was probable in fact that the National Assembly would sit on Sunday and Monday.

Monsieur Dutasta replied that he was ready to transmit at once to the Supreme Council the request of Chancellor Renner concerning a prolongation of the time limit; nevertheless he requested Herr Renner to tell him whether he wished the Council to be informed at once or if he preferred to telegraph from Vienna to ask for the prolongation.

Herr Renner replied that he would telegraph Sunday evening, after the session of the Assembly, in case a solution had been reached, whether it was positive or negative. If he needed a longer extension he would ask it by telegraph.

Monsieur Dutasta takes note of this declaration and states that it is not necessary that the reply of Austria to the Entente be given personally by Herr Renner at St. Germain. It may be telegraphed from Vienna.

Herr Renner and his colleagues retired at 18.45 o'clock.

35. NOTE FROM AUSTRIAN DELEGATION REQUESTING EXTENSION OF TIME FOR FINAL REPLY⁵⁵

(Translation)

DELEGATION OF THE
GERMAN-AUSTRIAN REPUBLIC
No. 1162

September 4, 1919

FROM: *Renner*

TO: *President Clemenceau*

Referring to the decision which your Excellency was kind enough to give me in your note of the 2nd inst., and according to which a period of five days was given to German-Austria to declare if she was ready to sign the Peace Treaty the contents of which have been transmitted, I request the Supreme Council to accord an extension of this period to the 9th of September.

The responsibilities imposed on German-Austria, by virtue of the text as drafted, are such that no Government could possibly assume them without invoking a vote by the National Assembly. To this end, I am compelled to proceed to Vienna to personally expose before a representation of the people the situation in which we are placed and the serious consequences which the young Republic would incur either in resigning itself to sign, or in refusing to do so.

⁵⁵ *S-H Bulletin*, No. 837; for French and German texts, see *Bericht*, II, 624-25.

The means of circulation between Paris and Vienna are at the present time in such an uncertain state that the round trip requires nearly five days.

By adding the time necessary for the Parliamentary proceedings, the high Conference must agree to the fact that a period of eight days constitutes the minimum indispensable for pronouncing a decision on the serious problem involving the existence of an entire people. I believe, therefore, that I am justified in expecting that my request will be given favorable consideration by the Supreme Council.

I have the honor to add that during my absence I will be represented by the General Commissioner of the German-Austrian Delegation and Director of the Foreign Affairs Department, Jean Andre Eichhoff.

Accept, etc.

36. ALLIED REPLY TO THE AUSTRIAN DELEGATION'S REQUEST FOR AN EXTENSION OF TIME FOR SIGNING THE TREATY OF PEACE⁶⁸

(Translation)

PEACE-CONFERENCE
PARIS, September 5, 1919

SIR:

Chancellor Renner has expressed a desire, under date of September 3, to receive an additional time-extension of two days for submitting the answer of Austria to the Allied and Associated Powers. I have the honor of informing you that the Supreme Council has granted this request and that accordingly the term will expire on September 9 at 7:00 P.M.

Please accept, etc.

(Signed) CLEMENCEAU

*To M. J. A. Eichhoff
Commissioner General of the Austrian Delegation
St. Germain-en-Laye*

⁶⁸ Bericht, II, 626.

37. AUSTRIAN NOTE NO. 1176, SEPTEMBER 6, REPORTING INSTRUCTIONS RECEIVED BY THE DELEGATION (RENNER) TO SIGN THE TREATY OF PEACE (WITH ANNEXURES)⁸⁷

(Translation)

DELEGATION OF THE
GERMAN-AUSTRIAN REPUBLIC
No. 1176

SAINT GERMAIN-EN-LAYE
September 6, 1919

FROM: *Eichhoff*
TO: *President Clemenceau*

With reference to the note of the 2nd inst in which Your Excellency was kind enough to forward to the German-Austrian Delegation the final text of the Peace Treaty with Austria, I have the honor to inform you that the National Assembly of German-Austria, by a vote taken the 6th instant, has appointed the State Chancellor, Mr. Renner, to sign the Peace Treaty.

I am taking the liberty to annex to this communication the text of the declaration voted concerning this subject by the National Assembly as well as a resolution pronounced by the representatives of German Bohemia, Carinthia, Lower Austria, Upper Austria, Styria, the Country of the Sudetes, of the Tyrol, and of the Government of the arrondissement of German Southern Moravia, resolution in which the said representatives protest against the subjection of three million and a half German-Austrians to foreign domination.

Considering that, by virtue of the declaration above mentioned, the German-Austrian Delegation is ready to sign the Treaty, such as it was remitted in the note of September 2nd, I have the honor to request your Excellency to kindly inform me of the provisions made for the signing of the Peace, in order that the State Chancellor, furnished with full powers for this purpose, be in position to proceed to St. Germain-en-Laye at the proper time.

Accept, etc.

Ad. No. 1776 ex 1919

ANNEX 1

DECLARATION OF THE NATIONAL ASSEMBLY

(Saturday, September 6, 1919)

The National Assembly of the Republic of German Austria receives the report of the State Chancellor on the manner in which the negotia-

⁸⁷ *S-H Bulletin*, No. 856; for French and German texts, see *Bericht*, II, 627-31.

tions at St. Germain took place, as well as the results of these negotiations.

The National Assembly solemnly protests before the entire world against the provisions of the Peace Treaty which,—under the pretext of protecting the independence of German Austria—deprives the German Austrian nation of its right of self-determination, and refuses it the right to realize its ardent desire for union with the mother-country Germany, a desire constituting a vital, economic, intellectual and political necessity. The National Assembly expresses the hope that, as soon as peace shall have dissipated the spirit of animosity and national rancor provoked by the war, the Powers will not continue, thanks to the intervention of the League of Nations, to refuse to the German people its right to unity and its national liberty, a right accorded to all other nations.

It is with the utmost profound bitterness that the National Assembly protests against the decree of the Allied and Associated Powers, a decree unfortunately irrevocable, by virtue of which three million and a half Germans of the Country of the Sudetes are violently separated from the Germans of the Alps, with whom they have formed for centuries a political and economic unity. By this decree they are deprived of their national liberty and subjected to the foreign domination of a nation which in this very Peace Treaty recognizes itself as their enemy.

Deprived of all power to avert this disaster and to spare Europe the troubles that will inevitably result from this offense against the most sacred rights of a nation, the National Assembly of German Austria, before the bar of history, charges with the responsibility for this decision the conscience of the Powers who put it into execution in spite of our most solemn warning.

The National Assembly has behind it the assent of all the citizens of this country and makes itself the mouthpiece of the cry coming from their hearts and laying before the entire civilized world its complaints and protests against the decree by which the Germans of the Southern Tyrol are torn from their sole and only country, the Tyrol, separating them moreover from the Germans of the country of the Alps and thereby from all their people. Recalling its proposition for the military neutralization of this country, the National Assembly rejects the alleged reason for this annexation, according to which the necessity for strategic protection is imperative; it is, moreover, the very absence of all means of defense as well as the impotence to which our mutilated country is reduced that show how unfounded is the pretext advanced.

The National Assembly expects the League of Nations to repair as soon as possible the incomprehensible injustice committed against the Germans of the Country of the Sudetes, the Germans of the Southern

Tyrol and important parts of Carinthia, Styria and Lower Austria. The most hearty wishes of the National Assembly of German Austria go out to the brothers separated from us on the north as well as on the south, with their future clouded with incessant conflict. Bound by the natural community of blood and language which persist above changes in constitutional form, we shall remain united with our brothers by that profound sympathy which is the result of the secular union of our destinies, identical hitherto.

It is with satisfaction that the National Assembly notes the fact that the Allied and Associated Powers have wished to take account of the ethnic and economic situation in German West Hungary, by recognizing the right of these territories to join the Germans of the Alpine countries. It extends a warm and hearty welcome to the compatriots of German West Hungary, and it charges the Government to take immediately all necessary measures to assure to the Germans of West Hungary the exercise of their right to self-determination, to create a regular representation by elections based on the system of universal suffrage, as well as proportional representation, to invest the people in question with all the rights of autonomous administration and make possible its participation in the public powers in all matters of common interest.

The National Assembly notes the assurance contained in the reply made by the Allied and Associated Powers in the Financial and Economic Clauses, an assurance according to which wish [*sic*] to take into account our extremely unfortunate situation and to insure our existence within the limits of the strictly necessary. While entirely disposed to emerge from the past and to progress towards a new future among nations, the National Assembly considers a great part of the economic and financial [*sic*] as impossible to execute; it fears that our nation is simply not able to support them.

Now, in spite of all this, we have no choice; the country and the people have, in short, need of the peace which will reopen the world to them from the moral and material point of view, and which alone can restore to the masses of our people the means of working at home as well as abroad; we need the peace which will at last bring back the prisoners of war to their homes; we need the peace which will bring about the international recognition of our State, making it possible to improve its national constitution in tranquillity and to reestablish its economic life.

We have no choice for the further reason that our country depends on the Great Powers for its food, its coal and its raw materials, as well as for the reestablishment of its credit and the value of its money.

The National Assembly must unfortunately take this constraint into account, although it considers the Peace of St. Germain as unjust nationally, fatal politically and inexecutable economically. From the politi-

cal and national point of view, it must throw the responsibility on the Powers; as to the economic point of view, it can only wait until it knows the plans of the Powers as to the execution of the economic and financial clauses. The National Assembly expects that the promises made by the Powers in their reply will be accomplished; it considers the League of Nations as the jurisdiction called upon to do justice to our Republic and to assure it in future; and it instructs the Chancellor to sign the Peace Treaty.

Ad. No. 1176 ex 1919

ANNEX 2

PROTEST BY THE GERMAN-AUSTRIAN COUNTRIES

VIENNA, September 5, 1919

To the General Commission

of the German-Austrian National Assembly at Vienna

Today the Government and the representation of the German-Austrian people are to decide if they can agree to sign the Peace Treaty imposed by the Powers of the Entente, a treaty by which the German Countries of the Sudetes, of the Southern Tyrol, the German territories in Carinthia, in Styria, and in Lower Austria would be delivered to foreign domination.

The representatives of the German countries of the Sudetes, of the Tyrol, of Carinthia, of Styria, and of Upper and Lower Austria confirm, in this fatal hour, that the territorial clauses of the Peace Treaty violate the elementary right of nations to self-determination and also seriously violate the principles which served as a base in concluding the armistice.

The national representations therefore renew, before the entire world, their solemn protest against this forced peace; unanimously, they refuse to recognize the distinction established by the treaty classifying the peoples in two categories: free nations and slave nations.

They declare that the three million and a half Germans, forced by such a peace treaty to submit to foreign domination, will insist to the end of time to affirm their right to self-determination, a right which forms the only possible basis for national constitutions.

In the name of the countries represented.

For German Bohemia :

(Signed) SELIGER
LODGMAN
LANGENHAN

For Carinthia :

(Signed) DR. LEMISCH
MICHAEL PAULITSCH

For Lower Austria :

(Signed) STEINER
SEVER
WINDHOLZ
MAYER

For Upper Austria :

(Signed) HAUSER

For Styria :

(Signed) RINTELEN

For the country of the Sudetes :

(Signed) FREISSLER
JOKL

For Tyrol :

(Signed) SCHRAFFL

For German South Moravia :

(Signed) OSKAR TEUFEL

38. NOTE FROM CLEMENCEAU TO THE AUSTRIAN DELEGATION
RELATIVE TO THE SIGNATURE OF THE
TREATY OF PEACE⁶⁸

(Translation)

PEACE CONFERENCE
PRESIDENT

PARIS, September 8, 1919

FROM: *President Clemenceau*

TO: *Commissioner General Eichhoff, of the Austrian Delegation*

In your letter No. 1176 of September 6, you kindly informed me that the Austrian National Assembly had instructed State Chancellor Renner to sign the Peace Treaty. You asked me at the same time to tell you the arrangements made for the signing, in order that Herr Renner should be able to arrive at St. Germain-en-Laye in time.

I have the honor to inform you that the signing of the Treaty will take place at the Chateau of St. Germain on Wednesday, September 10, at 10 o'clock in the morning.

You will find attached to the present communication the credentials of :

Messrs. POLK

Plenipotentiary of the United
States

TITTONI
FERRERIS

Plenipotentiary of Italy
Plenipotentiary of Italy

⁶⁸ *S-H Bulletin*, No. 867.

SCIALOJA	Plenipotentiary of Italy
MARCONI	Plenipotentiary of Italy
CRESPI	Plenipotentiary of Italy
SIR ALBERT EDWARD KEMP	Plenipotentiary of Canada
GEORGE FOSTER PEARCE	Plenipotentiary of Australia
SIR THOMAS MACKENZIE	Plenipotentiary of New Zealand
BARON SINHA	Plenipotentiary of India

which had not been handed to the Austrian Delegation on May 19, the appointment of these Delegates having been made since that time. I should be obliged if you would return these credentials to me as soon as possible after you have verified them.

UNVENCNEAV (Signed)

39. NOTE NO. 1187 FROM THE AUSTRIAN DELEGATION,
SEPTEMBER 9, RELATIVE TO THE SIGNATURE OF
PEACE AT ST. GERMAIN⁵⁹

(Translation)

DELEGATION OF THE REPUBLIC
OF GERMAN AUSTRIA
No. 1187

ST. GERMAIN-EN-LAYE,
September 9, 1919

FROM: *President Renner*
TO: *President Clemenceau*

In your note of the 8th instant, Your Excellency kindly informed the German Austrian Delegation that the signing of the Peace Treaty with Austria will take place at the Chateau de St. Germain on the morning of Wednesday, September 10, at ten o'clock.

Thanking Your Excellency for this kind communication, I have the honor to add that I shall not fail to be present at this ceremony. I shall be accompanied by the Commissioner General and Director of the Department of Foreign Affairs, Johann Andreas Eichhoff, as well as by the Consul Walther Mayrhauser.

I take the liberty, moreover, of returning to Your Excellency the credentials of the Plenipotentiaries of the United States, of Italy, of Canada, of Australia, of New Zealand and of India, recognizing, after the verification of these documents, that they are in good and due form.

(Signed) RENNER

⁵⁹ *S-H Bulletin*, No. 889.

40. SPEECH DELIVERED AT THE PLENARY SESSION OF THE
PEACE CONFERENCE ON SEPTEMBER 10, 1919, BY
THE PRESIDENT OF THE CONFERENCE⁶⁰

(Translation)

The session is open. The negotiations are finished which had as their objective the establishment of an agreement between the Allied and Associated Powers and Austria on the conclusion of a peace. I have signed a document which certifies that the text which is to be signed is identical with the one which has been delivered to the Austrian Delegation.

In the name of the Allied and Associated Powers, I herewith invite Chancellor Renner to have the kindness to sign the Treaty.

41. NOTES FROM THE AUSTRIAN DELEGATION EXTENDING
THANKS FOR COURTESIES RECEIVED DURING THE NE-
GOTIATIONS AND PROPOSING BARON EICHHOFF AS
THEIR REPRESENTATIVE AFTER THE SIGNING OF THE
TREATY

(a) NOTE NO. 1174, OF SEPTEMBER 10⁶¹

(Translation)

DELEGATION OF THE GERMAN-
AUSTRIAN REPUBLIC
No. 1174

SAINT-GERMAIN-EN-LAYE
September 10, 1919

FROM: *Renner*

TO: *President Clemenceau*

By the signing of the Peace Treaty with Austria, the functions of the "German-Austrian Delegation for Peace Negotiations," assembled on May 2nd at St. Germain-en-Laye by the Supreme Council, have ended. In notifying Your Excellency of the dissolution of the Delegation and the departure of its Members, I have the honor to express my sincere gratitude to the Heads and Members of the Military Missions appointed to watch over the Delegation, for the kind solicitude with which they accomplished this task, as well as to the population of St. Germain-en-Laye for the correct attitude observed toward strangers considered up to the present time as enemies. I am pleased to affirm

⁶⁰ *Bericht*, II, 637.

⁶¹ *S-H Bulletin*, No. 879.

with satisfaction and gratitude that no adversity or friction occurred the entire sojourn of four months of such a painful souvenir for our country.

The German-Austrian Government believes, however, that it would not be without importance to undertake and maintain from the present time,—that is, from now until the resumption of official relations after the entry into force of the Treaty—certain relations with the Powers represented at Paris. To this end, a special Plenipotentiary could be placed at the disposition of the Supreme Council. This capacity would be confided to the former General Commissioner of the Peace Delegation and director of the Department of Foreign Affairs, Mr. Jean-Andre *Eichhoff*. The necessary personnel would be furnished him. He would be authorized to negotiate either directly, or by the intermediary of the Military Missions, all affairs and questions introduced by the Supreme Council, or, with its consent, by a Power, as well as to give any information required and in particular to treat with the Reparations Commission or any other Commission or organ of the High Peace Conference.

I beg Your Excellency to kindly inform me if the delegation of Mr. *Eichhoff* for the above mentioned functions would conform with the intentions of the High Conference in general, and with the Government of the French Republic in particular, in such a way that the said Plenipotentiary could count upon a benevolent reception in the accomplishment of this task, his diplomatic mission having ended.

In awaiting your reply, respective communications may be made by the intermediary of the Consul, Gauthier *Mayrhauser*, who, for the time being, will remain at St. Germain-en-Laye.

Accept, etc.

(Signed) RENNER

41. (b) NOTE NO. 11-10529-6, OF SEPTEMBER 30⁶²

(Translation)

DEPARTMENT OF FOREIGN AFFAIRS
OF THE AUSTRIAN REPUBLIC
No. 11-10529-6

VIENNA, September 30, 1919

FROM: *M. Renner*

TO: *M. Clemenceau, President of the Peace Conference and Prime Minister of the French Republic*

Referring to my note of September 9 [10], I have the honor to inform Your Excellency that Baron *Eichhoff*, directed to place himself at the disposal of the Supreme Council and of the Government of

⁶² *S-H Bulletin*, No. 879, Part II.

the French Republic as plenipotentiary of the Austrian Government, is leaving Vienna to go to Paris. I beg Your Excellency to kindly accept the mission of Mr. Eichhoff who shall represent Austria in all her relations with the Peace Conference and with France, and to kindly give the necessary orders so that the authorities, officers and officials with whom Mr. Eichhoff will have to deal, be designated.

Since the Austrian Government has the intention,—as soon as official relations are re-established,—to ask that M. Eichhoff be accepted as her Envoy Extraordinary and Minister Plenipotentiary to the French Republic, negotiations with him might, even now, not only prepare the re-establishment of regular relations between the two Governments, but could also include all measures necessitated by the common interests of France and the Austrian Republic.

Please accept, etc.

42. NOTE FROM THE AUSTRIAN DELEGATION, DATED OCTOBER 18, 1919, RELATIVE TO THE RATIFICATION BY AUSTRIA OF THE TREATY OF ST. GERMAIN⁶⁸

(Translation)

THE PLENIPOTENTIARY OF THE
AUSTRIAN REPUBLIC
No. 1426

ST. GERMAIN
October 18, 1919

FROM: *Eichhoff*
TO: *M. Clemenceau*

I have the honor to inform Your Excellency, as well as the Supreme Council of the Peace Conference, that the National Assembly of the Austrian Republic, by vote taken October 17, decided upon the ratification of the Peace Treaty with Austria, signed September 10, last, at Saint-Germain-en-Laye. As soon as the instruments of ratification shall have been formally executed by the President of the National Assembly, by virtue of Article 8 of the Constitutional law of March 14, 1919, I shall hasten to submit same to Your Excellency.

I now venture to express the hope that the Great Powers will be kind enough, on their part, in taking note of the ratification voted by Austria, to deliver the Austrian people, so severely tried, from the anguish of the temporary unrest and accord to them the peace of mind so necessary to the resumption of an existence of peaceful and fruitful labor, by a prompt approval.

Accept, etc.

⁶⁸ *S-H Bulletin*, No. 1119.

43. NOTE FROM THE AUSTRIAN DELEGATION, DATED NOVEMBER 3, REGARDING THE RATIFICATION BY AUSTRIA OF THE TREATY OF PEACE⁶⁴

(Translation)

THE PLENIPOTENTIARY
OF THE AUSTRIAN REPUBLIC
No. 1536

PARIS, November 3, 1919

FROM: *M. Eichhoff*
TO: *M. Clemenceau*

Pursuant to my note no. 1426 of October 18, I have the honor to advise Your Excellency that the President of the National Assembly, on October 25, 1919, ratified the Peace Treaty with Austria, signed on September 10 at Saint-Germain-en-Laye.

I submit herewith to Your Excellency the Instrument of ratification, duly signed and sealed, in order that it may be deposited, in conformity with the provisions of Article 381 of the Treaty, to be the subject of the first proces-verbal, establishing the coming into force of the Treaty, as soon as the deposit will also have been effected by three principal Allied and Associated Powers.⁶⁵

Please accept, etc.

44. NOTE OF THE BRITISH DELEGATION RELATIVE TO THE PUBLICATION OF CORRESPONDENCE WITH THE AUSTRIAN DELEGATION⁶⁶

I. BRITISH DELEGATION

November 3, 1919

MY DEAR AMBASSADOR:

I have the honor to transmit herewith to Your Excellency a draft of resolution concerning the publication of the correspondence exchanged with the Austrian Delegation. I should be glad to see it on the calendar of the Supreme Council as soon as possible.

The question has been raised in the British Parliament as to whether this correspondence should be published and my Government is awaiting a decision of the Supreme Council before deciding in that matter.

⁶⁴ *S-H Bulletin*, No. 1253.

⁶⁵ The procès-verbal was drawn up, in accordance with this provision, on July 16, 1920. *British and Foreign State Papers*, 1920, CXIII, 464.

⁶⁶ *S-H Bulletin*, No. 1225.

By the way, I think I must remind you that, concerning the correspondence exchanged with the German Delegation, the Council of Four decided to communicate to the press all the German notes and Allied answers, without any change, gradually as they were received or sent. This procedure has been observed in certain cases but not for all the Austrian notes and those which were sent to them.

However, there seems to be no objection to the publication of the Austrian Correspondence; only, exception should be made for certain notes marked "Confidential" by the Austrian Delegation (Nos. 360,⁶⁷ 863,⁶⁸ 906⁶⁹ and 1070).⁷⁰

When writing these notes the Austrian Delegation relied on the assurance given by the note of M. Clemenceau to Doctor Renner ("these notes would be of an absolutely confidential character and would only be communicated to the members of the Supreme Council").⁷¹

With a view to rendering the Austrian notes intelligible, it will be necessary, as it was for the German notes, to publish certain parts of the original "peace conditions," which were ulteriorly modified and replaced by the final text of the Treaty of St. Germain.

Your Excellency will remember that M. Clemenceau has now removed the objections first raised by him against this method concerning the German correspondence. I informed Mr. Polk, Mr. Tittoni and Mr. Matsui of it, and I told them that my government proposed to publish the extracts in question.

(Signed) EYRE A. CROWE

BRITISH DELEGATION

PARIS, November 1919

RESOLUTION SUBMITTED BY THE BRITISH DELEGATION TO THE SUPREME COUNCIL

It is decided that, in case the Allied and Associated Governments should desire to submit to their legislative assemblies, or to publish the correspondence exchanged with the Austrian Delegation and of which the Treaty of Saint-Germain is the result, they could follow the procedure which was already adopted in the case of the correspondence exchanged with the German Delegation.

⁶⁷ Reproduced as Document 51, *infra*.

⁶⁸ Not reproduced. This note of July 27, 1919, reports the resignation of Otto Bauer, Secretary of State for Foreign Affairs, Austria.

⁶⁹ Not reproduced. This note of August 1, 1919, reports sabotage by the Hungarians in the territory ceded by Hungary to Austria.

⁷⁰ Not reproduced. This note of August 19, 1919, deals with the situation in the Ostrau Basin.

⁷¹ Cf. Document 22, *supra*.

CHAPTER II

AUSTRIAN RELIEF DURING THE TREATY NEGOTIATIONS

INTRODUCTORY NOTE

THE DOCUMENTS in this chapter cover the major negotiations between the Allied and Associated Powers and the Austrian Government concerning the relief of Austria during the armistice period, together with a general survey of the Allied organizations which carried on the work. The documents dealing with the technical aspects of Austrian relief have not been included.

45. RESOLUTION CONCERNING ALLIED RELIEF FOR AUSTRIA PROPOSED BY COL. HOUSE AND ADOPTED BY THE SUPREME WAR COUNCIL IN NOVEMBER 1918¹

"If the peoples of Bulgaria, Austria-Hungary, and Turkey appeal to the Allies and Associated Powers for the supply of provisions, the Allies and Associated Powers will do all they can to assist in a spirit of humanity."

46. URGENT NEED FOR RELIEF IN AUSTRIA; LETTER FROM HUGH R. WILSON TO JOSEPH C. GREW²

BERNE, November 18, 1918

Joseph C. Grew, Esquire³
American Embassy
Paris

DEAR JOE:

The more I talk with these fellows from Austria the more I realize the urgent need of doing something, even before Mr. Hoover gets over,

¹ House, *Intimate Papers*, IV, 229. Reprinted with the permission of Professor Charles Seymour, editor and compiler, and Houghton Mifflin Company, publishers. Also *Official U.S. Bulletin*, No. 456, p. 1, November 6, 1918.

² Typewritten letter in the Alonzo Taylor Collection in the Hoover War Library.

³ Secretary to Col. House, October–November, 1918; on November 30, 1918, appointed Secretary-General of the American Commission to Negotiate Peace.

if we are to maintain the place quiet enough for him to establish any organization and accomplish any distribution. If we could only send in a trainload of provisions or an expedition, a sort of preliminary one to make arrangements for Mr. Hoover. In this way the newspapers could talk about it and make the people realize that steps were already being taken to get food to them. The thing is really damned urgent.

Sincerely,

(Signed) HUGH R. WILSON⁴

47. THE FOOD SITUATION IN GERMAN AUSTRIA AFTER THE COLLAPSE; THE BEGINNINGS OF NEGOTIATIONS WITH THE ALLIED POWERS⁵

(Translation)

The food situation, already difficult before the great political upheavals toward the end of October 1918, had become with the Revolution and the economic separation from Hungary and the other succession states considerably more unfavorable. Austria found herself separated, as if by the fall of an ax, from her former sources of supply. Vienna, a city of millions of inhabitants, which, during the War, had found it impossible to secure very large reserve supplies, was now almost completely without resources. The rural districts themselves were in distress. Lower and Upper Austria, the only two provinces which produce grain in measurable quantities, were, of course, not in a position to assure permanently Vienna's supply, in spite of premiums paid for grain deliveries and other advantages granted to the farmers. In addition to this it must be mentioned that the administration functioned rather inefficiently, especially during the first weeks after the beginning of the Revolution, when the provisioning of the retreating army also caused grave concern. Moreover, the contact between the Government in Vienna and the provinces was frequently disturbed. The Hungarian and Czecho-Slovak boundary lines were closed. At first flour shipments from Germany helped over our most pressing needs; these shipments had been promised to our delegates who had been sent to Berlin toward the end of October [1918]. In spite of largely curtailed bread and flour rations and the most strenuous efforts, by means of a forced requisition, to secure a sufficiency of these commodities in our own country, the supply of flour and bread in Vienna, and in almost all of the German-

⁴ First Secretary, American Ministry, Switzerland.

⁵ *Mitteilungen des Staatsamtes für Volksernährung über die Verhandlungen mit den Alliierten Hauptmächten über die Lebensmittelversorgung der Republik Österreich in der Zeit vom Dezember 1918 bis Anfang Oktober 1919* (Wien, Österreichische Staatsdruckerei, 1920), pp. 7-8.

Austrian countries, was assured for a very limited period of time only, and it remained absolutely uncertain how the population of German Austria was to be supplied with flour beginning with the new year. A regular or permanent supply of potatoes was not to be expected at all, as the Bohemian, Moravian, and Galician potatoes could no longer be transported on account of frost even if the Czech and Polish Governments had opened their closed borders. Vienna was without potatoes; the meat supply was at a starvation level, and even that was hard to maintain; the fat, egg, and milk supply was altogether insufficient.

In the session of the National Assembly on December 4, 1918, the Secretary of State for Food [*der Staatssekretär für Volksernährung*] reported the desperate food situation and called attention to the fact that salvation from this condition could be effected only with the help of the Allied Powers.

Immediately after the Revolution steps had been taken to obtain help from them. According to Article 5 of the Conditions of the Armistice (Naval conditions), a commission to be appointed by the United States and the Allied Governments could grant exceptions from the blockade which was still in existence against our foreign trade. On November 5, 1918, immediately after conclusion of an armistice and relying upon this article, the governments of the Entente were requested by the then Ministry of Foreign Affairs, through neutral states, to set up this commission in a place where we could get in touch with it in order to obtain a permit for a number of our idle ships to bring wheat, fat, and meat to us from overseas.

The new German-Austrian Foreign Office addressed itself immediately after its organization, on November 9, 1918, to Washington, through the good offices of Switzerland, with the request to send us food as soon as possible and to notify us if and from what source we could expect help.

The American Government thereupon gave notification through its embassies in Stockholm and Berne on November 11, 1918, that President Wilson would consider our call for help and intended to send Food Administrator Hoover to Europe.⁶ On November 24, 1918, our Embassy in Berne was notified by the Swiss Political Department that the President of the United States and the representatives of the Allied Governments had resolved unanimously to do everything possible to provide the Central Powers with food and to take steps to organize this relief action in the same systematic way as had been done previously for Belgium.⁷

⁶ Mr. Hoover sailed for Europe on November 18, 1918.

⁷ The Commission for Relief in Belgium, organized under the chairmanship of Herbert Hoover in September 1914, carried on relief operations in that country until April 1919.

48. INTER-ALLIED COMMISSION ON RELIEF OF
GERMAN AUSTRIA(a) MEMBERS OF INTER-ALLIED COMMISSION ON RELIEF
OF GERMAN AUSTRIA⁸

UNITED STATES OF AMERICA

Dr. Alonzo Taylor	Colonel Causey
Captain Gregory	Major Peasley
Mr. Hugh Gibson	Mr. Loree (did not proceed beyond Berne)

FRANCE

M. Genestal	M. Haguénin
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ITALY

Signor Professor Giuffrida	Signor Labriola (remained at Berne)
Signor Oblieght	

UNITED KINGDOM

Sir William Beveridge

In addition, Mr. Picart and other members of the American Legation staff at Berne, and Mr. R. L. Craigie, of the British Legation, assisted in the work there.

The Commission, most of whose members left Paris on Sunday night, the 22nd December 1918, met for the first time at Berne on Tuesday, the 24th, and on the same day began discussions with representatives of German Austria and Vienna, who had been at Berne for some time. Daily conferences were held till the following Monday. On Tuesday, the 31st December, the Commission left Berne for Vienna, arriving there on Thursday afternoon, the 2nd January. On Sunday night, the 5th January, they travelled to Prag, spent nearly two full days there, and travelled back to Vienna on Tuesday night, the 7th January, arriving on the 8th January. The arrangements for temporary relief of German Austria were practically completed on the same day, and at night the Commission left for Buda-Pesth, spent there nearly two whole days (as at Prag), and returning on Friday night, reached Vienna on Saturday. Four members of the Commission (Dr. Taylor, the two French delegates, and myself) left Vienna on the following day (Sunday, the 12th January) for Paris, which we reached on the 15th January. The principal Italian representative, Signor Giuffrida, unfortunately fell ill

⁸ Inter-Allied Commission on Relief of German Austria, *Interim Report, by British Delegate, Paris, January 17, 1919* (Paris, 1919) (hereafter cited as *Relief of German Austria*), pp. 28-29. The author is Sir William Beveridge.

at Prag, and had to be left behind there. He was, however, nearly well again at the time of our departure from Vienna. Signor Oblieght waited at Vienna for his return.

Captain Gregory and Mr. Gibson have gone on to Trieste, Agram, and Belgrade with a view to testing the Hungarian statements as to food supplies in the occupied portions of Southern Hungary. A Sub-Committee has been left by the Commission at Vienna to carry through the detailed arrangements for securing that the promised supplies arrive and are distributed.

48. (b) STATEMENT OF THE COMMISSION REGARDING THE DESPERATE POSITION OF VIENNA AND GERMAN AUSTRIA, WITH RECOMMENDATIONS FOR RELIEF*

Vienna, with its two-and-a-quarter million inhabitants, from being the capital of an Empire has become the chief town of a State which outside it numbers less than six million inhabitants; it is an enormous head on the body of a dwarf. The territory of German Austria, moreover, even apart from questions of size, is singularly little qualified to support a large capital; it contains only relatively small industrial districts (chiefly in Styria and the neighbourhood of Vienna); even of the rural areas large portions are mountainous and relatively unproductive (Tirol, Vorarlberg, Salzburg, &c.). The part of Austria now claimed by the Czechs, while it contains only about one-third of the total population of Austria, accounts for 90 per cent. of the coal production, 80 per cent. of the iron and steel, 90 per cent. of the cotton, 95 per cent. of the sugar, and practically all the wool and ceramic trades.

The principal industry of Vienna was the manufacture of clothing and ornaments. Its importance lay in its position as a centre of government, culture, finance, commerce, and transport. For none of these services to be rendered by Vienna is there at present any demand. It is not clear to what extent the world will have a use for Vienna in the future. Even assuming that the Associated Governments are prepared directly or indirectly to grant a loan to German Austria (which appears no less necessary as a means of enabling it to start trade with its neighbours than as a means of obtaining imported food), it is quite an open question whether any adequate security for the loan is available, either under the heading of present properties or under that of prospective earnings. German Austria is a bankrupt with no assurance of ever being able to earn money again.

At any rate the most hopeful outlook for Vienna (and so for its

* *Relief of German Austria*, pp. 10-11, 20-21.

creditors) lies in restoring its importance as a transport and trading centre; this in turn probably depends upon restoring as much as possible of the previous economic unity of Austria-Hungary, despite its political dismemberment. A movement for an "Economic Confederation of the Danube," which would also be for German Austria a movement away from Germany, may thus be both financially and politically desirable from the point of view of the principal Allies; whether the feeling between the different States that must compose the confederation is such as to allow of its being realised in any reasonable period of time is another question.

Meanwhile a tendency for still further dismemberment is showing itself in the shape of movements in the Vorarlberg, the Tirol, and other parts of German Austria to set up separate Governments and to cut themselves free from the incubus of Vienna. . . .

CONCLUSION AND RECOMMENDATION

The cessation of war without the restoration of peace in Austria-Hungary, combined with its political dismemberment, has produced a state of general economic paralysis. It seems difficult to avoid the conclusion that, in order to prevent a collapse of the social order comparable to what has occurred in Russia, the Allies must practically, if not formally, treat the war with all parts of Austria as finished, and must give positive help in reconstruction there. The reason for this is not that the Hungarians or German Austrians deserve special consideration, or have a claim to avoid suffering as Northern France and Belgium suffered. The real grounds are twofold:

(i) The war is in fact so completely finished, as far as these countries are concerned, and they are so completely smashed, that war-time standards of inhumanity are no longer applicable.

(ii) The further spread of disorder in Europe is a danger to the Allied countries themselves.

A third ground was advanced by representative men, both in German Austria and in Hungary. In each case they stated that if they were left alone and on unfriendly terms with their immediate neighbours (Czecho-Slovakia, Jugo-Slavia, Roumania)—since it was impossible for them to stand alone with their reduced territories and economic impoverishment—they would be bound to fall into close relations with Germany, which would thus get a material accession of strength. If, on the other hand, German Austria and Hungary could enter on reasonable terms into a close economic relation with their neighbouring States—an "Economic Confederation of the Danube"—the whole might form a group of connected States too clearly differentiated in character ever to join Germany as a whole, yet with sufficient internal cohesion to prevent any one member of the group breaking off to join Germany

alone. A permanent equipoise would be produced in the south to German power in the north.

This argument touches the fringe of very large and much debated questions, and I only give it for what it is worth. In the mouths of most of these who used it it was certainly not a threat, but an expression of their own desires. The making, in effect if not in form, of an earlier economic peace in the whole of Austro-Hungary, and thus leaving Germany alone to the last, would be a simple continuance of the strategy which terminated the war, by a succession of armistices at different dates. . . .

49. DISCUSSION, MARCH 5, BY COUNCIL OF TEN OF THE
RE-VICTUALLING OF AUSTRIA¹⁰

7. Re-victualling of Austria.

(a) Financial proposals of Economic Council.

M. Clemenceau said that he had had this subject placed on the Agenda after a conversation with Mr. Balfour and Mr. House. They had all agreed that the matter was urgent, and that it was incumbent on the Allied Powers to show goodwill to the German Austrians, in particular with a view to preventing them from throwing themselves into the arms of the Bavarians and Germans of Germany. This preamble was made for the benefit of Baron Sonnino who had not been present at the consultation. If he also agreed that it was advisable to discuss this matter at once, the discussion might proceed. If he preferred to think it over, the discussion might be delayed, but it would undoubtedly be advantageous to get the Germans in Austria in a good temper.

Baron Sonnino said that he had no objection to immediate discussion. Italy had always done her utmost to feed Austria. . . .

M. Clementel then read the following extracts from the Minutes of the fourth Session of the Supreme Economic Council:

CREDITS TO ENEMY COUNTRIES OTHER THAN GERMANY

1. (ex 3) "That credits to enemy countries other than Germany be granted only in the event of no cash assets being available for payment: that the best available non-liquid assets be taken as collateral security against such credits: and that their repayment be a first charge on the future resources of such country ranking in front of any payment for reparation or indemnity. The above principle is established in respect of credits not exceeding \$60,000,000 in the first instance."

AGREED, with the following reservations:

1) That the U.S. Treasury is not empowered to make such loans excepting in so far as the Christian population of Turkey is concerned.

¹⁰ B.C. 44(7), March 5, 1919.

2) The Italian and French Delegates agreed to this only, in this specific case which should not be construed as a precedent in other cases.

FINANCE OF SUPPLIES FOR AUSTRIA

3. (ex 5) "In order to secure immediate action for the finance of "food supplies required in German-Austria to prevent extreme hardship "and starvation and the spread of anarchy the following arrangement "is proposed :

a) "That Great Britain, France and Italy agree to advance credits "in equal thirds up to a maximum of \$30,000,000¹¹ between now and the "next harvest, to finance such food supplies as may be consigned to "German-Austria under the direction of the Supreme Economic Council "inclusive of those already provided under provisional arrangements, it "being clearly understood that the above figure is a maximum and that "the question of actually opening credits up to this amount depends on "the progress of events and the decisions of the Economic Council from "time to time."

AGREED, the French and Italian Delegates making the same reservation as in the instance of paragraph 3 above.¹²

Paragraph 6 was amended and agreed in the following form.

3 b (ex 6)

b) "That as security for such credits the Austrian Government "should formally agree to place at the disposal of a Commission or "Commissioners representative of the three leading powers a suitable "lien on (a) the salt mines in Austria, (b) the properties of the City of "Vienna, and (c) such other assets as may be agreed upon, in Austria, "immediate steps being taken in the case of the salt mines to clear these "mines of all prior claims."

Paragraph 7 was amended and agreed in the following form:

3 c (ex 7)

c) "That an Interallied Commission be appointed of three or four "members with a view to taking the necessary steps to make arrange- "ments for due repayment of the credits out of the income of the above "properties or otherwise."

3 d (ex 8)

d) "That the repayment of such credits be a first charge on the fu- "ture resources of Austria, ranking in front of any payment for repara- "tion."

¹¹ In May this credit was increased to \$45,000,000, and in the middle of June to \$48,000,000.

¹² Reservation under "Credits to Enemy Countries Other than Germany."

AGREED, the French and Italian Delegates making the same reservation as in the instance of paragraph 3 above.

Paragraph 15 was amended and agreed as follows:

4 (ex 15)

"The associated Governments are prepared to allow imports of cereals from the Argentine into German Austria up to a maximum of 30,000 tons, provided German Austria is able to make its own financial arrangements subject to the approval of the financial Section of the Supreme Economic Council.

"The Associated Governments are prepared to transmit through the Wheat Executive to addresses in the Argentine cable messages from the Austrian Government properly and necessarily arising out of the proposed transactions. In the event of contracts being arranged by Austria the Associated Governments will as far as possible facilitate shipping arrangements, any cost being charged by the Associated Government providing the Shipping against credits available for the purpose accruing to the Austrian Government in respect of the Austrian mercantile marine under the management of the Associated Government."

Lord Robert Cecil said that the texts read by M. Clemenceau [sic] represented the financial clauses of the scheme for revictualling Austria. These clauses had been adopted on the advice of the Financial Advisers of the Council. If the clauses were accepted by the Powers the financial side of the matter was disposed of, but there were other difficulties of a material nature which the Supreme Council would have to settle. He referred especially to railway transport between the ports and the countries for which the food was intended.

M. Clemenceau said that before proceeding to deal with that aspect of the matter, it might be well to dispose of the financial clauses. He asked whether there was in any quarter any comment to make on them.

(No objection having been raised, the clauses above mentioned were adopted.)

(b) Executive Power of Supreme Economic Council.

Mr. Balfour said that he had no objection to raise but would like to make a remark concerning the resolution just taken before proceeding with the most difficult part of the problem. He thought it was unnecessary that every proposal of the Supreme Economic Council should be referred for sanction to the five Powers. The Economic Council had, he understood, executive authority within the terms of its reference.

This principle was accepted.

(c) Railroad Transportation of Food.

Mr. Balfour said that the difficult question remained of finding means to convey the corn shipped from America, from the Adriatic ports to the consumers in Germany, Austria, Bohemia and Hungary.

He did not know exactly what the obstacles were that impeded this process, but he was assured that they were producing very grievous results, and that before long these results would be even more grievous. He would suggest that Mr. Hoover¹³ be asked to furnish the Council with an explanation of these difficulties.

Mr. Hoover then read the following statement:

"The chaotic political and economic conditions in the states of the old Austrian Empire render the solution of the food problems extremely difficult. The newly constituted governments jealously guard their own supplies of food and coal and have created artificial barriers in the distribution of such native products as exist, and have made the distribution of imported foodstuffs extremely difficult by the disintegration of railway management and barriers on coal movements.

"While the states comprising Czecho-Slovakia and the old state of Austria and some portions of Jugo-Slavia near seaboard are dangerously short of food, there are apparently sufficient surplus supplies in the interior of Jugo-Slavia and in the Banat to supply a sufficiency for some months to Hungary and to Northern Serbia.

"The problem, therefore, of maintenance of human life and the preservation of order through adequate food supplies not only revolves upon a large amount of imports with the proper finance and overseas transportation thereof, but also upon the organisation of some kind of economic unity amongst these states in respect to the distribution of supplies which they have available, and of transportation, and coal.

"The total amount of imported food supplies required for these states as from the first of March until next harvest is approximately 185,000 tons per month of breadstuffs and 15,000 tons of fats per month. The total cost of such a programme will amount to approximately \$50,000,000 per month. Of this amount, the American Relief Administration has arranged directly for about \$14,000,000 to Czecho-Slovakia and Greater Serbia. A provision of approximately \$8,000,000 per month has been arranged for the State of Austria through advance of England, France and Italy against securities, these countries in turn receiving an advance for the cost of food supplies purchased in the United States from the United States Government. Further finance from England, France and

¹³ On January 11, 1919, President Wilson confirmed Mr. Hoover's appointment, by the governments of the four Powers, France, Italy, Great Britain, and the United States, as Director General of Relief in Europe, and on the same day Mr. Hoover took his seat, in that capacity and as a representative of the United States, at the first meeting of the Supreme Council of Supply and Relief. When the Supreme Economic Council replaced the Supreme Council of Supply and Relief, Mr. Hoover, while continuing as Director General of Relief in Europe, became the head of the new Council's Food Section. This section held its first meeting on February 27, 1919.

Italy is necessary for the other states. Recently the British Treasury has made an appropriation for these purposes but as yet no definite programme has been defined.

"The overseas shipping, as to the American programme, has been undertaken by the United States Shipping Board. Further provision must be made from Allied shipping.

"In an effort to secure some economic unity, a commission of the Associated Governments has been established at Trieste, through whom it is hoped that an adequate interchange of such surplus commodities as there are in the adequate states could be secured.

"During the month of February, the American Relief Administration provided approximately 70,000 tons of foodstuffs at various Adriatic ports for distribution into this area and the Allied Governments provided by advances from Italy approximately 20,000 tons; but, owing to inherent transportation difficulties and more particularly to the disturbances at Lubiana, which resulted in the Italian Government establishing a blockade against the Jugo-Slav area, it has been impossible to secure distribution of more than 30,000 tons during the month. This blockade has, I am informed, been raised yesterday.

"Further arrivals by the American Food Administration make it possible to give a distribution of approximately 90,000 tons during the month of March, if transportation difficulties can be solved. Double this amount is needed but the balance must await arrangements by the Allied Governments. Aside from the arrangement of these further supplies, action by the Supreme War Council is critically necessary in the matter of control of interior transportation.

"The solution which I propose, after elaborate investigation by American Railway Engineers, is one that I not only believe is feasible but will meet the various exigencies of the political situation. To this end the following plan is proposed: (a) all the states of the old Austrian Empire, including the areas held by the Italians on the Adriatic, should be called upon to furnish a definite contribution of railway rolling stock; (b) This rolling stock should be marked as belonging to the Relief Administration and used solely for its purposes; (c) The Director General of Relief should be made the mandatory for the disposition of this rolling stock; (d) A regular train service should be established under his direction that will carry out the necessary programmes of food to the different localities; (e) This service should have entire freedom of movement over all railways regardless of political boundaries and in complete priority to other services; (f) The railway servants of any nationality may be employed in operations over any territory regardless of nationality or political boundaries; (g) Definite portions of port facilities should be assigned to the Relief Administration at Trieste and Fiume for the consummation of these ends; (h) The rolling stock should

not be demanded by any of the Allied Governments until this service is completely equipped; (i) That the railway officials of each state and port officials in each port should be called upon to co-operate in maintenance of this service."

With reference to the 7th. paragraph of this statement, Mr. Hoover pointed out that the main line to Prague and Vienna had been cut off by the blockade. This had led to serious disturbances in Yugo-Slavia and in Austria. The Italian Government had made efforts to relieve the situation by using the Udine line, but this line could only convey about 800 tons of food a day, whereas to save the situation, 3,000 tons were required.

Mr. Hoover added in regard to his recommendation (c) that he proposed that one person should be made Director-General, because he did not think that any inter-allied body could give the requisite executive punch to a situation of this kind.

M. Clementel said that the Economic Council had reached a somewhat similar conclusion but instead of proposing to hand over the control to a single director it had instituted a sub-section of Military men with railway experience, one British, one French, one American and one Italian. This sub-section was already at work and it was somewhat difficult to supersede it by a single director, unless the execution of the director's decision be left to them.

Lord Robert Cecil said that he entirely agreed with M. Clementel's account of what the Council had proposed. The four railway experts on the sub-section were dealing with communications and were doing admirable work but the real lever in our possession to deal with the situation in Austria was food. It would, therefore, be necessary that the authority dealing with food should control this Section. He would therefore suggest that in place of paragraph (c) of Mr. Hoover's recommendations the following should be substituted:

"(c) The Director of Relief, working through the communications section of the Supreme Economic Council, should be made the mandatory for the disposition of this railway stock"

Mr. House said that the question should be settled either at once or on the following day. All reports indicated that the sending of food to German Austria would weigh heavily in the scale when the German-Austrians came to decide whether or not they would throw in their lot with Germany. This was the political aspect of the case.

M. Pichon said that he wished to support Mr. Balfour and Mr. House. It appeared to him most urgent to revictual German Austria, and not only German Austria, but Hungary. German Austria was about to take a decision regarding its adhesion to Germany. There was a possibility of influencing the decision. This was a question of general policy and of great interest to the whole of the Alliance. Similar considerations

applied to Hungary. He understood M. Sonnino's scruples, but he would ask that the question be settled on the following day.

Mr. Lansing pointed out that the Agenda for the following day contained the Naval and Military terms of the Preliminary Peace with Germany. This matter had already been once adjourned. He, therefore, suggested that the question now before the Council should be dealt with on Friday at the beginning of the Agenda for that day

50. DISCUSSION, MARCH 7, BY THE COUNCIL OF TEN REGARDING THE REVICTUALLING OF AUSTRIA¹⁴

. . . . (It was then decided that Mr. Hoover, Lord Robert Cecil, M. Clementel, M. Crespi, and General Weygand should withdraw to another room and return later with a draft proposal.

After an interval the following draft, unanimously agreed to by the above Committee, was produced and accepted:

(a) All the states of the old Austrian Empire, including the areas held by the Italians on the Adriatic, should be called upon to furnish a definite contribution of railway rolling stock;

(b) This rolling-stock should be marked as belonging to the Relief Administration and will be given priority for its purposes;

(c) The Director-General of Relief working through the communications section of the Supreme Economic Council should be made the mandatory for the disposition of this rolling-stock;

(d) A regular train service should be established under his direction that will carry out the necessary programmes of food to the different localities;

(e) This service should have entire freedom of movement over all railways regardless of political boundaries and in complete priority to other services except military; and within the Italian frontier this will be carried out in co-operation with the Italian authorities;

(f) The railway servants of any nationality may be employed in operations over any territory within the Old Austrian Empire regardless of nationality or political boundaries;

(g) The Italian authorities will assign definite portions of port facilities to the Relief Administration at Trieste and Fiume for the consummation of those ends;

(h) In general the rolling-stock should not be demanded by any of the Allied Governments until this service is completely equipped, without prejudice to the ultimate ownership thereof;

¹⁴ B.C. 46 (S.W.C. 13). (4), p. 16. The title of B.C. 46 (S.W.C. 13) is "Minutes of the 2nd Meeting of the 17th Session, Supreme War Council . . . 7th March, 1919."

(i) The railway officials of each state and port officials in each port will co-operate in maintenance of this service

51. NOTE FROM THE AUSTRIAN DELEGATION REPORTING THE PARTICULARS OF THE RECENT SOVIET OUTBREAK IN VIENNA, AND BEARING ON THE GENERAL SITUATION THERE, PRESENT AND FUTURE¹⁵

(Translation)

DELEGATION FROM THE
REPUBLIC OF GERMANIC-AUSTRIA
No. 360

Confidential

ST. GERMAIN-EN-LAYE
18 June, 1919

FROM: *His Excellency, Mr. Renner, President of the Delegation of the German-Austrian Republic*

TO: *His Excellency, Mr. George Clemenceau, President of the Peace Conference, Paris*

MR. PRESIDENT:

In your note of May 31, Your Excellency was good enough to inform me that the German Austrian Delegation would have full liberty to present to the Supreme Council observations of an absolutely confidential character. I make use of this kind permission today because I am forced to do so by the sad events which took place in Vienna last Sunday and which, if one judges from the press, have only been known in Paris this morning.

Information which I have just received and which greatly disturbs me, shows that these events have a grave and significant importance not only for our country but also for all Europe. That which took place, if considered by itself, does not seem to be very serious. The Communist party held an assembly in the open street; six thousand people took part in it; the order was given to the assembled crowd to occupy the most important public buildings and to proclaim a soviet republic. It turned out, however, nothing but an attempt for the police and the territorial militia (Volkwehr) once more continued to be loyal to the government. All entrances to public buildings were guarded by troops. The people demonstrating, not being able to break the military cordon, pushed on, under new orders from their leaders, to liberate from the prisons communistic agitators held there whom the government some time before

¹⁵ *S-H Bulletin*, No. 381; for French text, see *Notes*, pp. 82-84.

had arrested in considerable number and prosecuted by law. The police were forced to resort to arms. The number of victims was fifteen killed and eighty wounded. The armed forces succeeded in reestablishing complete order only toward night.

By means of the arrests and the domiciliary searches carried on at this time it was established that this outbreak had been provoked by agents of the Hungarian Soviet Republic, which had once more, as on many previous occasions, secretly brought in many millions of crowns and a great number of agitators. It had moreover succeeded in furnishing the revolutionaries with machine-guns as well as munitions. It is only thanks to the vigilance of the authorities that these seditious objects were able to be seized before they could be put to use.

The Hungarian government thus continues its efforts to draw Vienna over to its political principles,¹⁶ in spite of the repeated protests of the German Austrian government, in spite of the arrest of many hundreds of agents and the confiscation of many millions of Hungarian money intended for agitation propaganda. So far all these efforts have failed, not only thanks to the measures taken by the authorities, but still more thanks to the common sense of our people. At the present time, however, it is with the gravest apprehension that I consider the ulterior development of the situation. I think I may claim a special competence to justify, before the powers assembled at Paris, the most serious fears. Invested from the beginning of the revolution with the presidency of the German Austrian Government [*sic*] and it is [*sic*] not been without success that I have directed my efforts to the following ends:

It was necessary from the start to avoid, in spite of the armed invasions on the part of neighboring states, all military conflagration and to put an end to all shedding of blood, leaving it to the Allied and Associated powers to determine the frontiers of our state. I devoted myself in the second place to the task of maintaining internal peace as well as civil and social order. In the face of the most exhausting privations imposed on our people, I think we have succeeded up to the present. Our efforts in this respect have not been completely unappreciated abroad.

All the more poignant therefore is my grief in seeing arise dangers threatening more and more the final result. There is not room here to explain the general causes of the increasing despair of our people. Not only the proletariat, but also the numerous middle classes despair of the possibility of any material existence while they are cruelly suffering day by day from famine, which has recently once more grown worse, and while they realize more and more the disastrous economic responsibility incurred by the authors of the war and of the defeat. . . .

¹⁶ From March 21 to August 1, 1919, the government in Hungary was Communist.

52. LETTER FROM RENNER TO HOOVER REGARDING
CONTINUATION OF FOOD REMITTANCES¹⁷

(Translation)

[VIENNA, July 9, 1919]

MR. HERBERT HOOVER :

I am taking the liberty of forwarding [to you] enclosed a copy of my letter to the Supreme Economic Council. We are indebted to you, dear sir, for salvation from our desperate food situation, and our grateful population will never forget this [kindness]. We fully realize that the work of relief under your direction cannot be continued indefinitely and that we must help ourselves on our own initiative. We have welcomed with great pleasure your very apt suggestion that we, like all other countries concerned, send commissions to the United States as soon as possible to put our mutual exchange of merchandise on a business basis. We have made all preparations to dispatch such a commission as soon as we are permitted to do so. Now, unfortunately, this is not the case.

Since we are forced to place all our liquid assets at the disposal of the Supreme Economic Council, we are at present unable to dispose of anything independently and are unconditionally dependent upon the continuance of the food remittances, which have been organized by you so successfully, for a short while after the new harvest.

We ask you urgently to exercise your powerful influence to the end that the remittances be not interrupted before we arrive at the physical possibility of securing our further supply by our own efforts. This would be the crowning stone in a work for which millions of starving men, women, and children will be forever thankful.

Please accept, etc.

RENNER, m.p.

53. COMMUNICATION FROM MR. HOOVER REGARDING
CONTINUATION OF RELIEF FOR AUSTRIA¹⁸

FINANCE OF AUSTRIAN FOOD SUPPLIES

July 11, 1919

*The Honorable, Robert M. Lansing, Secretary of State
Hotel de Crillon, Paris*

MY DEAR MR. LANSING :

As you are aware, we have been for many months providing large food supplies for the State of German-Austria. The financial cycle that

¹⁷ *Bericht*, I, 315.¹⁸ Supreme Economic Council, *Documents* (Paris, 1919), No. 246. The Supreme Economic Council was established by the Supreme Council on February 8,

we have set up between Allied and Associated Governments for this end will have exhausted itself by the end of August, with the provision of about \$80,000,000 of supplies. Austria must receive continuous relief in food thereafter and it must also be provided with raw materials during the whole of next year. The conditions of the treaty are such that the entire financial resources of Austria are placed at the disposal of the Reparations Commission. It is therefore utterly impossible to arrange any credits or finance to Austria except by the activities of this Commission.

It is also necessary to give some assurance to Austria at the earliest moment that further food is going to be provided or that Government is likely to collapse before the Treaty can be signed. The Supreme Economic Council therefore yesterday directed me to lay before the Council of Five the suggestion that a communication should be given to the Austrian Delegates in Paris to somewhat the following effect:

"In respect to the Request laid before the Supreme Economic Council from the Austrian Delegates that provision of further food supplies should be immediately undertaken by the Allied and Associated Governments, this request has been laid before the Council of Five and the Council wishes to state that as food and raw materials for Austria during the forthcoming year are fundamental to her recuperation and her ability to make reparation, the method of provision of such food and raw material will be one of the first considerations of the Reparations Commission."

For the information of the Council of Five, I enclose herewith, first, a note from myself on the economic situation of Austria; and, second, copy of the communications¹⁰ to the Supreme Economic Council from the Austrian delegates in respect to this matter.

Faithfully yours,

(Signed) HERBERT HOOVER

1919, and held its first meeting on February 17. This new Council absorbed or replaced existing Allied bodies of like scope including the Supreme Council of Supply and Relief and the Inter-Allied Food Council. The Supreme Economic Council comprised the following sections: Blockade, Financial, Raw Materials, Maritime Transport, Food, Communications. After the signing of the Treaty of Versailles the organization and policy of the Supreme Economic Council underwent changes. The American representative withdrew after August 1, 1919, and shortly thereafter a Belgian representative was added. In the meeting of the Council of Ambassadors on December 9, 1920, the British delegate informed the Council that his government was of the opinion that the Supreme Economic Council should be dissolved, and early in 1921 the French and Italian delegates, after conferring with their governments, agreed.—C.A. 96(2) and C.A. 103(18). See also Temperley, *op. cit.*, I, 288-333.

¹⁰ Not reproduced. This memorandum is Note No. 680 of July 9. For statement concerning it, see footnote 22, *infra*.

July 11th, 1919

AUSTRIA

It is obvious to the most superficial observer that the present economic resources of the State of German-Austria are incapable of supporting the population of seven and one-half million people for at least another year. A large part of this population has for generations lived on the empire with its centralization of political life, finance, economic and educational institutions, and a population has been thereby created totally incapable of supporting itself when denuded of its hinterland. Its future lies not only in full production of such resources as exist, but also in the establishment of an economic equilibrium by migration. To restart the established industries involves credits, reorganized currency, raw material, etc. The establishment of such equilibrium cannot take place for a year at least, and the very insistent fact stands out that to prevent sheer starvation the population will need to be fed and furnished raw materials on credit continuously. The food production of this year's harvest in Austria would not, even if it could be uniformly distributed, last the population more than three months. As the peasant population will undoubtedly retain its twelve months' supply, it means that the probable food intake to the city populations from the state itself does not exceed six or eight weeks. With the completion of the present relief programme, at the first of September, foodstuffs will have been furnished to Austria, since the Armistice, aggregating a total value of nearly 80 million dollars. The programme for the next twelve months will cost probably 150 million dollars, and even this would be insufficient to maintain order unless raw materials can also be found and as much of the population as possible returned to production. Without this assistance the ultimate payment of reparation by Austria does not seem to be very probable.

It is necessary, therefore, to give some consideration at an early moment to the fate of these people, and if any reparation is to be expected their economic situation must be taken in hand at an early date with the hope that it can be ultimately built up to a point where their surplus production may yield something for indemnities. The economic rehabilitation of Austria cannot be effected without establishing equitable relationship between Austria and the surrounding states as to communications and customs union.

If this problem is to be accomplished, there must be some central authority whose position is such that it can enforce its economic will not only in Austria but in the surrounding states and who can secure for Austria the necessary credits for raw material, food, etc. Under the terms of the treaty, this authority not only exists in the Reparation Commission but it would be impossible for any form of organization to

operate outside of the Commission. It is therefore of acute importance that as quickly as the Austrian Treaty is signed the Reparation Commission should be set up so that it may secure the initiation of the necessary measures.

The matter is one of extreme urgency as all of the funds available for Austrian relief will have been expended by the first of September and there will scarcely be more than the sequent month to make arrangements for further supplies if collapse in this state is to be prevented.

(Signed) HERBERT HOOVER

54. AUSTRIAN NOTE OF JULY 15, 1919, ASKING THAT RELIEF TO AUSTRIA BE PROVISIONALLY CONTINUED DURING THE MONTHS OF AUGUST AND SEPTEMBER²⁰

(Translation)

DELEGATION OF THE GERMAN
AUSTRIAN REPUBLIC
No. 751

ST. GERMAIN-EN-LAYE, July 15, 1919

FROM: *Mr. Renner*
TO: *Mr. Clemenceau*

Still a few days and the shipments of food-stuffs which we have hitherto received from the Great Allied and Associated Powers are going to come to an end. The population of Vienna and of the industrial districts which, even now, obtains only a very small ration of fat and to which no meat and no potatoes are distributed, would thus also be deprived of bread and flour; given over to famine, it will soon fall the victim of the work of people of social order.²¹ Even the new harvest could not save it from that peril, for it hardly covers a fourth of our needs, and on account of the system of small holdings, which prevails in our country, it will only be in a few months that it can serve the service of supply. Besides, the quantities which it will be possible to get are far from sufficient for the consumption of the inhabitants of the cities.

Upon the request of the Supreme Economic Council, we place at its disposal all our foreign securities. When the delivery of these securities shall have been made and Peace is concluded, the amount from these

²⁰ *S-H Bulletin*, No. 515; for French and German texts, see *Bericht*, I, 419-20, and *Notes*, p. 279.

²¹ The translation here is confused. The original French reads: "elle deviendrait la victime des plus profonds ébranlements de l'ordre social" (*Bericht*, I, 419).

sums which we shall be allowed to use for the purchase of food-stuffs shall be established by special negotiations. A certain lapse of time would however be necessary before these negotiations, which have not yet begun, bring any result; but during that time the provisioning of the population can evidently not remain in suspense.

That is why, in my note of the 9th inst., No. 680,²² I appealed on that subject to the President of the Supreme Economic Council. In consideration of the serious dangers which the imminent interruption of the shipments in question would bring to our population, I have the honour of sending you, Mr. President, a pressing appeal that the present system should be provisionally continued during the months of August and September. You will not be surprised by my insistence in asking for a quick decision in this matter, since, for our people, it is a question of life and death.

Please accept etc.

(Signed) RENNER

55. DISCUSSION OF THE COUNCIL OF HEADS OF DELEGATIONS REGARDING THE CONTINUATION OF FOOD SHIPMENTS TO AUSTRIA²³

MEETING OF THE COUNCIL OF HEADS OF DELEGATIONS, THURSDAY AFTERNOON, JULY 17TH, AT THE QUAI D'ORSAY—
M. CLEMENCEAU IN THE CHAIR

.

The Council had before it a memorandum from Mr. Hoover regarding the revictualing of Austria and the necessity for making provision in a financial way to enable Austria to purchase supplies after the completion of the present program which would take place about August 15. Mr. Hoover pointed out that if something were not done by the Allies in this respect it might result in Austria going to Bolshevik [*sic*]. He proposed therefore that the Austrians be encouraged by a promise that the Allies would help them and that the Reparation Committee should be instructed to think first of making Austria a paying concern before getting money out of her. Mr. Balfour, while approving of Mr. Hoover's plan, thought that advantage should be taken of the opportunity to tell the Austrians that they must give up the arms and ammunition in Austria to the Czechs. M. Tittoni expressed his acquiescence

²² Not reproduced. This note presented a request from the Austrian Delegation to the Supreme Economic Council that provision for further food supplies be immediately undertaken. *Bericht*, I, 313-14.

²³ Miller, *My Diary*, XVI, 493-94. Reprinted with the permission of Hunter Miller, Esq.

regarding food but thought that it was not so vital a matter to assist the Czechs. Italy and the other Allies should receive some equivalent for the liquidation of a valuable Austrian security. If the Czechs were ready to give coal in exchange for the arms, Italy should obtain her share of the coal. Mr. Hoover pointed out that the amount of the surplus of Bohemian coal was barely enough to supply the need of Vienna. The Italians, short as they were of coal, realized Austrian needs and had themselves supplied coal to Vienna.

The Council agreed to make the following reply to the Austrian representations to the Supreme Economic Council:

"In respect to the request laid before the Supreme Economic Council from the Austrian Delegates that provision for further food supply should be immediately undertaken by the Allied and Associated Governments, this request has been laid before the Council of Five, and the Council wishes to state that as food and raw material for Austria during the forthcoming year are fundamental to her recuperation and her ability to make reparation, the method of provisions of such food and raw materials will be one of the first considerations of the Reparation Commission.

"The Council wishes, however, to make this assurance contingent on an undertaking by the Austrian Government. The delivery of arms to Czecho-Slovakia has been greatly delayed, despite the offer of coal in exchange. It must be understood the continuation of the present supplies of food to Austria as well as the above assurances depend upon the execution by Austria of the delivery of the arms and ammunition required by Czecho-Slovakia."

The question raised by M. Tittoni was remitted for further study to the Supreme Economic Council. . . .

56. REPLY FROM THE PRESIDENT OF THE PEACE CONFERENCE TO THE REQUEST OF THE AUSTRIAN DELEGATION FOR CONTINUATION OF RELIEF²⁴

(Translation)

PEACE CONFERENCE
THE PRESIDENT

PARIS, July 17, 1919

TO: *His Excellency, Chancellor Renner, President of the Austrian Delegation*

MR. PRESIDENT:

I have the honor to inform you that the Supreme Council of the Allied and Associated Powers has received the request presented by the

²⁴ *S-H Bulletin*, No. 547; for French text, see *Notes*, p. 280.

Austrian Delegation to the Supreme Economic Council, with a view to obtaining the immediate supplying, by the Allied and Associated Government, of supplementary food supplies to Austria.

Considering that, during the coming year, food supplies and raw materials will be indispensable to Austria in order to permit it to restore itself and make the reparations incumbent upon it, the Council must state that the method of furnishing these supplies and raw materials will constitute one of the first preoccupations of the Commission on Reparations.

The Council, however, desires to subordinate this assurance to an engagement to be taken by the Austrian Government. The delivery of arms to the Czecho-Slovak State has been considerably retarded, although the furnishing of coal has been offered in exchange. It should be understood that the continuation of the food supplies now being made to Austria, as well as the assurances given above will depend upon the manner in which Austria will effect the delivery of arms and munitions of which the Czecho-Slovak State has need.

Accept, etc. etc.,

57. REPORT OF HERBERT HOOVER, DIRECTOR GENERAL OF RELIEF, TO THE SUPREME COUNCIL SUMMARIZING THE WORK OF HIS ORGANIZATION DURING THE ARMISTICE PERIOD²⁵

SUPREME ECONOMIC COUNCIL
OFFICE OF THE
DIRECTOR GENERAL OF RELIEF

PARIS, 3 September 1919

*President
Supreme Council
Paris*

SIR:

As I was appointed by the Heads of State on behalf of the Allied and Associated Governments as Director General of Relief for the period of the Armistice, it seems appropriate that in bringing this office to a close I should submit the following brief report to the Supreme Council of the operations co-ordinated by my direction since the Armistice and in co-operation with the Supreme Economic Council.

²⁵ *S-H Bulletin*, No. 927.

Relief Measures

The tables attached hereto show that a total of 3,955,110 tons²⁶ of foodstuffs and clothing of the value of \$968,338,222, from the various Allied and Associated Governments were distributed between December 1st, 1918, and August 31st, 1919, in the following proportions:

Country	Total Tons	Approximate Value
Finland	179,207	\$ 25,721,274
Baltic States	59,609	12,953,251
Poland	411,821	122,089,061
Germany	1,041,356	256,149,040
Holland	24,552	4,217,520
Denmark	9,912	1,189,440
Belgium	794,071	173,616,091
Northern France	90,826	30,079,012
Czecho-Slovakia	369,553	86,810,585
German-Austria ²⁷	508,344	108,057,702
Greater Serbia	103,624	46,109,628
Roumania	224,370	60,137,848 ²⁸
Bulgaria	22,963 ²⁹	4,794,510
Turkey	23,901	4,899,705
Armenia	52,367	12,576,928
Russia	14,170	9,748,500
Russian Prisoners in Germany.....	2,685	1,112,350
Sundry	21,879	8,076,377
Total	3,955,110	\$968,338,222 ³⁰

Of the above, approximately \$605,000,000 of foodstuffs have been furnished on credits, \$340,000,000 has been paid for in cash, \$22,000,000 given in charity. The probability of repayment of the credits extended is solely a factor of the recuperation of Europe. The approximate distribution of the above contributions, from the different Allied and Associated Governments, is shown in the attached tables.

In addition to the above, a large amount of exchanges in potatoes, grain, meat, etc. have been arranged between interior countries in Central and Eastern Europe by my organization, amounting to somewhat over 300,000³¹ tons of foodstuffs.

²⁶ These figures are approximate. For final statement, see Frank M. Surface and Raymond L. Bland, *American Food in the World War and Reconstruction Period* (Stanford University, 1931), p. 36.

²⁷ The final figures for Austria are: 561,705.7 metric tons at a value of \$98,771,595.93 (Surface and Bland, *op. cit.*, p. 36).

²⁸ Typographical error. The MS. in the American Relief Administration Archives in the Hoover War Library reads \$60,137,248.

²⁹ Another error. MS. figure is 22,863.

³⁰ See footnote 26, *supra*.

³¹ MS figure, 500,000.

American Food Shipments to Allies

During the cereal year (ending August 31st last) the total food shipments to France, Italy and the United Kingdom from the American area, under the control of the United States Food Administration, amount to approximately 12,500,000 tons, of a value of approximately \$2,250,000,000, the largest part of which was supplied upon credits from the United States Treasury. During the same period the shipments to European Neutrals aggregated approximately 2,000,000 tons of a value of about \$300,000,000. The aggregate American shipments of food to Europe during the period, on all accounts including relief, amounts to approximately 17,500,000 tons, as compared with an average of about 6,500,000 tons per annum pre-war.

Communications

Under the authority of the Supreme War Council, with the co-operation of the Communications Section, extensive measures were taken in February last in the rehabilitation of railway traffics in Central and Eastern Europe. Through a large directing staff and the supply of a large quantity of materials, these railways, disintegrated by war use and by political changes at the Armistice, have been sufficiently coordinated and rehabilitated to maintain the movement of the basic necessities of life throughout this area.

The rivers Elbe, Danube, and Vistula have been opened for traffic under the authority given by your Council.

In order to successfully cope with the movement of supplies and control of railways, and to rehabilitate economic life generally, it has been necessary to organize telegraphic communication through Central and Eastern Europe. Some 10,000 kilometres of telegraph lines have been ceded by the various Governments to my organization and placed under my operation as a telegraphic unit.

Coal

Acting under the authority of your Council, I set up an administration with view to securing the better production and distribution of coal in Central and Eastern Europe. Through agreements perfected between the various Governments concerned, coal supplies were maintained to those areas where it would otherwise have broken down. The distribution of many million tons of coal has thus been regulated. These agreements came to an effective termination at the signing of the German Peace Treaty, owing to the new political arrangements set up. An attempt to rehabilitate the situation has been made through your approval of my recommendation for the institution of the European Coal Commission.

Special Feeding of Children

The special care of undernourished children has been set up as an independent and charitable organization and is now caring for approximately three and one-half million undernourished children in Central and Eastern Europe and is being supported by public charity and governmental subsidies from various quarters. As this administration has been based upon voluntary service and charity, the better-to-do for the poor, it has contributed very greatly to soften class conflict throughout this area in addition to its primary function of preservation of child life.

Conclusion

The result of these operations has been to carry Europe (except Russia) through the greatest famine since the Thirty Years War without appreciable loss of life, although necessarily with some privation. With the arrival of the European harvest and, therefore, of supplies for some period in advance, and with the ratification of peace and therefore the rehabilitation of communications and of commercial life, the necessity for relief measures on so wide a scale has expired. The supply and communications problem of the forthcoming twelve months in Europe is a problem of the establishment of credits and the maintenance of peace. The coal problem is one of extended exertion and cessation of political controversy upon the part of the people in Europe. The various newly established governments have developed organization to a degree capable of undertaking their own economic problems, except the provision of credits, and it is vital that the initiative of all these governments should be called into being in undertaking their own burdens.

I wish to express my personal gratitude for the support I have received from your body and from the whole of the officials of the Allied Governments and of the eighteen other governments with whom my organization has had to deal. Without this unity of support and co-ordination of economic effort, the maintenance of stability in Europe pending the peace negotiations would have been impossible, and the suffering and loss of human life would have been of incalculable measure.

Faithfully yours,
(Signed) HERBERT HOOVER

HH: AK

CHAPTER III

TEXT OF THE TERRITORIAL AND POLITICAL CLAUSES OF THE TREATY OF ST. GERMAIN, WITH PRECEDING DRAFTS

INTRODUCTORY NOTE

OF THE portion of the Treaty under discussion, this chapter reproduces the text as signed, the drafts of June 2 and July 20, and the draft proposed by the Austrian Delegation, together with letters covering the Austrian observations and counter proposals and Allied replies thereto, with lists of these latter documents. The documents themselves have been reproduced, in accordance with their subject-matter, in succeeding chapters, which deal with the Treaty by sections.

58. LIST DESCRIBING THE VARIOUS PROOF COPIES AND FINAL COPIES OF THE PEACE TREATY PRESENTED TO THE AUSTRIAN DELEGATION¹

II. WITH AUSTRIA

1. *Peace Conditions*, proofs (June 2, 1919).²

Text presented to the Austrian Delegation June 2, 1919, at Saint-Germain-en-Laye. Not including certain parts retained: Italy, Serb-Croate-Slovene State, Military Clauses, Reparations, Financial Clauses.

One volume in 4mo, in three tomes, French, English and Italian, 16 separate parts per tome, articles numbered by parts.

2. *Peace Conditions*, proofs (2d edition) (June 11, 1919).

Text identical to the preceding one.

One volume in 4mo, in three tomes, French, English and Italian, 16 separate parts per tome, articles numbered by parts. Bears on the cover the inscription: "2d edition."

¹ *S-H Bulletin*, No. 1103, October 20, 1919.

² First proofs appeared between May 13 and 17.

3. *Peace Conditions*, proofs (July 20, 1919).³

Including the parts up till then retained: Italy, Serb-Croate-Slovene State, Military Clauses, Reparation, Financial Clauses. One volume in 4mo, in three tomes, French, English and Italian, 177 pages per tome, 371 articles, 1 map. Bears on the cover [of English text]: "Conditions of Peace with Austria. Proof. English Text"

4. *Peace Conditions*, September 2, 1919.

Edition after the reply to the "Notes of the Delegation of the Austrian Republic." Text presented with the "Reply of the Allied and Associated Powers to the Remarks of the Austrian Delegation on the Peace Conditions."

One volume in 4mo, in three tomes, French, English and Italian, 181 pages, per tome, 381 articles, 1 map. Bears on the cover the date: "September 2, 1919."

5. *Peace Treaty* signed at Saint-Germain-en-Laye, September 10, 1919.

Text identical to the preceding one, save for typographical corrections and signatures of the Plenipotentiaries.

One volume in 4mo, 536 pages, 381 articles, 1 map.

59. TEXT OF THE TERRITORIAL AND POLITICAL CLAUSES (PREAMBLE AND ARTICLES 1-117) OF THE TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND AUSTRIA, SIGNED AT SAINT-GERMAN-EN-LAYE, SEPTEMBER 10, 1919⁴

THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY and JAPAN,

These Powers being described in the present Treaty as the Principal Allied and Associated Powers;

BELGIUM, CHINA, CUBA, GREECE, NICARAGUA, PANAMA, POLAND, PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM, and CZECHO-SLOVAKIA,

These Powers constituting, with the Principal Powers mentioned above, the Allied and Associated Powers,

of the one part;

And AUSTRIA,

of the other part;

³ Presented to the Austrian Delegation on July 20.

⁴ *Traité de Paix entre les Puissances Alliées et Associées et l'Autriche, Protocole et Déclarations, signés à Saint-Germain-en-Laye le 10 Septembre 1919.* (Textes français, Anglais et Italien), (Paris, 1919), pp. 5-16, 189-228. In the original the Preamble (pp. 5-16) is printed in French, English, and Italian in triple columns. For general discussion of the Treaty terms, see Documents 63-76, *infra*.

Whereas on the request of the former Imperial and Royal Austro-Hungarian Government an Armistice was granted to Austria-Hungary on November 3, 1918, by the Principal Allied and Associated Powers in order that a Treaty of Peace might be concluded, and

Whereas the Allied and Associated Powers are equally desirous that the war in which certain among them were successively involved, directly or indirectly, against Austria-Hungary, and which originated in the declaration of war against Serbia on July 28, 1914, by the former Imperial and Royal Austro-Hungarian Government, and in the hostilities conducted by Germany in alliance with Austria-Hungary, should be replaced by a firm, just, and durable Peace, and

Whereas the former Austro-Hungarian Monarchy has now ceased to exist, and has been replaced in Austria by a republican government, and

Whereas, the Principal Allied and Associated Powers have already recognised that the Czecho-Slovak State, in which are incorporated certain portions of the said Monarchy, is a free, independent and allied State, and

Whereas the said Powers have also recognised the union of certain portions of the said Monarchy with the territory of the Kingdom of Serbia as a free, independent and allied State, under the name of the Serb-Croat-Slovene State, and

Whereas it is necessary, while restoring peace, to regulate the situation which has arisen from the dissolution of the said Monarchy and the formation of the said States, and to establish the government of these countries on a firm foundation of justice and equity;

For this purpose the HIGH CONTRACTING PARTIES represented as follows:

THE PRESIDENT OF THE UNITED STATES OF AMERICA, by:

The Honourable Frank Lyon Polk, Under Secretary of State;

The Honourable Henry White, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;

General Tasker H. Bliss, Military Representative of the United States on the Supreme War Council;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, by:

The Right Honourable Arthur James Balfour, O.M., M.P., His Secretary of State for Foreign Affairs;

The Right Honourable Andrew Bonar Law, M.P., His Lord Privy Seal;

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The Right Honourable Viscount Milner, G.C.B., G.C.M.G., His Secretary of State for the Colonies;

The Right Honourable George Nicoll Barnes, M.P., Minister without portfolio;

And

for the DOMINION OF CANADA, by:

The Honourable Sir Albert Edward Kemp, K.C.M.G., Minister of the Overseas Forces;

for the COMMONWEALTH OF AUSTRALIA, by:

The Honourable George Foster Pearce, Minister of Defence;

for the UNION OF SOUTH AFRICA, by:

The Right Honourable Viscount Milner, G.C.B., G.C.M.G.;

for the DOMINION OF NEW ZEALAND, by:

The Honourable Sir Thomas MacKenzie, K.C.M.G., High Commissioner for New Zealand in the United Kingdom;

for INDIA, by:

The Right Honourable Baron Sinha, K.C., Under Secretary of State for India;

THE PRESIDENT OF THE FRENCH REPUBLIC, by:

Mr. Georges Clemenceau, President of the Council, Minister of War;

Mr. Stephen Pichon, Minister for Foreign Affairs;

Mr. Louis-Lucien Klotz, Minister of Finance;

Mr. André Tardieu, Commissary General for Franco-American Military Affairs;

Mr. Jules Cambon, Ambassador of France;

HIS MAJESTY THE KING OF ITALY, by:

The Honourable Tommaso Tittoni, Senator of the Kingdom, Minister for Foreign Affairs;

The Honourable Vittorio Scialoja, Senator of the Kingdom;

The Honourable Maggiorino Ferraris, Senator of the Kingdom;

The Honourable Guglielmo Marconi, Senator of the Kingdom;

The Honourable Silvio Crespi, Deputy;

HIS MAJESTY THE EMPEROR OF JAPAN, by:

Viscount Chinda, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at London;

Mr. K. Matsui, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Paris;

Mr. H. Ijuin, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Rome;

HIS MAJESTY THE KING OF THE BELGIANS, by:

Mr. Paul Hymans, Minister for Foreign Affairs, Minister of State;

Mr. Jules van den Heuvel, Envoy Extraordinary and Minister Plenipotentiary, Minister of State;

Mr. Emile Vandervelde, Minister of Justice, Minister of State;

THE PRESIDENT OF THE CHINESE REPUBLIC, by:

Mr. Lou Tseng-Tsiang, Minister for Foreign Affairs;

Mr. Chengting Thomas Wang, formerly Minister of Agriculture and Commerce;

THE PRESIDENT OF THE CUBAN REPUBLIC, by:

Mr. Antonio Sanchez de Bustamante, Dean of the Faculty of Law in the University of Havana, President of the Cuban Society of International Law;

HIS MAJESTY THE KING OF THE HELLENES, by:

Mr. Nicolas Politis, Minister for Foreign Affairs;

Mr. Athos Romanos, Envoy Extraordinary and Minister Plenipotentiary to the French Republic;

THE PRESIDENT OF THE REPUBLIC OF NICARAGUA, by:

Mr. Salvador Chamorro, President of the Chamber of Deputies;

THE PRESIDENT OF THE REPUBLIC OF PANAMA, by:

Mr. Antonio Burgos, Envoy Extraordinary and Minister Plenipotentiary of Panama at Madrid;

THE PRESIDENT OF THE POLISH REPUBLIC, by:

Mr. Ignace J. Paderewski, President of the Council of Ministers, Minister for Foreign Affairs;

Mr. Roman Dmowski, President of the Polish National Committee;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC, by:

Dr. Affonso da Costa, formerly President of the Council of Ministers;

Dr. Augusto Luiz Vieira Soares, formerly Minister for Foreign Affairs;

HIS MAJESTY THE KING OF ROUMANIA, by:

M. Nicolas Misu, Envoy Extraordinary and Minister Plenipotentiary of Roumania at London;

Dr. Alexander Vaida-Voevod, Minister without portfolio;

HIS MAJESTY THE KING OF THE SERBS, THE CROATS, AND THE SLOVENES, by:

Mr. Nicolas P. Pachitch, formerly President of the Council of Ministers;

Mr. Ante Trumbic, Minister for Foreign Affairs;

Mr. Ivan Zolger, Doctor of Law;

HIS MAJESTY THE KING OF SIAM, by:

His Highness Prince Charoon, Envoy Extraordinary and Minister Plenipotentiary of H.M. the King of Siam at Paris;

His Serene Highness Prince Traidos Prabandhu, Under Secretary of State for Foreign Affairs;

THE PRESIDENT OF THE CZECHO-SLOVAK REPUBLIC, by:
Mr. Karel Kramář, President of the Council of Ministers;
Mr. Eduard Beneš, Minister for Foreign Affairs;

THE REPUBLIC OF AUSTRIA, by:

Mr. Charles Renner, Chancellor of the Republic of Austria;

WHO, having communicated their full powers, found in good and true form, have AGREED AS FOLLOWS:

From the coming into force of the present Treaty the state of war will terminate.

From that moment, and subject to the provisions of the present Treaty, official relations will exist between the Allied and Associated Powers and the Republic of Austria.⁵

PART I

THE COVENANT OF THE LEAGUE OF NATIONS⁶

The High Contracting Parties,

In order to promote international co-operation and to achieve international peace and security

by the acceptance of obligations not to resort to war,
by the prescription of open, just and honourable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

Agree to this Covenant of the League of Nations.

ARTICLE I

The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant, and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

⁵ For discussion of the Preamble, see Documents 77-82, *infra*. For early drafts of the Preamble and draft proposed by the Austrian Delegation, see Documents 60-62, *infra*.

⁶ For discussion of "Part I, The Covenant of the League of Nations," see Documents 83-87, *infra*.

Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

ARTICLE 2

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

ARTICLE 3

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

ARTICLE 4

The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain and Greece shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

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The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

ARTICLE 5

Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council, and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

ARTICLE 6

The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

The first Secretary-General shall be the person named in the Annex; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council.

The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

ARTICLE 7

The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meeting shall be inviolable.

ARTICLE 8

The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval, and air programmes and the condition of such of their industries as are adaptable to warlike purposes.

ARTICLE 9

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

ARTICLE 10

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

ARTICLE 11

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary-General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

ARTICLE 12

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

ARTICLE 13

The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

ARTICLE 14

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

ARTICLE 15

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavor to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote, shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international

law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may, in any case under this Article, refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

ARTICLE 16

Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13, or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

ARTICLE 17

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purpose of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities, and will result in the settlement of the dispute.

ARTICLE 18

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat, and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

ARTICLE 19

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world.

ARTICLE 20

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

ARTICLE 21

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace.

ARTICLE 22

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation, and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory,

and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

ARTICLE 23

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

- (a) Will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;
- (b) Undertake to secure just treatment of the native inhabitants of territories under their control;
- (c) Will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
- (d) Will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;
- (e) Will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;
- (f) Will endeavour to take steps in matters of international concern for the prevention and control of disease.

ARTICLE 24

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

TEXT OF THE TERRITORIAL AND POLITICAL CLAUSES 127

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

ARTICLE 25

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

ARTICLE 26

Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

ANNEX

I. Original Members of the League of Nations:

United States of America	Haiti
Belgium	Hedjaz
Bolivia	Honduras
Brazil	Italy
British Empire	Japan
Canada	Liberia
Australia	Nicaragua
South Africa	Panama
New Zealand	Peru
India	Poland
China	Portugal
Cuba	Roumania
Ecuador	Serb-Croat-Slovene State
France	Siam
Greece	Czecho-Slovakia
Guatemala	Uruguay

States Invited to Accede to the Covenant:

Argentine Republic	Persia
Chili	Salvador
Colombia	Spain
Denmark	Sweden
Netherlands	Switzerland
Norway	Venezuela
Paraguay	

II. First Secretary-General of the League of Nations:

The Honourable Sir James Eric Drummond, K.C.M.G., C.B.

PART II

FRONTIERS OF AUSTRIA⁷

ARTICLE 27

The frontiers of Austria shall be fixed as follows (see annexed Map):

1. *With Switzerland and Lichtenstein*:⁸

The present frontier.

2. *With Italy*:⁹

From the point 2645 (Gruben J.) eastwards to point 2915 (Klopaier Spitz),

a line to be fixed on the ground passing through point 1483 on the Reschen-Nauders road;

thence eastwards to the summit of Dreiherrn Spitz (point 3505),

the watershed between the basins of the Inn to the north and the Adige to the south;

thence generally south-south-eastwards to point 2545 Marchkinkele),

the watershed between the basins of the Drave to the east and the Adige to the west;

thence south-eastwards to point 2483 (Helm Spitz),

a line to be fixed on the ground crossing the Drave between Winnbach and Arnbach;

⁷ For general discussion of the frontiers of Austria, see Documents 88-101, *infra*; for early drafts of Part II and draft proposed by the Austrian Delegation, see Documents 60-62, *infra*. The map accompanying Part II of the Treaty is reproduced at the end of this volume.

⁸ For discussion of "1. With Switzerland and Lichtenstein," see Documents 102-108, *infra*.

⁹ For discussion of "2. With Italy," see Documents 109-23, *infra*.

thence east-south-eastwards to point 2050 (Osternig) about 9 kilometres north-west of Tarvis,

the watershed between the basins of the Drave on the north and successively the basins of the Sextenbach, the Piave and the Tagliamento on the south;

thence east-south-eastwards to point 1492 (about 2 kilometres west of Thörl),

the watershed between the Gail and the Gailitz;

thence eastwards to point 1509 (Pec),

a line to be fixed on the ground cutting the Gailitz south of the town and station of Thörl and passing through point 1270 (Cabin Berg).

3. *On the South, and then with the Klagenfurt area* subject to the provisions of Section II of Part III (Political Clauses for Europe):¹⁰

From point 1509 (Pec) eastwards to point 1817 (Malestiger),

the crest of the Karavanken;

from point 1817 (Malestiger) and in a north-easterly direction as far as the Drave at a point situated about 1 kilometre south-east of the railway bridge on the eastern branch of the bend made by that river about 6 kilometres east of Villach,

a line to be fixed on the ground cutting the railway between Mallestig and Faak and passing through point 666 (Polana);

thence in a south-easterly direction to a point about 2 kilometres above St. Martin,

the course of the Drave;

thence in a northerly direction as far as point 871, about 10 kilometres to the east-north-east of Villach,

a line running approximately from south to north to be fixed on the ground;

thence east-north-eastwards to a point to be chosen near point 725 about 10 kilometres north-west of Klagenfurt on the administrative boundary between the districts of St. Veit and Klagenfurt,

a line to be fixed on the ground passing through points 1069 (Taubenhübel), 1045 (Gallinberg), and 815 (Freudenberg);

thence eastwards to a point to be chosen on the ground west of point 1075 (Steinbruch Kogel),

the administrative boundary between the districts of St. Veit and Klagenfurt;

thence north-eastwards to the point on the Gurk where the administrative boundary of the district of Völkermarkt leaves that river,

a line to be fixed on the ground passing through point 1076;

thence north-eastwards to point 1899 (Speikkogel),

¹⁰ For discussion of "3. On the South, and then with the Klagenfurt area" and "4. With the Serb-Croat-Slovene State," see Documents 124-43, *infra*.

the administrative boundary between the districts of St. Veit and Völkermarkt;

thence south-eastwards to point 842 (1 kilometre west of Kasparstein),

the north-eastern boundary of the district of Völkermarkt;

thence eastwards to point 1522 (Hühner Kogel),

a line to be fixed on the ground passing north of Lavamünd.

4. *With the Serb-Croat-Slovene State*,¹¹ subject to the provisions of Section II of Part III (Political Clauses for Europe):

From point 1522 (Hühner Kogel) eastwards to point 917 (St. Lorenzen),

a line to be fixed on the ground passing through point 1330;

thence eastwards to the point where it meets the administrative boundary between the districts of Marburg and Leibnitz,

the watershed between the basins of the Drave to the south and the Saggau to the north;

thence north-eastwards to the point where this administrative boundary meets the Mur,

the above-mentioned administrative boundary;

thence to the point where it meets the old frontier of 1867 between Austria and Hungary about 5 kilometres south-east of Radkersburg,

the principal course of the Mur downstream;

thence northwards to a point to be fixed east of point 400 about 16 kilometres north of Radkersburg,

the old frontier of 1867 between Austria and Hungary;

thence north-eastwards to a point to be fixed on the watershed between the basins of the Raab and the Mur about 2 kilometres east of Toka, being the point common to the three frontiers of Austria, Hungary and the Serb-Croat-Slovene State,

a line to be fixed on the ground, passing between the villages of Bonisfalva and Gedoudvar.

5. *With Hungary*:¹²

From the point above defined north-eastwards to point 353 about 6 kilometres north-north-east of Szentgotthard,

a line to be fixed on the ground passing through point 353 (Janke B.), then west of the Radkersburg-Szentgotthard road and east of the villages of Nagyfalva, Nemetlak and Rabakeresztur;

thence in a general north-easterly direction to point 234 about 7 kilometers north-north-east of Pinkamindszent,

¹¹ For discussion of "4. With the Serb-Croat-Slovene State," see Documents 124-43, *infra*.

¹² For discussion of "5. With Hungary," see Documents 144-61, *infra*.

a line to be fixed on the ground passing through point 322 (Hochkogel), then south of the villages of Zsamand, Nemetbükkös and Karacsfa, and between Nagysaroslak and Pinkamindszent;

thence northwards to point 883 (Trött Kö) about 9 kilometres south-west of Köszege,

a line to be fixed on the ground passing through points 241, 260 and 273, then east of Nagynarda and Rohoncz and west of Dozmat and Butsching;

thence north-eastwards to point 265 (Kamenje) about 2 kilometres south-east of Nikitsch,

a line to be fixed on the ground, passing south-east of Liebing, Olmod and Locsmand, and north-west of Köszege and the road from Köszege to Salamonfa:

thence northwards to a point to be selected on the southern shore of Neusiedler See between Holling and Hidegseg,

a line to be fixed on the ground, passing east of Nikitsch and Zinkendorf and west of Kövesd and Nemet-Peresztég;

thence eastwards to point 115 situated about 8 kilometres south-west of St. Johann,

a line to be fixed on the ground, crossing the Neusiedler See, passing south of the island containing point 117, leaving in Hungary the branch railway running north-westwards from the station of Mexiko as well as the entire Einser canal, and passing south of Pamhagen;

thence northwards to a point to be selected about 1 kilometre west of Antonienhof (east of Kittsee), being the point common to the three frontiers of Austria, Hungary and the Czecho-Slovak State,

a line to be fixed on the ground, leaving entirely in Hungarian territory the Csorna-Karlbürg railway and passing west of Wüst-Sommerein and Kr. Jahrndorf, and east of Andau, Nikelsdorf, D. Jahrndorf and Kittsee.

6. *With the Czecho-Slovak State:*¹³

From the point above defined north-westwards to the bend of the old frontier of 1867 between Austria and Hungary about 2½ kilometres north-east of Berg,

a line to be fixed on the ground, cutting the Kittsee-Pressburg road about 2 kilometres north of Kittsee;

thence northwards to a point to be selected on the principal channel of navigation of the Danube about 4½ kilometres upstream from the Pressburg bridge,

a line to be fixed on the ground following as much as possible the old frontier of 1867 between Austria and Hungary;

¹³ For discussion of "6. With the Czecho-Slovak State," see Documents 162-74, *infra*.

thence westwards to the confluence of the Morava (March) with the Danube,

the principal channel of navigation of the Danube;

thence the course of the Morava upstream, then the course of the Thaya upstream to a point to be selected about 2 kilometres south-east of the intersection of the Rabensburg-Themenau road with the Rabensburg-Lundenburg railway;

thence west-north-westwards to a point on the old administrative boundary between Lower Austria and Moravia situated about 400 metres south of the point where this boundary cuts the Nikolsburg-Feldsberg railway,

a line to be fixed on the ground passing through points 187 (Dlouhyvrch), 221 (Rosenbergen), 223 (Wolfsberg), 291 (Raistenberg), 249 and 279 (Kallerhaide);

thence west-north-westwards the above-mentioned administrative boundary;

thence westwards to a point to be selected about 3 kilometres east of the village of Franzensthal,

the old administrative boundary between Lower Austria and Bohemia;

thence southwards to point 498 (Gelsenberg) about 5 kilometres north-north-west of Gmünd,

a line to be fixed on the ground passing east of the Rottenschachen-Zuggers road and through points 537 and 522 (G. Nagel B.);

thence southwards and then west-north-westwards to a point on the old administrative boundary between Lower Austria and Bohemia situated about 200 metres north of the point where it cuts the Gratzen-Weitra road,

a line to be fixed on the ground passing between Zuggers and Breitensee, then through the most south-easterly point of the railway bridge over the Lainsitz leaving to Austria the town of Gmünd and to the Czecho-Slovak State the station and railway works of Gmünd (Wolfs-hof) and the junction of the Gmünd-Budweis and Gmünd-Wittingau railways, then passing through points 524 (Grundbühel), 577 (north of Hohenberg) and 681 (Lagerberg);

thence south-westwards the above-mentioned administrative boundary;

then north-westwards the old administrative boundary between Bohemia and Upper Austria to its point of junction with the frontier of Germany.

7. *With Germany*:¹⁴

The frontier of August 3, 1914.

¹⁴ For discussion of "7. With Germany," see Document 175, *infra*.

ARTICLE 28

The frontiers described by the present Treaty are traced, for such parts as are defined, on the one in a million map attached to the present Treaty. In case of differences between the text and the map, the text will prevail.

ARTICLE 29

Boundary Commissions, whose composition is fixed by the present Treaty, or will be fixed by a Treaty between the Principal Allied and Associated Powers and the, or any, interested States, will have to trace these frontiers on the ground.

They shall have the power, not only of fixing those portions which are defined as "a line to be fixed on the ground," but also, where a request to that effect is made by one of the States concerned, and the Commission is satisfied that it is desirable to do so, of revising portions defined by administrative boundaries; this shall not, however, apply in the case of international boundaries existing in August, 1914, where the task of the Commissions will be confined to the re-establishment of signposts and boundary-marks. They shall endeavour in both cases to follow as nearly as possible the descriptions given in the Treaties, taking into account as far as possible administrative boundaries and local economic interests.

The decisions of the Commissions will be taken by a majority, and shall be binding on the parties concerned.

The expenses of the Boundary Commissions will be borne in equal shares by the two states concerned.

ARTICLE 30

In so far as frontiers defined by a waterway are concerned, the phrases "course" or "channel" used in the descriptions of the present Treaty signify, as regards non-navigable rivers, the median line of the waterway or of its principal branch, and, as regards navigable rivers, the median line of the principal channel of navigation. It will, however, rest with the Boundary Commissions provided for by the present Treaty to specify whether the frontier line shall follow any changes of the course or channel which may take place, or whether it shall be definitely fixed by the position of the course or channel at the time when the present Treaty comes into force.

ARTICLE 31

The various States interested undertake to furnish to the Commissions all documents necessary for their tasks, especially authentic copies of agreements fixing existing or old frontiers, all large scale maps in

existence, geodetic data, surveys completed but unpublished, and information concerning the changes of frontier watercourses.

They also undertake to instruct the local authorities to communicate to the Commissions all documents, especially plans, cadastral and land books, and to furnish on demand all details regarding property, local economic relations, and other necessary information.

ARTICLE 32

The various States interested undertake to give assistance to the Boundary Commissions, whether directly or through local authorities, in everything that concerns transport, accommodation, labour, material (signposts, boundary pillars) necessary for the accomplishment of their mission.

ARTICLE 33

The various States interested undertake to safeguard the trigonometrical points, signals, posts or frontier marks erected by the Commission.

ARTICLE 34

The pillars will be placed so as to be intervisible; they will be numbered, and their position and their number will be noted on a cartographic document.

ARTICLE 35

The protocols defining the boundary, and the maps and documents attached thereto, will be made out in triplicate, of which two copies will be forwarded to the Governments of the limitrophe States and the third to the Government of the French Republic, which will deliver authentic copies to the Powers signatories of the present Treaty.¹⁵

PART III

POLITICAL CLAUSES FOR EUROPE

SECTION I. ITALY¹⁶

ARTICLE 36

Austria renounces, so far as she is concerned, in favour of Italy all rights and title over the territory of the former Austro-Hungarian Monarchy situated beyond the frontiers of Austria laid down in Article 27,

¹⁵ For discussion of Articles 29-35, see Document 176, *infra*.

¹⁶ For discussion of "Section I, Italy," see Documents 178-79, *infra*; for only draft of this section and the draft proposed by the Austrian Delegation, see Documents 61 and 62, *infra*.

2, Part II (Frontiers of Austria), and lying between those frontiers, the former Austro-Hungarian frontier, the Adriatic Sea, and the eastern frontier of Italy as subsequently determined.

Austria similarly renounces, so far as she is concerned, in favour of Italy all rights and title over other territory of the former Austro-Hungarian Monarchy which may be recognised as forming part of Italy by any treaties which may be concluded for the purpose of completing the present settlement.

A Commission composed of five members, one nominated by Italy, three by the other Principal Allied and Associated Powers, and one by Austria, shall be constituted within fifteen days from the coming into force of the present Treaty, to trace on the spot the frontier line between Italy and Austria.

The decisions of the Commission will be taken by a majority and shall be binding on the parties concerned.

ARTICLE 37

Notwithstanding the provisions of Article 269, Part X (Economic Clauses), persons having their usual residence in the territories of the former Austro-Hungarian Monarchy transferred to Italy who, during the war, have been outside the territories of the former Austro-Hungarian Monarchy or have been imprisoned, interned or evacuated, shall enjoy the full benefit of the provisions of Articles 252 and 253, Part X (Economic Clauses).

ARTICLE 38

A special Convention will determine the terms of repayment in Austrian currency of the special war expenditure advanced during the war by territory of the former Austro-Hungarian Monarchy transferred to Italy or by public associations in that territory on account of the Austro-Hungarian Monarchy under its legislation, such as allowances to the families of persons mobilised, requisitions, billeting of troops and relief to persons who have been evacuated.

In fixing the amount of these sums Austria shall be credited with the amount which the territory would have contributed to Austria-Hungary to meet the expenses resulting from these payments, this contribution being calculated according to the proportion of the revenues of the former Austro-Hungarian Monarchy derived from the territory in 1913.

ARTICLE 39

The Italian Government will collect for its own account the taxes, dues and charges of every kind leviable in the territories transferred to Italy and not collected on November 3, 1918.

ARTICLE 40

No sum shall be due by Italy on the ground of her entry into possession of the Palazzo Venezia at Rome.

ARTICLE 41

Subject to the provisions of Article 208, Part IX (Financial Clauses) relative to the acquisition of, and payment for, State property and possessions, the Italian Government is substituted in all the rights which the Austrian State possessed over all the railways in the territories transferred to Italy which were administered by the Railway Administration of the said State and which are actually working or under construction.

The same shall apply to the rights of the former Austro-Hungarian Monarchy with regard to railway and tramway concessions within the above-mentioned territories.

The frontier railway stations shall be determined by a subsequent agreement.

ARTICLE 42

Austria shall restore to Italy within a period of three months all the wagons belonging to the Italian railways which before the outbreak of war had passed into Austria and have not returned to Italy.

ARTICLE 43

Austria renounces as from November 3, 1918, on behalf of herself and her nationals in regard to territories transferred to Italy all rights to which she may be entitled with regard to the products of the aforesaid territories under any agreements, stipulations or laws establishing trusts, cartels or other similar organizations.

ARTICLE 44

For a period of ten years from the coming into force of the present Treaty central electric power stations situated in Austrian territory and formerly furnishing electric power to the territories transferred to Italy or to any establishment the exploitation of which passes to Italy shall be required to continue furnishing this supply up to an amount corresponding to the undertakings and contracts in force on November 3, 1918.

Austria further admits the right of Italy to the free use of the waters of Lake Raibl and its derivative watercourse and to divert the said waters to the basin of the Korinitza.

ARTICLE 45

1. Judgments rendered since August 4, 1914, by the courts in the territory transferred to Italy in civil and commercial cases between the

inhabitants of such territory and other nationals of the former Austrian Empire, or between such inhabitants and the subjects of the Powers allies of the Austro-Hungarian Monarchy, shall not be carried into effect until after endorsement by the corresponding new court in such territory.

2. All decisions rendered for political crimes or offences since August 4, 1914, by the judicial authorities of the former Austro-Hungarian Monarchy against Italian nationals, including persons who obtain Italian nationality under the present Treaty, shall be annulled.

3. In all matters relating to proceedings initiated before the coming into force of the present Treaty before the competent authorities of the territory transferred to Italy, the Italian and Austrian judicial authorities respectively shall until the coming into force of a special convention on this subject be authorised to correspond with each other direct. Requests thus presented shall be given effect to so far as the laws of a public character allow in the country to the authorities of which the request is addressed.

4. All appeals to the higher Austrian judicial and administrative authorities beyond the limits of the territory transferred to Italy against decisions of the administrative or judicial authorities of this territory shall be suspended. The records shall be submitted to the authorities against whose decision the appeal was entered. They must be transmitted to the competent Italian authorities without delay.

5. All other questions as to jurisdiction, procedure or the administration of justice will be determined by a special convention between Italy and Austria.

SECTION II. SERB-CROAT-SLOVENE STATE¹⁷

ARTICLE 46

Austria, in conformity with the action already taken by the Allied and Associated Powers, recognises the complete independence of the Serb-Croat-Slovene State.

ARTICLE 47

Austria renounces, so far as she is concerned, in favour of the Serb-Croat-Slovene State all rights and title over the territories of the former Austro-Hungarian Monarchy situated outside the frontiers of Austria as laid down in Article 27, Part II (Frontiers of Austria) and recognised by the present Treaty, or by any Treaties concluded for the pur-

¹⁷ For discussion of "Section II. Serb-Croat-Slovene State," see Documents 180-97, *infra*; for early draft of this section and draft proposed by the Austrian Delegation, see Documents 61 and 62, *infra*.

pose of completing the present settlement, as forming part of the Serb-Croat-Slovene State.

ARTICLE 48

A Commission consisting of seven members, five nominated by the Principal Allied and Associated Powers, one by the Serb-Croat-Slovene State, and one by Austria, shall be constituted within fifteen days from the coming into force of the present Treaty, to trace on the spot the frontier line described in Article 27, 4, Part II (Frontiers of Austria).

The decisions of the Commission will be taken by a majority and shall be binding on the parties concerned.

ARTICLE 49

The inhabitants of the Klagenfurt area will be called upon, to the extent stated below, to indicate by a vote the State to which they wish the territory to belong.

The boundaries of the Klagenfurt area are as follows:

From point 871, about 10 kilometres to the east-north-east of Villach, southwards to a point on the Drave about 2 kilometres above St. Martin,

a line running approximately from north to south to be fixed on the ground;

thence in a north-westerly direction as far as a point about 1 kilometre south-east of the railway bridge on the eastern branch of the bend formed by the Drave about 6 kilometres to the east of Villach,

the course of the Drave;

thence in a south-westerly direction to point 1817 (Malestiger),

a line to be fixed on the ground passing through point 666 (Polana) and cutting the railway between Mallestig and Faak;

thence in an east-south-easterly direction, then north-east to point 1929 (Guchowa),

the watershed between the basins of the Drave to the north and the Save to the south;

thence north-east to point 1054 (Strojna),

a line to be fixed on the ground following in a general manner the western boundary of the basin of the Miess, passing through points 1558, 2124 and 1185;

thence north-east to point 1522 (Hühner Kogel),

a line to be fixed on the ground, crossing the Drave to the south of Lavamünd;

thence westwards to point 842, 1 kilometre west of Kasparstein,

a line to be fixed on the ground passing to the north of Lavamünd;

thence as far as point 1899 (Speikkogl),

the north-eastern administrative boundary of the district of Völkermarkt;

thence in a south-westerly direction and as far as the River Gurk, the north-western administrative boundary of the district of Völkermarkt;

thence in a south-westerly direction as far as a point on the administrative boundary to the west of point 1075 (Steinbruch Kogel), a line to be fixed on the ground, passing through point 1076;

thence in a westerly direction and as far as a point to be fixed near point 725, about 10 kilometres north-west of Klagenfurt,

the administrative boundary between the districts of St. Veit and Klagenfurt;

then as far as point 871, which was the starting point of this description,

a line to be fixed on the ground, passing through points 815 (Freudenberg), 1045 (Gallinberg) and 1069 (Taubenbühel).

ARTICLE 50

With a view to the organisation of a plebiscite, the Klagenfurt area will be divided into two zones, the first to the south and the second to the north of a transversal line, of which the following is a description:

From the point where the western boundary of the area leaves the Drave in a northerly direction as far as the point about 1 kilometre to the east of Rosegg (Saint-Michael),

the course of the Drave downstream;

thence in a north-easterly direction and as far as the western extremity of the Wörther See, south of Velden,

a line to be fixed on the ground;

thence in an easterly direction to the outlet of the Glanfurt from the lake,

the median line of that lake;

thence eastwards to its confluence with the River Glan,

the course of the Glanfurt downstream;

thence eastward to its confluence with the River Gurk,

the course of the Glan downstream;

thence in a north-easterly direction, to the point where the northern boundary of the Klagenfurt area crosses the River Gurk.

the course of the Gurk.

The Klagenfurt area will be placed under the control of a Commission entrusted with the duty of preparing the plebiscite in that area and assuring the impartial administration thereof. This Commission will be composed as follows: four members nominated respectively by the United States, Great Britain, France and Italy, one by Austria, one by

the Serb-Croat-Slovene State, the Austrian member only taking part in the deliberations of the Commission in regard to the second zone, and the Serb-Croat-Slovene member only taking part therein with regard to the first zone. The decisions of the Commission will be taken by a majority.

The second zone will be occupied by the Austrian troops and administered in accordance with the general regulations of the Austrian legislation.

The first zone will be occupied by the troops of the Serb-Croat-Slovene State, and administered in accordance with the general regulations of the legislation of that State.

In both zones the troops, whether Austrian or Serb-Croat-Slovene, shall be reduced to the numbers which the Commission may consider necessary for the preservation of order, and shall carry out their mission under the control of the Commission. These troops shall be replaced as speedily as possible by a police force recruited on the spot.

The Commission will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness and secrecy.

In the first zone the plebiscite will be held within three months from the coming into force of the present Treaty, at a date fixed by the Commission.

If the vote is in favour of the Serb-Croat-Slovene State, a plebiscite will be held in the second zone within three weeks from the proclamation of the result of the plebiscite in the first zone, at a date to be fixed by the Commission.

If, on the other hand, the vote in the first zone is in favour of Austria, no plebiscite will be held in the second zone, and the whole of the area will remain definitely under Austrian sovereignty.

The right of voting will be granted to every person without distinction of sex who:

- (a) Has attained the age of 20 years on or before January 1, 1919;
- (b) Has on January 1, 1919, his or her habitual residence within the zone subjected to the plebiscite; and,
- (c) Was born within the said zone, or has had his or her habitual residence or rights of citizenship (*pertinenza*) there from a date previous to January 1, 1912.

The result of the vote will be determined by the majority of votes in the whole of each zone.

On the conclusion of each vote the result will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote, and will be proclaimed.

If the vote is in favour of the incorporation either of the first zone or of both zones in the Serb-Croat-Slovene State, Austria hereby re-

nounces, so far as she is concerned and to the extent corresponding to the result of the vote, in favour of the Serb-Croat-Slovene State all rights and title over these territories. After agreement with the Commission the Serb-Croat-Slovene Government may definitely establish its authority over the said territories.

If the vote in the first or second zone is in favour of Austria, the Austrian Government, after agreement with the Commission, will be entitled definitely to re-establish its authority over the whole of the Klagenfurt area, or in the second zone, as the case may be.

When the administration of the country, either by the Serb-Croat-Slovene State or by Austria, as the case may be, has been thus assured, the powers of the Commission will terminate.

Expenditure by the Commission will be borne by Austria and the Serb-Croat-Slovene State in equal moieties.

ARTICLE 51

The Serb-Croat-Slovene State accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion.

The Serb-Croat-Slovene State further accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as these Powers may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations.

ARTICLE 52

The proportion and nature of the financial obligations of the former Austrian Empire which the Serb-Croat-Slovene State will have to assume on account of the territory placed under its sovereignty will be determined in accordance with Article 203, Part IX (Financial Clauses) of the present Treaty.

Subsequent agreements will decide all questions which are not decided by the present Treaty and which may arise in consequence of the cession of the said territory.

SECTION III. CZECHO-SLOVAK STATE¹⁸

ARTICLE 53

Austria, in conformity with the action already taken by the Allied and Associated Powers, recognises the complete independence of the

¹⁸ For discussion of "Section III. Czecho-Slovak State," see Documents 198-201, *infra*; for early drafts of this section and draft proposed by the Austrian Delegation, see Documents 60-62, *infra*.

Czecho-Slovak State, which will include the autonomous territory of the Ruthenians to the south of the Carpathians.

ARTICLE 54

Austria renounces, so far as she is concerned, in favour of the Czecho-Slovak State all rights and title over the territories of the former Austro-Hungarian Monarchy situated outside the frontiers of Austria as laid down in Article 27, Part II (Frontiers of Austria), and recognised in accordance with the present Treaty as forming part of the Czecho-Slovak State.

ARTICLE 55

A Commission composed of seven members, five nominated by the Principal Allied and Associated Powers, one by the Czecho-Slovak State, and one by Austria, will be appointed within fifteen days from the coming into force of the present Treaty to trace on the spot the frontier line laid down in Article 27, 6, Part II (Frontiers of Austria), of the present Treaty.

The decisions of this Commission will be taken by a majority and shall be binding on the parties concerned.

ARTICLE 56

The Czecho-Slovak State undertakes not to erect any military works in that portion of its territory which lies on the right bank of the Danube to the south of Bratislava (Pressburg).

ARTICLE 57

The Czecho-Slovak State accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provision as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion.

The Czecho-Slovak State further accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as these Powers may deem necessary to protect freedom of transit and equitable treatment for the commerce of other nations.

ARTICLE 58

The proportion and nature of the financial obligations of the former Austrian Empire which the Czecho-Slovak State will have to assume on account of the territory placed under its sovereignty will be determined in accordance with Article 203, Part IX (Financial Clauses), of the present Treaty.

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Subsequent agreements will decide all questions which are not decided by the present Treaty and which may arise in consequence of the cession of the said territory.

SECTION IV. ROUMANIA¹⁹

ARTICLE 59

Austria renounces, so far as she is concerned, in favour of Roumania all rights and title over such portion of the former Duchy of Bukovina as lies within the frontiers of Roumania which may ultimately be fixed by the Principal Allied and Associated Powers.

ARTICLE 60

Roumania accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion.

Roumania further accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as these Powers may deem necessary to protect freedom of transit and equitable treatment for the commerce of other nations.

ARTICLE 61

The proportion and nature of the financial obligations of the former Austrian Empire which Roumania will have to assume on account of the territory placed under her sovereignty will be determined in accordance with Article 203, Part IX (Financial Clauses), of the present Treaty.

Subsequent agreements will decide all questions which are not decided by the present Treaty and which may arise in consequence of the cession of the said territory.

SECTION V. PROTECTION OF MINORITIES²⁰

ARTICLE 62

Austria undertakes that the stipulations contained in this Section shall be recognised as fundamental laws, and that no law, regulation or

¹⁹ For discussion of "Section IV. Roumania," see Documents 202-4, *infra*; for early drafts of this section and draft proposed by the Austrian Delegation, see Documents 60-62, *infra*.

²⁰ For discussion of "Section V. Protection of Minorities," see Documents 205-22, *infra*; for early drafts of this section and draft proposed by the Austrian Delegation, see Documents 60-62, *infra*.

official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

ARTICLE 63

Austria undertakes to assure full and complete protection of life and liberty to all inhabitants of Austria without distinction of birth, nationality, language, race or religion.

All inhabitants of Austria shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

ARTICLE 64

Austria admits and declares to be Austrian nationals *ipso facto* and without the requirement of any formality all persons possessing at the date of the coming into force of the present Treaty rights of citizenship (*pertinensa*) within Austrian territory who are not nationals of any other State.

ARTICLE 65

All persons born in Austrian territory who are not born nationals of another State shall *ipso facto* become Austrian nationals.

ARTICLE 66

All Austrian nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Austrian national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Austrian national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Austrian Government of an official language, adequate facilities shall be given to Austrian nationals of non-German speech for the use of their language, either orally or in writing, before the courts.

ARTICLE 67

Austrian nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Austrian nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establish-

ments, with the right to use their own language and to exercise their religion freely therein.

ARTICLE 68

Austria will provide in the public educational system in towns and districts in which a considerable proportion of Austrian nationals of other than German speech are resident adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Austrian nationals through the medium of their own language. This provision shall not prevent the Austrian Government from making the teaching of the German language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Austrian nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious or charitable purposes.

ARTICLE 69

Austria agrees that the stipulations in the foregoing Articles of this Section, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The Allied and Associated Powers represented on the Council severally agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Austria 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.

Austria further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Austrian Government and any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Austrian Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

SECTION VI. CLAUSES RELATING TO NATIONALITY²¹

ARTICLE 70

Every person possessing rights of citizenship (*pertinenza*) in territory which formed part of the territories of the former Austro-Hungarian Monarchy shall obtain *ipso facto* to the exclusion of Austrian nationality the nationality of the State exercising sovereignty over such territory.

ARTICLE 71

Notwithstanding the provisions of Article 70, Italian nationality shall not, in the case of territory transferred to Italy, be acquired *ipso facto*:

(1) by persons possessing rights of citizenship in such territory who were not born there;

(2) by persons who acquired their rights of citizenship in such territory after May 24, 1915, or who acquired them only by reason of their official position.

ARTICLE 72

The persons referred to in Article 71, as well as those who:

(a) formerly possessed rights of citizenship in the territories transferred to Italy, or whose father, or mother if the father is unknown, possessed rights of citizenship in such territories, or

(b) have served in the Italian Army during the present war, and their descendants, may claim Italian nationality subject to the conditions prescribed in Article 78 for the right of option.

ARTICLE 73

The claim to Italian nationality by the persons referred to in Article 72 may in individual cases be refused by the competent Italian authority.

ARTICLE 74

Where the claim to Italian nationality under Article 72 is not made, or is refused, the persons concerned will obtain *ipso facto* the nationality of the State exercising sovereignty over the territory in which they possessed rights of citizenship before acquiring such rights in the territory transferred to Italy.

ARTICLE 75

Juridical persons established in the territories transferred to Italy shall be considered Italian if they are recognised as such either by the Italian administrative authorities or by an Italian judicial decision.

²¹ For discussion of "Section VI. Clauses Relating to Nationality," see Documents 223-28, *infra*; for draft proposed by the Austrian Delegation, see Document 62, *infra*.

ARTICLE 76

Notwithstanding the provisions of Article 70, persons who acquired rights of citizenship after January 1, 1910, in territory transferred under the present Treaty to the Serb-Croat-Slovene State, or to the Czecho-Slovak State, will not acquire Serb-Croat-Slovene or Czecho-Slovak nationality without a permit from the Serb-Croat-Slovene State or the Czecho-Slovak State respectively.

ARTICLE 77

If the permit referred to in Article 76 is not applied for, or is refused, the persons concerned will obtain *ipso facto* the nationality of the State exercising sovereignty over the territory in which they previously possessed rights of citizenship.

ARTICLE 78

Persons over 18 years of age losing their Austrian nationality and obtaining *ipso facto* a new nationality under Article 70 shall be entitled within a period of one year from the coming into force of the present Treaty to opt for the nationality of the State in which they possessed rights of citizenship before acquiring such rights in the territory transferred.

Option by a husband will cover his wife and option by parents will cover their children under 18 years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their immovable property in the territory of the other State where they had their place of residence before exercising their right to opt.

They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

ARTICLE 79

Persons entitled to vote in plebiscites provided for in the present Treaty shall within a period of six months after the definitive attribution of the area in which the plebiscite has taken place be entitled to opt for the nationality of the State to which the area is not assigned. The provisions of Article 78 relating to the right of option shall apply equally to the exercise of the right under this Article.

ARTICLE 80

Persons possessing rights of citizenship in territory forming part of the former Austro-Hungarian Monarchy, and differing in race and language from the majority of the population of such territory, shall within

six months from the coming into force of the present Treaty severally be entitled to opt for Austria, Italy, Poland, Roumania, the Serb-Croat-Slovene State, or the Czecho-Slovak State, if the majority of the population of the State selected is of the same race and language as the person exercising the right to opt. The provisions of Article 78 as to the exercise of the right of option shall apply to the right of option given by this Article.

ARTICLE 81

The High Contracting Parties undertake to put no hindrance in the way of the exercise of the right which the persons concerned have under the present Treaty, or under treaties concluded by the Allied and Associated Powers with Germany, Hungary or Russia, or between any of the Allied and Associated Powers themselves, to choose any other nationality which may be open to them.

ARTICLE 82

For the purposes of the provisions of this Section, the status of a married woman will be governed by that of her husband, and the status of children under 18 years of age by that of their parents.

SECTION VII. POLITICAL CLAUSES RELATING TO CERTAIN EUROPEAN STATES²²

1. *Belgium*

ARTICLE 83²³

Austria, recognising that the Treaties of April 19, 1839, which established the status of Belgium before the war, no longer conform to the requirements of the situation, consents so far as she is concerned to the abrogation of the said treaties and undertakes immediately to recognise and to observe whatever conventions may be entered into by the Principal Allied and Associated Powers, or by any of them, in concert with the Governments of Belgium and of the Netherlands, to replace the said Treaties of 1839. If her formal adhesion should be required to such conventions or to any of their stipulations, Austria undertakes immediately to give it.

2. *Luxemburg*

ARTICLE 84²⁴

Austria agrees, so far as she is concerned, to the termination of the régime of neutrality of the Grand Duchy of Luxemburg, and accepts in

²² For early drafts of "Section VII. Political Clauses Relating to Certain European States," and draft proposed by the Austrian Delegation, see Documents 60-62, *infra*.

²³ For discussion of Article 83, see Documents 230-31, *infra*.

²⁴ For discussion of Article 84, see Documents 232-36, *infra*.

advance all international arrangements which may be concluded by the Allied and Associated Powers relating to the Grand Duchy.

3. *Schleswig*

ARTICLE 85²⁵

Austria hereby accepts so far as she is concerned all arrangements made by the Allied and Associated Powers with Germany concerning the territories whose abandonment was imposed upon Denmark by the Treaty of October 30, 1864.

4. *Turkey and Bulgaria*

ARTICLE 86²⁶

Austria undertakes to recognise and accept so far as she is concerned all arrangements which the Allied and Associated Powers may make with Turkey and with Bulgaria with reference to any rights, interests and privileges whatever which might be claimed by Austria or her nationals in Turkey or Bulgaria and which are not dealt with in the provisions of the present Treaty.

5. *Russia and Russian States*

ARTICLE 87²⁷

1. Austria acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were part of the former Russian Empire on August 1, 1914.

In accordance with the provisions of Article 210, Part IX (Financial Clauses), and Article 244, Part X (Economic Clauses), of the present Treaty, Austria accepts definitely so far as she is concerned the abrogation of the Brest-Litovsk Treaties and of all treaties, conventions, and agreements entered into by the former Austro-Hungarian Government with the Maximalist Government in Russia.

The Allied and Associated Powers formally reserve the rights of Russia to obtain from Austria restitution and reparation based on the principles of the present Treaty.

2. Austria undertakes to recognise the full force of all treaties or agreements which may be entered into by the Allied and Associated Powers with States now existing or coming into existence in future in the whole or part of the former Empire of Russia as it existed on August 1, 1914, and to recognise the frontiers of any such States as determined therein.

²⁵ No discussion of Article 85 is recorded in the Minutes of the Supreme Council.

²⁶ For discussion of Article 86, see Document 237, *infra*.

²⁷ For discussion of Article 87, see Documents 238-41, *infra*.

SECTION VIII. GENERAL PROVISIONS²⁸ARTICLE 88²⁹

The independence of Austria is inalienable otherwise than with the consent of the Council of the League of Nations. Consequently Austria undertakes in the absence of the consent of the said Council to abstain from any act which might directly or indirectly or by any means whatever compromise her independence, particularly, and until her admission to membership of the League of Nations, by participation in the affairs of another Power.

ARTICLE 89³⁰

Austria hereby recognises and accepts the frontiers of Bulgaria, Greece, Hungary, Poland, Roumania, the Serb-Croat-Slovene State and the Czecho-Slovak State as these frontiers may be determined by the Principal Allied and Associated Powers.

ARTICLE 90³¹

Austria undertakes to recognise the full force of the Treaties of Peace and additional conventions which have been or may be concluded by the Allied and Associated Powers with the Powers who fought on the side of the former Austro-Hungarian Monarchy, and to recognise whatever dispositions have been or may be made concerning the territories of the former German Empire, of Hungary, of the Kingdom of Bulgaria, and of the Ottoman Empire, and to recognise the new States within their frontiers as there laid down.

ARTICLE 91³²

Austria renounces so far as she is concerned in favour of the Principal Allied and Associated Powers all rights and title over the territories which previously belonged to the former Austro-Hungarian Monarchy and which, being situated outside the new frontiers of Austria as described in Article 27, Part II (Frontiers of Austria), have not at present been assigned to any State.

Austria undertakes to accept the settlement made by the Principal

²⁸ For general discussion of "Section VIII. General Provisions," see Documents 242-43, *infra*; for early drafts of this section and for draft proposed by the Austrian Delegation, see Documents 60-62, *infra*.

²⁹ For discussion of Article 88, see Documents 244(a-p), *infra*.

³⁰ For discussion of Article 89, see Document 245, *infra*.

³¹ For information regarding Article 90, see Explanatory Note on p. 645.

³² For information regarding Article 91, see Explanatory Note on p. 645. For the observations of the Austrian Delegation on this article and Allied reply thereto, see Documents 242 and 243, *infra*.

Allied and Associated Powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants.

ARTICLE 92⁸³

No inhabitant of the territories of the former Austro-Hungarian Monarchy shall be disturbed or molested on account either of his political attitude between July 28, 1914, and the definitive settlement of the sovereignty over these territories, or of the determination of his nationality effected by the present Treaty.

ARTICLE 93

Austria will hand over without delay to the Allied and Associated Governments concerned archives, registers, plans, title-deeds and documents of every kind belonging to the civil, military, financial, judicial or other forms of administration in the ceded territories. If any one of these documents, archives, registers, title-deeds or plans is missing, it shall be restored by Austria upon the demand of the Allied or Associated Governments concerned.

In case the archives, registers, plans, title-deeds or documents referred to in the preceding paragraph, exclusive of those of a military character, concern equally the administrations in Austria and cannot therefore be handed over without inconvenience to such administrations, Austria undertakes, subject to reciprocity, to give access thereto to the Allied and Associated Governments concerned.

ARTICLE 94⁸⁴

Separate conventions between Austria and each of the States to which territory of the former Austrian Empire is transferred, and each of the States arising from the dismemberment of the former Austro-Hungarian Monarchy, will provide for the interest of the inhabitants, especially in connection with their civil rights, their commerce, and the exercise of their professions.

PART IV

AUSTRIAN INTERESTS OUTSIDE EUROPE⁸⁵

ARTICLE 95⁸⁶

In territory outside her frontiers as fixed by the present Treaty Austria renounces so far as she is concerned all rights, titles and privileges

⁸³ For discussion of Articles 92-94, see Document 246, *infra*. ⁸⁴ *Ibid*.

⁸⁵ For general discussion of "Part IV. Austrian Interests outside Europe," see Documents 247-49, *infra*; for early drafts of this part and the draft proposed by the Austrian Delegation, see Documents 60-62, *infra*.

⁸⁶ For discussion of Article 95, see Document 250, *infra*.

whatever in or over territory outside Europe which belonged to the former Austro-Hungarian Monarchy or to its allies, and all rights, titles and privileges, whatever their origin, which it held as against the Allied and Associated Powers.

Austria undertakes immediately to recognise and to conform to the measures which may be taken now or in the future by the Principal Allied and Associated Powers, in agreement where necessary with third Powers, in order to carry the above stipulation into effect.

SECTION I. MOROCCO⁸⁷

ARTICLE 96

Austria renounces so far as she is concerned all rights, titles and privileges conferred on her by the General Act of Algeciras of April 7, 1906, and by the Franco-German Agreements of February 9, 1909, and November 4, 1911. All treaties, agreements, arrangements and contracts concluded by the former Austro-Hungarian Monarchy with the Sherifian Empire are regarded as abrogated as from August 12, 1914.

In no case can Austria avail herself of these acts and she undertakes not to intervene in any way in negotiations relating to Morocco which may take place between France and the other Powers.

ARTICLE 97

Austria hereby accepts all the consequences of the establishment of the French Protectorate in Morocco, which had been recognised by the Government of the former Austro-Hungarian Monarchy, and she renounces so far as she is concerned the régime of the capitulations in Morocco.

This renunciation shall take effect as from August 12, 1914.

ARTICLE 98

The Sherifian Government shall have complete liberty of action in regulating the status of Austrian nationals in Morocco and the conditions in which they can establish themselves there.

Austrian protected persons, *semsars* and "associés agricoles" shall be considered to have ceased, as from August 12, 1914, to enjoy the privileges attached to their status and shall be subject to the ordinary law.

ARTICLE 99

All movable and immovable property in the Sherifian Empire belonging to the former Austro-Hungarian Monarchy passes *ipso facto* to the Maghzen without compensation.

⁸⁷ For discussion of "Section I. Morocco," see Documents 251-58, *infra*.

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For this purpose, the property and possessions of the former Austro-Hungarian Monarchy shall be deemed to include all the property of the Crown, and the private property of members of the former Royal Family of Austria-Hungary.

All movable and immovable property in the Sherifian Empire belonging to Austrian nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

Mining rights which may be recognised as belonging to Austrian nationals by the Court of Arbitration set up under the Moroccan Mining Regulations shall be treated in the same way as property in Morocco belonging to Austrian nationals.

ARTICLE 100

The Austrian Government shall ensure the transfer to the person nominated by the French Government of the shares representing Austria's portion of the capital of the State Bank of Morocco. This person will repay to the persons entitled thereto the value of these shares, which shall be indicated by the State Bank.

This transfer will take place without prejudice to the repayment of debts which Austrian nationals may have contracted towards the State Bank of Morocco.

ARTICLE 101

Moroccan goods entering Austria shall enjoy the treatment accorded to French goods.

SECTION II. EGYPT⁸⁶

ARTICLE 102

Austria declares that she recognises the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces so far as she is concerned the régime of the capitulations in Egypt.

This renunciation shall take effect as from August 12, 1914.

ARTICLE 103

All treaties, agreements, arrangements, and contracts concluded by the Government of the former Austro-Hungarian Monarchy with Egypt are regarded as abrogated as from August 12, 1914.

In no case can Austria avail herself of these instruments, and she undertakes not to intervene in any way in negotiations relating to Egypt which may take place between Great Britain and the other Powers.

⁸⁶ For discussion of "Section II. Egypt," see Documents 256-57, *infra*.

ARTICLE 104

Until an Egyptian law of judicial organization establishing courts with universal jurisdiction comes into force, provision shall be made, by means of decrees issued by His Highness the Sultan, for the exercise of jurisdiction over Austrian nationals and property by the British Consular Tribunals.

ARTICLE 105

The Egyptian Government shall have complete liberty of action in regulating the status of Austrian nationals, and the conditions under which they may establish themselves in Egypt.

ARTICLE 106

Austria consents, so far as she is concerned, to the abrogation of the decree issued by His Highness the Khedive on November 28, 1904, relating to the Commission of the Egyptian Public Debt, or to such changes as the Egyptian Government may think it desirable to make therein.

ARTICLE 107

Austria consents, so far as she is concerned, to the transfer to His Britannic Majesty's Government of the powers conferred on His Imperial Majesty the Sultan by the Convention signed at Constantinople on October 29, 1888, relating to the free navigation of the Suez Canal.

She renounces all participation in the Sanitary, Maritime and Quarantine Board of Egypt and consents, so far as she is concerned, to the transfer to the Egyptian Authorities of the powers of that Board.

ARTICLE 108

All property and possessions in Egypt of the former Austro-Hungarian Monarchy pass to the Egyptian Government without payment.

For this purpose, the property and possessions of the former Austro-Hungarian Monarchy shall be deemed to include all the property of the Crown, and the private property of members of the former Royal Family of Austria-Hungary.

All movable and immovable property in Egypt belonging to Austrian nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the Present Treaty.

ARTICLE 109

Egyptian goods entering Austria shall enjoy the treatment accorded to British goods.

SECTION III. SIAM³⁹

ARTICLE 110

Austria recognises, so far as she is concerned, that all treaties, conventions and agreements between the former Austro-Hungarian Monarchy and Siam, and all rights, titles and privileges derived therefrom, including all rights of extra-territorial jurisdiction, terminated as from July 22, 1917.

ARTICLE 111

Austria, so far as she is concerned, cedes to Siam all her rights over the goods and property in Siam which belonged to the former Austro-Hungarian Monarchy, with the exception of premises used as diplomatic or consular residences or offices as well as the effects and furniture which they contain. These goods and property pass *ipso facto* and without compensation to the Siamese Government.

The goods, property and private rights of Austrian nationals in Siam shall be dealt with in accordance with the provisions of Part X (Economic Clauses) of the present Treaty.

ARTICLE 112

Austria waives all claims against the Siamese Government on behalf of herself or her nationals arising out of the liquidation of Austrian property or the internment of Austrian nationals in Siam. This provision shall not affect the rights of the parties interested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

SECTION IV. CHINA⁴⁰

ARTICLE 113

Austria renounces, so far as she is concerned, in favour of China all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901, and from all annexes, notes and documents supplementary thereto. She likewise renounces in favour of China any claim to indemnities accruing thereunder subsequent to August 14, 1917.

ARTICLE 114

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them respectively:

(1) The Arrangement of August 29, 1902, regarding the new Chinese customs tariff;

³⁹ For discussion of "Section III. Siam," see Documents 259-60, *infra*.

⁴⁰ For discussion of "Section IV. China," see Documents 261-69, *infra*.

(2) The Arrangement of September 27, 1905, regarding Whang-Poo, and the provisional supplementary Arrangement of April 4, 1912.

China, however, will not be bound to grant to Austria the advantages or privileges which she allowed to the former Austro-Hungarian Monarchy under these Arrangements.

ARTICLE 115

Austria, so far as she is concerned, cedes to China all her rights over the buildings, wharves and pontoons, barracks, forts, arms and munitions of war, vessels of all kinds, wireless telegraphy installations and other public property which belonged to the former Austro-Hungarian Monarchy, and which are situated or may be in the Austro-Hungarian Concession at Tientsin or elsewhere in Chinese territory.

It is understood, however, that premises used as diplomatic or consular residences or offices, as well as the effects and furniture contained therein, are not included in the above cession, and, furthermore, that no steps shall be taken by the Chinese Government to dispose of the public and private property belonging to the former Austro-Hungarian Monarchy situated within the so-called Legation Quarter at Peking without the consent of the Diplomatic Representatives of the Powers which, on the coming into force of the present Treaty, remain parties to the Final Protocol of September 7, 1901.

ARTICLE 116

Austria agrees, so far as she is concerned, to the abrogation of the leases from the Chinese Government under which the Austro-Hungarian Concession at Tientsin is now held.

China, restored to the full exercise of her sovereign rights in the above area, declares her intention of opening it to international residence and trade. She further declares that the abrogation of the leases under which the said concession is now held shall not affect the property rights of nationals of Allied and Associated Powers who are holders of lots in this concession.

ARTICLE 117

Austria waives all claims against the Chinese Government or against any Allied or Associated Government arising out of the internment of Austrian nationals in China and their repatriation. She equally renounces, so far as she is concerned, all claims arising out of the capture and condemnation of Austro-Hungarian ships in China, or the liquidation, sequestration or control of Austrian properties, rights and interests in that country since August 14, 1917. This provision, however, shall not affect the rights of the parties interested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

60. DRAFT OF JUNE 2⁴¹

PREAMBLE

[Same as Preamble of July 20 draft with the exception of the list of representatives of the Allied and Associated Powers; in this respect the June 2 draft follows the Treaty of Versailles except as indicated:

For Canada the Right Honourable Sir George Eulas Foster, G.C.M.G., Minister of Trade and Commerce, is named instead of Sifton.

For Italy the names of Mr. V. E. Orlando, President of the Council of Ministers, and Mr. S. Barzilai, Deputy, formerly minister, are added to the three names listed in the Versailles Treaty.

For Brazil Mr. Epitacio Pessoa, formerly Minister of State, formerly member of the Supreme Court of Justice, Federal Senator, and M. Olyntho de Magalhaes, Envoy Extraordinary and Minister Plenipotentiary of the United States of Brazil at Paris, formerly Minister of Foreign Affairs, are named instead of Fernandes and Menezes.]

PART I

THE COVENANT OF THE LEAGUE OF NATIONS

[Same as the draft of July 20 and the Treaty.]

PART II

FRONTIERS OF AUSTRIA

ARTICLE 1

The frontiers of Austria shall be fixed as follows (see Map No. 1):

1. *With Switzerland and Lichtenstein:*
the present frontier;

2. *With Italy:*

From the point 2645 (Gruben J.) eastwards to point 2915 (Klopaier Spitz):

a line to be fixed on the ground passing through point 1483 on the Reschen-Nauders road;

⁴¹ The first proofs of the Austrian treaty draft appeared between May 13 and May 17.

Cover-title, *Conditions de paix, Conditions of peace, Condizioni di pace* (Paris, 1919). Separate paging. At head of title, "Épreuve." Stamped, "Secret." Map No. 1 attached to this draft is not reproduced. For June 2 boundary lines see "Uebersichtskarte der Territorialen Friedensbedingungen für Deutsch-Österreich" at the end of this volume.

thence eastwards to the summit of Dreiherrn Spitz (point 3505) :
the watershed between the basins of the Inn to the north and the Adige to the south ;

thence south-south-eastwards to point 2545 (Marchkinkele) :

the watershed between the basins of the Drave to the east and the Adige to the west ;

thence south-eastwards to point 2483 (Helm Spitz) :

a line to be fixed on the ground crossing the Drave between Winnbach and Arnbach ;

thence east-south-eastwards to point 2050 (Osternig) about 9 kilometres northwest of Tarvis :

the watershed between the basins of the Drave on the north and successively the basins of the Sextenbach, the Piave and the Tagliamento on the south ;

thence east-south-eastwards to point 1492 (about 2 kilometres west of Thörl) :

the watershed between the Gail and the Gailitz ;

thence eastwards to point 1509 (Mont Pec) :

a line to be fixed on the ground cutting the Gailitz south of the town and station of Thörl and passing by point 1270 (Cabin Berg).

3. (with the reservation made in Section II of Part III) :

From Mont Pec eastwards to point 2143 (Mittags kogel) :

the crest of the Karavanken ;

thence northwards to point 871 about 10 kilometres east-north-east of Villach :

a line to be fixed on the ground passing through point 717 (Rudnik) ;

thence east-north-eastwards to a point to be chosen near point 725 about 10 kilometres north-west of Klagenfurt on the administrative boundary between the districts of St. Veit and Klagenfurt :

a line to be fixed on the ground passing through points 1069 (Taubenbühel), 1045 (Gallinberg) and 815 (Freudenberg) ;

thence eastwards to a point to be chosen on the ground west of point 1075 (Steinbruch Kogel) :

the administrative boundary between the districts of St. Veit and Klagenfurt ;

thence north-eastwards to the point where the administrative boundary of the district of Völkermarkt leaves this river :

a line to be fixed on the ground passing through point 1076 ;

thence north-eastwards to point 1899 (Speikkogel) :

the administrative boundary between the districts of St. Veit and Völkermarkt :

thence south-eastwards to point 842 (1 kilometre west of Kasparschn) :

the north-eastern boundary of the district of Völkermarkt;
thence eastwards to point 1522 (Hühner Kogel);
a line to be fixed on the ground passing north of Lavamünd;

4. *With the Serb-Croat-Slovene State:*

From point 1522 (Hühner Kogel) eastwards to point 917 (St. Lorenzen):

a line to be fixed on the ground passing through point 1330;
thence eastwards along to the point where it meets the administrative
boundary between the districts of Marburg and Leibnitz:

the watershed between the basins of the Drave to the south and the
Saggau to the north;

thence north-eastwards this administrative boundary to the point
where it meets the Mur;

thence the principal course of the Mur downstream to a point to be
fixed east of Sögersdorf;

thence north-eastwards to a point to be chosen on the old frontier
between Austria and Hungary between the villages of Pölten (to Aus-
tria) and Karolyfa (to the Serb-Croat-Slovene State):

a line to be fixed on the ground leaving Pridahof and Pfarrsdorf to
the Serb-Croat-Slovene State and Halbenrein and Dietzen to Austria;

thence northwards to a point to be fixed east of point 400 about 16
kilometres north of Radkersburg, the point common to the three fron-
tiers of Austria, Hungary and the Serb-Croat-Slovene State:

the old frontier between Austria and Hungary;

5. *With Hungary:*

From the point defined as above to point 140, about 4½ kilometres
south-west of Pressburg bridge:

the old frontier of 1867 between Austria and Hungary;

thence to a point on the frontier of the Czecho-Slovak State on the
median line of the principal channel of navigation of the Danube about
4 kilometres west of Pressburg bridge:

a line to be fixed on the ground.

6. *With the Czecho-Slovak State:*

From the point defined as above to the confluence of the Danube and
the March:

the principal channel of navigation of the Danube;

thence to a point on the right bank of the March below its confluence
with the Thaya, to be chosen so as to allow of the construction of the
Thaya canal:

a line to be fixed on the right bank of the March so that the course
of the river may be entirely at the disposal of the Czecho-Slovak State
and that the railway Vienna-Dürnkrut-Hohenau may be entirely in Aus-

tria; south of Dürnkrut, however, for the "right bank of the March" must be read "the right bank of its principal channel";

thence in a west-north-westerly direction to the point where the old boundary between Lower Austria and Moravia (Mähren) cuts the Laa-Grusbach railway:

a line to be fixed on the ground cutting the Hohenau-Wilfersdorf and Hohenau Dürnkrut railways at points not more than 1 kilometre south of Hohenau station so as to allow of the construction in Austrian territory of a connection, if required, between these railways, then passing north of the Hohenau-Laa railway by point 226, between Poysdorf and Herrnbaumgarten and by point 425;

thence in a west-north-westerly direction, the old boundary between Lower Austria and Moravia (Mähren);

thence in a westerly direction to a point near point 611 about $9\frac{1}{2}$ kilometres south-south-east of Neubistritz:

the old boundary between Lower Austria and Bohemia;

thence in a south-westerly direction to a point in the Lainsitz about $1\frac{1}{2}$ kilometres above Gmünd railway-bridge:

a line to be fixed on the ground, passing west of Heidenreichstein and Schrems, by points 622 and 583 (Haselberg), and between the town of Gmünd (to Austria) and the point of junction of the Gmünd-Budweis and Gmünd-Wittingau railways (to the Czecho-Slovak State);

thence upstream to the bend of the Lainsitz about 4 kilometres north of Weitra:

the course of this river;

thence in a westerly direction to point 742:

a line to be fixed on the ground;

thence in a west-south-westerly direction, the crest to the point about $1\frac{1}{2}$ kilometres east of Scheiben, where it meets the administrative boundary between Bohemia and Lower Austria;

thence in a south-westerly direction, this administrative boundary; thence in a north-westerly direction the boundary between Upper Austria and Bohemia to its junction with the German frontier.

7. *With Germany:*

The frontier of the 3rd August 1914.

ARTICLE 2

[Same as Article 28 of Treaty.]

ARTICLE 3

[Same as Article 29 of July 20 draft.]

ARTICLES 4-9

[Same as Articles 30-35 of Treaty.]

PART III
POLITICAL CLAUSES

SECTION I. ITALY
(Reserved)

SECTION II. SERB-CROAT-SLOVENE STATE
(Reserved)

SECTION III. CZECHO-SLOVAK STATE

ARTICLE 1

[Same as Article 53 of Treaty.]

ARTICLE 2

[Same as Article 54 of Treaty except:
For "Article 27, Part II," read "Article 1 of Part II."
For "recognized in accordance with the present Treaty," read "recognized by the present Treaty."]

ARTICLE 3

[Same as Article 55 of Treaty except:
For "within fifteen days from the coming into force," read "fifteen days after the coming into force."
For "frontier line laid down in Article 27, 6," read "frontier line provided for in Article 1 (6)."]

ARTICLE 4

[Same as Article 65, paragraph 1 of July 20 draft.]

ARTICLE 5

[Same as Article 65, paragraphs 2-6 of July 20 draft.]

ARTICLE 6

[Same as Article 57 of Treaty except:
For "provision" in paragraph 1, read "provisions."
For "by these Powers," read "by the said Powers."
For "as these Powers may deem necessary," read "as they may deem necessary."]

ARTICLE 7

[Same as Article 67 of July 20 draft except:
For "Article 199," read "Article...."]

SECTION IV. POLITICAL CLAUSES RELATING TO CERTAIN
EUROPEAN STATES1. *Belgium*

ARTICLE 1

[Same as Article 83 of Treaty.]

2. *Luxemburg*

ARTICLE 2

[Same as Article 84 of Treaty.]

3. *Schleswig*

ARTICLE 3

[Same as Article 85 of Treaty.]

4. *Turkey and Bulgaria*

ARTICLE 4

[Same as Article 86 of Treaty.]

5. *Roumania*

ARTICLE 5

[Same as Article 60 of Treaty except:

For "by these Powers," *read* "by the said Powers."*For* "of that state," *read* "of Roumania."*For* "with the Principal Allied and Associated Powers" (2d paragraph), *read* "with the said Powers."*For* "as these Powers" (2d paragraph), *read* "as they."]6. *Russia and Russian States*

ARTICLE 6

[Paragraph 1 is same as Paragraph 1 of Article 87 of Treaty except:

For "agrees to respect as permanent and inalienable the independence," *read* "will fully respect the inalienable independence."

Paragraph 2 differs from paragraph 2 of Article 87 of the Treaty and reads as follows:

"Austria definitively accepts so far as she is concerned the abrogation of the Treaties of Brest-Litovsk and of all other Treaties or agreements which the former Austro-Hungarian Government concluded since the

TEXT OF THE TERRITORIAL AND POLITICAL CLAUSES 163

Maximalist Revolution (November, 1917) with any Government or political groups formed in the territory of the former Russian Empire." Paragraph 3 is same as paragraph 3 of Article 87 of Treaty.]

ARTICLE 7

[Same as Part 2 of Article 87 of Treaty.]

SECTION V. PROTECTION OF MINORITIES

ARTICLE 1

[Same as Article 79 of July 20 draft.]

ARTICLE 2

[Same as Article 63 of Treaty.]

ARTICLE 3

[Same as Article 66 of Treaty except:
For "adequate facilities," read "reasonable facilities."]

ARTICLE 4

[Same as Article 67 of Treaty.]

ARTICLE 5

[Same as Article 83 of July 20 draft except:
For "adequate facilities," read "reasonable facilities."
For "through the medium of their own language," read "in their own language."]

ARTICLE 6

[Same as Article 84 of July 20 draft.]

ARTICLE 7

[Same as Article 85 of July 20 draft except:
For "the stipulations of Article 79 to 84 in her fundamental laws as a declaration of rights," read "the foregoing obligations in her fundamental law as a bill of rights."]

ARTICLE 8

[Same as Article 86 of July 20 draft except:
For "to choose whether or not they will recover Austrian nationality," read "to opt for Austrian nationality."]

ARTICLE 9

[Same as Article 87 of July 20 draft.]

THE TREATY OF ST. GERMAIN

SECTION VI. GENERAL PROVISIONS

ARTICLE 1

[Differs from Article 88 of July 20 draft and Article 89 of Treaty.]

The High Contracting Parties hereby recognise and accept the frontiers of Bulgaria, Greece, Hungary, Poland, Roumania, the Serb-Croat-Slovene State and the Czecho-Slovak State as these frontiers are at present determined in the Annex hereto, or as they may be ultimately determined by the Allied and Associated Powers in treaties with the States concerned.

ARTICLE 2

[Same as Article 90 of Treaty.]

ARTICLE 3

[Same as Article 91 of Treaty except:
*For "all rights and title," read "all her rights and title."
For "Article 27," read "Article 1."]*

ANNEX

Paragraph 1

FRONTIERS OF BULGARIA

.

Paragraph 2

FRONTIERS OF GREECE

.

Paragraph 3

FRONTIERS OF HUNGARY

.

Paragraph 4

FRONTIERS OF POLAND

.

Paragraph 5

FRONTIERS OF ROUMANIA

.

Paragraph 6

FRONTIERS OF THE SERB-CROAT-SLOVENE STATE

.

Paragraph 7

FRONTIERS OF THE CZECHO-SLOVAK STATE

.

PART IV

AUSTRIAN INTERESTS OUTSIDE EUROPE

ARTICLE 1

[Same as Article 92 of July 20 draft.]

SECTION I. MOROCCO

ARTICLES 1-6

[Same as Articles 96-101 of Treaty.]

SECTION II. EGYPT

ARTICLES 1-8

[Same as Articles 102-9 of Treaty.]

SECTION III. SIAM

ARTICLES 1 AND 3

[Same as Articles 110, 112 of Treaty.]

ARTICLE 2

[Same as Article 108 of July 20 draft.]

SECTION IV. CHINA

ARTICLES 1 AND 2

[Same as Articles 113-14 of the Treaty.]

ARTICLE 3

[Same as Article 112 of July 20 draft.]

ARTICLE 4

[Same as Article 116 of Treaty.]

ARTICLE 5

[Same as Article 114 of July 20 draft.]

61. DRAFT OF JULY 20⁴²

[PREAMBLE]

[Same as Preamble in the Treaty except:

In this draft all Allied and Associated Powers are named which are listed in the Preamble of the Treaty of Versailles.

⁴² Cover-title, *Conditions of Peace with Austria. Proof. English text* (Paris, 1919), 177 pp. Map No. 1 accompanying this draft is not reproduced. For July 20 boundary lines see "Uebersichtskarte der Territorialen Friedensbedingungen für Deutsch-Österreich" at the end of this volume.

The representatives of the Allied and Associated Powers are generally the same as those in the Treaty of Versailles. There are however the following differences:

In the U.S. Delegation the names of Wilson and Lansing are omitted and there are two blank spaces.

There are no names for the representatives from Canada, Australia, Union of South Africa, and New Zealand. The first three have each two blank spaces and New Zealand has one.

For India Montagu is named but Sir Ganga Singh Bahadur is omitted and there is a blank space.

For Italy Mr. S. Crespi only is named and there are four blanks.

For Brazil Mr. Pandià Calogeras only is named and there are two blanks.

For "The Republic of Austria, by Mr. Charles Renner," *read* "Austria, by Mr. Charles Renner."

The following next to the last paragraph in the July draft does not appear in the Treaty:

"Austria is recognized as a new and independent state under the name of the 'Republic of Austria.'"]

PART I

THE COVENANT OF THE LEAGUE OF NATIONS

[Same as Part I in the Treaty.]

PART II

FRONTIERS OF AUSTRIA

ARTICLE 27

[Same as Article 27 in the Treaty except:

For "(see annexed map)," *read* "(see Map No. 1)."

2. With Italy:

For "thence generally south-south eastwards to point 2545," *read* "thence south-south-eastwards to point 2545."

3. *For* "On the South, and then with the Klagenfurt area," *read* "With the Klagenfurt area."

For "point 1817 (Malestiger)," *read* "point 1817 (Malestiger-Mit-tagskogl)."

4. With the Serb-Croat-Slovene State:

For the remainder of this part after the words "the above-mentioned administrative boundary," *read*:

thence eastwards to a point to be fixed on the course of the Mur east of Sögersdorf :

the principal course of the Mur downstream ;

thence north-eastwards to a point to be chosen on the old frontier between Austria and Hungary between the villages of Pölten (to Austria) and Karolyfa (to the Serb-Croat-Slovene State) :

a line to be fixed on the ground leaving Pridahof and Pfarrsdorf to the Serb-Croat-Slovene State and Halberein and Dietzen to Austria ;

thence northwards to a point to be fixed east of point 400 about 16 kilometres north of Radkersburg :

the old frontier of 1867 between Austria and Hungary ;

thence north-eastwards to a point to be fixed on the watershed between the basins of the Raab and the Mur about 2 kilometres east of Toka :

a line to be fixed on the ground, passing between the villages of Bonisfalva and Gedoudvar.

This point is the point common to the three frontiers of Austria, Hungary and the Serb-Croat-Slovene State."

5. With Hungary :

For "point 322 (Hochkogel)," *read* "point 323 (Hochkogel)."]

ARTICLE 28

[Same as Article 28 of Treaty except :

For "In case of difference between the text and the map," *read* "In case of difference between the text and the maps."]

ARTICLE 29

[Same as Article 29 of the Treaty except :

For paragraph 1, *read* "Boundary Commissions, whose composition is or will be fixed by a Treaty between the Principal Allied and Associated Powers and the, or any, interested States, will have to trace these frontiers on the ground."

The July 20 draft lacks the final paragraph in the Treaty.]

ARTICLE 30

[Same as Article 30 in the Treaty.]

ARTICLE 31

[Same as Article 31 of the Treaty except :

For "local economic relations," *read* "existing economic conditions."]

ARTICLES 32-34

[Same as Articles 32-34 of the Treaty.]

ARTICLE 35

[Same as Article 35 of the Treaty except:

For "Governments of the limitrophe States," *read* "Government of each of the limitrophe States."

For "Powers signatories of the present Treaty," *read* "Powers who sign the present Treaty."]

PART III

POLITICAL CLAUSES FOR EUROPE⁴³

SECTION I. ITALY

ARTICLE 36

[Same as Article 36 of the Treaty except:

For paragraph 1, *read* "Austria renounces, so far as she is concerned, in favour of Italy all rights and title over the territory of the former Austro-Hungarian Monarchy situated beyond the frontier laid down in Article 27 (2) and lying between that frontier, and the former Austro-Hungarian frontier, the Adriatic sea, and the eastern frontier of Italy as subsequently determined."]

ARTICLE 37

Austrian nationals who were born in the territories of the former Austro-Hungarian Monarchy which are transferred to Italy, and are entitled at the time of the coming into force of the present Treaty to rights of citizenship (*pertinenza*) under the local administrative laws, will acquire Italian nationality *ipso facto* and will lose their Austrian nationality.

Austrian nationals, however, falling within the above description who only acquired their rights of citizenship (*pertinenza*) in the above territories after May 24, 1915, or who have only acquired them by reason of their official position, will not acquire Italian nationality without a special permit from the Italian State.

ARTICLE 38

Within a period of two years from the coming into force of the present Treaty Austrian nationals covered by the first paragraph of Article 37 who are over 18 years of age will be entitled to opt for Austrian nationality. Italians over 18 years of age who are Austrian nationals and are entitled to right of citizenship in any of the territories of the former Austro-Hungarian Monarchy will have a similar right to opt for Italian nationality.

⁴³ The clauses relating to nationality which are gathered together in one section as Articles 70-82 in the Treaty are scattered under the various countries in Part III, Sections I-IV, of the July draft.

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Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in the territory of the other State where they were entitled to rights of citizenship before exercising their right to opt. They may carry with them their movable property of every description. No import or export duties may be imposed upon them in connection with the removal of such property.

ARTICLE 39

Within a year from the coming into force of the present Treaty persons who belong to any of the following categories may claim Italian nationality:

(1) Austrian nationals who are entitled to rights of citizenship in the territories above referred to, but who were not born there;

(2) Austrian nationals who were formerly entitled to rights of citizenship in the said territories, or whose father, or mother if the father is unknown, was entitled to rights of citizenship in such territories;

(3) Austrian nationals who have served in the Italian army during the present war, and their descendants.

The claim by such persons to Italian nationality may in individual cases be refused by the competent Italian authority.

Persons who obtain Italian nationality under this Article must within the ensuing twelve months transfer their place of residence to Italy.

They will be entitled to retain their immovable property in the territory of the State where they possessed rights of citizenship before their change of nationality.

They may carry with them their movable property of every description. No import or export duties or charges may be imposed upon them in connection with the removal of such property.

ARTICLE 40

The condition of married women will be governed, so far as concerns the application of the foregoing provision, by that of their husbands, and that of children under 18 years of age will be governed by that of their parents.

Where the father, or the mother if the father is unknown, has not acquired Italian nationality, a minor may claim such nationality within the year following the completion of his eighteenth year.

ARTICLE 41

Juridical persons established in the territories transferred to Italy shall be considered Italian if they are recognised as such either by the Italian administrative authorities or by an Italian judicial decision.

ARTICLE 42

Separate conventions between Italy and Austria will provide for the interests of the inhabitants of the territories transferred to Italy, especially in connection with their civil rights, their commerce, and the exercise of their professions, it being understood that Austria hereby undertakes to recognise and to accept the rules laid down in the present Section concerning the nationality of the inhabitants and natives of the said territories, not to claim as Austrian nationals at any time or in any place whatsoever those persons who shall have been declared upon any ground to be Italian, and to receive within her territory persons who remain Austrian.

ARTICLE 43

[Same as Article 37 of Treaty except:
For "Article 269," read "Article 263," and for "Articles 252 and 253," read "Articles 247 and 248."]

ARTICLE 44

[Same as Article 38 of the Treaty.]

ARTICLE 45

[Same as Article 39 of the Treaty.]

ARTICLE 46

[Same as Article 40 of Treaty.]

ARTICLE 47

[Same as Article 41 of Treaty except:
For "Article 208," read "Article 204."
For "rights which the Austrian State possessed," read "rights of the Austrian State."]

ARTICLE 48

[Same as Article 42 of the Treaty.]

ARTICLE 49

[Same as Article 43 of the Treaty.]

ARTICLE 50

[Same as Article 44 of the Treaty.]

ARTICLE 51

[Same as Article 45 of the Treaty except:
For "inhabitants of such territory and other nationals of the former Austrian Empire," read "inhabitants of such territory and other nationals of the former Austro-Hungarian Monarchy."
For "subjects of the Powers allies," read "subjects of the Allies."]

SECTION II. SERB-CROAT-SLOVENE STATE

ARTICLE 52

[Same as Article 46 of the Treaty.]

ARTICLE 53

[Same as Article 47 of the Treaty.]

ARTICLE 54

[Same as Article 48 of the Treaty.]

ARTICLE 55

[Same as Article 49 of the Treaty except:

For "point 1817 (Malestiger)," read "point 1817 (Malestiger-Mittagskogel)."

For "thence in an east-south-easterly direction, then north-east to point 1929," read "thence in an east-south-easterly direction, then northwest to point 1929."

For "thence westwards to point 842," read "from the Hühner Kogel westwards to point 842."

For "point 725 about 10 kilometres north-east of Klagenfurt," read "point 725, about 10 kilometres north-west of Klagenfurt."]

ARTICLE 56

[Same as Article 50 of Treaty except:

For "one by Austria," read "one by the Republic of Austria."

*For "rights of citizenship (*pertinenza*)," read "right of domicile."]*

ARTICLE 57

Austrian nationals habitually resident in the territories assigned to the Serb-Croat-Slovene State will acquire Serb-Croat-Slovene nationality *ipso facto* and will lose their Austrian nationality.

Austrian nationals, however, who become resident in these territories after January 1, 1910, will not acquire Serb-Croat-Slovene nationality without a permit from the Serb-Croat-Slovene State.

ARTICLE 58

Within a period of two years from the coming into force of the present Treaty, Austrian nationals over 18 years of age and habitually resident in the territories which are assigned to the Serb-Croat-Slovene State in accordance with the present Treaty will be entitled to opt for their former nationality. Serb-Croat-Slovenes over 18 years of age who are Austrian nationals and habitually resident in the former Austro-Hungarian Monarchy will have a similar right to opt for Serb-Croat-Slovene nationality.

Option by a husband will cover his wife and option by parents will cover their children under 18 years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their immovable property in the territory of the other State where they had their place of residence before exercising their right to opt. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

Within the same period Serb-Croat-Slovenes who are Austrian nationals and are in a foreign country will be entitled, in the absence of any provisions to the contrary in the foreign law, and if they have not acquired the foreign nationality, to obtain Serb-Croat-Slovene nationality and lose their Austrian nationality by complying with the requirements laid down by the Serb-Croat-Slovene State.

ARTICLE 59

[Same as Article 51 of the Treaty.]

ARTICLE 60

[Same as Article 52 of Treaty except:
For "the former Austrian Empire," read "Austria."
For "Article 203," read "Article 199."]

SECTION III. CZECHO-SLOVAK STATE

ARTICLE 61

[Same as Article 53 of Treaty.]

ARTICLE 62

[Same as Article 54 of Treaty.]

ARTICLE 63

[Same as Article 55 of Treaty except:
For "within fifteen days from the coming into force," read "fifteen days after the coming into force."
For "laid down in Article 27," read "provided for in Article 27."]

ARTICLE 64

[Same as Article 56 of Treaty.]

ARTICLE 65

Austrian nationals habitually resident in the territories recognised as forming part of the Czecho-Slovak State will obtain Czecho-Slovak nationality *ipso facto* and will lose their Austrian nationality.

Within a period of two years from the coming into force of the present Treaty, Austrian nationals over eighteen years of age and habitually resident in the territories recognised as forming part of the Czecho-Slovak State will be entitled to opt for Austrian nationality. Czecho-Slovaks over eighteen years of age who are Austrian nationals and are habitually resident in the territories of the former Austro-Hungarian Monarchy will have a similar right to opt for Czecho-Slovak nationality.

Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their landed property in the territory of the other State where they had their place of residence before exercising their right to opt. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

Within the same period Czecho-Slovaks who are Austrian nationals and are in a foreign country will be entitled, in the absence of any provisions to the contrary in the foreign law, and if they have not acquired the foreign nationality, to obtain Czecho-Slovak nationality and lose their Austrian nationality by complying with the requirements laid down by the Czecho-Slovak State.

ARTICLE 66

[Same as Article 57 of Treaty except:
In first paragraph *for* "provision," *read* "provisions."]

ARTICLE 67

[Same as Article 58 of Treaty except:
For "former Austrian Empire," *read* "Austria."
For "Article 203," *read* "Article 199."]

SECTION III. ROUMANIA

ARTICLE 68

[Same as Article 59 of Treaty.]

ARTICLE 69

Austrian nationals habitually resident in the territories assigned to Roumania in accordance with the present Treaty will obtain Roumanian nationality *ipso facto* and will lose their Austrian nationality.

ARTICLE 70

Within a period of two years from the coming into force of the present Treaty, Austrian nationals over eighteen years of age and ha-

bitually resident in the territories recognised as forming part of Roumania will be entitled to opt for Austrian nationality. Roumanians over eighteen years of age who are Austrian nationals and are habitually resident in the territories of the former Austro-Hungarian Monarchy will have a similar right to opt for Roumanian nationality.

Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their landed property in the territory of the other State where they had their place of residence before exercising their right to opt. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

Within the same period Roumanians who are Austrian nationals and are in a foreign country will be entitled, in the absence of any provisions to the contrary in the foreign law, and if they have not acquired the foreign nationality, to obtain Roumanian nationality and lose their Austrian nationality by complying with the requirements laid down by Roumania.

ARTICLE 71

[Same as Article 60 of Treaty.]

ARTICLE 72

[Same as Article 61 of Treaty except:
For "former Austrian Empire," read "Austria."
For "Article 203," read "Article 199."]

SECTION V. POLITICAL CLAUSES RELATING TO CERTAIN EUROPEAN STATES

1. *Belgium*

ARTICLE 73

[Same as Article 83 of Treaty.]

2. *Luxemburg*

ARTICLE 74

[Same as Article 84 of Treaty.]

3. *Schleswig*

ARTICLE 75

[Same as Article 85 of Treaty.]

4. *Turkey and Bulgaria*

ARTICLE 76

[Same as Article 86 of Treaty.]

5. *Russia and Russian States*

ARTICLES 77 AND 78

[Same as Article 87 of Treaty.]

SECTION VI. PROTECTION OF MINORITIES

ARTICLE 79

Austria undertakes to bring her institutions into conformity with the principles of liberty and justice and to give to all the inhabitants of her territory a sure guarantee. With this object she declares herself to be in agreement with the Allied and Associated Powers in recognising that the obligations contained in the present Section constitute obligations of international concern, over which the League of Nations has jurisdiction.

ARTICLE 80

[Same as Article 63 of Treaty except:
For "birth, nationality, race or religion," read "birth, nationality, language, race or religion."]

ARTICLE 81

[Same as Article 66 of Treaty.]

ARTICLE 82

[Same as Article 67 of Treaty.]

ARTICLE 83

Austria will provide in the public educational establishments in towns and districts in which a considerable proportion of Austrian nationals of other than German speech are resident adequate facilities for ensuring that instruction shall be given to the children of such Austrian nationals through the medium of their own language.

In towns and districts where there is a considerable proportion of Austrian nationals belonging to racial, religious or linguistic minorities these minorities shall be assured an equitable share in the enjoyment and application of sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious or charitable purposes.

ARTICLE 84

The above provisions regarding public or private instruction in languages other than German do not preclude the Austrian Government from making the teaching of German obligatory.

ARTICLE 85

Austria undertakes to embody the stipulations of Articles 79 to 84 in her fundamental laws as a declaration of rights with which no law, regulation or official action shall conflict or interfere, and over which no law, regulation or official action shall prevail.

ARTICLE 86

Austria undertakes to place no obstacles in the way of the exercise of the right which persons may have under the present Treaty, or under the treaties concluded by the Allied and Associated Powers with Germany, Hungary, or Russia, or with any of the Allied and Associated Powers themselves, to choose whether or not they will recover Austrian nationality.

ARTICLE 87

The provisions contained in this Section regarding the protection of racial, religious or linguistic minorities shall be under the protection of the League of Nations, and the consent of the Council of the League of Nations is required for any modifications thereof.

SECTION VII. GENERAL PROVISIONS

ARTICLE 88

[Same as Article 89 of Treaty except:
For "may be determined," read "may be ultimately determined."]

ARTICLE 89

[Same as Article 90 of Treaty.]

ARTICLE 90

[Same as Article 91 of Treaty.]

ARTICLE 91

[Same as Article 92 of Treaty.]

PART IV

AUSTRIAN INTERESTS OUTSIDE EUROPE

ARTICLE 92

[Same as Article 95 of Treaty except:
For "territory outside Europe which belonged to the former Austro-Hungarian Monarchy," read "territory which belonged to the former Austro-Hungarian Monarchy."]

SECTION I. MOROCCO

ARTICLES 93-98

[Same as Articles 96-101 of Treaty.]

TEXT OF THE TERRITORIAL AND POLITICAL CLAUSES 177

SECTION II. EGYPT

ARTICLES 99-106

[Same as Articles 102-9 of Treaty.]

SECTION III. SIAM

ARTICLE 107

[Same as Article 110 of Treaty.]

ARTICLE 108

[Same as Article 111 of Treaty except:

For "Austria, so far as she is concerned, cedes to Siam," read "Austria cedes to Siam."

For "consular residences or offices as well as the effects and furniture which they contain," read "consular residences or offices."]

ARTICLE 109

[Same as Article 112 of Treaty.]

SECTION IV. CHINA

ARTICLE 110

[Same as Article 113 of Treaty.]

ARTICLE 111

[Same as Article 114 of Treaty.]

ARTICLE 112

[Same as Article 115 of Treaty except:

For "Austria, so far as she is concerned, cedes to China," read "Austria cedes to China."

For "consular residences or offices, as well as the effects and furniture contained therein," read "consular residences or offices."]

ARTICLE 113

[Same as Article 116 of Treaty.]

ARTICLE 114

[Same as Article 117 of Treaty except:

For "she equally renounces, so far as she is concerned," read "she equally renounces."

For "Austro-Hungarian ships," read "Austrian ships."]

62. DRAFT CLAUSES PROPOSED BY THE AUSTRIAN
DELEGATION ON AUGUST 9, 1919⁴⁴

(Translation)⁴⁵

Proposed Drafts, resulting from the observations of the German Austrian Delegation and submitted to the judgment of the Supreme Council of the Allied and Associated Powers

The drafts proposed by the Austrians are given in capitals [and small capitals].⁴⁶

[Preamble]

Page 1:

For: And Austria of the other part

Read: And GERMAN Austria of the other part

Next to last line: [Paragraph 7]

For: [against] Austria

Read: [against] Austria-HUNGARY

[*For* paragraph 8 *read:* CONSIDERING THAT THE FORMER AUSTRO-HUNGARIAN MONARCHY HAS TODAY CEASED TO EXIST AND THAT IN AUSTRIA ITS TERRITORIES HAVE BEEN DIVIDED BETWEEN THE FOLLOWING STATES, *i.e.*, GERMAN-AUSTRIA, ITALY, POLAND, RUMANIA, THE SERB-CROAT-SLOVENE STATE, CZECHO-SLOVAKIA AND UKRAINIA.]

[*For* the last two paragraphs *read:* GERMAN-AUSTRIA, COMPRISING THOSE PARTS OF THE FORMER AUSTRO-HUNGARIAN MONARCHY WHICH ARE INHABITED BY GERMANS, IS RECOGNIZED—AS WELL AS THE OTHER STATES WHICH HAVE BEEN FORMED FROM THE TERRITORIES OF THE FORMER MONARCHY—AS A NEW, INDEPENDENT STATE; IT WILL BEAR THE NAME OF “THE GERMAN AUSTRIAN REPUBLIC.”

⁴⁴ *S-H Bulletin*, No. 668, Part IV; for French and German texts, see *Bericht*, II, 254-89.

⁴⁵ The original note gives the draft clauses in full; in this translation, however, only the differences between the July 20 draft and the Austrian draft are reproduced. The page and line references have been retained although they do not apply to the texts as given here. The editors have supplied, in brackets, enough of the context to identify the words or phrases in question.

⁴⁶ For the less well-known place names in this Document the differences in spelling between the form as given here and that in the German text in the *Bericht* are indicated by placing the German text form, in brackets, after the name in the *S-H Bulletin*. Most of these differences are attributable to typographical errors; in certain instances, however, since the *S-H Bulletins* are translations from the French texts, the bulletins reproduce the French form of the name.

HENCEFORTH, AND UNDER RESERVE AS TO THE DISPOSITION OF THE PRESENT TREATY, THERE WILL BE OFFICIAL RELATIONS BETWEEN THE ALLIED AND ASSOCIATED POWERS AND THE GERMAN AUSTRIAN REPUBLIC.]

Page 19, Article 27:

For: The frontiers of Austria

Read: The frontiers of GERMAN Austria

For: With Italy

Read: With THE SOUTHERN GERMAN TYROL, SUBJECT TO THE PROVISIONS OF SECTION I OF PART III (POLITICAL CLAUSES)

For: thence south-eastwards to point 2483 (Helm Spitz)

Read: thence south-eastwards by point 2483 (Helm Spitz) [Helm Spitze] AS FAR AS POINT 2676 (PFANNSPITZE)

For: thence east-south-eastwards Tarvis

Read: 3°: WITH ITALY, SUBJECT TO THE PROVISIONS OF SECTION I OF PART III (POLITICAL CLAUSES):

FROM POINT 2676 (PFANNSPITZE) East-south-eastwards Tarvis.

Page 20:

Third from last line:

For: 4°, With the *Serb-Croat-Slovene State* Europe):

Read: with the REGIONS OF MARBURG AND RADKERSBURG,⁴⁷ SUBJECT TO THE PROVISIONS OF SECTION II OF PART III (POLITICAL CLAUSES):

Page 21:

Line 13:

For: Pölten (to Austria)

Read: Pölten (to GERMAN Austria)

Line 16:

For: Dietzen to Austria

Read: Dietzen to GERMAN Austria.

Line 17:

Insert at beginning of line: FROM THE POINT ON THE FRONTIER ABOVE DESIGNATED [thence northwards to a point to be fixed east of point 400]

Line 24:

For: Austria [Hungary]

Read: GERMAN Austria [Hungary]

⁴⁷ The French text as given in *Bericht*, II, 257, reads: "4° Avec la région de Klagenfurt, sous reservation..."

Line 26:

For: [5°] *With Hungary*

Read: With Hungary, SUBJECT TO THE RESULT OF A PLEBISCITE TO TAKE PLACE IN THE REGIONS HERETOFORE HUNGARIAN, ACCORDING TO THE PROVISIONS OF PART III SECTION IX HEREINAFTER:

Line 27:

For: From the point Szentgotthard:

Read: from the point above defined to POINT 289 NEAR THE VILLAGE OF NAGY-SZORETNEK [Nagy-Czoretnek]

Line 29:

For: then west Rabakeresztur;

Read: THEN LEAVING TO THE NORTH THE COMMUNE OF SZENTGOTTHARD;

Page 22:

Line 1:

For: thence north-eastwards Salamonfa;

Read: thence north-eastwards TO POINT 609 (KARLSHOEHE); THEN EAST-SOUTH-EASTWARDS TO POINT 289 EAST OF SCHWABENDORF:

A LINE TO BE DETERMINED ON THE GROUND PASSING THROUGH POINTS 346 AND 260;

THEN NORTH-EASTWARDS AND NORTHWARDS TO POINT 265 (KAMENJE), about 2 kilometers south-east of Nikitsch;

A LINE TO BE DETERMINED ON THE GROUND LEAVING TO THE WEST THE COMMUNES OF ROGGENDORF AND LOCSMAND, TO THE EAST THOSE OF CSEPREG AND TENING;

Line 9:

For: thence St. Johann:

Read: THENCE EASTWARDS TO A POINT TO BE CHOSEN ON THE FRONTIER OF THE COMMUNE OF LEBENY, EAST OF POINT 121:

Line 14:

After: Pamhagen

Insert: THEN BY POINTS 115 AND 121;

THENCE NORTHWARDS AND EASTWARDS, THE FRONTIERS OF THE COMMUNES OF ST. PETER AND OF WIESELBURG TO THEIR POINT OF JUNCTION WITH THE CURRENT OF THE LITTLE DANUBE; DOWN THIS STREAM TO ITS POINT OF JUNCTION WITH THE FRONTIER OF THE COMMUNE OF UNGARISCH-KIMLING; NORTHWARDS ALONG THE FRONTIER OF THE COMMUNES OF UNGARISCH-KIMLING AND GALING TO

TEXT OF THE TERRITORIAL AND POLITICAL CLAUSES 181

ITS POINT OF JUNCTION WITH THE CURRENT OF THE LITTLE DANUBE, UP THIS CURRENT, THEN THE CURRENT OF THE DANUBE TO ITS POINT OF JUNCTION WITH THE NORTHERN FRONTIER OF THE COMMUNE OF KARLBURG;

Line 15:

For: thence northwards [to a point to be selected about 1 kilometre]

Read: thence EASTWARDS [to a point]

Line 16:

For: Austria [Hungary and the Czecho-Slovak State]

Read: GERMAN Austria [Hungary]

Line 21:

[6. With the Czecho-Slovak State]

Add: SUBJECT TO THE PROVISIONS OF ARTICLE 63:

Line 32:

For: thence the course [of the Morava upstream] railway;

Read: thence the course of the Morava upstream TO ITS POINT OF JUNCTION WITH THE FORMER FRONTIER BETWEEN LOWER AUSTRIA AND MORAVIA, FOLLOWING THIS FRONTIER TO ITS POINT OF JUNCTION WITH THE FRONTIER OF THE COMMUNE OF UNTER-THEMENAU, SKIRTING TO THE SOUTH AND WEST THE COMMUNES OF UNTER-THEMENAU, OBER-THEMENAU, BISCHEFEWARTH [Bischofswarth], TO THE POINT OF JUNCTION BETWEEN THE FRONTIER OF THE LATTER COMMUNE WITH THE ADMINISTRATIVE FRONTIER BETWEEN LOWER AUSTRIA AND MORAVIA;

Line 35 to page 23, line 19:

For: thence west-north-westwards [to a point between Lower Austria and Moravia] frontier of Germany

Read: thence west-north-westwards this administrative boundary TO ITS POINT OF JUNCTION WITH THE RIVER THAYA NEAR POINT 188, UP THIS RIVER TO ITS POINT OF JUNCTION WITH THE WEST FRONTIER OF THE DISTRICT OF JOSLOWITZ;

SKIRTING THIS FRONTIER WESTWARDS AND SOUTHWARDS TO ITS POINT OF JUNCTION WITH THE RIVER DANISCH;

THENCE A LINE TO BE DETERMINED ON THE GROUND PASSING THROUGH POINT 210 AND LEAVING TO THE SOUTH THE COMMUNE KLEINTAJAX, THE POINTS 230 AND 255, REJOINING THE CURRENT OF THE THAYA ABOUT 1 KILOMETER SOUTH-WEST OF POINT 397, UP THIS RIVER TO THE WEST BRANCH OF THE LOOP IT FORMS NEAR POINT 284;

THE TREATY OF ST. GERMAIN

THENCE A LINE TO BE DETERMINED ON THE GROUND, LEAVING TO THE NORTH THE COMMUNES OF VOETTAU, WISOKEIN, HOSLOWITZ TO THE FRONTIER OF THE DISTRICT OF JAMNITZ;

THE FRONTIER BETWEEN THE DISTRICTS OF JAMNITZ AND FRAIN TO ITS POINT OF JUNCTION WITH THE FRONTIER OF THE COMMUNE KURLUPP;

THENCE A LINE TO BE DETERMINED ON THE GROUND, LEAVING TO THE SOUTH THE COMMUNES OF KURLUPP, HAFNERLUDEN, DANTSCHOWITZ, PLOSPITZ, LOSPITZ AND WISPITZ, TO ITS POINT OF JUNCTION WITH THE FRONTIER OF THE DISTRICT OF ZLABINGS, THENCE THE FRONTIER BETWEEN ZLABINGS AND JAMNITZ AND ZLABINGS AND DATSCHITZ TO THE COMMUNE URBANTSCH;

THEN A LINE TO BE DETERMINED ON THE GROUND, SKIRTING ON THE EAST AND NORTH THE COMMUNE OF URBANTSCH AND RETURNING TO THE FRONTIER OF THE DISTRICTS OF ZLABINGS AND DATSCHITZ, THEN THIS FRONTIER TO ITS POINT OF JUNCTION WITH THE FRONTIER BETWEEN MORAVIA AND BOHEMIA;

THIS FRONTIER TO ITS POINT OF JUNCTION WITH THAT OF THE DISTRICT OF NEUBISTRITZ;

THENCE THE FRONTIER OF THE DISTRICTS OF NEUBISTRITZ AND NEUHAUS TO ITS POINT OF JUNCTION WITH THE FRONTIER OF THE COMMUNE OF TIEBERSCHLAG [Tiberschlag], THEN A LINE TO BE DETERMINED ON THE GROUND, WHICH, TO THE EAST, NORTH AND WEST, SKIRTS ONE AFTER THE OTHER THE COMMUNES OF TIEBERSCHLAG (Tiberschlag), HOSTERSCHLAG, KOEPFERSCHLAG, KLEINRAMMERSCHLAG, MUTTASCHLAG, ULRICHSCHLAG, HEINRICHSCHLAG, OTTENSCHLAG, NEUBAUMGARTEN AND OBERMUEHL;

THEN TOWARD POINT 527 SOUTH OF THE VILLAGE OF POLIKEN, THEN THE FRONTIER OF THE COMMUNE NIEDERSCHLAG TO ITS POINT OF JUNCTION WITH THE FRONTIER OF THE DISTRICT OF NEUBISTRITZ;

THE FRONTIER BETWEEN THIS DISTRICT AND THAT OF NEUHAUS TO THE FRONTIER BETWEEN LOWER AUSTRIA AND BOHEMIA;

THEN SOUTHWARDS FOLLOWING THE ADMINISTRATIVE FRONTIER BETWEEN LOWER AUSTRIA AND BOHEMIA, TO THE POINT WHERE IT IS CROSSED BY THE ROAD FROM GRATZEN TO NAGLITZ, THENCE WESTWARDS A LINE TO BE DETER-

MINED ON THE GROUND TO THE BEND OF THE FRONTIER BETWEEN THE DISTRICT OF GRATZEN AND SCHWEINITZ NORTH-NORTH-WEST OF POINT 548;

THE FRONTIER OF THE DISTRICT OF GRATZEN TO ITS POINT OF JUNCTION WITH THE FRONTIER BETWEEN THE DISTRICTS OF KAPLITZ AND OF SCHWEINITZ;

THIS FRONTIER TO THE TERRITORY OF THE VILLAGE OF KLEINGALLEIN [Klein-Gallein], THEN A LINE TO BE DETERMINED ON THE GROUND, WHICH SEPARATES THIS VILLAGE FROM THE COMMUNE OF OTTENSCHLAG AND WHICH SKIRTS THE COMMUNES OF OEMAU AND GROSSPORESCHIN, LEAVING THEM TO THE NORTH, TO ITS POINT OF JUNCTION WITH THE FRONTIER OF THE DISTRICTS OF KRUMAU AND KAPLITZ, THIS FRONTIER WESTWARDS TO ITS POINT OF JUNCTION WITH THE FRONTIER BETWEEN BOHEMIA AND UPPER AUSTRIA;

THE OLD ADMINISTRATIVE BOUNDARY NORTH-WEST TO ITS POINT OF JUNCTION WITH THE FRONTIER OF GERMANY

Page 24:

Add to Part II:

SECTION II. NATIONALITY

ARTICLE I

THE NATIONALITY OF PERSONS FORMERLY NATIONALS OF FORMER AUSTRIA SHALL BE SETTLED BY THE FOLLOWING PROVISIONS:

1° EVERY PERSON SHALL BELONG TO THE STATE IN WHICH IS OR SHALL BE INCORPORATED, BY VIRTUE OF THE PRESENT PEACE TREATY, THE COMMUNE OF HIS DENIZENSHIP OR LEGAL DOMICILE (*pertinenza, heimatgemeinde*).

2° EVERY PERSON SHALL HAVE THE RIGHT TO OPT FOR THE STATE IN WHICH IS OR SHALL BE INCORPORATED, BY VIRTUE OF THE PRESENT PEACE TREATY, THE COMMUNE OF HIS DENIZENSHIP OR LEGAL DOMICILE (*pertinenza, heimatgemeinde*), TO WHICH HE PREVIOUSLY BELONGED.

3° IN EVERY COMMUNE SUBJECT TO THE PLEBISCITE THE PERSONS ADMITTED TO IT, BY VIRTUE OF THE RESPECTIVE PROVISIONS, SHALL HAVE THE RIGHT TO OPT FOR THAT ONE OF THE TWO STATES IN QUESTION TO WHICH THIS COMMUNE SHALL NOT HAVE BEEN UNITED BY VIRTUE OF THE RESULT OF THE PLEBISCITE.

4° EVERY PERSON BELONGING TO ANOTHER RACE AND USING IN THE EVERYDAY RELATIONS WITH HIS FAMILY A LANGUAGE DIFFERENT FROM THAT OF THE DOMINANT RACE IN THE STATE MENTIONED IN PARAGRAPH I, SHALL HAVE THE RIGHT TO OPT FOR THE STATE TO WHICH [HE] BELONGS ACCORDING TO HIS RACE AND LANGUAGE.

ARTICLE II

THE RIGHT OF OPTION CAN HOWEVER BE EXERCISED ONLY BY PERSONS OVER EIGHTEEN AND WITHIN ONE YEAR FROM THE TIME THAT THE PRESENT TREATY GOES INTO FORCE.

THE OPTION OF THE HUSBAND WILL IMPLY THAT OF THE WIFE. FOR MINORS UNDER EIGHTEEN, AS WELL AS THOSE UNQUALIFIED TO OPT, THE RIGHT OF OPTION BELONGS TO THE FATHER OR GUARDIAN. WHEN THE FATHER OR GUARDIAN HAS NOT AVAILED HIMSELF OF HIS RIGHT OF OPTION, THE MINOR MAY CLAIM THE NATIONALITY WISHED FOR WHEN HE REACHES HIS NINETEENTH YEAR.

PERSONS HAVING EXERCISED THE RIGHT OF OPTION ABOVE MENTIONED MUST, WITHIN THE SIX MONTHS FOLLOWING, TRANSFER THEIR DOMICILE TO THE STATE FOR WHICH THEY HAVE OPTED.

THEY SHALL BE FREE TO KEEP THEIR REAL ESTATE IN THE STATE [IN] WHICH THEY HAD THEIR DOMICILE BEFORE THEIR OPTION. THEY SHALL HAVE THE RIGHT TO CARRY AWAY THEIR PERSONAL PROPERTY OF EVERY SORT. NO TAX, OR CHARGE, EITHER OF ENTRY OR EXIT, SHALL BE LAID ON THEM ON THIS ACCOUNT.

THE EXECUTION OF THE RIGHT OF OPTION SHALL FORM THE SUBJECT OF SPECIAL AGREEMENTS.

ARTICLE III

IN CONSEQUENCE OF THE OPTION RECEIVED AND VERIFIED BY THE COMPETENT AUTHORITIES, THE NATIONALITY OF ONE OF THE TWO STATES SHALL BE FULLY ACQUIRED TO THE EXCLUSION OF THE NATIONALITY OF THE OTHER.

ARTICLE IV

THE COMPETENT COURTS OF THE STATE IN FAVOR OF WHICH THE RIGHT OF OPTION SHALL HAVE BEEN EXERCISED SHALL HAVE JURISDICTION OVER THE LEGITIMACY OF THIS RIGHT, AS WELL AS THE EFFECTS CONSEQUENT UPON IT, BY VIRTUE OF THE PRESENT TREATY OR OF SPECIAL AGREEMENTS FOUNDED ON ARTICLE II, PARAGRAPH 5.

ARTICLE V

DURING THE TIME LIMIT ESTABLISHED FOR THE OPTION NONE OF THE STATES INTERESTED SHALL CALL TO MILITARY SERVICE THE PERSONS WHO MAY HAVE THE RIGHT OF OPTION BY VIRTUE OF THE PRESENT TREATY.

NO PERSON WHO SHALL HAVE BELONGED, UNTIL THE PRESENT TREATY COMES INTO FORCE, TO A STATE WHOSE TERRITORIES SHALL HAVE BEEN TRANSFERRED TO ANOTHER STATE AND WHO INHABITS THE SAID TERRITORIES, SHALL BE PROSECUTED FOR MILITARY OR POLITICAL ACTS COMMITTED DURING THE WAR OR ARMISTICE IN FAVOR OF HIS FORMER COUNTRY. FOR PENALTIES PUT INTO EXECUTION AND FOR FINES COLLECTED, APPROPRIATE REPARATION SHALL BE OFFERED.

[PART III]

Page 25:

Line 1:

For: first two paragraphs of Article 36

Read: GERMAN Austria renounces, so far as she is concerned, in favor of Italy all rights and title over ALL the territories TO BE CEDED TO ITALY BY VIRTUE OF THE PRESENT OR OF ANY OTHER TREATY AND SITUATED BEYOND THE FRONTIERS OF GERMAN AUSTRIA as they ARE DESCRIBED in Article 27 or SHALL BE FIXED ON THE BASIS OF A PLEBISCITE ACCORDING TO THE PROVISIONS OF PART III SECTION IX HEREINAFTER.

Line 11:

For: Austria [shall be constituted]

Read: GERMAN Austria [shall be constituted]

Line 13:

For: [between Italy and] Austria

Read: [between Italy and] GERMAN Austria

Line 16:

For: Article 37

Read: THE INHABITANTS OF THE SOUTHERN GERMAN TYROL SHALL BE CALLED UPON TO DESIGNATE—ACCORDING TO THE PROVISIONS OF PART III, SECTION IX HEREINAFTER—BY VOTE THE STATE TO WHICH THEY DESIRE TO SEE THIS TERRITORY ANNEXED.

THE BOUNDARIES OF THE SOUTHERN GERMAN TYROL ARE AS FOLLOWS:

a) ON THE NORTH AND EAST:

THE LINE LAID DOWN IN ARTICLE 27, No. 2;

b) ON THE WEST AND SOUTH:

FROM POINT 2645 (GRUBEN J.) SOUTHWARDS THE FORMER FRONTIER BETWEEN AUSTRIA AND SWITZERLAND, THEN BETWEEN AUSTRIA AND ITALY, PASSING BY THE STELVIO PASS TO THE "ZUFALLSPITZE," THEN THE FRONTIER BETWEEN THE DISTRICTS OF SCHLANDERS AND MALE, OF LANA AND MALE, OF LANA AND CLES, TO THE FRONTIER OF THE COMMUNE OF PROVES,

SKIRTING ON THE WEST AND SOUTH THE COMMUNE OF PROVES, ON THE SOUTH AND EAST THAT OF LOREGNA, TO REACH THE SOUTHERN FRONTIER OF THE DISTRICT OF LANA, FOLLOWING IT,

THEN SKIRTING THE COMMUNES OF SENALE AND SAN FELICE TO REJOIN THE FRONTIER OF THE DISTRICT OF LANA, FOLLOWING IT TO ITS POINT OF JUNCTION WITH THAT

OF THE DISTRICT OF KALTERN, SKIRTING THE WESTERN FRONTIER OF THIS DISTRICT, THEN THAT OF THE DISTRICT OF NEUMARKT, SKIRTING THIS DISTRICT TO ITS POINT OF JUNCTION WITH THE FRONTIER OF THE COMMUNE OF ALTERIVO, THEN SKIRTING THE TERRITORIES OF THE COMMUNES ALTERIVO AND TRODNA, REJOINING THE FRONTIER OF THE DISTRICT OF NEUMARKT, SKIRTING IT UNTIL ITS POINT OF JUNCTION WITH THE FRONTIER OF BOZEN, THEN FOLLOWING THE FRONTIER BETWEEN THE DISTRICTS OF BOZEN AND OF CAVALESE, OF BOZEN AND OF VIGO, OF KASTELRUTH AND OF VIGO, OF VIGO AND OF ENNEBERG, OF BUCHENSTEIN AND OF ENNEBERG, OF CORTINA AND OF WELSBERG,
 THEN THE FORMER FRONTIER BETWEEN AUSTRIA AND ITALY TO POINT 2676 (PFANNSPITZE).

Page 26:

Articles 38, 39 and 40 replaced by the provisions of Part II, Section II: "Nationality."

Page 27, Article 46:

For: Article 46:

Read: ITALY SHALL KEEP THE "PALAZZO VENEZIA" AT ROME OF WHICH SHE HAS TAKEN POSSESSION.

THERE SHALL BE, HOWEVER, FIXED BY COMMON AGREEMENT A FAIR INDEMNITY OF WHICH ONE QUOTA, TO BE DETERMINED ACCORDING TO THE PROPORTION FIXED BY THE SPECIAL PROVISIONS CONCERNING THE LIQUIDATION OF THE FORMER AUSTRO-HUNGARIAN MONARCHY, SHALL BE ENTERED TO THE CREDIT OF GERMAN AUSTRIA.

Page 28, Article 50:

For: Austrian

Read: GERMAN Austrian

Article 50 (continued):

For: Austria

Read: GERMAN Austria

Add at end of article:

ALL THIS ON THE CONDITION THAT ITALY FURNISH GERMAN AUSTRIA WITH ELECTRIC ENERGY CORRESPONDING TO THE HYDRAULIC FORCE TAKEN FROM GERMAN AUSTRIA.

SECTION II. SERB-CROAT-SLOVENE STATE

Page 29 [Article 52]:

Line 1:

For: Austria

Read: GERMAN Austria

Article 53:

For: Article 53

Read: GERMAN Austria renounces [so far as she is concerned in favor of the Serb-Croat-Slovene State all] rights and title to ALL the territories TO BE CEDED TO THE SAID STATE [which are situated outside the frontiers of German Austria as they are laid down in Article 27] by the present Treaty [or any other treaty] OR SHALL BE FIXED ON THE BASIS OF A PLEBISCITE, ACCORDING TO THE PROVISIONS CONCERNING IT IN PART III SECTION IX HEREINAFTER.

[Article 54] last line:

For: [and one by] Austria

Read: [and one by] GERMAN Austria

Page 30:

Line 2:

For: [frontiers of] Austria

Read: [frontiers of] GERMAN Austria

Article 55:

For: first paragraph

Read: The inhabitants of the Klagenfurt area, AS WELL AS THE INHABITANTS OF THE AREAS OF MARBURG AND RADKERSBURG, will be called upon to indicate—ACCORDING TO THE PROVISIONS OF PART III SECTION IX HEREINAFTER⁴⁸—by a vote the State to which they wish the territory to belong.

Line 22:

For: thence north-east to point 1054 (Strojna)

Read: THENCE NORTH-EAST TO POINT 1185 (GORNIA):

Line 25:

For: two paragraphs: thence north-east . . . Lavamünd

Read: THENCE EASTWARDS TO POINT 886 ON THE FRONTIER OF CARINTHIA, NORTH OF THE VILLAGE SELLOUZ;

A LINE TO BE DETERMINED ON THE GROUND, PASSING THROUGH POINTS 1108, 602, 742;

THENCE NORTHWARDS FOLLOWING THE FRONTIER BETWEEN CARINTHIA AND STYRIA TO POINT 1130 (SAINT-URBAN) AND WESTWARDS TO POINT 1522 (HUEHNERKOGEL).

⁴⁸ Unless the plebiscite be organized by dividing the region in zones conforming to the proposals given in the "Observations," Part II. [Footnote to the original French version. *Bericht*, II, 268.]

Pages 30-31:

In the draft proposed by the German Austrians only the first paragraph of Article 55 is retained as Article 55; all the rest becomes Article 56; Article 56 of the original draft is replaced by an entirely new Article 57 in the German Austrian draft, as follows:

THE BOUNDARIES OF THE AREAS OF MARBURG AND RADKERSBURG ARE AS FOLLOWS:

a) ON THE NORTH: THE LINE ESTABLISHED BY ARTICLE 27, NO. 5

b) ON THE SOUTH: POINT 1522 (HUEHNERKOGEL) EASTWARDS TO POINT 1330 (SAINT-URBAN);

THENCE SOUTHWARDS FOLLOWING THE FRONTIER BETWEEN STYRIA AND CARINTHIA TO POINT 886 NORTH OF THE VILLAGE OF SELLOUZ;

THENCE EASTWARDS TO A POINT ON THE FRONTIER BETWEEN THE DISTRICTS OF MARKENBERG [Marenberg] AND WINDISCHGRATZ NEAR POINT 855 (VRHNIK):

A LINE TO BE DETERMINED ON THE GROUND PASSING THROUGH POINT 756;

ALONG THE FRONTIER BETWEEN THE DISTRICTS OF MARENBERG AND WINDISCHGRATZ, THEN THE FRONTIER BETWEEN THE DISTRICTS OF MARBURG AND GONOBITZ, OF MARBURG AND WINDISCHFELSTRITZ [Windisch-Feistritz], PASSING THROUGH POINT 1345 (BACHERBERG) TO POINT 1232 (BERGER);

THENCE EASTWARDS TO POINT 238 TO THE POINT OF JUNCTION OF THE DRAVE WITH THE FRONTIER OF THE ARRONDISSEMENT OF PETTAU;

A LINE TO BE DETERMINED ON THE GROUND PASSING THROUGH POINTS 882, 349, THEN BETWEEN THE COMMUNES OF ROGEIS ON THE NORTH AND SKOGGEN ON THE SOUTH:

THENCE CROSSING THE DRAVE NORTH-EASTWARDS TO A POINT TO BE DETERMINED BETWEEN THE COMMUNES OF OBER-TAEUBLING AND OF UNTER-TAEUBLING;

A LINE TO BE DETERMINED ON THE GROUND;

NORTHWARDS TO A POINT OF THE FRONTIER OF THE DISTRICT OF MURECK SITUATED SOUTH OF THE VILLAGE OF RABENBERG (COMMUNE OF SUESSENBERG) AND NORTH OF POINT 410;

A LINE TO BE DETERMINED ON THE GROUND PASSING THROUGH POINT 272 (OBER-JAKOBSTHAL);

EASTWARDS ALONG THE ADMINISTRATIVE FRONTIER BETWEEN THE DISTRICTS OF MURECK AND OF MARBURG, THEN OF MURECK AND OF SAINT-LEONHARD, OF MURECK AND OF OBER-RADKERSBURG, OF RADKERSBURG, AND OF OBER-RADKERSBURG TO WEST OF THE TERRITORY OF THE COMMUNE OF OBER-RADKERSBURG SKIRTING THIS COMMUNE ON THE WEST, THE SOUTH AND THE EAST, TO REJOIN THE SAID FRONTIER AND FOLLOW IT TO ITS POINT OF JUNCTION WITH THE FORMER FRONTIER BETWEEN AUSTRIA AND HUNGARY, THEN SKIRTING THIS FRONTIER TO A POINT BETWEEN THE VILLAGES OF PELLTEN [Pölten] AND KAROLYFA INDICATED IN ARTICLE 27, NO. 5, NEXT TO THE LAST ALINEA.

Page 33:

Articles 57 and 58 are replaced by the provisions of Part II, Section II (Nationality).

Page 34:

Articles 61 and 62:

For: Austria

Read: GERMAN Austria (four cases)

Page 35:

For: Article 63

Read: IF A COMMUNE SITUATED BETWEEN THE FRONTIERS OF GERMAN AUSTRIA AS ESTABLISHED IN ARTICLE 27 AND THE FORMER ADMINISTRATIVE FRONTIERS OF BOHEMIA OR MORAVIA DEMANDS IT, THE INHABITANTS OF ALL THE SAME TERRITORIES SHALL BE CALLED UPON TO INDICATE—ACCORDING TO THE PROVISIONS OF PART III SECTION IX HEREINAFTER—BY VOTE THE STATE TO WHICH THEY DESIRE TO SEE THE COMMUNE OF THEIR DOMICILE UNITED.

Article 63 of the original draft becomes Article 64 of the German-Austrian draft.

Article 64 of the original draft becomes Article 65 of the German-Austrian draft, with the following addition:

THE RAILWAYS FROM GMUEND (WOLFESHOF) TO BUDWEIS, FROM GMUEND (WOLFESHOF) TO WITTINGAU, FROM NIKOLSBURG TO LUDENBURG [Lundenburg] AND FROM PRESBURG [Pressburg] TO CSORNA SHALL BE, IN SO FAR AS THEY ARE FOUND ON THE TERRITORY OF GERMAN AUSTRIA, PLACED UNDER THE SURVEILLANCE OF THE COUNCIL OF THE LEAGUE OF NATIONS.

THE SERVICE ON THE LINES MENTIONED SHALL BE DIRECTED AND ADMINISTERED BY THE CZECHO-SLOVAK STATE, WHICH WILL USE FOR THIS PURPOSE EITHER ITS OWN EMPLOYEES OR A CONCESSIONARY AUTHORIZED BY IT.

THE COUNCIL OF THE LEAGUE OF NATIONS SHALL LAY DOWN REGULATIONS ON THE SUBJECT OF THE SAID ADMINISTRATIONS AND SHALL BE COMPETENT TO JUDGE ALL DISPUTES ARISING BETWEEN THE TWO STATES IN QUESTION CONCERNING THIS ADMINISTRATION.

Article 65 of the original draft is replaced by the provisions of Part II, Section II (Nationality).

Page 36:

For: Article 68

Read: GERMAN Austria RECOGNIZES THE BOUNDARY OF THE TERRITORY of Rumania which may ultimately be fixed by the Principal Allied and Associated Powers.

Articles 69 and 70 of the original draft are replaced by the provisions of Part II, Section II (Nationality).

Page 39:

Article 76 should be eliminated.

Article 77:

The last alinea should be omitted.

Article 78:

For: Austria

Read: GERMAN Austria

For: and to recognize . . . therein.

Read: IN SO FAR AS THESE TREATIES OR ARRANGEMENTS ARE CONCERNED WITH THE ESTABLISHMENT OF THE FRONTIERS OF THESE STATES.

Page 40:

Article 79:

For: Article 79

Read: GERMAN Austria undertakes to MAINTAIN her institutions IN CONFORMITY WITH THE principles of liberty and justice and to give to all the inhabitants of her territory a sure guarantee.

THE INSTITUTIONS WHICH, IN PRACTICE, MAY NOT FULLY FULFIL THE SAID PRINCIPLES, SHALL BE BROUGHT INTO CONFORMITY BY APPROPRIATE LEGISLATIVE AND ADMINISTRATIVE MEASURES.

THE CONTRACTING POWERS ARE AGREED in recognizing that the obligations contained in the present Section constitute obligations of international concern, over which the League of Nations has jurisdiction.

Article 80:

For: Austria undertakes to assure

Read: GERMAN Austria undertakes to MAINTAIN IN FORCE THE LAWS AND OTHER PROVISIONS INSURING

[Paragraph 2]:

For: Austria

Read: GERMAN Austria

[Article 81]:

For: Austrian

Read: GERMAN Austrian (five cases)

After third alinea add:

UNLESS THE MAINTENANCE OF PUBLIC SAFETY OR THE REGULATION OF A MEETING DEMAND THE USE OF A LANGUAGE COMPREHENSIBLE TO THE AUTHORITIES AND THE MEMBERS OF THE MEETING IN QUESTION AS WELL AS TO THE POPULATIONS INTERESTED.

Article 82:

For: the first sentence

Read: ALL GERMAN Austrian nationals shall enjoy the same treatment and security in law and in fact, WITHOUT DISTINCTION OF BIRTH, RACE, LANGUAGE OR RELIGION.

Add at end of article:

WITHOUT HOWEVER HAVING THE RIGHT TO CLAIM RIGHTS AND PREROGATIVES BELONGING TO PUBLIC INSTITUTIONS, SCHOOLS OR ESTABLISHMENTS.

Page 41:

Article 83:

For: Austria

Read: GERMAN Austria

For: Austrian

Read: GERMAN Austrian (three cases)

For: these minorities shall be assured purposes.

Read: these minorities SHALL HAVE—BASED ON THE LEGAL PROVISIONS FOR THEIR ORGANIZATION—THE RIGHT TO LEVY AND COLLECT SPECIAL TAXES IMPOSED ON THEIR MEMBERS, IN CONFORMITY WITH THE LEVYING AND DISTRIBUTION OF THE PUBLIC TAXES IN FORCE.

Article 86 is replaced by the provisions of Part II, Section II, (Nationality).

Article 87:

For: shall be under the protection of

Read: shall be SUBJECT TO THE JURISDICTION of

Page 42:

Article 89 is replaced by the provisions of Part II.

[Article 90]:

For: Article 90

Read: GERMAN AUSTRIA RENOUNCES ALL RIGHT AND TITLE OVER THE TERRITORIES SITUATED OUTSIDE HER FRONTIERS AS THEY ARE ESTABLISHED IN ARTICLE 27 OR AS THEY SHALL BE ESTABLISHED ON THE BASIS OF A PLEBISCITE ACCORDING TO THE PROVISIONS OF PART III, SECTION IX.

After Section VII, add

SECTION VIII (ENTIRELY NEW). NEUTRALITY OF THE TYROL

ARTICLE I

THE TYROL BOUNDED ON THE WEST, NORTH AND EAST BY THE FRONTIERS IN FORCE ON AUGUST 3, 1914, AND ON THE SOUTH BY THE FRONTIERS ESTABLISHED BY ARTICLE 37, *b*, SHALL BE CONSIDERED AS NEUTRAL TERRITORY.

ARTICLE II

THE TYROL, BOUNDED ACCORDING TO THE PROVISIONS OF ARTICLE I, SHALL FORM PART OF THE SWISS NEUTRALITY, AS IT IS RECOGNIZED AND GUARANTEED BY THE POWERS.

CONSEQUENTLY, NO ARMED TROOP OF ANY POWER SHALL CROSS THE TYROL, NO ARMED FORCE SHALL BE GATHERED OR STATIONED THERE BEYOND THE NUMBER STRICTLY NECESSARY FOR THE MAINTENANCE OF PUBLIC ORDER AND SAFETY, AND TO GIVE AID IN CASE OF DISASTERS.

ARTICLE III

THE FORTIFICATIONS IN THE TYROL SHALL BE DISMANTLED WITHIN SIX MONTHS AFTER THE RATIFICATION OF THE PRESENT TREATY.

THE TYROL SHALL NOT MOREOVER BE USED AS A MILITARY BASE AND NO MANUFACTORIES OR DEPOTS OF WAR MUNITIONS SHALL BE MAINTAINED THERE.

ARTICLE IV

WHENEVER THE POWERS BORDERING ON GERMAN AUSTRIA OR ITALY, OR WHENEVER THESE TWO STATES THEMSELVES, SHALL FIND THEMSELVES IN A STATE OF OVERT OR IMMINENT HOSTILITY, GERMAN AUSTRIA OR ITALY SHALL HAVE THE POWER TO APPEAL TO A THIRD POWER TO DEMAND THE MILITARY OCCUPATION OF THE TERRITORY IN QUESTION AND A GUARANTEE AGAINST ANY VIOLATION OF NEUTRALITY. THE EXPENSES OF THE OCCUPATION SHALL BE ASSUMED BY THE STATE THAT DEMANDS IT.

TEXT OF THE TERRITORIAL AND POLITICAL CLAUSES 193

SECTION IX. PLEBISCITE

(This Section is proposed integrally by the German Austrian Delegation.)

ARTICLE I

TERRITORIES SUBJECT TO THE PLEBISCITE

The plebiscite shall take place, according to the provisions of the present Section, in the territories indicated in Articles 27, No. 7; 37, 56 and 57, and, in the case considered in Article 63, in the territories mentioned there.

ARTICLE II

OCCUPYING POWER

The territories subject to the plebiscite shall be evacuated by the military commands and troops of the two states between which a decision is to be made by plebiscite.

The said territories shall be occupied by the troops of a third Power; it is however understood that a border state of either of the two states between which a decision is to be made by plebiscite shall be excluded from the functions of an occupying Power.

The evacuation and the occupation shall be executed within a week after the present Treaty goes into force.

The occupying Power will be responsible, during the occupation, for the maintenance of peace and order, as well as for the respect for all the provisions of the present Peace Treaty and additional Conventions.

ARTICLE III

DECLARATION OF NATIONALITY

The inhabitants of each commune forming part of the said territories shall be called upon, in the measure indicated hereinafter, to designate by vote the state to which they desire to see the commune in question united.

ARTICLE IV

SUBJECTS CALLED UPON TO DECLARE THEIR NATIONALITY

All persons, without distinction of sex, are called upon and obliged to make the said declaration who:

1° Have their legal domicile (Heimatrecht) in a commune of the territory subject to the plebiscite or of the territory of one of the states concerned;

2° Have passed their twentieth birthday on January 1, 1919;

3° Were domiciled in the commune at the time of the signing of the Armistice Treaty of November 3, 1918, and had been living there for

a year before the signing of the said Treaty, or else who had, during the last war, performed military service for at least three months and had lived in the commune for the six months preceding their engagement in military service.

Those persons are excepted from the right and the duty of making the said declaration who :

- a) Are not in the full enjoyment of civil rights, or who
- b) During the five years preceding the entrance into force of the present Treaty have been definitely condemned for a non-political crime, or who, on the day of the plebiscite, are imprisoned as the result of a sentence that has become definitive.

ARTICLE V

PLACE OF THE DECLARATION

The vote will as a rule take place in the commune itself.

The declarations of voters who at the time of the plebiscite may be out of the commune of their domicile shall be accepted by bureaux installed in other communes to be determined.

ARTICLE VI

The declaration shall be made in each commune in the course of the same day between six o'clock in the morning and six in the evening. For each commune the day of the plebiscite shall be published three weeks in advance and afterward every day in at least five widely circulated newspapers of the states to which the regions in question belong.

The time of the plebiscite in each commune shall be set so that an interval of not more than 24 hours shall elapse between the plebiscite of bordering communes.

ARTICLE VII

FORM AND CONTENTS OF THE DECLARATION

The declaration shall be made by filling out in writing a form which shall be officially issued and delivered by the voting bureaux; the text shall be printed in all the languages necessary. Each voter shall receive a form in the language he requests, and shall hand it in personally after having filled it out.

The form shall bear the following text :

"I, declare on my honor and on my faith, that I have my domicile in the commune of It is my desire and my will that (country, State, province) be and remain my country."

When the time of the plebiscite is published for each region the contents of the form shall be fixed, so that the voter will have only to strike out the name of the country that he does not choose.

ARTICLE VIII

INTERNATIONAL COMMISSION. ITS COMPOSITION

The plebiscite shall be supervised and directed by a Commission composed of five members, four of whom shall be appointed by the Council of the League of Nations.

The Commissioners appointed shall elect a fifth commissioner, by majority vote. In case there is no majority, lots shall be cast among the persons having the most votes.

An alternate shall be appointed or elected for each commissioner by the process established for the appointment or election of the latter.

Each state concerned shall accredit a representative to the Commission. This representative shall be authorized to communicate freely with the authorities of his state as well as with the authorities, communes and persons of the territory subject to the plebiscite; it is he who will present requests and claims to the Commission in the name of his Government.

During the exercise of their functions the commissioners shall enjoy diplomatic privileges and immunities. These same privileges and immunities shall be granted to the representatives of the Governments in the territories subject to the plebiscite.

The authorities whose jurisdiction extends to the territory subject to the plebiscite shall be held to follow all the orders and provisions of the Commission.

ARTICLE IX

INTERNATIONAL COMMISSION. ITS TASKS

The Commission is called upon to issue all orders and to take all measures necessary to insure the liberty, sincerity and secrecy of the plebiscite, as well as to safeguard the observation of the treaties relative to it.

It is incumbent on it especially to supervise the independence of the vote, to keep the voting lists, to preserve the latter as well as the declarations of nationality, to pronounce on the claims concerning the vote and the exercise of it, and to ascertain the results of the vote in each voting precinct.

The commission shall indicate or appoint the authorities, the deputations and the organs called upon to fulfil the tasks mentioned in the preceding alinea.

The Commission pronounces on all claims of the contracting states as well as on the complaints entered by the authorities of the communes, or by private individuals against the execution of the plebiscite. It ascertains the total result of the plebiscite. The right of the states interested to appeal to the Council of the League of Nations against the

decisions of the commission and against the statement of the total result is reserved.

The Commission makes its resolutions and decisions by majority vote.

It makes its own internal regulations.

The provisions of the Commission, taken by virtue of the first alinea of the present article, have the force of law for the entire territory subject to the plebiscite.

ARTICLE X

DECLARATION OF COMMUNES

The declaration of the majority of the voters shall be considered as the declaration of nationality of the commune.

In the territories of the communes situated on the frontier—to be determined by the plebiscite, in which the inhabitants of one or more localities able to constitute in themselves an administrative unit shall have voted contrary to the rest of the commune, there shall be constituted two new communes which, according to the vote of their inhabitants, shall be united to one or the other of the states in question.

ARTICLE XI

ESTABLISHMENT OF THE FRONTIERS OF STATES

Each commune shall form part of the territory of the state for which it declares nationality.

If the application of the provision of the first alinea were to separate the territory of one or more communes from that of the state in which they should be incorporated, the commission will try to establish territorial connection by as limited a number as possible of bordering communes subject to the plebiscite, where the minorities relatively the most important may have declared for the same nationality as the inhabitants of the separated communes.

These latter, as well as the communes necessary to establish territorial connection, shall be incorporated in the state for which the majority of votes in the ensemble of the said communes shall have declared.

The right is reserved, however, for the states interested to incorporate by special treaties for economic or commercial reasons certain regions in one or the other of the states in question.

ARTICLE XII

SPECIAL PROVISIONS FOR ENCLAVES

Enclaves are regions subject to the plebiscite and surrounded by territories not subject to the plebiscite, but inhabited by a nation taking part in it. Every community situated in an enclave, bordering on the

surrounding state and declaring for the nationality of this state, shall be incorporated in it; the same shall be true for any other commune situated in the interior of the enclave but bordering on one of the said communes and declaring for the same nationality.

If, in the rest of the enclave, the majority representing a total of 10,000 votes pronounces for the state non-bordering, the rest of the enclave shall be assigned to this state; in the contrary case, it shall be assigned to the surrounding state.

The provision of Article XI, alinea 4, applies to enclaves.

ARTICLE XIII

IMMUNITY OF THE DECLARATION OF NATIONALITY

No person shall suffer penalty or other injury by the state or by any other public power because of his declaration of nationality.

The legislature shall issue orders necessary to assure as far as possible:

1°—that no voter shall be threatened or afflicted with any injury whatever on account of the contents of his declaration of nationality, and

2°—that, if the case occurs, the person injured shall be compensated.

ARTICLE XIV

NECESSARY TIME TO BE ACCORDED FOR THE DECLARATION

Whoever, by law or by contract, exercises any power over another person, and notably officials placed over others, as well as foremen and masters, shall be held to accord without restriction to his subordinates, workmen or servants the time necessary to declare their nationality, including the time to go to and come from their place where the declaration is to be made.

ARTICLE XV

PENALTIES

(1) Whoever shall intentionally commit an act:

1°—tending to prevent or to frustrate the plebiscite by force or by threats;

2°—doing violence to a voter or to one of his relatives or threatening them in their health, liberty, honor, property or any other tangible interest, to restrain the voter from making his declaration or to impose on him any definite declaration;

3°—doing violence to a voter or to one of his relatives, because of his declaration or of the contents of the latter or occasioning him a damage or any injury of the sort indicated in point 1;

4°—according, promising or offering to the voter or to a third party a present or any other advantage in order to restrain the voter from making his declaration or to impose on him any definite declaration;

5°—asking for or causing to be given or promised to oneself such an advantage, in exchange for the promise of the voter that he will abstain from making his declaration or will make a definite declaration;

6°—taking part in the plebiscite without being called upon to do so, or provoking by any other means an inaccurate result of the vote or falsifying the result, notably by adding, changing, suppressing or striking out declarations or signatures or committing forgeries in the counting or in the report stating the result;

shall be punished by imprisonment of not more than 5 years or by a fine not to exceed 500,000 francs. Imprisonment and fine may be imposed simultaneously. The advantage given, promised or offered shall be confiscated. If the author has got rid of this advantage or has used it up, confiscation shall be replaced by a fine to the amount of the value of the advantage.

(2) 1°—Whoever shall premedately [*sic*] spread false reports of a nature to restrain the voters from making their declaration, or to impose on them a definite declaration or to create false ideas concerning the influence that the result of the plebiscite will have on civil liberties or public or private rights;

2°—Whoever shall have acted contrary to Article XIV;

3°—Whoever shall not have fulfilled, except in case of absolute prevention, his duty of declaring his nationality;

shall be punished by imprisonment of not more than 2 years or by a fine not to exceed 200,000 francs. Imprisonment and fine may be imposed simultaneously.

(3) In so far as the present Treaty makes no special provisions, there shall be applied the general provisions of penal law in force in the places where the infringement occurs, before the declaration of war.

(4) The power of pardon for said penalties shall be exercised only by the Council of the League of Nations.

The terms of imprisonment shall be served, if possible, in a neutral state. In this case the expenses of execution which can not be covered by the condemned party shall be paid by the contracting parties in equal parts.

The fines and the material advantages confiscated shall be assigned to the public charities in the territories subject to the plebiscite.

ARTICLE XVI

JUDICIAL PROCEDURE

The commission shall appoint international courts on which shall be incumbent the instruction and judgment of the misdemeanors the penalty for which is established by the present Treaty. To this effect there shall be called if possible competent local courts, or else there shall be named as assessors—taking into account the propositions of the Gov-

ernments concerned—persons who, according to the local laws, possess the necessary qualifications to function as judges. Each court shall, if necessary, move to the various localities of its circumscription.

The commission shall regulate its procedure in accord with the provisions on criminal procedure in force in the territory subject to the plebiscite.

The contracting parties shall give aid and assistance to the international courts and shall deliver up the persons under indictment or conviction.

In the course of the procedure, the contracting parties claiming to be injured by the infringement shall constitute themselves civil parties.

ARTICLE XVII

RESULTS OF THE PLEBISCITE

The commission shall bring the result of the plebiscite to the knowledge of the Council of the League of Nations. The Council shall establish, in accord with the result ascertained, the frontiers in question, and shall inform the contracting parties in a notification emanating from the League of Nations and countersigned by the Commission.

The delimitation of the national territories thus established shall go into force within one month from the said notification.

Within one month after it goes into force the territories subject to the plebiscite will be evacuated by the military commands and troops of the occupying Power.

Page 43 :

ARTICLE 92

Outside of its limits, such concerning all territories OUTSIDE OF EUROPE, which may have belonged privileges which may have for some reason, belonged to it OUTSIDE OF EUROPE in relation to associated

(Follows the text of the second alinea.)

SECTION I. MOROCCO

ARTICLE 93

GERMAN AUSTRIA RECOGNIZES, insofar as she is concerned, AS BEING DEFINITELY WITHOUT EFFECTS, ALL RIGHTS, TITLES OR PRIVILEGES, BY WHICH THE FORMER AUSTRO-HUNGARIAN MONARCHY MAY HAVE PROFITED from the general act of Algesiras 1914.

(Follows the text of the second alinea.)

Page 44 :

ARTICLE 94

GERMAN Austria declares that she accepts in Morocco and CONSIDERS, AS FAR AS SHE IS CONCERNED, AS BEING DEFINITELY

ABOLISHED FROM AUGUST 1914, THE RÉGIME OF THE CAPITULATIONS IN MOROCCO.

ARTICLE 95

The Cherifian Government in Morocco.

IT IS HOWEVER UNDERSTOOD that the nationals of German Austria, as far as their settling in Morocco, the protection of laws and the freedom of industry and commerce are concerned, will not be submitted to a less favorable treatment than that accorded, in general, by the Cherifian Government to nationals of Powers which are members of the League of Nations.

FORMER AUSTRO-HUNGARIAN PROTEGÉES, AUSTRO-HUNGARIAN members of agricultural societies will be common law.

ARTICLE 96

All real and personal property rights of the former Austro-Hungarian Monarchy in the Cherifian Empire, WITH THE EXCEPTION OF BUILDINGS USED AS RESIDENCES OR DIPLOMATIC OR CONSULAR OFFICES AS WELL AS THE PERSONAL PROPERTY AND FURNITURE WHICH THEY CONTAIN, go over of right to the Maghzen, IN CONSIDERATION OF AN EQUITABLE INDEMNITY, OF WHICH A PORTION, CALCULATED ON THE SHARE TO BE RECEIVED BY GERMAN AUSTRIA IN THE DISTRIBUTION OF THE TOTAL ASSETS OF THE FORMER AUSTRO-HUNGARIAN MONARCHY, WILL BE ATTRIBUTED TO GERMAN AUSTRIA.

All real and personal property rights appertaining in the Cherifian Empire to nationals of GERMAN AUSTRIA WILL BE RESPECTED; IN CASE THEY HAVE BEEN LIQUIDATED, AN EQUITABLE INDEMNITY WILL BE DUE TO THOSE ENTITLED.

Mine rights which might be recognized to nationals of GERMAN AUSTRIA, will follow THE RÉGIME APPLIED TO PROPERTY IN MOROCCO BELONGING TO NATIONALS OF GERMAN AUSTRIA.

ARTICLE 97

No modifications.

ARTICLE 98

No modifications.

Page 45:

SECTION II. EGYPT

ARTICLE 99

GERMAN AUSTRIA declares that she recognizes and CONSIDERS, as far as she is concerned, AS BEING ABOLISHED, SINCE AUGUST 12, 1914, THE RÉGIME OF THE CAPITULATIONS IN EGYPT.

TEXT OF THE TERRITORIAL AND POLITICAL CLAUSES 201

ARTICLE 100

No modifications.

ARTICLE 101

No modifications.

ARTICLE 102

The Egyptian Government nationals of GERMAN Austria in Egypt. IT IS HOWEVER UNDERSTOOD THAT THE NATIONALS OF GERMAN AUSTRIA AS FAR AS THEIR SETTLING IN EGYPT, THE PROTECTION OF LAWS AND THE FREEDOM OF INDUSTRY AND COMMERCE ARE CONCERNED, WILL NOT BE SUBMITTED TO A LESS FAVORABLE TREATMENT THAN THAT ACCORDED, IN GENERAL, BY THE EGYPTIAN GOVERNMENT TO NATIONALS OF POWERS WHICH ARE NOT MEMBERS OF THE LEAGUE OF NATIONS.

ARTICLE 103

No modifications.

Page 46:

ARTICLE 104

No modifications.

ARTICLE 105

All possessions in Egypt, WITH THE EXCEPTION OF BUILDINGS USED AS RESIDENCES OR DIPLOMATIC OR CONSULAR OFFICES AS WELL AS THE PERSONAL PROPERTY AND FURNITURE WHICH THEY CONTAIN, go over of right to the Egyptian Government, IN CONSIDERATION OF AN EQUITABLE INDEMNITY, OF WHICH A PORTION, CALCULATED ON THE SHARE TO BE RECEIVED BY GERMAN AUSTRIA IN THE DISTRIBUTION OF THE TOTAL ASSETS OF THE FORMER AUSTRO-HUNGARIAN MONARCHY, WILL BE ATTRIBUTED TO GERMAN-AUSTRIA.

All real and personal property belonging, in Egypt, to nationals of GERMAN Austria will be RESPECTED. IN CASE THEY HAVE BEEN LIQUIDATED, AN EQUITABLE INDEMNITY WILL BE DUE TO THOSE ENTITLED.

ARTICLE 106

No modifications.

SECTION III. SIAM

ARTICLE 107

No modifications.

Page 47:

ARTICLE 108

GERMAN Austria cedes, INSOFAR AS SHE IS CONCERNED, to Siam all her rights residences or diplomatic or consular offices, AS WELL AS THE FURNITURE OR PERSONAL PROPERTY WHICH THEY CONTAIN.

These possessions and property will be acquired of right by the Siamese Government, IN CONSIDERATION OF AN EQUITABLE INDEMNITY, OF WHICH A PORTION, CALCULATED ON THE SHARE TO BE RECEIVED BY GERMAN AUSTRIA IN THE DISTRIBUTION OF THE TOTAL ASSETS OF THE FORMER AUSTRO-HUNGARIAN MONARCHY, WILL BE ATTRIBUTED TO GERMAN-AUSTRIA.

The possessions, property and private rights of the nationals of GERMAN Austria in Siam will be RESPECTED; IN CASE THEY HAVE BEEN LIQUIDATED, AN EQUITABLE INDEMNITY WILL BE DUE TO THOSE ENTITLED.

ARTICLE 109

IT WILL BE LEFT TO A DIRECT UNDERSTANDING BETWEEN THE GOVERNMENTS OF SIAM AND GERMAN AUSTRIA TO SETTLE IF, AND, IF NECESSARY, TO WHAT DEGREE, SIAM SHOULD ACCORD AN INDEMNITY FOR THE INTERNMENT OF NATIONALS OF GERMAN AUSTRIA IN THIS COUNTRY.

SECTION IV. CHINA

ARTICLE 110

GERMAN Austria recognizes, insofar as she is concerned and in favor of China, AS BEING DEFINITELY WITHOUT EFFECT, SINCE AUGUST 14, 1917, all privileges and advantages BY WHICH THE FORMER AUSTRO-HUNGARIAN MONARCHY MAY HAVE PROFITED from the provisions of the final protocol signed at Peking on September 7, 1901, together with all annexes, notes and complementary documents.

WILL HOWEVER BE RESERVED FOR A DIRECT UNDERSTANDING BETWEEN THE CHINESE AND GERMAN AUSTRIAN GOVERNMENTS THE DECISION OF THE QUESTION AS TO WHETHER THERE WOULD NOT BE REASON TO ATTRIBUTE, ON THE INDEMNITY FIXED IN THE FINAL PROTOCOL OF SEPTEMBER 7, 1901, TO GERMAN AUSTRIA A PORTION, CALCULATED ON THE SHARE OF GERMAN AUSTRIA IN THE DISTRIBUTION OF THE TOTAL ASSETS OF THE FORMER AUSTRO-HUNGARIAN MONARCHY.

ARTICLE 111

From the putting into force ;

- 1)
- 2) the complementary provisory arrangements of April 4, 1912.

China, ALTHOUGH SHE IS IN NO WAY BOUND to accord to GERMAN Austria the advantages in those arrangements, WILL NOT SUBMIT THE NATIONALS OF GERMAN AUSTRIA TO A TREATMENT LESS FAVORABLE THAN WILL BE ENJOYED, IN GENERAL, BY NATIONALS OF THE POWERS WHO ARE MEMBERS OF THE LEAGUE OF NATIONS.

Page 48:

ARTICLE 112

GERMAN AUSTRIA cedes, AS FAR AS SHE IS CONCERNED, to China all her rights on buildings . . . or in other parts of the Chinese territory, IN CONSIDERATION OF AN EQUITABLE INDEMNITY, OF WHICH A PORTION, CALCULATED ON THE SHARE TO BE RECEIVED BY GERMAN AUSTRIA, IN THE DISTRIBUTION OF THE TOTAL ASSETS OF THE FORMER AUSTRO-HUNGARIAN MONARCHY, WILL BE ATTRIBUTED TO GERMAN AUSTRIA.

It is however understood that the buildings used as residences or diplomatic or consular offices OR AS QUARTERS FOR THE DETACHMENT OF THE FORMER AUSTRO-HUNGARIAN NAVY, AS WELL AS THE PERSONAL PROPERTY AND FURNITURE CONTAINED IN THESE BUILDINGS, are not included in the above cessions; besides, no measure . . . without the consent of the representatives . . . final protocol of September 7, 1901, AND WITHOUT PREVIOUS NOTICE TO GERMAN AUSTRIA.

ARTICLE 113

First alinea: (No modifications).

China, recovering . . . nationals of the Allied and Associated NATIONS NOR THOSE OF THE NATIONALS OF GERMAN AUSTRIA, holding shares in this concession.

ARTICLE 114

ALL REAL AND PERSONAL PROPERTY BELONGING IN CHINA TO NATIONALS OF GERMAN AUSTRIA WILL BE RESPECTED; IN CASE THEY HAVE BEEN LIQUIDATED, AN EQUITABLE INDEMNITY WILL BE DUE TO THOSE ENTITLED.

WILL BE RESERVED FOR A DIRECT UNDERSTANDING BETWEEN THE GOVERNMENTS OF CHINA AND GERMAN AUSTRIA TO ESTABLISH WHETHER, AND, IF NECESSARY, TO WHAT DEGREE, CHINA WOULD BE HELD TO ACCORD AN INDEMNITY BY REASON OF THE INTERNMENT IN CHINA OF NATIONALS OF GERMAN AUSTRIA AND OF THE REPATRIATION AS WELL AS OF THE SEIZURE OF AUSTRIAN SHIPS IN CHINA.

63. COMMENT OF THE AUSTRIAN DELEGATION ON THE
JUNE 2 DRAFT OF THE CONDITIONS OF
PEACE WITH AUSTRIA

(Translation Furnished by British Delegation)⁴⁹
(Translation from French)

DELEGATION OF THE
REPUBLIC OF GERMAN-AUSTRIA
No. 229

ST. GERMAIN-EN-LAYE
June 10th, 1919

MR. PRESIDENT:

The German-Austrian Delegation to the Peace Conference devoted itself with all expedition to a study of the draft Treaties which the Representatives of the Allied and Associated Powers were so good as to hand to it, Treaties which aim at the establishment of a durable peace.

Now, notwithstanding the desire of German-Austria to attain this peace as swiftly as possible, despite the absolute necessity of putting an end both to the present conditions of existence in German-Austria and to the distress of a people exhausted by the miseries of the war and its consequences, the German-Austrian Delegation is compelled, while reserving the right to bring forward any needful arguments in its final reply, to point out forthwith to the Allied and Associated Powers that the conditions which it is sought to impose on the German people of Austria would deprive it of the factors indispensable for its material existence as well as for the maintenance of both political and social order.

Every State, if it is to live, requires sufficient territory and the necessary material resources. Now, by the terms of the draft neither its native soil nor the things which are indispensably necessary for its existence are to be granted to German-Austria.

She is to be deprived of her richest and most fertile districts. Against their will, their national feeling and their economic interests, more than four out of ten million German-Austrians are to be placed under a domination which, besides being foreign, is not well disposed towards our nation. It is thus that the German districts of Bohemia, as well as of Silesia, and the German areas of Moravia, are to be incorporated in the Czecho-Slovak State. Here you have coherent areas, inhabited by nearly three million Germans in compact masses, without mentioning considerable isolated districts in Bohemia and Moravia which are likewise, in the view of their populations, portions of Austrian territory.

⁴⁹ *S-H Bulletin*, No. 356, Part II; for French and German texts, see *Bericht*, I, 74-80, and *Notes*, pp. 20-24.

This question, moreover, having regard to its special importance, will form the subject of a separate statement. We cannot understand from what point of view such measures are reconcilable with the principles of equity proclaimed by the Great Powers as the only fruits obtained from the war at the cost of bloody sacrifices. It is proposed to separate, among other districts, the Böhmerwaldgau, including the areas of Neubistritz and the district of Znaim, from German-Austrian territories. It is proposed to enslave thousands of the inhabitants of Lower Austria for the sole reason that their land is well adapted to the industrial undertakings of a neighbor who is anxious to deprive us of our last sugar refinery as well as of the railway junctions most important for our commercial existence. While adducing on the one hand, the alleged argument of historical frontiers, there is no hesitation, on the other hand, in trampling underfoot the historical rights of Lower Austria. Furthermore, the desire repeatedly manifested by the German population of the districts of Western Hungary to be allowed a plebiscite on the question of its adjunction [*sic*] to German-Austria, has been passed over in discouraging silence. After all the sufferings and distress which have been borne by an heroic people, proud of its glorious past, it is sought to dismember the country of Andreas Hofer and definitely to place the Southern Tyrol under an alien domination, even those portions of it which, at the time of the Armistice, escaped occupation. The result would be to deprive extensive German areas in Styria, as well as the basin of Carinthia to half way up its northern slope, both of their liberty and their material resources, without paying heed to the question whether existence is possible for the inhabitants of the strip of territory which would remain between an uncrossable range of mountains and the frontier of a State. The whole block of our native soil, which forms an ethnical and economic unit, is to be parcelled out, and the pieces torn from the live body of a people divided up among rich neighbors who merely seek to crush it under the weight of their material superiority.

What remains of German-Austria could not live. Our territory would merely consist of Alpine districts and the capital, Vienna, which with its two million inhabitants out of a total of six million, suffers far more than any other part of the Empire by its separation from the rest of the former Monarchy. This new State could only produce one quarter of the food necessary for its population; the other three quarters would have to be imported from abroad; it would moreover be obliged to purchase 12,000,000 tons of coal abroad each year, while its own output would not even amount to 2,000,000 tons. Besides that, this country would have to import the indispensable raw materials as well as a large quantity of industrial articles. We could only pay for these goods by exporting our own produce, since we should lose, together with the German territories of Bohemia, Moravia and Silesia, nearly

all our export industries, such as the lignite mines, the cotton, wool and flax-weaving factories, the glass and porcelain factories, the sugar refineries and chemical works. At the same time our transport organization is ruined, no less from a financial than from a technical point of view; the four railway lines which cross the Alps from north to south, as well as one of the two important transverse lines running from west to east would, in fact, be mutilated, deprived of their termini and so cut up by foreign frontiers as to render impossible any systematic exploitation of the remaining sections. By the loss of the health resorts of German-Bohemia, as well as of Southern Tyrol, we should furthermore be deprived of foreign money hitherto imported into these regions by travellers who come and go. We should therefore not be in a position to pay for the foodstuffs and goods which it is absolutely necessary to import in order to feed the population and give it work.

At the present moment we are living on our capital, which is greatly diminished as the result of the war; the Allied and Associated Powers are furnishing to us the indispensable food supplies, while we are handing over to them in exchange our foreign securities. This state of affairs cannot, however, be prolonged indefinitely and the less so in view of the fact that, according to the conditions of peace, we should no longer have the right to dispose freely of the securities which we have in the Allied and Associated States. We are compelled to obtain, as soon as possible, food, coal and other goods, from the States which have arisen in the territory of the Austro-Hungarian Monarchy. It might be possible, though only partially, to restore this import trade by giving in exchange the products of our industries which by their nature and organization suit the requirements of the former Austro-Hungarian markets; yet, according to the conditions of peace which have been communicated to us, the other States formed on the territory of the Austro-Hungarian Monarchy would enjoy, with respect to us, a most favored nation treatment, which would be altogether unilateral, as they would be able to use this right even if, while refusing to apply the same régime in our favor, they were to prevent the importation of our products into their territory. They would, moreover, and without any obligation to grant us reciprocity, possess the right to use our postal and railway communications, a state of affairs which would spare them the necessity of concluding any agreements with us on that subject. We should thus be placed in a position where it would be impossible for us to settle our relations with them on a reasonable basis.

The last remaining means of paying for the produce with which these New States would have to supply us would be to eat up the capital which we still have available; yet, in view of the conditions of peace, we could not have recourse even to this expedient. The result of the system adopted in the "Special Provisions relating to transferred terri-

tory" (Part X, Section VIII)⁵⁰ as regards the methods for the repayment of our debts, would be that our nations would have to pay about double what they actually owe. At the same time the newly formed States are granted the right to sequester and liquidate the property, rights and interests of our citizens, or of such of our companies as are on their territory. Generally speaking, Vienna is the place where banks and industrial undertakings have been established and had their head offices, while their establishments and works are in Bohemia, especially in German-Bohemia, and in other provinces of the former Monarchy.

Consequently⁵¹ [the majority of the enterprises whose head offices are in Vienna would undergo expropriation. The duty of the State of German Austria to indemnify the proprietors affected by this measure would, as far as this State already crushed by debt is concerned, involve an excessively grave increase in the financial burden, at a time when her economic strength would be paralysed by the expropriation of the securities, scattered through the various parts of the former Monarchy, belonging to her subjects. As it seems to us, these unheard-of stipulations and others of a similar nature can spring only from a very strange notion: the terms which the victorious States would like to impose on a Great conquered Power have evidently been applied to the relationship between our new State and the other parts of the former Austro-Hungarian Monarchy with which we were united, until the time of her collapse, by the same political and economic interests. The liquidation of the property of our citizens which is located in the territories of the Powers which were at war with Austria-Hungary would also have a disastrous affect upon our impoverished little state. To deprive them, in addition, of our property in the territories of the former Austro-Hungarian Monarchy—a measure almost equivalent to the confiscation of the entire fortune of our subjects—would be altogether out of the question. It is not only that such a procedure would wrest from us all the remaining securities indispensable to the acquisition of the necessities of life for our inhabitants, but that it would also result in the financial collapse of the State, of all the banks, savings-banks, and insurance companies, as well as of most of the private enterprises.]

The Delegates of the Interallied Commissions who, during the last few months, have been engaged on a thorough examination of the question of supplying us with food and coal, of our finances, and the state of our railway services; who, through an activity for which we cannot thank them enough, have acquainted themselves on the spot with the circumstances in which we find ourselves, will certainly not hesitate to

⁵⁰ Not reproduced.

⁵¹ Part of the text is missing here. It is supplied by translation from *Bericht*, I, 77-78.

confirm the fact that the state of affairs described above is in accordance with the actual conditions.

We do not think that the destruction of our State and the creation of a hotbed of social ferment which would ensue therefrom, can be consistent with the interests of Europe or with those of the Allied and Associated Powers. Now, if those Powers have any interest in the survival of our State and in the preservation of social order in the regions inhabited by us and our neighbors, the conditions of peace, as communicated to us, ought necessarily, for the reasons set forth above, to undergo important modification in their substance.

We will therefore venture to communicate to you shortly proposals in regard to the settlement of territorial questions, while we reserve the right of explaining our financial and economic proposals as soon as we are in possession of all the parts of the conditions of peace relating thereto.

We ought, however, to point out at once that the liquidation of the exceedingly complex relations which exist between the States arising on the territory of Austria-Hungary is quite a different task from that of restoring peace among the belligerent Powers. This latter task does not involve the responsibilities and assignments to be settled at the end of a war between sovereign Powers, but entails the liquidation of an ancient community and the formation of its parts into independent States. This process of liquidation and State formation requires patient and assiduous work, and it cannot be conducted to a successful conclusion unless we are listened to. Animated as we are by the desire to facilitate and hasten the peace negotiations, we therefore propose to entrust the settlement of economic relations between the States which are dividing among themselves the territory of the former Monarchy, to a special Commission on which, under the presidency of Delegates of the Principal Allied and Associated Powers, we also might contribute towards bringing about, as soon as possible, a rational arrangement of the relations in question.

This procedure would spare the Council of the Great Powers all negotiation on matters of detail which, although of the utmost importance for us, could hardly possess any special interest in connection with the settlement of world questions. Peace might be concluded without the Conference awaiting the completion of the labours of this Commission or the final liquidation of the questions referred to it.

These are the general impressions which the conditions of peace as communicated, have produced on us at first sight.

The consequences entailed by these conditions, that is, the parcelling out of German-Austria and the destruction of its economic existence, could not be in harmony with the intentions of the Powers which, at the present time, govern the destinies of peoples and have accepted the responsibility for so doing.

One might be tempted to explain these conditions, on the one hand by the fact that we have not been heard; on the other, by the fact that stipulations which are inapplicable to the conditions in States formed out of the former Austro-Hungarian Monarchy, have been merely transplanted into the present draft.

We are unaware whether the Powers realize that the consequences of splitting up our territory and of our economic ruin could not, even supposing that they corresponded to their intentions, be confined to the frontiers of German-Austria; for the collapse of our economic existence must perforce destroy all public authority in a territory situated in the heart of the continent and also bring about the dismemberment of the State and political and social anarchy, while our neighbors would inevitably be involved in this catastrophe of which it is impossible to forecast the after-effects and disastrous results.

We wish to make it absolutely plain that the Government of German-Austria now in power, which has been able, during six months, and only thanks to the utmost tenacity, to preserve order at home and peace abroad, could not assume responsibility for the consequences of such conditions of peace.

Please to accept, etc.,

RENNER

64. AUSTRIAN COUNTER PROPOSALS

- (a) AUSTRIAN NOTE, NO. 664, OF JULY 10, 1919, WITH GENERAL REFERENCE TO THE ARTICLES OF THE TREATY DRAFT OF JUNE 2, AND PROMISING DOCUMENTS IN ILLUSTRATION OF VARIOUS COMMENTS HITHERTO MADE AND TO BE PROFFERED IN THE FUTURE⁶²

(Translation)

DELEGATION OF THE REPUBLIC
OF GERMAN AUSTRIA
No. 664

ST. GERMAIN, July 10, 1919

FROM: *The President of the German Austrian Delegation*
TO: *The President of the Peace Conference*

Having received on the 2nd instant several parts of the Peace Conditions to be concluded with German Austria, the undersigned delegation had the honor to address to the Supreme Council of the Peace Conference remarks of a general nature (Annex 1),⁶³ followed by sev-

⁶² *S-H Bulletin*, No. 516, Part I; for French and German texts, see *Bericht*, I, 324-25.

⁶³ Reproduced as Document 63, *supra*.

eral memoranda and notes with a view to establishing, regarding the fate and future of our people, a settlement in conformity with the exigencies of equity and justice.

Now as we reserve the right of making ulterior communications regarding the financial clauses and other important conditions which are to be a part of the Peace Treaty, the German Austrian Delegation is not, for the moment, yet in a position to fix and determine its definite standpoint. It takes the liberty, however, of resuming, at this moment, its communications, other than those especially concerning economic and kindred questions with the financial questions, in the collection herewith. The suggestions made up to this time are completed in different respects. So the undersigned Delegation takes the liberty of submitting to the examination of the Peace Conference new wordings of the articles the modification of which imposes itself for reasons brought forward either in preceding notes or in the continuation of texts proposed. These wordings might at any rate facilitate the decisions of the competent commissions on the way in which it might be expedient to establish in the Treaty the facts and considerations exposed by German Austria which the Powers are good enough to take into consideration for political, humanitarian and social reasons.

Please accept, etc.

(Signed) RENNER

64. (b) NOTE ACCOMPANYING CERTAIN AUSTRIAN COUNTER PROPOSALS TO THE JUNE 2 DRAFT OF THE TREATY⁵⁴
(Translation)

DELEGATION OF GERMAN AUSTRIA
No. 707

SAINT-GERMAIN-EN-LAYE
July 12, 1919

MR. PRESIDENT:

The German-Austrian Delegation at the Peace Conference, having ended its examination of the clauses inserted in Part III, Section IV (Political Clauses Concerning Certain European States), in Part IV (Austrian Interests outside of Europe), in Part X (Economic Clauses), Section I (Commercial Relations), Article 14, and in Section II (Treaties), in Part VII (Sanctions), and in Part XIV (Various Clauses), Articles 6 and 7 of the Peace Treaty, has carefully summarized in six memorandums the principal remarks which it considers itself obliged to present regarding a number of these stipulated provisions. In order to make even clearer the stand which the Delegation

⁵⁴ *Bericht*, I, 366-67.

of German Austria believes it must take concerning the above-mentioned proposals of the rough draft of the Treaty the said remarks have, at the same time, been perfected by the drawing up of new texts of the provisions, by which it would be possible, on heeding the views set forth by German Austria in these matters, to replace the respective stipulations of the Treaty.

The conclusions which have resulted from the study of Part VI (Prisoners of War and Internment) have already been made known to the Committee on Prisoners of War by General Slatin, especially appointed to look after these matters until such time as there is a communication on the decisions made by the said Committee.

Finally, the Austrian-German Delegation considers itself obliged to suggest that certain stipulations regarding an amnesty be inserted in the Treaty of Peace, the wording of which could be so related to the text that it would result in a seventh memorandum.

Having forwarded my previous notes and completed that of the 10th instant, No. 664, concerning other stipulations of the Treaty, I am, therefore, taking the liberty of sending to the Exalted Peace Conference the said memorandums which are here-annexed,⁵⁵ and of begging it to consent to reserve a favorable reception to the suggestions set forth in these documents.

Yours very truly,
(Signed) RENNER

*To His Excellency
The President of the Peace Conference, Georges Clemenceau
Paris*

64. (c) LIST OF COUNTER PROPOSALS SUBMITTED BY
AUSTRIAN DELEGATION TO JUNE 2 DRAFT
OF THE TREATY⁵⁶

July 25, 1919

PART II

AUSTRIAN COUNTER PROPOSALS

The Austrian Delegation has submitted in printed form a compendium of its various comments on the Conditions of Peace as *counter proposals*, annexed to its note of July 10, 1919, No. 664, previously circulated (*S-H Bulletin*, No. 516).

⁵⁵ Memorandum on Part III, Section IV, reproduced as Document 229, *infra*; Memorandum on Part IV reproduced as Document 247, *infra*. The other memoranda are not reproduced.

⁵⁶ *S-H Bulletin*, No. 516, Part II; for French and German texts see *Bericht*, I, 326-60, and *Notes*, pp. 251-76.

Covered by Note 664 are the following documents:

FRENCH TEXT	ENGLISH TRANSLATION
No. 229, June 10—General Comment	<i>S-H Bulletin</i> , No. 356 ⁵⁷
Preamble	Attached hereto ⁵⁸
Annex A, No. 355 of June 16	<i>S-H Bulletin</i> , No. 385 ⁵⁹
Annex B, No. 617 of July 2	<i>S-H Bulletin</i> , No. 483 ⁶⁰
Part II—Austrian Frontiers	<i>S-H Bulletin</i> , No. 383 ⁶¹
Annex A, do	do Part II ⁶²
Annex B, do	do do ⁶³
Part III—Political Clauses	
Section III—Czecho Slovak State	Attached hereto ⁶⁴
Section V—Minorities	Attached hereto ⁶⁵
Section VI—General Dispositions	Attached hereto ⁶⁶
Part XIII—Labor	Attached hereto ⁶⁷

Other Comments are to follow.⁶⁸

65. NOTE OF THE ALLIED AND ASSOCIATED POWERS ACCOMPANYING THE CONDITIONS OF PEACE, DATED JULY 19, AS HANDED TO THE AUSTRIAN DELEGATION ON JULY 20⁶⁹

(Translation)

PEACE CONFERENCE
THE PRESIDENT

July 19, 1919

To: *His Excellency Chancellor Renner, President of the Austrian Delegation*

MR. PRESIDENT:

I have the honor, in the name of the Supreme Council of the Allied and Associated Powers, to hand the final text of the Peace Conditions to Your Excellency.

⁵⁷ Reproduced as Document 63.

⁵⁹ Reproduced as Document 80(c).

⁶¹ Reproduced as Document 94(a, b).

⁶³ Reproduced as Document 131(a).

⁶⁵ Reproduced as Document 212.

⁶⁷ Not reproduced.

⁶⁹ *S-H Bulletin*, No. 546 and Annex.

⁵⁸ Reproduced as Document 78.

⁶⁰ Reproduced as Document 80(d).

⁶² Reproduced as Document 94(c).

⁶⁴ Reproduced as Document 198.

⁶⁶ Reproduced as Document 242.

⁶⁸ See Document 66(b, c).

In the elaboration of this final Text the various observations made by the Austrian Delegation were taken into consideration: no answer will, therefore, be made in detail to each of these notes.

Your Excellency will find enclosed a memorandum which will furnish him all explanations. The Supreme Council has also decided that a time limit of ten days from the moment of the delivery of this document, will be granted to the Austrian Government in order to present its written observations on the whole of the Treaty.

Accept, etc.,

.

ANNEX
July 24, 1919

Copy of memorandum annexed to letter of transmittal to Austrian Delegation, accompanying Conditions of Peace as handed to that Delegation on July 20, 1919.

TRANSLATION
MEMORANDUM

The copy herewith of the Peace Conditions addressed by the Allied and Associated Powers to the Austrian Delegation differs in several respects from the document sent on June 2, 1919:

1. Certain parts or sections which were held back are today sent;
2. Various modifications have been made in the texts previously sent, either with a view to bringing the Austrian conditions into conformity with the different amendments granted to Germany, or with a view to satisfying the observations presented by the Austrian Delegation, at present recognized justifiable by the Allied and Associated Powers;
3. The document herewith constitutes from now on the ensemble of the Peace Conditions of the Allied and Associated Powers in the form of the Treaty which is to intervene.

Consequently the attention of the Austrian Delegation is called to the following table of Parts, Sections or Provisions, either new or modified:

- PART II. Frontiers of Austria: Article 27.
Section I. Italy: Articles 36-51.
Section II. Serb-Croate-Slovene State: Articles 52-60.
Section III. Czecho-Slovak State: Articles 64 and 65.
Section IV. Rumania: Article 68.
Section V. Political clauses concerning certain states of Europe: Article 77.
Section VII. General Provisions: Articles 88 and 91;
suppression of the Annex.

- PART V.⁷⁰ Preamble.
 Section I. Military Clauses: Articles 115–132.
 Section IV. Inter-Allied Commissions of Control: Articles 145–151.
- PART VII. Sanctions: Article 172. \
- PART VIII. Reparations: Articles 173–192 and annexes.
- PART IX. Financial Clauses: Articles 193–212 and annexes.
- PART X. Economic Clauses:
 Section I. Commercial Relations: Chapter V. General Clauses: Article 227, alinea 2.
 Section II. Treaties: Articles 229 No. 23: 231 alinea 2: 235, 236.
 Section III. Debts: Article 243, annex Par. 24.
 Section IV. Property, rights and interests: Article *b*), *i*, and following alineas.
 Section V. Contracts, prescriptions, sentences (judgments): Article 247 *d*).
 Section VI. Mixed arbitration court: Article 251 *f*), annex paragraphs 8 and 9.
 Section VII. Industrial ownership: Articles 253 and 254.
 Section VIII. Special provisions for transferred territories: Articles 261, 267, 268, 269, 270.
- PART XII.⁷¹ Ports, Waterways and Railroads.
 Section I. General provisions: Articles 283, 284.
 Section II. Navigation. Chapter II. Clauses relative to the Danube: Articles 286, alinea 1, 298, 302.
 Section III. Railroads. Chapter V. Provisions concerning certain railroad lines: Articles 311, alinea 2, 312, 313, 314, 2d.—Chapter VII. Telegraphs and Telephones: Article 318.
- PART XIV. Various Clauses: Article 369.
 Special declaration.

Finally the Allied and Associated Powers are disposed to interpret the following dispositions in the same terms as have been granted to Germany in the protocol annexed to the Treaty signed with Germany on June 28, 1919, namely:

⁷⁰ Part V, also Parts VII–X, not reproduced.

⁷¹ Parts XII and XIV not reproduced.

1. The list of persons whom, in conformity with Article 169, alinea 2, Austria is to deliver over to the Allied and Associated Powers, will be addressed to the Austrian Government in the month following the putting into force of the Treaty;

2. The Reparations Commission provided in Article 175 and in paragraphs 2, 3 and 4 of Annex IV will not be permitted to exact the revelation of secrets of manufacture or other confidential information;

3. From the signature of the Treaty and in the following four months, Austria will be permitted to present to the examination of the Allied and Associated Powers documents and propositions looking toward the hastening of work relative to reparations, with a view of thereby shortening the investigation and accelerating decisions;

4. Persons having committed felonious acts in connection with the liquidation of Austrian property will be persecuted [*sic*] and the Allied and Associated Powers will receive such information and evidence as the Austrian Government may be able to furnish on this subject.

July 19, 1919

66. FURTHER COMMUNICATIONS FROM THE AUSTRIAN
DELEGATION

(a) AUSTRIAN NOTE NO. 914, AUGUST 6, 1919, WHICH IS THE
COVERING LETTER TO THE AUSTRIAN FINAL OBSERVA-
TIONS, COUNTER PROPOSALS, AND PROPOSED TREATY
DRAFT⁷²

(Translation)

DELEGATION OF
GERMAN AUSTRIA
No. 914

ST. GERMAIN-EN-LAYE
August 6, 1919

COVERING LETTER

FROM: *Mr. Renner*
TO: *President Clemenceau*

MR. PRESIDENT:

By the Note of July 20, Your Excellency was kind enough to deliver to me, in the name of the Supreme Council of the Allied and Associated Powers, the Text of the Peace Conditions with German Austria.

⁷² *S-H Bulletin*, No. 656; for French and German texts, see *Bericht*, II, 78-91; for another edition of the French text, see *Conditions de Paix avec l'Autriche Allemande. Réponses aux conditions de Paix du 20 juillet 1919* (Paris, 1919), probably a publication of the Austrian Delegation (hereafter cited as *Réponses aux Conditions*); here pp. i-xi.

Referring to that letter, I hasten to send to Your Excellency the remarks presented by the Delegation of German Austria on the Ensemble of the Treaty. In order to facilitate the examination of these *remarks* and to make them clear, I take the liberty of adding the *drafts* of the various parts of the Treaty in the form which would result from the adoption of our proposals.

In examining our point of view, the Supreme Council will be kind enough to recognise that the German Austrian Delegation has, in the present state of the negotiations, scrupulously limited itself to ask only the attenuations indispensable to the existence of the German Austrian People and the refusal of which would expose it to anarchy and misery.

According to the Text of the "Conditions" a formal refusal is opposed to the desire of the German Austrian people to remain free and to remain united. Vast German territories of northern Bohemia, of the Sudetes Country, of Bohemia and of southern Moravia, of Styria, of Carinthia as well as of the Tyrol beyond the Brenner, should be delivered to other States and subjected to other peoples. The Germans of the Alps and of the Sudetes, since 1526 Nationals of the sole and same Empire, united together by the ties of blood, by relationship and alliances united and intermingled so as to form effectively only one family, should be assigned to two different States, States which on account of the opposing interests inspired [*sic*] to them shall become natural opponents in the future. This decision of the Powers, who at present disposed of and are responsible for the future of humanity, fills the German Austrian populations with the most poignant bitterness. The economic, political and social reasons proving the necessity of the union of the German Countries of the former monarchy to one and the same State have been clearly proved by the undersigned Delegation in its previous communications. But it was in vain that we invoked the principle of the independence of Nations, a principle proclaimed by the Powers themselves as their war aim, it was in vain that we put forth the right of self-determination. Can it be the over-whelming burden of the disaster which prevents us from seeing clearly through the intentions of the said decision and from being able to recognise the predominant rights which oppose themselves to the liberty of our People? It is not for us to make reproaches, we can only make use of the right to complain and decline the responsibility and to abandon the consequences to historic evolution.

It has been proved that German Austria could not live within the restricted frontiers which are imposed upon her and that the subjection of her nationals by the neighboring States would bring about a serious ferment and a latent danger for peace and social order in the centre of Europe. We are told, however, that we shall be allowed to live nevertheless; we are willing therefore to persuade ourselves that it shall be so, supposing, evidently, that justice shall be made to our territorial

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aspirations within that measure, reduced to a minimum, upon which we insist in the Appended proposals. We shall therefore bring all our forces and all our efforts into play to brave resolutely the enormous dangers and troubles which are awaiting us. In this moment of distress, we warmly greet the Constitution of the League of Nations and we hope to be able to count on the interest which it shall lend us as well as on the reception which it shall extend to us. That is the only reservation we make.

However, we must declare, right now, that it was in vain that we tried until now to convince ourselves of the possibility of an hypothesis in which we never could be in a position to effectively stand all the burdens which the Treaty imposes upon us. It is our duty to proclaim in advance that, unless the said burdens are essentially alleviated, we shall inevitably succumb under their weight.

Let the High Powers receive this solemn declaration with as much seriousness and interest as it is made with loyalty and frankness. It is incumbent upon us to ask that this burden be made bearable. The German-Austrian People only wishes to live; give him the assurance that it will be possible!

We know that, as defeated, we are bound to carry out all the demands of the victors. But, while submitting to the conditions imposed by the powers with which the Austro-Hungarian Monarchy was at war, in what concerns the assign states of the said Empire, we must firmly maintain the point of view that the liquidation between the latter can be effected only upon the basis of the right of peace, or at least, on that of indispensable consideration between neighbors. In settling the relations existing between us and the other states formed on the territory of the Monarchy, we must insist that our material existence not be rendered impossible. Our downfall, furthermore, would open an abyss for them. *Our firm conviction, therefore, is that the provisions, as we have just pointed out,¹⁸ which are absolutely impossible of execution and each one of which, in itself, is fatal for our economic organism, must be eliminated from the Peace Treaty. The discussion of these questions, however, should not prolong the deliberations of the Peace Conference; no other solution, therefore, remains than to abandon to the Commission on Reparations the task of effecting the settlement of them.*

In order to show definitely and prove clearly that the proposed modification, reduced, as they are, to a most modest measure, do not, in any point, exceed the elementary demands of our viability, it would, in my opinion, be of unquestionable value for all the parties concerned to hear the members of the German Austrian Delegation and to ask

¹⁸ The Austrian Delegation's protests against the provisions of the Financial Section of the Treaty draft are not reproduced.

them for all the desired explanations, verbally, in the competent committees.

German Austria does not wish to admit that it would answer the intentions of the Great Powers to make it sign engagements which, by the force of facts, cannot be carried out, or the execution of which would put an end to the social and economic life of the state obligated. Furthermore, German Austria—fully aware of its situation—is ready to accept all charges, to make all sacrifices and to sign all conditions which it can carry out and support and which it, therefore, conscientiously and in good faith, can assume without compromising the existence of the people which it represents.

Accept, etc.

(Signed) RENNER

66. (b) EXPLANATORY NOTE CONCERNING THE DOCUMENTS
COMPRISING THE AUSTRIAN REPLIES TO THE JULY 20
DRAFT OF THE CONDITIONS OF PEACE⁷⁴

August 9, 1919

THE AUSTRIAN REPLY⁷⁵

EXPLANATORY NOTE—The reply of the Austrian Delegation to the Conditions of Peace was transmitted to the Secretary General of the Peace Conference by a note dated August 6, 1919, No. 914 (see *S-H Bulletin*, No. 656).⁷⁶ The Comments were received in the French text with only the note and a small part furnished in the English language. The document is divided into three sections:

- I. Observations.
- II. Counter-proposals.
- III. Draft Treaty Clauses.

- I. The translation of the *Observations* has been made and will be circulated in mimeographed form as soon as possible as a succeeding section of this Bulletin. (668)
- II. The *Counter-proposals*, so-called, include all the comments heretofore made by the Austrians. These have been received at various times by the American Commission and may be found in the *S-H Bulletin* series. For a descriptive list see Page two, following.

⁷⁴ *S-H Bulletin*, No. 668, Part I; for French and German texts, see *Bericht*, III, 254-89; for another edition of the French text, see *Réponses aux Conditions*, pp. 163-203.

⁷⁵ To July 20 draft.

⁷⁶ Reproduced as Document 66(a), *supra*.

III. *Draft Treaty Clauses.* This section contains clauses proposed by the Austrians for the Treaty, or indicates changes desired in the text presented to them.

It is now in process of translation and the English text will be placed in the hands of the members of the Commission as soon as available.

Only a limited number of the copies of the French text has thus far been received. If required for official use one may be obtained from Mr. Huddle, Room 302, Telephone-Crillon 55.

66. (c) LISTS OF DOCUMENTS COVERING THE REPLIES OF
THE AUSTRIAN DELEGATION TO THE JULY 20
DRAFT OF THE CONDITIONS OF PEACE⁷⁷

PART II, OBSERVATIONS OF THE AUSTRIAN DELEGATION ON THE
CONDITIONS OF PEACE

August 9, 1919

PREAMBLE⁷⁸

PART I. Covenant of the League of Nations⁷⁹

PART II. Frontiers of Austria⁸⁰

Section II—Nationality⁸¹

PART III. European Political Clauses⁸²

Section VI—Protection of Minorities⁸³

PART IV. Austrian Interests outside of Europe⁸⁴

PART V. Military, Naval and Air Clauses⁸⁵

Section IV—Provisions concerning Commissions of Control

PART VI. Prisoners of War and Graves

PART VII. Penalties

PART XI. Aerial Navigation

PART X and XII. Economic Clauses and Ports, Waterways and Railways

PART XIII. Labor

PART XIV. Miscellaneous Clauses

⁷⁷ *S-H Bulletin*, No. 668, Parts II, IV; for French and German texts, see *Bericht*, II, 92-123, 202-12; for another edition of the French text, see *Réponses aux Conditions*, pp. 3-33, 139-49.

⁷⁸ Reproduced as Document 79, *infra*.

⁷⁹ Reproduced as Document 86, *infra*.

⁸⁰ Reproduced as Document 100, *infra*.

⁸¹ Reproduced as Document 226, *infra*.

⁸² Reproduced as Document 177, *infra*.

⁸³ Reproduced as Document 216, *infra*.

⁸⁴ Reproduced as Document 248, *infra*.

⁸⁵ Parts V-XIV not reproduced.

ANNEXURES

PREAMBLE

Annex *a*—Austrian Note No. 355—*S-H Bulletin*, No. 385⁸⁶

Annex *b*—Austrian Note No. 617—*S-H Bulletin*, No. 483⁸⁷

Annex *c*—Memorandum on Styria. Attached hereto⁸⁸

Annex *d*—Memorandum on the Sexten Valley. Attached hereto⁸⁹

Annex *e*—Protests signed by all the Communes of Southern Tyrol at the present time occupied by Italy. Attached hereto⁹⁰

RESOLUTION voted on July 4th, 1919, by the Diet of the Tyrol during a special session called for that purpose. Attached hereto⁹⁰

PART VI⁹¹

Annex *f*—Prisoners of War and Graves

Section I—Prisoners of War

Section II—Graves

To be circulated as Part III—Bulletin No. 668.

PART VIII. Reparations

PART IX. Financial Clauses

Annex *h*—Austria and the Public Debt of the two States formerly composing the Austro-Hungarian Monarchy

.....

COUNTER-PROPOSALS OF THE AUSTRIAN DELEGATION

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<i>Annex B</i> Note No. 617, July 2, 1919—The International situation of Austria, with a memorandum on the attitude of the various peoples of the former Austria toward this State before and during the War	483 ⁹⁴

⁸⁶ Reproduced as Document 80(*c*), *infra*.

⁸⁷ Reproduced as Document 80(*d*), *infra*.

⁸⁸ Reproduced as Document 133, *infra*.

⁸⁹ Reproduced as Document 122, *infra*.

⁹⁰ Reproduced as Document 121, *infra*.

⁹¹ Parts VI, VIII, and IX and Annex *h* not reproduced.

⁹² Reproduced as Document 78, *infra*.

⁹³ Reproduced as Document 80(*c*), *infra*.

⁹⁴ Reproduced as Document 80(*d*), *infra*.

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Austrian Reply to Conditions of Peace.
Draft Clauses for Treaty Proposed by Austrian Delegation. ¹⁰²
.

67. RESOLUTIONS OF AUGUST 25 OF THE COUNCIL OF HEADS OF DELEGATIONS REGARDING THE ALLIED REPLY TO THE AUSTRIAN COUNTER PROPOSALS¹⁰³

The answer to the Austrian remarks on the question of nationalities (Part III, Section II) is accepted.

The answer to the Austrian remarks concerning the Austrian interests outside of Europe (Part IV) is postponed.

The answer to the Austrian remarks concerning the Military, Naval and Aerial clauses (Part V) is accepted.

⁹⁵ In the Hoover War Library set there is no Part II to *S-H Bulletin*, No. 383. The document referred to is probably Part 2 of the Counter Proposals on the Frontiers of Austria which is reproduced as Document 99, *infra*.

⁹⁶ Reproduced as Document 94, *infra*.

⁹⁷ Reproduced as Document 225, *infra*.

⁹⁸ Reproduced as Document 198, *infra*.

⁹⁹ Reproduced as Document 212, *infra*.

¹⁰⁰ Reproduced as Document 242, *infra*.

¹⁰¹ Not reproduced.

¹⁰² Reproduced as Document 62, *supra*.

¹⁰³ H.D. Resolutions 38-F. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

The answer to the Austrian remarks concerning prisoners of war (Part VI) is accepted.

The principles of the answer formulated by the Commission on Responsibilities are accepted (Part VII); it is decided to send that answer to the Drafting Committee for coordination with the draft of answer suggested by the British Delegation.

The answer to the Austrian remarks concerning reparations (Part VIII) is accepted.

The answer to the Austrian remarks concerning the financial clauses (Part IX) is accepted, with the exception of Article 199, the examination of which is postponed to the next session.

Frontiers: The project of reply prepared by the Territorial Commission, relative to the frontiers between Austria and Czecho-Slovakia is accepted (Part II, paragraph I).

It is decided, concerning Styria, to accept the Austrian demand and extend the plebiscite zone in such a way as to include the districts of Marbourg and Rakersberg (Part II, paragraph III—Styria).

The project of reply prepared by the Territorial Commission relative to Carinthia is accepted (Part II, paragraph III—Carinthia).

The ensemble of the report of the Territorial Commission is therefore accepted with the exception of that part of paragraph III which concerns Styria.

68. RESOLUTIONS OF AUGUST 26 OF THE COUNCIL OF HEADS OF DELEGATIONS REGARDING THE ALLIED REPLY TO THE AUSTRIAN COUNTER PROPOSALS¹⁰⁴

(a) Frontiers. (Resolutions of Aug. 25th)

1. The Resolution of the Council regarding Gmund was confirmed.
2. The resolution regarding Marburg and Radkersborg was amended so that Radkersborg should be deleted.
3. The resolution regarding Carinthia was accepted and confirmed.

¹⁰⁴ H.D. Resolutions 39-C. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

(b) Nationality Clauses.

It was agreed that the resolution taken on the previous day with regard to the nationality clauses in the Austrian Treaty should be accepted, but that the words "subject to such modifications of form as the Editing Committee might introduce in order to bring them into agreement with the clauses drawn up by the Drafting Committee" should be added.

(c) Austrian Property outside Europe.

It was agreed that the reply to the Austrian Delegation regarding Part IV of the Peace Treaty (Austrian Property outside Europe) should be accepted.

.

69. RESOLUTIONS OF AUGUST 28 OF THE COUNCIL OF THE HEADS OF DELEGATIONS REGARDING THE REPLIES TO THE AUSTRIAN COUNTER PROPOSALS¹⁰⁵

IT WAS AGREED:

(a) That the reply to the Austrian Delegation should be referred as a whole to the Drafting Committee to coordinate with the terms of the Peace Treaty

(b) That a clause should be inserted in the reply to the Austrian Delegation to the effect that the said reply was not to be taken as in any sense modifying the text of the Treaty.

70. RESOLUTION OF AUGUST 28 OF THE COUNCIL OF HEADS OF DELEGATIONS REGARDING THE COVERING LETTER TO THE REPLY OF THE ALLIED AND ASSOCIATED POWERS TO THE AUSTRIAN COUNTER PROPOSALS¹⁰⁶

IT WAS AGREED:

(1) that the notes drafted by M. Loucheur and the Reparations Commission should be embodied in the covering letter accompanying the answer to the Austrian counter-proposals

(2) that the draft of the covering letter prepared by the Co-Ordination Commission together with the above note of the Reparations Commission should be referred to Mr. Philip Kerr for re-draft and that the new text as prepared by him should be submitted at the next meeting of the Council.

¹⁰⁵ H.D. Resolution 41-H. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

¹⁰⁶ H.D. Resolution 41-D. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

71. RESOLUTIONS OF AUGUST 30 OF THE COUNCIL OF THE HEADS OF DELEGATIONS REGARDING THE COVERING LETTER TO THE REPLY OF THE ALLIED AND ASSOCIATED POWERS TO THE AUSTRIAN DELEGATION¹⁰⁷

1. It was agreed that the covering letter prepared by Mr. Philip Kerr and submitted to the Council should be accepted as a whole, but that the following modifications should be introduced therein by Mr. Philip Kerr, who should transmit his text to the Editing Committee:

(a) Page 7 (English Text), paragraph 4, lines 8 and 9, the words "Committees which reported on the question" should be replaced by the word "Conference."

(b) That the statements in paragraph 4 of page 7 (English Text) on the subject of the Austrian frontiers should be amended in conformity with the resolution taken on the previous day with regard to Radkersberg and Marburg.¹⁰⁸

(c) That the draft resolutions passed by the subcommittee of the Reparations Commission (Appendix B) should be added to the covering letter in the form of a footnote or in some other suitable manner.

2. It was further decided that the following changes should be made in the preamble of the Peace Treaty with Austria (English text).

(a) On Page 8, line 11 from the bottom, the word "Austria" should be replaced by the words "Republic of Austria."

(b) On Page 8, lines 5 and 6 from the bottom, the phrase "Austria is recognized as a new and independent State under the name of the 'Republic of Austria'" should be deleted.

72. RESOLUTIONS OF AUGUST 30 OF THE COUNCIL OF HEADS OF DELEGATIONS REGARDING THE LANGUAGES OF THE PEACE TREATY WITH AUSTRIA¹⁰⁹

It was agreed that in the case of divergence between the French, English and Italian texts of the Peace Treaty with Austria, the French text should prevail, except in Parts I and XIII, where the French and English texts should be of equal force.

It was further agreed that the Drafting Committee should insert an Article in the Peace Treaty with Austria in conformity with the aforesaid resolution. . . .

¹⁰⁷ H.D. Resolution 43-A. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

¹⁰⁸ See Document 73(a), *infra*, for amended text.

¹⁰⁹ H.D. Resolution 43-D. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

73. NOTE OF THE ALLIED AND ASSOCIATED POWERS
ACCOMPANYING THE PEACE CONDITIONS
OF SEPTEMBER 2, 1919¹¹⁰

(a) LETTER OF TRANSMITTAL TO THE PRESIDENT OF THE
AUSTRIAN DELEGATION ACCOMPANYING THE REPLY
OF THE ALLIED AND ASSOCIATED POWERS

(Translation)

PEACE CONFERENCE
THE PRESIDENT

To: *His Excellency Mr. Renner*
President of the Austrian Delegation at Saint-Germain-en-Laye
PARIS, The 2nd September, 1919

MR. PRESIDENT:

1. The Allied and Associated Powers have given the greatest care to the examination of the observations formulated by the Austrian Delegation in regard to the draft of the Treaty of Peace. The objections presented to this draft in the reply of the Austrian Delegation are based on the fact that, by reason of the dissolution of the Austro-Hungarian Monarchy, Austria ought not to be treated in any respect as an enemy State and that one ought consequently not to make her bear in any special manner the burden of the reparations which would certainly have been imposed upon the Austro-Hungarian Monarchy if she had not ceased to exist.

The observations reveal a fundamentally erroneous conception of the responsibilities of the Austrian people. The Allied and Associated Powers shall therefore believe it necessary to indicate as briefly as possible the principles which they consider ought to be applied in the settlement, so far as Austria is concerned, of the war, which has just come to an end.

The Austrian people share in a large measure with their neighbor the Hungarian people's responsibility for the ills which Europe has suffered in the course of the last five years. The war was precipitated by the ultimatum which the government of Vienna sent to Serbia exacting acceptance within a delay of 48 hours of a list of exactions which amounted to suppression of the independence of a sovereign neighbor state. The royal government of Serbia accepted within the prescribed delay all these exactions, with the exception of those which implied

¹¹⁰ United States, 66th Congress, 1st Session, *Senate Documents*, Vol. 15, No. 121, pp. 3-8. For French text, see *Lettre d'Envoi au Président de la Délégation Autrichienne de la Réponse des Puissances Alliées et Associées* (Paris, 1919), pp. 1-8. This is an Allied publication, but the delegation responsible for its printing is not named.

virtually renunciation of its independence. Nevertheless, the Austro-Hungarian government rejected all offers of discussion and all proposals of conciliation on the basis of that reply, and opened at once hostilities against Serbia, entering thus deliberately upon the course which led straight to the world war.

It is now evident that this ultimatum was but a hypocritical pretext to begin a war which the old autocratic government of Vienna, in close accord with the Rulers of Germany, had prepared long ago, and for which it judged the moment had arrived. The presence of Austrian cannon at the sieges of Liege and Namur is a proof more, if one were needed, of the close association of the government of Vienna with the government of Berlin in the complot against public law and the liberty of Europe.

The Austrian Delegation seems to judge that the responsibility for these acts is incumbent solely upon the Hapsburg dynasty and its satellites. To believe them, the Austrian people, by reason of the collapse of that monarchy under the blows of the victorious allies, might escape the responsibility for the acts committed by a Government which was its own and had its seat in its capital. If the Austrian people had during the years which preceded the war made efforts to repress the spirit of militarism and of domination which had animated the government of the monarchy, if it had raised an effective protest against the war, if they had refused to aid and support its rulers in the design to pursue it, one might accord some attention to this defense at the present day. But the war was acclaimed from the moment of its declaration at Vienna, the Austrian people have been from beginning to end its ardent partisan, it has done nothing to separate itself from the politics of its government and of its allies until their defeat on the field of battle, proof sufficient that conformably to the sacred rules of justice Austria should be held to assume its entire share of responsibility for the crime which has unchained upon the world such a calamity.

But there is more: the Allied and Associated Powers feel obliged to point out that the polity of the old Hapsburgs had become in its essence a polity destined to maintain the supremacy of the German and Magyar peoples over the majority of the inhabitants of the Austro-Hungarian Monarchy. This ancient and exhausted autocracy, with its militarist traditions, maintained itself, thanks to the vigorous support of the inhabitants of Austria and Hungary, to whom it assured political economic domination over their compatriots. It is this system of domination and oppression, setting the races against one another, and to which the Austrian people has given its constant support, that has been one of the most profound causes of the war. It has produced on the borders of Austria-Hungary those irredentist movements, which have fostered in Europe ferments of agitation; it has produced that state of pro-

gressive dependence on the part of Austria-Hungary on Germany, the consequence of which was the subordination of Austria-Hungarian politics to the pangermanist plans of domination; it has culminated at last in a situation in which the chiefs of the monarchy could see no other means of preserving their own power than by attacking deliberately the liberty of a small independent state, which barred the road to Constantinople and the Orient, and which maintained spiritedly a vision of liberty amidst its oppressed brethren.

Therefore, in the opinion of the Allied and Associated Powers, it is impossible to admit the defense of the Austrian Delegation, to-wit, that the Austrian people does not share the responsibility of the government which provoked the war, and that it ought to escape the duty of reparation, to the extreme limit of its faculties, to those to whom, with the government it supported, it has brought such grave injury. The principles upon which the draft of the Treaty has been based must therefore hold fast. The Austrian people is, and remains until the signing of the peace, an enemy people. Peace signed, Austria will become a state with whom the Allied and Associated Powers can entertain friendly relations.

2. The Austrian Delegation has also protested against the dispositions of the Treaty dealing with the relations of Austria with the new states constituted upon the territories of the former monarchy. The Allied and Associated Powers see themselves under the obligation to note that the weakness from which Austria is going to suffer will not be the consequence of the stipulations of the treaty; it will be in consequence rather of the polity of supremacy which its people has pursued in the past.

If the polity of Austria-Hungary had been a polity of generosity and justice towards all its subjects, the states of the upper Danube might have preserved economic and political unity and amicable relations. In fact the polity of supremacy has been the cause of one of the most cruel tragedies of the late war: one has seen millions of men belonging to the peoples subject to Austria-Hungary forced, under penalty of death, to fight against their will in the ranks of an army which served at the same time to perpetuate their own servitude, and to accomplish the destruction of the liberty of Europe. Among these populations many have protested against the war, and for having protested, they have suffered the confiscation of their goods, imprisonment, or death; many others, prisoners or fugitives, have joined the armies of the allies and have played their rôle in the war of liberation.

Now they are all, without exception, and justly, resolved to constitute themselves into independent states. They do not want to trust themselves to Vienna. The polity of supremacy has produced its inevitable result: dismemberment, and it is this dismemberment which is

the origin of all the actual difficulties of Austria. Vienna had been made the economic and political centre of the empire; everything had been artificially concentrated there: the provinces were weakened, their railways were paralyzed in order that the capital might prosper. The dislocation of Austria, in its disintegration of this economic network, until now centralized, could not fail to deal serious blows to the Austrian state and its capital, but the very dissolution of the monarchy with its consequences is the direct result of that sinister polity of supremacy of which the Austrian people bear the principal responsibility.

3. The Allied and Associated Powers have, however, no desire to aggravate the unfortunate situation of Austria. Quite to the contrary, they have a lively desire to do everything which is in their power to aid its people to accommodate themselves to the new situation and to regain prosperity, on condition, to be sure, that it be at no time at the expense of the new states issued from the old empire.

The collapse of the monarchy has given birth to many difficult problems in the relations between the new states which by the Treaty are its heirs. It has always been considered reasonable that the relations between the citizens of the new states should be regulated in certain respects differently from the relations between the citizens of Austria and those of the Allied and Associated Powers. But by reason of the observations presented by the Austrian Delegation the Allied and Associated Powers, while adhering to the general lines of the Treaty, have introduced considerable modifications in its economic stipulations. Property located in the territories ceded to the Allied Powers belonging to Austrian nationals will be turned over to the owners; such property will be exempt from any measures of liquidation or transfer taken since the armistice, and they are guaranteed similar exemption from any measure of seizure or liquidation for the future. Contracts between removed Austrians and persons who have acquired allied nationality by the Treaty remain in force without faculty of rescission. Measures are taken to assure to Austria supplies of coal from Czecho-Slovakia and Poland, which she can not do without, in exchange for certain raw materials. Pending questions concerning removed Austrians, which remain to be resolved between Austria and neighbor states, her heirs, will be settled by separate conventions, elaborated in conference in which Austria will be admitted on an equal footing with the other interested parties. The details of these concessions, and others still, will be found in the subjoined reply.

Finally, the Reparations Commission will receive instructions to acquit itself of the functions with which it is entrusted in an eminently humanitarian spirit. It will take into account the vital interests of the collectivity, and will authorize every alleviation which it shall consider called for by the food situation of Austria.

4. As to the territorial frontiers fixed for the Republic of Austria, the Allied and Associated Powers can not admit any essential modification of the decisions which have been already communicated. These decisions have been made after months of profound studies; and it has not found a single argument in the remarks submitted by the Austrian Delegation that had not been examined by the Conference. The Allied and Associated Powers have taken note, however, of the Austrian protest concerning the city of Radkersburg.

In a general way, the Powers have endeavored to determine the boundaries of the states issuing from the old Austro-Hungarian monarchy with an equity bound to give central Europe a durable peace. Thus they have adopted for Czecho-Slovakia the historic frontiers of the crown of Bohemia; where these frontiers are in common with those of Austria, they have not deviated therefrom but in two cases of secondary importance where the economic interests of the new states appeared, and still appear, to prevail over the claims of the Austrian Republic. In the case of Jugo-Slavia the Allied and Associated Powers have followed so far as possible the recognized linguistic frontier.

So far as concerns Hungary the Allied and Associated Powers have incorporated with Austria certain German-speaking regions comprised heretofore within the Hungarian boundaries; fixed as they now are, they will guarantee best the existence of all the peoples interested, the Austrians included, without exposing them to anarchy or murderous rivalries.

As to the Tyrol, the Allied and Associated Powers have been struck by the fact that during long years the Italian people have been exposed to a menace, intentionally directed against its very life. This menace resulted from the possession by Austria-Hungary of advanced military positions commanding the Italian plains. Under these conditions the best solution, in the opinion of the Allied and Associated Powers, was to grant to Italy the natural boundary of the Alps so long claimed by her.

5. The Allied and Associated Powers desire also to remind the Austrian Delegation that the Treaty of peace contains dispositions having in view the protection of small collectivities specially such as the new Austria. It will henceforth no more be possible for powerful empires to threaten with impunity the political and economic life of their weaker neighbors. The clauses relating to ports, waterways, and railways assure to Austria under international guarantees access to the sea by land and water.

The clauses having regard to labor legislation will contribute to safeguard the rights of the working population and to ameliorate its conditions of existence. The treaties concerning minorities will safeguard the religious, political, and linguistic rights of minorities passing under

another sovereignty by virtue of the Treaty of peace. The League of Nations to which the Allied and Associated Powers hope the Republic of Austria may be admitted at an early date is not only the protectress of the rights and liberties of Austria; it will protect not merely the rights of all the signatories of the Treaty; it institutes at the same time the organism by grace of which all arrangements may be made to intervene, in calm and legality, which events or new circumstances may render necessary in course of the settlement of the peace. These characteristics of the proposed settlement should not be forgotten.

6. In short, the Allied and Associated Powers desire to make it clearly understood that the modifications which they have now made in the draft of the Treaty are definitive. They mean to declare, moreover, that if they have not replied specifically to all the points in the reply of the Austrian Delegation it is not because they have not carefully examined them; neither does the absence of a reply signify that the claims formulated were accepted or approved. No more should the present reply be considered an authorized interpretation of the Treaty. The text which we send to you to-day is a continuation of that of the 20 July last, which already bore considerable changes with reference to that of the original text of the 2 June, [and] must be accepted or rejected as the case may be.

Consequently the Allied and Associated Powers expect of the Austrian Delegation within five days, counting from the date of the present communication, a declaration making known that it is ready to sign the Treaty as it stands.

As far as this declaration is received by the Allies and Associated Powers, arrangements will be made at once for the immediate signing of the Peace at Saint-Germain-en-Laye.

In default of such declaration within the time specified above, the armistice concluded November 3, 1918, shall be considered at an end and the Allied and Associated Powers shall take all measures judged necessary to impose their conditions.

Please accept, Mr. President, the assurance of my high consideration.¹¹¹

Postscript.—In execution of article 179 of the Conditions of Peace with Austria, the Reparations Commission may delegate such powers as it may judge opportune to the Section constituted to deal with special questions arising from the application of the Treaty.

Pursuant:

The Commission will receive instructions that this Special Section meet formally at Vienna, and that at the shortest delay after the putting in force of the Treaty.

¹¹¹ Signed G. Clemenceau in the French original.

IV. Boundary between Austria and Italy¹¹⁹

PART III. Political Clauses

Section I. Italy¹²⁰Section V (1). Protection of the Minorities¹²¹Section VI. Nationalities¹²²Section VIII. General Dispositions¹²³PART IV. Austrian Interests in Countries Other than European¹²⁴74. LIST OF CORRECTIONS OF THE SEPTEMBER 2 DRAFT¹²⁵

(Translation)

PEACE CONFERENCE
SECRETARIAT GENERAL
QUAI D'ORSAY, PARIS
September 9, 1919

The Secretariat General of the Peace Conference has the honor to deliver herewith to the Secretariat General of the Austrian Delegation a copy in French, in English, and in Italian, of the correction of misprints which applies respectively to the French, English and Italian texts of the "Conditions of Peace with Austria" (edition of September 2, 1919).

This copy of the Treaty is identical with the text which will be signed tomorrow, September 10, at St. Germain.

*To the Secretary General of the Austrian Delegation
St. Germain-en-Laye*

¹¹⁹ Reproduced as Document 123.

¹²⁰ Reproduced as Document 178.

¹²¹ Reproduced as Document 222.

¹²² Reproduced as Document 228.

¹²³ Reproduced as Document 243.

¹²⁴ Reproduced as Document 249.

¹²⁵ *Bericht*, II, 633.

75. NOTIFICATION OF CHANGES IN THE TEXT OF THE
TREATY TO BE SIGNED¹²⁶

(Translation)

PEACE CONFERENCE
SECRETARIAT GENERAL
QUAI D'ORSAY, PARIS
September 9, 1919

The Secretariat General of the Peace Conference has the honor of informing the Secretariat General of the Austrian Delegation that, apart from typographic corrections communicated in today's note:

1. The list of the signatory Powers of the Treaty of Peace with Austria has been changed as follows: Belgium, China, Cuba, Greece, Nicaragua, Panama, Poland, Portugal, Roumania, the State of the Serbs, Croats, and Slovenes, Siam and Czecho-Slovakia;¹²⁷

2. On page 26,¹²⁸ formerly page 18,¹²⁹ Annex¹³⁰ of the Peace Treaty the words in the second line "Signatories of the Treaty of Peace" must be struck out; thus the heading must read solely: "I. Original members of the League of Nations." After that follows immediately the list of the members;

3. The "Special Declaration" must be changed to read as follows: the Austrian Government "undertakes, in case of a request by the governments";

4. The following protocol has to be signed:

"The treaties, covenants, arrangements, protocols, and declarations of today's date may be signed up to September 13, 1919, at noon.

"Given at St. Germain, on"

(Seal) Congress of Peace. Secretariat General.

*To the Secretary General of the Austrian Delegation
St. Germain-en-Laye*

¹²⁶ *Bericht*, II, 632.

¹²⁷ States which actually were at war with Austria-Hungary.

¹²⁸ Of the corrected text of September 10, reproduced as Document 59, *supra*.

¹²⁹ Text of September 2.

¹³⁰ Annex to the Covenant of the League of Nations.

76. CONFIRMATION OF THE CONFORMITY OF THE TEXTS OF
SEPTEMBER 2 AND 10¹⁸¹

(Translation)

PEACE CONFERENCE
THE PRESIDENT
PARIS, September 10, 1919

MR. PRESIDENT:

I have the honor of giving you the formal assurance that the printed text of the peace treaty, which will be submitted simultaneously to you and to the plenipotentiaries of the Allied and Associated Powers for signature, is in all points identical with the text which was delivered to you on September 2, 1919, with the exception of the corrections of which a list was forwarded to you on September 9, and the modifications which had to be made in the list of the plenipotentiaries.

Please accept, etc.

(Signed) CLEMENCEAU

*To His Excellency, Chancellor Renner
President of the Austrian Delegation
St. Germain-en-Laye*

¹⁸¹ *Bericht*, II, 636.

CHAPTER IV

THE PREAMBLE OF THE TREATY AND "PART I THE COVENANT OF THE LEAGUE OF NATIONS"

PREAMBLE

INTRODUCTORY NOTE

THE PREAMBLE of the Austrian Treaty is the same, *mutatis mutandis*, as the Preamble of the German Treaty except for the paragraphs in the Austrian Treaty concerning the replacement of the Austro-Hungarian monarchy by a republican government in Austria, recognition by the Principal Allied and Associated Powers of the Czechoslovak State and the Kingdom of the Serbs, Croats, and Slovenes, and the necessity for regulating the new situation created thereby. The discussion, therefore, by the Supreme Council of the Preamble of the German Treaty applies in general to the Preamble of the Austrian Treaty.

In the Preamble of the drafts of the Treaty presented to the Austrian Delegation on June 2 and July 20¹ all Powers enumerated in the Treaty with Germany are listed. In the final text, however, only those Powers are named which were actually at war with Austria-Hungary. Russia and Montenegro, although they were at war with Austria-Hungary, did not sign the Treaty of St. Germain, and are not named in the Preamble because Soviet Russia, at the time the Treaty was signed, was not recognized by any of the Allied Powers and the Supreme Council had not yet reached a decision regarding the status of Montenegro.²

¹ Reproduced as Documents 60 and 61, *supra*.

² Miller, *My Diary*, XIII, 456-60: Minutes of the Fifty-first Meeting of the Committee on New States, September 9, 1919, and Annexes A and B.

77. THE COUNCIL OF THREE AND THE PREAMBLE

(a) ANNOTATIONS ON THE DISCUSSION OF THE PREAMBLE
OF THE TREATY OF VERSAILLES³

PREAMBLE (TREATY WITH GERMANY).

The form of the Treaty was discussed at a meeting at President Wilson's house, April 26th, at 3 P.M. (See Notes of a meeting at President Wilson's house, April 26th, I.C. 176 I, British index and reference.)⁴ Those present were President Wilson, Mr. Lloyd George, M. Clemenceau, Sir Maurice Hankey (Secretary), and the Drafting Committee, consisting of Mr. Brown Scott, Mr. Hurst, and M. Fromageot.

At this meeting the question was raised as to whether the Treaty with Germany should be "agreed" or "imposed." It was decided after discussion that it should be an "agreed" peace. The question was also raised as to whether the Preamble should state the principles on which peace was being made. Mr. Scott said this was extremely difficult when attempted in detail, and it was pointed out that the Covenant of the League of Nations contained a Preamble stating principles. It was decided not to state in the Preamble the principles on which peace was being made. A draft form under consideration for the Preamble made no reference to the effect that Germany had declared war on France. The text was approved, subject to the addition of such a reference.

Mr. Scott made the statement on June 23rd, that he prepared the draft of the Preamble; that the British were favorable to this draft; and that it was used in preference to a draft submitted by the French, which was more elaborate and made reference to victory of arms.

77. (b) RESOLUTION, APRIL 26, 1919, CONCERNING THE
PREAMBLE OF THE GERMAN TREATY⁵

"Peace Treaty with Germany: Form of Treaty—peace to be 'agreed' not 'imposed' . . . ; Preamble not to state principles of the peace—I.C. 176 I (1)."

³ "Documentary History of the Treaty of Peace between the Allied and Associated Powers and Germany," by P. W. Slosson, H. C. Nixon, and M. Florence Wilson (Paris, 1919) (hereafter cited as "Documentary History of the Treaty with Germany"), typewritten MS in the Hoover War Library, p. 1. This documentary history is Volume XIX of Miller, *My Diary*.

⁴ Not reproduced.

⁵ "Index I.C.A.: Peace Treaty with Germany."

78. COUNTER PROPOSALS OF THE AUSTRIAN DELEGATION,
 JULY 10, 1919, TO THE PREAMBLE IN THE CONDITIONS
 PRESENTED TO THE AUSTRIAN DELEGATION ON JUNE 2^o

(Translation)

PREAMBLE[†]

Alinea 5

. . . . (Party of the first part, and German Austria party of the second part.)

Alinea 7

. . . . Indirectly against (German) Austria and which

The State with which the Allied and Associated Powers have evidently the intention to conclude the projected Treaty is called, by virtue of its constitutional laws, and as long as they shall remain in force, the "German-Austrian Republic."

Its international personality cannot, under any sense of the word, be identified with the former Austro-Hungarian Monarchy, nor with former Austria: It is, on the contrary, as successor in the rights acquired and its accepted and contracted engagements, in precisely the same situation as all the other States, issues of the former Monarchy. The German-Austrian Republic has not, since its constitution, been in a state of war with any other Power; it cannot, therefore, conclude a treaty of peace. The instrument which has just been presented to it cannot, consequently, be considered as the project of an international treaty intending to regulate the situation of a new State upon which weighs a part of the heritage of a State which has crumbled as a result of war. The Delegation refers back, on this subject, to its note of June 16th, hereto attached in Annex P a.[‡]

Alinea 8

(Considering that the former Austro-Hungarian Monarchy has today ceased to exist and that in Austria its territories have been divided between the following States, i.e., German-Austria, Italy, Poland, Rumania, the Serb-Croat-Slovene State, Czecho-Slovakia and Ukrania.)

It is inadmissible that the instrument of the present Peace Treaty, destined to remain in force into eternity, should contain assertions that never conformed to the truth or that it invoke theses of right which at no time and at [*sic*] place have ever been considered as authority. It is imperative, consequently, that the enumeration of the States to

^o *S-H Bulletin*, No. 516, "Preamble." For covering letter, see Document 64(a).

[†] Text proposed by the Austrian Delegation is printed in parentheses.

[‡] Reproduced as Document 94(a), *infra*.

which Austria in her collapse gave place, be put in accord with the real situation. It was neither physically or morally the unique German Austrian State. A great amount of territory, with its population, and the entire ensemble of actifs of the former Monarchy have passed to the States heretofore mentioned. To impose upon only one of them all the liabilities would seem, therefore, arbitrary and irreconcilable with the most elementary principles of right and justice (see Annex P b).⁹

LAST AND SECOND LAST LINES (REPLACING THE LAST
THREE LINES)

(German Austria, comprising those parts of the former Austro-Hungarian Monarchy which are inhabited by Germans, is recognized—as well as the other States which have been formed from the territories of the former Monarchy—as a new independent State; it will bear the name of “The German Austrian Republic.”

Henceforth, and under reserve as to the disposition of the present Treaty, there will be official relations between the Allied and Associated Powers and The German Austrian Republic.)

The first of the last three lines should be omitted for the reason that a state of war with German Austria has never existed and could not, consequently, come to an end. Considering that the former Monarchy, as belligerent, has collapsed as result of the assaults of its adversaries and internal troubles, there only remains to the victor one of two things. Either in some manner to construct a mass administration which would represent, as syndic for the bankrupt, the assets and liabilities of the “*haereditas jacens*” and which,—after having regulated the pretensions sustained by each of the conquering States, and recognized as justified by all in concert—would draw up and execute the liquidation of what remains amongst the succeeding States. The other alternative would be to conclude with each of the succeeding States a special treaty, and impose upon them their quota of obligations to assume. In either of the cases mentioned, however, it would be impossible—from the point of view of international right—to speak of a state of war which *will cease*, when it is evident that a war carried on by a State no longer existing spontaneously ceased when such State automatically disappeared, and that the new States succeeding had not yet been at war. It would seem inconceivable to attempt to treat only one of the States as a vanquished belligerent and the others as victors.

The text of the second last line proposed above takes into consideration the reality of the facts; it is based on the recognized right of all nations to self-determination, at the same time the Powers have reserved the right to examine the reasons put forth by German Austria on

⁹ Reproduced as Document 80(d), *infra*.

the subject of the recognition of her national territory, as well as the right to determine the frontiers.

The last line was reproduced integrally.

The German Austrian Delegation understands the disposition in the sense that "official relations" to be undertaken with the new State will be carried on in the manner and according to the principles adopted for diplomatic and consular reports between sovereign States.

79. OBSERVATIONS OF THE AUSTRIAN DELEGATION, AUGUST 9, 1919, ON THE PREAMBLE IN THE CONDITIONS PRESENTED TO THE AUSTRIAN DELEGATION ON JULY 20¹⁰

(Translation)

PREAMBLE

The State with which the Allied and Associated Powers have evidently the intention of concluding the proposed Treaty is called, by virtue of its constitutional laws, in so far as they remain in force, "The Republic of German Austria."

Its international personality could not, under any point of view, be identified with the former Austro-Hungary Monarchy, nor with the former Austria; on the contrary, as a successor of the acquired rights and of the obligations incurred or assumed, it is precisely in the same situation as all the other states formed out the former Monarchy. Since its creation, the German-Austrian Republic has been in the state of war with no other power; therefore it could not conclude a Treaty of Peace. The instrument which has just been presented to it can, consequently, only be considered as the draft of an international Treaty which is to regulate the situation of a new state on which weighs part of the inheritance of a state which has collapsed on account of the war. The Delegation refers for this matter to its note of June 16th, a copy of which will be found in Annex (a).¹¹

Therefore, it is necessary to accord with the real situation the enumeration of the States which were created by the collapse of Austria. Neither physically nor morally is the State of German-Austria the only one. The territory as well as the population and the whole ensemble of the assets of the former Monarchy have passed to the States concerned. It would, therefore, be arbitrary and irreconcilable with the most elementary principles of right and justice to charge only one of these States with all the liabilities (see Annex (b)).¹²

¹⁰ *S-H Bulletin*, No. 668, Part II, "Preamble." For covering letter and lists of documents, see Document 66(a-c), *supra*.

¹¹ Reproduced as Document 80(c), *infra*.

¹² Reproduced as Document 80(d), *infra*.

In our "drafts" we made the Preamble conform with this state of affairs.

The first of the last three alinea of the Preamble should be omitted for the reason that the state of war with German-Austria has never existed and consequently could not come to an end. Since the belligerent that was the former Monarchy has collapsed under the blows of its adversaries and from internal troubles, there remains to the victor only one of two things; either to build, so to speak, a mass administration which would represent, as receiver of the bankrupt, the assets and liabilities of the "haereditas jacens" and which after having settled the claims presented by each of the victorious States and recognized as justified by all—shall decide and execute the liquidation of the remainder between the succeeding States. The other alternative would be to conclude a special Treaty with each one of the succeeding States imposing upon it, its quota of obligations. In neither of the two cases mentioned could one speak—from the point of view of international law—of the state of war which *is about to come* to an end, since the war with the State that has disappeared ceased spontaneously at the time of the disappearance of the latter and the new succeeding States have not yet been at war. I [*sic*] would be all the more inconceivable to treat only one as a defeated belligerent and all the others as victors.

The text of the next to the last alinea proposed by the German-Austrian Delegation takes into account the reality of the facts; it is based on the right of self-determination for all nations, while reserving to the Powers the right to examine the reasons set forth by German-Austria regarding the recognition of her national territory as well as the right to determine its frontiers.

The last alinea of the Preamble shall, in the opinion of the German-Austrian Delegation, be understood to mean that the "official relations" to be opened with the new State should be made in the manner and according to the principles adopted for diplomatic and consular relations between sovereign States.

80. INTERNATIONAL STATUS OF THE AUSTRIAN STATE¹³

(a) DISCUSSION BY THE COUNCIL OF FOUR ON MONDAY, MAY 26TH¹⁴

. . . . I got word from the Secretariat to go up to the meeting of the Council of Four at four o'clock. Hudson and I went up and the question of minorities was under discussion. The clauses proposed for

¹³ Cf. Documents 12(4), 15, and 20, *supra*.

¹⁴ Miller, *My Diary*, I, 327. Reprinted with the permission of the author.

the treaty with Austria¹⁵ were adopted and then discussion was raised by Headlam-Morley as to whether Austria was a new State or not and there was some talk on this and it was decided to refer it to persons to be named by the Drafting Committee. Headlam-Morley's idea was that Austria was a new State. I spoke rather against this and Clemenceau and Orlando both doubted it, though I think the discussion was not clear as to Austria as a State being a part of Austria-Hungary and Austria as a State in the international sense. The other members of the Committee were there; namely, Berthelot and de Martino

80. (b) ANNOTATIONS ON THE DISCUSSIONS BY THE
COUNCIL OF FOUR, MAY 26-31¹⁶

. . . . The first of these new Paragraphs, finally appearing in the form: "Whereas the former Austro-Hungarian Monarchy has now ceased to exist, and has been replaced in Austria by a republican government," was determined on May 31 (C.F. 43(2)), when the words, "by the free action of the peoples of," were omitted before "the former Austro-Hungarian Monarchy," since it was felt that this phrase might be construed as underrating Italian military effort, and might thus be displeasing to public opinion in Italy.

The term "replace" gave rise to considerable discussion; for the problem involved was, in reality, whether Austria was to be regarded as a new State, or as an old State and the heritor of the Austro-Hungarian Monarchy. On May 26, this question was raised by Mr. Headlam-Morley (C.F. 34(1)), who considered it dangerous to treat Austria as possessing the rights formerly belonging to the Austro-Hungarian Empire; and the Drafting Committee was directed to consider the matter, and to adopt whichever method should prove most workable for drafting the Treaty (C.F. 35(1)).

On May 28, the question was revived when M. Clemenceau stated that M. Cambon had received the plenipotentiary powers of the Austrian Delegation under the name of German Austria. Both thought that there was no German Austria, but only Austria; and at the suggestion of Mr. Lloyd George, it was agreed that the other States constituted from the former Austro-Hungarian Monarchy should be consulted on the matter (C.F. 37-B(1)). On the following day the result of this consultation showed that both the Yugo-Slav and the Czecho-Slovak Delegations were strongly opposed to the designation "German Austria," the former maintaining that the term implied the existence of an

¹⁵ These clauses are in the annex to the minutes of the meeting of the Committee on New States of May 13.

¹⁶ Gray, *op. cit.*, pp. 7-9.

Austria outside the Duchy of Austria, and the latter fearing that if the retention of the appellation should seem to lead to attachment of Austria to Germany, a bond would be created between Germans living in Bohemia and Austria which would form a pretext for a pro-German division in part of the Czecho-Slovak territories. On the other hand, all official documents of the new Austrian Republic called the State German Austria, as in Article 8 of the Law of March 14, 1919, on the representation of the people: "The President of the National Assembly represents the Republic of German Austria," etc. Thus, in asking for suppression of the designation, more would be done than a mere modification in the credentials of the Delegation. Notwithstanding this, it was agreed that, "The Drafting Committee is instructed to provide in the Treaty of Peace with Austria that the Allied and Associated Powers recognise the new State of Austria under the title of the 'Republic of Austria'" (C.F. 41(6)). On May 29, M. Jules Cambon, at the direction of the Supreme Council, addressed a letter to Chancellor Renner, in which he said that "The Allied and Associated Powers have decided to recognise the new Republic under the designation of 'Republic of Austria,'" and on August 12, the Council decided to maintain this designation (H.D. 29(4)¹⁷ and Appendix B), as had, indeed, already been determined by a resolution of May 29 (C.F. 41(6))

80. (c) NOTE FROM AUSTRIAN DELEGATION, JUNE 16, 1919,
NO. 355, COMMENTING ON CONDITIONS OF PEACE
AND DISCUSSING MAINLY THE IDENTIFICATION OF
THE SO-CALLED GERMAN AUSTRIA AND THE FOR-
MER AUSTRO-HUNGARIAN MONARCHY¹⁸

(Translation)

DELEGATION OF THE
GERMANIC-AUSTRIAN REPUBLIC
No. 355

ST. GERMAIN-EN-LAYE, 16 June, 1919

To: *His Excellency, M. Georges Clemenceau, President of the
Peace Conference*

MR. PRESIDENT:

In compliance with the explanations of Your Excellency, at the time of the opening of negotiations with Germanic-Austria, the undersigned Delegation hastens to present to you, by notes and memorandums,

¹⁷ See Document 81(b), *infra*.

¹⁸ *S-H Bulletin*, No. 385; for French and German texts, see *Bericht*, I, 164-69, and *Notes*, pp. 78-81.

dated June 15¹⁹ and 16,²⁰ within the time limit required, its remarks with regard to the parts of a treaty which were given to it.

It is necessary, however, before entering into deliberations, to clear up a question of prime importance, the entangled state of which would prevent the negotiators, arbitrators as well as parties, to understand each other in their pursuit of the truth and would therefore place in doubt the elementary conditions of any equitable judgment.

The question alluded to is brought forth, implicitly, by the wording of a great number of passages in the Preamble as well as in various articles, wording which causes uncertainty as to the international subject with whom the treaty is to be concluded.

The undersigned delegation can but represent the Republic, founded November 12, 1918, on those of the territories of the former Austro-Hungarian Monarchy which are inhabited by the Austrian people of German nationality. The Delegation is not qualified to represent any other State.

Now, the draft which has just been submitted to us mentions an "Austria" with which the Powers were dragged into war (Preamble #2) when, *before* the collapse of the Austro-Hungarian Monarchy, the idea of a war against the former "Austria" would have been inconceivable, considering, that by virtue of the fundamental laws in force, only the Dual Monarchy of "Austria-Hungary" was invested with the juridical power to perform acts of international life.²¹ *After*

¹⁹ Reproduced as Document 169, *infra*.

²⁰ Reproduced as Document 94(a), *infra*.

²¹ [Original note.] In order to thoroughly realize the *de jure* situation in which the former state found itself, we recommend the excellent work of a French author Louis Eisenmann "le Compromis Austro-Hongrois," Paris, 1902, to the Members of the Peace Conference.

The Commission should, thereby, recognize that a State by the name of Austria never existed, *de jure*, and that consequently we could not be its successors nor represent it here.

According to its original laws, voted in due form, the state in question never bore any other name than: "The Kingdoms and Countries represented in Parliament (Reichsrat)." These kingdoms and countries were, according to the text of the law, the kingdoms of Bohemia, Dalmatia, Galicia, etc. Therefore those are the countries that made the war, together with the Hungarian crown lands; consequently *de jure* and *de facto*: Bohemia, Galicia, Dalmatia, etc., all together.

In the eye of constitutional law, Austria was only the designation of the ruling house, the "Domus Austriae," but not of a special territory. The name "Austria" has been applied in current use, but can not be interpreted otherwise than as a general designation including equally the Bohemian, Polish, Yugoslav and Italian territories of the House of Austria. Neither the entire army nor that part of it belonging to Cisleithania has ever borne the name of the "Austrian Army"; it was, on the contrary, known only as the "Imperial and Royal Army." The principle was even adopted that every army in the field should include in its formation troops of German, Czech, Magyar and Yugoslav nationality.

These are the facts and this is the truth of the situation *de jure*.

the collapse there was no longer any Austria-Hungary nor Austria, the German Austrian republic was not founded until after the cessation of hostilities. It could not, in fact, ever have been in a state of war with any nation whatever. Moreover, it is stated in the text (Preamble, Section 3) that the former monarchy was replaced, in Austria, by a republican government. This is inaccurate, for in Cisleithania six different governments have been created to administer respectively the state founded on the land inhabited by the members of the nationality. One of these new states is called, by virtue of its original laws, in force up to the present, "the Republic of German Austria."

The Treaty imposes, according to the text of the résumé published by the Supreme Council, on "Austria" the duty of ceding a great number of territories. This duty, whether fulfilled or about to be fulfilled, can be incumbent only on a State whose frontiers comprise or have comprised the territories in question. We are not in this position, and we never have been. Our young republic welcomed with warm sympathy the creation of independent and democratic states on these territories; it accepts spontaneously all regulations conceding to each of these states its natural territory, the same as it claims for itself the territory inhabited by the German Austrian people. Being able, therefore, to assent without reserve to the draft of the Treaty as far as these territorial questions are concerned, German Austria claims only the liberty of her national territory, whose delimitation forms the subject of the above-mentioned memoranda.

The Treaty further says, under different provisions, that German Austria should maintain certain international engagements made by the former Austro-Hungarian monarchy. Obviously, there can be no question of the *maintenance* of such obligations, seeing that the latter were never incurred by the state founded on November 12, 1918. It would be more in accord with the real situation to make German Austria consent to any convention that you wish to apply to her case, without considering whether the former monarchy had or had not been a contracting party to the agreement in question.

Finally, it cannot be supposed that it is the intention of the Allies and Associates, as would seem to be implied by the text (among others) of Article 32, paragraph *e*, Part X, Section IV, to make German Austria responsible for the indemnification of damages caused outside of its frontiers by the authorities or populations of other parts of former Austria. In the same way the last sentence of Article 13, paragraph 1, Part X, Section IV; Article 35, Section V,²² as well as other analogous provisions, can be explained only by the error of considering Austria as a belligerent which, during the war, occupied foreign territories or

²² Not reproduced.

took other belligerent measures. The war was, however, waged only by the Austro-Hungarian monarchy, by means of the Imperial and Royal army. Rights acquired by third states or third persons in consequence of measures of occupation or of any other military action can there, if it comes to that point, be put only to the charge of all the resulting states. The German Austrian Government in no wise refuses, as it stated when negotiations were opened, to assume its respective part of all the obligations incurred by the fallen power. It is, however, only acquired rights, and obligations contracted or incurred, that can pass from the author to his successor; while no act whatever committed by the author, which would have entailed an obligation during the life of the latter, can affect the rights of his successor, until this consequence has legally entered into force.

In striking contradiction to the order of ideas adopted by the peace conditions, all the states created from Austria-Hungary accepted unanimously and without reserve the principle that all that is left of the fortune of the fallen monarchy shall form a common inheritance. A special procedure has been created to liquidate this commonwealth. The assets have already been partially divided, and the rest will be similarly divided. No opinion has ever been advanced or any point of view admitted, by which German Austria should be the sole heir. We cannot therefore in any wise accept an argument by which German Austria alone should inherit the obligations and responsibilities of the former Austria.

What are, in fact, the reasons alleged as a basis for the identification of the young German Austrian Republic, but not the other resulting states, with the former monarchy? By what chain of argument could one arrive at a different solution for German Austria on the one hand and the other new states on the other, in regard to the inheritance of the former Cisleithania?

Can it be the name? The name of the German Austrian Republic was expressly chosen to mark the difference between the former polyglot state, composed of nine nationalities, and the new republic, including only one of them. In any case the name cannot be taken as prejudicial to the thing.

Obviously, it cannot be the territory or the population either, for in number of inhabitants and in area German Austria is the least important of all the resulting states.

In the same way the situation of the capital on the territory of German Austria can not be invoked as a pretext for a different treatment. The wealth and importance of Vienna have been the result of the economic strength of the great empire. They vanish with it. It is principally this disproportionate city in a small country without resources that causes the greatest difficulties.

The German Austrian Delegation does not wish, moreover, to take seriously the argument of certain publicists, according to which German Austria should be punished for the courage shown during the war by the Austrian soldiers of the German race. Without ignoring the courageous devotion shown during the war, it would at the same time be unjust to attribute the merit of it solely to the inhabitants of the present German Austria. Not only the Germans of the countries of the Alps, of the Sudetes, of Bohemia and of other parts of the former monarchy, but the Latin races, the Magyars, the Slavs and especially the Poles, Croats and Slovenes lent their spontaneous aid to that sad and proud duty which was imposed on them by a grave fault of the governments, but the devoted accomplishment of which surrounds the heroic defeat of our former country with a halo of glory.

It is the same case with the argument drawn from the fact that many representatives of the present republic had worked as publicists or statesmen for the welfare of the former monarchy. On this subject more ample information will be furnished to the Conference. For the moment, the German Austrian Delegation confines itself to stating in this connection that never, during the existence of the Dual Monarchy, was the direction of Foreign Affairs entrusted to a statesman who was a native of the countries now belonging to German Austria. When the war was declared, the portfolio in question was in the hands of Count Berchtold, a Hungarian subject, assisted by Count Forgach, a Hungarian also, and by Baron Musulin, a Croat. Moreover, during the recent decades Austria-Hungary was represented almost exclusively by Hungarian or Bohemian diplomats; thus in 1914 almost all the ambassadorial posts were occupied by Hungarians, notably those at Paris, at St. Petersburg, at Berlin, at Rome, at Constantinople and at Tokio.

Since 1907, the Germans in the Austrian Chamber of Deputies have been in a minority incapable of controlling votes without joining some other national party. Consequently, the Austrian governments have always been composed in part of Czechs, Poles, and sometimes of Slovenes.

To plead the cause of a suffering nation and to give it justice, it is of the greatest importance to learn on what arguments it has been thought possible to designate precisely the smallest, the poorest, the most pacific and the most democratic of the states created from the former monarchy as its successor, by rendering it responsible not only for all the obligations incurred, but also for the consequences of faults committed and measures taken by the former governments with the co-operation of Hungarian, Polish, Czech and Slovene statesmen.

The Delegation therefore takes the liberty of addressing to the Supreme Council of the Peace Conference the formal request to either

establish and determine clearly the above arguments, or suppress in the text of the Treaty all provisions founded on the identification of German Austria with the former Austro-Hungarian monarchy, releasing the young republic from the disastrous consequences resulting from this train of argument.

It is with full confidence that German Austria appeals to the justice of the Peace Conference.

RENNER

80. (d) AUSTRIAN NOTE NO. 617, OF JULY 2, 1919, RELATIVE
TO THE INTERNATIONAL SITUATION OF
GERMAN AUSTRIA²⁸

(Translation)

DELEGATION OF THE
REPUBLIC OF GERMAN-AUSTRIA
No. 617

ST. GERMAIN-EN-LAYE
July 2nd, 1919

His Excellency, M. Clemenceau

SIR,

With reference to their Note of the 16th June, No. 355, the undersigned Delegation beg leave to revert to different assertions made on the subject of the international situation of German-Austria. It must be clearly established by basing ourselves on the real facts, that there is no reason in virtue of which German-Austria can be described either as a belligerent or as a successor to the collapsed Monarchy any more than any other of the States issuing from the former Monarchy can be so described.

Amongst the motive forces which influenced the acts of the Monarchy, that particular part which at the present time forms German-Austria was far from having a predominant importance; to endeavour to pretend that the inhabitants of the German regions—contrary to the wishes of the other peoples—determined the decisions of the Commonwealth would be to falsify history. The various aspirations of the peoples united within Austria-Hungary tended as a whole to the exist-

²⁸ *S-H Bulletin*, No. 483; for French and German texts, see *Bericht*, I, 216-46, and *Notes*, pp. 123-41. The Annexes are not reproduced: "Annex I, Memorandum on the attitude of the various peoples of the former Austria towards that state before and during the war in connection with responsibilities thereby incurred"; "Annex II, Letter addressed by Czech delegates and party leaders to Count Czernin, Austro-Hungarian minister for foreign affairs."

ence of that State whose union was in the first instance presided over and represented by the Dynasty. The non-German peoples had in fact drawn from this political combination the civilizing force which now forms the basis of their future.

The declaration and the continuation of the war—acts based on the sovereign power of the Monarch—were clearly imposed by the arbitrary will of the governing men, and in particular of the military chiefs of the General Staff. Within the modest limits, however, in which the assent and collaboration of the people and its representatives had any influence, it was by no means the German people of Austria alone which gave its assistance for that purpose. It is, on the contrary, evident, from historic facts, that the war was, in so far as the former Austria-Hungary is concerned, a war of Hungarians against Serbians, of Poles against their hereditary oppressors, especially against Russia, the would-be participator in the partition of Poland, a war of the Ukrainians against Czarism, of Croats and Slovenes on the one side against the Italians, their natural rivals in the Adriatic, on the other, for the predominance of the Catholic Jugo-Slavs over the orthodox peoples in the Balkans.

These two facts in regard to the state of affairs before the war on the one hand, and during the war on the other, are irrefutably proved in the annexed statement. The Conference will be so good as to conclude therefrom that German-Austria is as a “belligerent” and as a “successor” in precisely the same position as her neighbours, who have likewise issued from the Austro-Hungarian Monarchy.

I have the honour, etc.

(Signed) RENNER

81. NOMENCLATURE TO BE USED WITH AUSTRIA²⁴

- (a) NOTE OF AUGUST 12 REVIEWING THE DECISIONS OF THE SUPREME COUNCIL AND THE REPLIES OF THE AUSTRIAN DELEGATION CONCERNING THE NAME OF THE AUSTRIAN REPUBLIC

NOTE

August 12, 1919

On May 29th, 1919, M. Jules Cambon, Chairman of the Committee for the verification of the credentials of the Conference, acting upon instruction of the Supreme Council, sent the following letter to Chancellor Renner :

²⁴ *S-H Bulletin*, No. 688.

PARIS, May 29, 1919

MR. PRESIDENT:

I have the honor of returning herewith to Your Excellency the credentials which you delivered to me on May 19th, concerning which I have been instructed to send you the following notice:

The Allied and Associated Powers have decided to recognize the new Republic under the name of "Republic of Austria." They declare in consequence that they accept the credentials delivered on May 19th as empowering the delegates-bearers to treat in the name of the Republic of Austria.

(Signed) J. CAMBON

*To His Excellency M. Renner
President of the Delegation of the Republic of Austria*

Now, the Austrian Delegation paid absolutely no attention to this warning. All the communications which it has sent since then to the President of the Peace Conference were made in the name of the Delegation of German Austria. Such is especially the case of the covering letter of the "Observations presented by the German Austrian Delegation on the Ensemble of the Peace Conditions with German Austria."²⁵ The counter draft of the treaty contained in Annex II to this covering letter²⁶ never fails, even when it reproduces textually certain articles of the Conditions, to have the word "Austria" preceded by the word "German," this last word being printed in italics, so as to underscore the intention.

It seems therefore appropriate to examine whether or not the Allied and Associated Powers must reiterate to the Austrian Delegation their will to recognize the "Republic of Austria" under that title to the exclusion of any other.

81. (b) DECISION OF THE COUNCIL OF HEADS OF DELEGATIONS, AUGUST 12, 1919, TO MAINTAIN THE TERM "REPUBLIC OF AUSTRIA" IN THE PEACE TREATY²⁷

It was decided to maintain the expression "Republic of Austria" in dealings with the Austrian Peace Delegation and in the Treaty of Peace.

²⁵ Reproduced as Document 66(a), *supra*.

²⁶ Reproduced as Document 62, *supra*.

²⁷ H.D. Resolution 29(4). See also Document 71(2), a, *supra*.

81. (c) ANNOTATIONS ON THE DISCUSSIONS, JULY 10—AUGUST 28, OF THE COUNCIL OF THE HEADS OF DELEGATIONS²⁸

. . . . No formal reply was made to this contention, but it was felt that no compulsion could be exercised against the Republic of Austria if it desired to call itself "German Austria" (H.D. 29(4)). On the other hand, the question was discussed by the Council on August 19 and 22 (H.D. 33(1) ; 36(3) and Appendix D). As in May, the British Delegation inclined to the view that the Austrian Republic should be considered a new State; but the Council was already committed to the opposite opinion, which President Wilson strongly supported. Mr. Headlam-Morley, notably, had argued that Austria was to be considered a new State, not an Enemy Power, and had quoted a paragraph in one proof of the Treaty which declared that "Austria is recognized as a new and independent State under the name of the 'Republic of Austria.'"²⁹ This Paragraph was, it may be noted, quite in line with a Paragraph proposed by the Austrian Delegation (Notes, pp. 252, 340, 466) :³⁰ "German Austria is recognized—like the other States which have arisen on the territories of the former Austro-Hungarian Monarchy—as a new, independent State; it will bear the name of the 'Republic of German Austria.'" M. Tittoni replied that this Paragraph of the draft implied only that Austria was a new State in so far as her old frontiers and status had been changed; while President Wilson was of the opinion that Austria was both a new State and an Enemy Power. This view prevailed, and Mr. Balfour pointed out the obvious necessity of upholding the decision of the Council of Four. In the final draft of the Treaty, the Paragraph does not appear, having been suppressed at the instance of Mr. Polk (H.D. 41(1))³¹

²⁸ Gray, *op. cit.*, pp. 10–11.

²⁹ See Document 61, "Preamble," *supra*.

³⁰ Reproduced in Documents 62, 78, and 79, *supra*.

³¹ See Document 71(2), *b, supra*.

81. (d) NOTE, DATED NOVEMBER 5, FROM THE AUSTRIAN DELEGATION REGARDING MODIFICATIONS IN THE CONSTITUTION OF AUSTRIA ESPECIALLY WITH REGARD TO THE NAME OF THE REPUBLIC³²

(Translation)

THE PLENIPOTENTIARY OF THE
AUSTRIAN REPUBLIC
No. 1533

PARIS, November 5, 1919

FROM: *M. Eichhoff*
TO: *The President*

Guided by the principles which, by virtue of the Treaty of Saint-Germain, shall settle the International situation of the Austrian Republic, the Austrian Government has proposed, and the National Assembly voted, a law by which the Austrian Constitution was made to agree with the said principles established and adopted by the Powers.

Thus it was that the name of the Young Republic was changed to "Republic of Austria," denomination which is henceforth legally adopted for the State whose frontiers are fixed by the Treaty of Saint-Germain.

Furthermore, the clause, according to which German-Austria would constitute a part of the German Empire, has been abolished, a clause which—although forming but one provision of internal National right—has up to this time figured in the Constitution proclaimed at the time of the crumbling of former Austria. This clause has been considered, in fact, as incompatible with the situation created by International Law, such as will result from the coming into force of the Peace Treaty with Austria.

In the same way, the tenor of other provisions, notably those on the official language and on the seal of the Republic, has been made to conform to the text of the Peace Treaty.

The public powers of Austria have, by this law, promulgated before the coming into force of the Peace Treaty by the Powers, shown the solicitude and the eagerness with which the Austrian people endeavor to give full consideration to the intentions of the Great Powers, and to faithfully fulfill all the obligations which it was obliged to assume.

In submitting to the Supreme Council the translation of the said law, promulgated in the Official Bulletin of October 31, I take the opportunity to, etc., etc.

(Signature) EICHHOFF

³² *S-H Bulletin*, No. 1252.

(Translation)

LAW OF OCTOBER 31,³³ 1919, ON THE STATE CONSTITUTION

The National Assembly Resolved:

ARTICLE I

German-Austria, within its frontiers defined by the Treaty of Saint-Germain, is a democratic republic under the denomination of "Republic of Austria." However, save for the obligations imposed upon it by the Treaty of Saint-Germain, the Republic of Austria does not assume succession to the rights and obligations of the former Austrian State, namely, of the "Kingdoms and Countries represented in the Reichsrat."

ARTICLE II

Whenever it will be a question, in the laws in force, of the German-Austrian Republic or of its rights and sovereignty, in the future this term will be replaced by the denomination "Republic of Austria."

ARTICLE III

With a view to the execution of the Treaty of Saint-Germain, the legal provision in force up to this time, stating that "German Austria constitutes a part of the German Empire" (Article II of the Law of November 12, 1918, Law Bulletin No. 5, on the State Constitution and the Government of German-Austria, and Paragraph 2 of Article 1 of the Law of March 12, 1919, Law Bulletin No. 174, on the State Constitution), is abolished.³⁴

ARTICLE IV

Save for rights conceded, in a legal way, to ethnic minorities, the official language of the Republic is German.

ARTICLE V

The seal of the Republic shows the coat of arms described in Article I of the law of May 8, 1919, Law Bulletin No. 257, with the inscription "Republic of Austria"; however, the State's seal employed up to this time (Article II of the Law of May 8, 1919, Law Bulletin No. 257) will remain in use for a limited time.

ARTICLE VI

1. The flag of the Republic is made up of three horizontal strips of the same width, the middle one of which is white, the upper and lower, red.

³³ This date should read "October 21, 1919." See *Staatsgesetzblatt für die Republik Österreich*, Jahrgang 1919 (Wien, 1919), p. 1153.

³⁴ See Document 244, *infra*.

2. By an ordinance to be made in execution of this Law, will be settled the question of what flags will bear, in addition, the coat of arms of the State.

ARTICLE VII

1. This law will come into force on the day of its publication.
2. The Chancellor of State will be entrusted with its execution.

SEITZ, M.P.
 RENNER, M.P.

82. RECOGNITION OF CZECHOSLOVAKIA AND YUGOSLAVIA

(a) ANNOTATIONS ON THE DISCUSSIONS BY THE
 COUNCIL OF FOUR⁸⁵

. . . . The next two Paragraphs of the Preamble, concerning recognition of Czecho-Slovakia and of the Serb-Croat-Slovene State by the Principal Allied and Associated Powers, do not appear in the first proof. In accordance with instructions given the Drafting Committee, they were subsequently inserted in general harmony with Article 81 of the Versailles Treaty ("Germany, in conformity with the action already taken by the Allied and Associated Powers, recognizes the complete independence of the Czecho-Slovak State"), but on May 31 their suppression was proposed by M. Orlando (C.F. 43(3)). He pointed out that these States had not been recognized by Italy (cf. B.C. 49(4);⁸⁶ I.C. 177-A(7)⁸⁷); whereupon President Wilson suggested that the clause should begin: "Whereas the majority of the Principal Allied and Associated Powers," etc. Later, during discussion with the Drafting Committee, the Council were reminded that the presentation of the full powers of the Croats and Slovenes, and the acknowledgment of Yugo-Slav credentials, had been regarded as tantamount to recognition (I.C. 177-C(4); cf. I.C. 176-H(6));⁸⁸ and M. Orlando withdrew his proposal

82. (b) DISCUSSION BY THE COUNCIL OF TEN, MARCH 11, OF
 THE RECOGNITION OF THE KINGDOM OF THE
 SERBS, CROATS AND SLOVENES⁸⁹

. . . . M. Orlando said if, in consequence of the breakup of the Austro-Hungarian Empire, new States had been formed, some

⁸⁵ Gray, *op. cit.*, p. 11.

⁸⁶ Reproduced as Document 82(b), *infra*.

⁸⁷ Resolution reproduced as Document 82(e), *infra*.

⁸⁸ Resolutions reproduced in Document 82(c), *infra*.

⁸⁹ B.C. 49(4), March 11, 1919.

of which desired to join Serbia, that meant that the Conference had no longer to deal with the Kingdom of Serbia, but with a new State consisting partly of the old Kingdom of Serbia and partly of other territories which belonged to an enemy State. The correctness of this point of view was evidence by the fact that the Delegation had sent the communication under consideration not in the name of the Kingdom of Serbia but in the name of the Kingdom of the Serbs, Croats and Slovenes, and one of those members of that Delegation had actually been a Minister of the Austro-Hungarian Empire.

The whole question, therefore, turned on whether this new State should or should not be recognised. Obviously, he (M. Orlando) could not prevent the friendly and allied Powers from recognising it, even though agreements to the contrary had been entered into. Certainly, the recognition of the new State would not constitute an amiable act towards Italy. But, however that might be, his Allied and Associated colleagues would not hesitate to admit that Italy was entitled to a free choice in the matter; and so far Italy had not recognised the new State

82. (c) DECISIONS OF THE COUNCIL OF FOUR, APRIL 26 AND 29, CONCERNING THE RECOGNITION OF YUGOSLAVIA⁴⁰

"Yugo-Slavia: recognition of, and Allied credentials at *Versailles*. *Great Britain and France agree to recognise, before arrival of Germans, action suspended pending M. Orlando's return*. 176-H(6), and App. II."

"Yugo-Slavia: recognition of: acknowledgment of credentials, equivalent to: no need for Allied declaration. 177-C(4)."

82. (d) NOTE OF MARCH 7 FROM M. BENEŠ CONCERNING THE INTERNATIONAL STATUS OF CZECHOSLOVAKIA, WHICH WAS SUBMITTED TO THE COUNCIL OF TEN ON MARCH 12⁴¹

. . . . The government of the Czecho-Slovak Republic cannot enter into negotiations which are to assure the payment of the March coupons and cannot contribute any amount, even in case where by this act, no prejudice would be brought into the decision of the Peace Conference, relative to the reparation of the guarantees, for the debts of Austria-

⁴⁰ "Index I.C.A.: Yugo-Slavia."

⁴¹ B.C. 50a (S.W.C. 16a): Brief Summary of the Minutes of a Meeting of the Supreme War Council held Wednesday, March 12, 1919, at 3 p.m., Annex A.

Hungary. The situation of the Czecho-Slovak Republic differs essentially from that of the other Governments as well in that which concerns the Austrian war debt as the pre-war debt. The Czecho-Slovak Government can neither pay the Austrian and Hungarian War debts nor even the interests that would result therefrom, because in this way it would render itself liable towards the Allies and the engagements it made with them. The Austrian and Hungarian War loans were put forth with the object in view of conducting the war against the Allies and against the Czecho-Slovak people which has been recognized by the Allies as a friendly nation, of which the Paris Government and the armies in the Entente countries were recognized as being an Allied government and army. According to principles in the Allied countries, all the transactions of the war loans and the payment of interest on such loans as were directed against the Allies have been cancelled and the Government of the Czecho-Slovak Republic would act disloyally against the Allies if it contributed in part to the payment of the coupons of the war loans.

This disloyalty would be so much the more serious because these war loans are found in the hands of the subjects of the states who up to the present are still considered by the Allies as enemies; it would thus be to enemy countries that the Czecho-Slovak Republic would pay them.

Outside of this the government of the Czecho-Slovak Republic remarks, that, on the contrary, it has the right and the duty to claim for its citizens reparation for the damages that were caused them by the Anti-constitutional and illegal war loans. The subscription to these were imposed by the infraction of all laws of liberty: the citizens were menaced by the threat of having all their goods confiscated by threat of imprisonment and of being sent to the first line of the front, by condemnation to death even of those who faithful to the Czecho-Slovak government of Paris refused to give money for the carrying on of the war against the Allies. Should the government of the Czecho-Slovak Republic contribute to the payment of the coupons of the war loans, it would approve of the terrible injustices which were permitted against the Czecho-Slovak people on the part of those the incontestable inheritors of whom are the Austro-German and Magyar republics and which still today are in most intimate relations with the enemies of the Allies.

In that which relates to pre-war debts, the government of the Czecho-Slovak Republic cannot participate either, in the slightest measure to the payment of the March coupons, because these pre-war debts are placed for the most part in countries hostile to the Entente. The government of the Czecho-Slovak Republic will charge itself to pay for its subjects in seasonable time, the coupons of the pre-war debt and will come to an understanding directly with the Allied countries where

it is diplomatically represented, and can independently and indirectly [*sic*] settle the questions of interest on these pre-war debts.

For these reasons, the government of the Czecho-Slovak Republic does not think it necessary to have any discussions relative to this matter brought up at the meeting of the plenipotentiaries of the Governments of the states created from the territory of old Austria-Hungary.

82. (e) DECISIONS OF THE COUNCIL OF FOUR, ON APRIL 28
AND MAY 3, REGARDING THE RECOGNITION
OF CZECHOSLOVAKIA⁴²

"Czecho-Slovakia: as belligerent, to be represented, when Treaty is handed to Germans. I.C. 177 A (7)."

"Czecho-Slovakia: Report of Committee⁴³: draft articles (Germany to recognize independence and boundaries of Czecho-Slovakia as finally fixed) approved I.C. 180 C and App."

"PART I, THE COVENANT OF THE LEAGUE OF NATIONS"
(ARTICLES 1-26)

EXPLANATORY NOTE

The history of the drafting of the Covenant of the League of Nations is covered exhaustively by Hunter Miller's *Drafting of the Covenant* (New York, 1928), 2 vols. The editors will consider here only the negotiations concerning the League between the Allied and Associated Powers and the Austrian Delegation.

Article I, paragraphs 1 and 2, and Annex I of the Covenant of the League of Nations were the final reply of the Allied and Associated Powers to the pleas of Germany and Austria to be admitted as charter members of the League. As shown in Annex I, the original members of the League of Nations were the Allied and Associated Powers, and the states invited to accede to the Covenant consisted of a selected group of thirteen neutrals.

⁴² "Index I.C.A.: Czecho-Slovakia."

⁴³ Commission on Czechoslovak Affairs.

83. MEMORANDUM FROM THE AUSTRIAN DELEGATION
CONCERNING THE LEAGUE OF NATIONS⁴⁴

(Translation)

DELEGATION OF THE
GERMAN AUSTRIAN REPUBLICST. GERMAIN-EN-LAYE
June 23, 1919FROM: *Renner*TO: *President Clemenceau*

The German Austrian Delegation recognizes first the fact that German Austria, a little state of less than six million inhabitants, charged moreover, but without any fault of its own, with the responsibility for the war, can not be called to take part in the deliberation or the decision of a problem such as the creation of the League of Nations, a problem which by its very nature remains in the hands of the Great Powers. German Austria is obliged and willing to be satisfied with the role of a participating member in the League of Nations and to enjoy its protection, without taking an important part in the rights and obligations entailed by membership in this League.

We beg however to be allowed to express the profound sympathy that German Austria feels for the idea of a League of Nations. It is in this matter also that the new state formed from the dissolution of the former Austro-Hungarian monarchy consciously represents in whole and in part an absolute contrast with the old regime.

Its national representation and its government are essentially founded on Democratic parties, that is, on the Social Democrats and the Christian Socialists, essentially therefore on the two principal classes, workmen and peasants, who, under the old regime, never had a real share in the direction of the state and could never freely realize their political aims. It is the revolution which has insured a full and complete preponderance to democracy in our country. The democratic movement in Austria has, since 1848 (Fischhof, Palacky, Kautschitsch) pursued the idea of transforming into a Confederation of Nations, that is into a sort of League of Danubian Nations, the imperialistic and militaristic Austro-Hungarian monarchy, which rested on a dynasty and later moreover on the predominance of a German and Hungarian seigniorial class, which forcibly prevented at the same time the development of nations and of vast masses of people. For decades the guiding principle of this democracy was to create for each nation a separate state in which the people should govern themselves, and to associate these states in a free

⁴⁴ *S-H Bulletin*, No. 402; for French and German texts, see *Bericht*, I, 170-85, and *Notes*, pp. 86-95. This document is the Austrian Delegation's Note No. 501.

union which would organize their common economic work. Therefore has our democracy, especially in German Austria, from the first day that President Wilson proclaimed the principles of the League of Nations, hailed this idea and appreciated it at its just value while the Austro-Hungarian monarchy was still in the midst of the war.

These ideas had prepared the pacific transformation of the state in Cisleithania; the nations had in fact made some progress towards a mutual understanding, when the war suddenly reduced their first efforts to nothing, the most deplorable consequence of the war for all the Danubian nations. These effects have disappeared under the seeds of hate that the war has left behind it, while the idea of a private union of several nations is far surpassed by the idea of a League of Nations which is to include all the nations of the world and render special Leagues superfluous. What has remained with us is only the more prompt and more profound comprehension of the necessity of such a League.

The extremely complicated national conditions of establishment and innumerable economic bonds among the Danubian nations, and the hatred fatally aggravated by the war, seem to render it absolutely impossible for the nations of the Danubian countries to keep peace among themselves and to subordinate their litigious interests to a common advantage, unless they are placed under a permanent arbitration having not only the authority, but also the will, to be a just judge for all. An incapable government having prevented us from freeing ourselves and from forming a League of Nations by common agreement, it is the General League of Nations which can and must be substituted as a power representing supreme order. In spite of our modest situation the very special importance that the League of Nations has for us authorizes us to precise [*sic*] in our turn the attitude of German Austria on the question under consideration.

The German Austrian Government could not but feel the most profound disappointment when, on reading the peace conditions, it learned that German Austria was refused immediate admission to the League of Nations, and that its admission is not only postponed to an indefinite date, but is made contingent on the fulfilment of certain conditions. This disappointment is all the keener because the other states formed from the debris of the Austro-Hungarian monarchy, especially the Czecho-Slovak Republic, figure as charter members of the League of Nations, and there is not the slightest reason for applying to German Austria a less favorable ruling in this respect. Must the German Austrian Republic wait for the expiration of a period of probation simply because the founders of the League are not yet convinced that the new Republic intends to keep its international engagements? The German Austrian Republic has not given the least reason for doubt as to its

political intentions; on the contrary, it has not only always kept its international engagements, but has also for months proved incontestably that it is trying, more than any of its neighbors and under much more difficult conditions, to maintain order at home and to direct its relations abroad in the spirit of peace and of esteem for nations. As a reward for its efforts, it deserved and it expected final and definitive gratitude rather than the suspicion now shown towards it.

Moreover, important reasons imperatively demand the immediate participation of German Austria in the League of Nations as an essential condition of the existence of the new state. Risen from the ruins of the former Austria-Hungary and surrounded for the most part by states formed from the soil of the former monarchy or those who have received Austro-Hungarian territory, German Austria is interested in multiple problems, extremely important and difficult, connected with the liquidation of the former monarchy. Our republic is moreover a part beside other parts, a state beside other states, among which agreements must be concluded. Moreover, the territorial configuration given to these states by the peace conditions will give rise to a new series of questions which can not be settled until after the conclusion of peace, and always state to state. Some of these states are extremely bellicose—German Austria prefers pacific means. A practical solution of these problems can not be conceived nor executed without the assistance of the League of Nations, whose right of control and interference is, moreover, provided for in numerous passages of the peace conditions. It is therefore certainly to be expected that a considerable number of affairs concerning all the newly-formed states will be submitted to the League of Nations by one or several of these states. If such an arbitration does not exist it is inconceivable how a war can be avoided. Now, an intolerable situation will be created if German Austria is excluded from this corporation. The neighboring states are members of the League and vested with important rights that will not belong to German Austria if she is not also a member. Therefore in each particular case German Austria would find herself from the very beginning in an intolerable situation with regard to the other party.

To demonstrate this situation, it is sufficient to mention a single example: suppose that between German Austria and the Czecho-Slovak Republic there arose a serious dispute to be submitted to the Council by virtue of Article 15 of the Covenant of the League of Nations. In this hypothesis, the Czecho-Slovak Republic would have, by virtue of Article 4 and by its membership in the League, the right to send to this Council a delegate of its own, who would not only take part in the deliberation on the case, but could also take part in the vote, while German Austria, not being a member of the League, would be reduced to communicating to the Secretary General the statement of the case with

all the pertinent facts and documents in justification. No nation could tolerate this inequality of position, which would, doubtless, affect the constant consideration of the League of Nations as a just arbiter.

Among all the new states, German Austria is the only one that has from the date of its foundation submitted the settlement of its difficulties in advance to the Peace Congress, confiding its case without reserve to the decision of the Powers. Czecho-Slovakia, Jugoslavia and lately Hungary have had recourse to arms, have created *faits accomplis* by force and have prejudiced the decisions of the Congress. If the attitude of these states is to be rewarded by their admission to the League of Nations while German Austria is excluded from it, how can our Government maintain the confidence of our people in finding justice in the future and preserve their pacific spirit from the instigation of a policy of violent settlement of difficulties? In view of its small population, of its strategic frontiers, as great as they are ill-fitted for defense, and of its complete disarmament, German Austria needs the very particular protection of the League of Nations and claims it, considering as one of the primordial conditions of its existence the realization of its desire for immediate admission to the League of Nations. Once a full member of this League and profiting by a really just peace, German Austria will prove that she constitutes a support to the new political order of the world and [an] element of peace and organic social renovation in the heart of Europe; all the more so since she has fulfilled these tasks already with considerable success for the last six months.

In spite of the keen interest and the eagerness that the German Austrian Delegation has, for the above reasons, in the examination of the Covenant of the League of Nations, it does not feel competent to submit it to a criticism and to formulate counter-propositions. However, it presents to the Congress in Annex A some suggestions drawn up by one of its members, the excellent professor of international law, Herr Lammasch, who lent distinguished collaboration at the second Hague Conference and who is universally known as a pacifist. Herr Lammasch can claim to be heard on this question as an expert and a scholar, and the German Austrian Delegation willingly approves these suggestions, whose reasons are contained in Annex B.

Moreover, the Delegation takes the liberty of presenting a proposition on the subject of Article 23, *e*. The stipulations of this article do not seem to realize entirely the principle proclaimed by President Wilson in point No. 3 of his speech to Congress on January 8, 1918, a principle implying the "establishment of an equality of trade conditions among all the nations consenting to the peace." The effect aimed at by this principle would, in our opinion, be attained much more effectively, if Article 23, *e*, were modified according to the draft of Annex (? illegible) [Annex C].

Finally, the German Austrian Delegation takes the liberty of insisting on its request that German Austria, being a consignatory of the Peace Treaty, be admitted to the League of Nations as a member treated on a footing of equality, simultaneously with the conclusion of this Treaty.

(Signed) RENNER

(Translation)

ANNEX A

ARTICLE 12

Solution of Conflicts of a Juridical Nature

The members of the League agree to submit to a juridical decision all difficulties of a juridical nature, that is, those capable of being settled on the basis of principles of international law, general or particular, existing between them, if they have not been solved in proper time by diplomatic means. This decision falls under the jurisdiction of the International Supreme Court, unless one of the litigants enters an objection within two weeks after the Court has been informed of it, that the affair concerns its vital interests.

ARTICLE 13

The International Court is composed of fifteen (15) judges and eight (8) deputy judges elected in plenary session by the members of the League. Those shall be declared elected who receive the greatest number of votes. No state may have more than one member. The Court decides in commissions of nine (9) members, each party having the right to challenge three (3) of them.

A committee of three (3) members of the Court will decide the preliminary question whether the objection of vital interests is well-founded or not. This committee shall be formed by the parties challenging six (6) members each.

In case the committee decides that the litigation touches the vital interests of one of the parties, the affair passes before the Court of Arbitration.

The Court of Arbitration is formed on the model of the Act of 1907 for the composition of the Hague Tribunal. However, decisions will be taken in a commission of five (5) members, each party having the right to exclude the nationals of . . . states. If within one month the parties do not agree on the election of the President, the latter will be elected by a permanent committee of 19 members, to be elected at the opening of each session, each party having the right to challenge eight (8) members.

The decisions of the International Court and the Court of Arbitration are final. They bind the members of the League to compel their execution according to the arrangements of the Covenant.

ARTICLE 14

Solution of Conflicts of a Non-judicial Nature

Conflicts not capable of being settled by virtue of the recognized principles of international law shall be submitted to the Office of Conciliation. In case the parties disagree as to the juridical character of the affair, this preliminary question shall be decided by a committee of the Court formed in conformity with Article 13, alinea 2.

The Office is composed of nineteen (19) members elected by the members of the League. Those obtaining the greatest number of votes are declared elected. No state may have more than one member. If the Office finds that the affair is of a juridical nature, it refers it to the International Court.

The Office decides in commissions of five (5) members, the parties each having the right to exclude the nationals of seven (7) states. If the parties do not agree on the election of the president within one month, the latter shall be elected by the permanent commission, each party having the right to challenge eight (8) members.

The parties have the right to appeal to an executive commission of eleven (11) members. Each party shall appoint, to serve on this commission, two (2) members of the Office of Conciliation, one of whom at least shall not have served on the commission charged with the examination of the special case. Six (6) members shall be appointed by the Council of the League. The representatives of the states directly interested in the dispute shall be excluded from the right of appointing these members and can not be appointed themselves. The eleventh (11th) member, who shall be the Chairman, shall be appointed from among the number of judges of the International Court by the parties in litigation, each excluding seven (7) judges.

The decision of this executive commission shall be final and shall oblige the parties to submit to it in good faith. It shall also oblige the other members of the League of Nations to concur in its execution in case of necessity, with all the means put at its disposal by this Treaty.

(Translation)

ANNEX B

Article 12 of the Part I of the Peace Treaty concerning the League of Nations limits itself to decreeing an alternative obligation for the members of the League, to submit differences involving the danger of a rupture between them either to arbitration or to an investigation by the

Council of the League. This alternative obligation is more specially determined by Article 13. In the first Alinea,⁴⁵ (1) this article obliges all states to submit to arbitration all litigation which shall be recognized by the parties as capable of solution by arbitration and which cannot be satisfactorily settled by diplomatic channels. First, the will of the litigants will decide the manner in which the difference should find a peaceful settlement. If the parties agree to submit their difference to arbitration, there will be arbitration. In all other cases, the Council will have to decide. This solution seems to be very fair. But is it to be hoped that the parties will agree in many cases? In case one of the States enjoyed the protection of one or several members of the Council, the other one, which, although preferring arbitration, would be obliged to present itself before the Council, would be dissatisfied or at least suspicious. And from the first moment of litigation the question of competence will provoke new dissention between the parties. It is true that alinea 2 tries to remedy this defect by declaring certain litigations generally capable of being submitted to arbitration. But what does "generally capable" mean? Is this a presumption *juris et de jure*? It seems not. This doubt has given rise to our counter-proposition. All litigation capable of solution according to general principles shall be submitted to judicial decision. But this decision may be either a solution like those taken by national courts, a decision rendered by a stable jurisdiction created by the will of the League of Nations by means of an election of persons enjoying the confidence of the majority of the states, or a decision of an arbitral character rendered by jurisdictions created by the litigants. As a general rule, the first method seems preferable. This way is indicated with a special logic in the United States of America, where the Society "for judicial settlement for international disputes" has displayed since 1910 very great activity for the establishment of a permanent international court analogous to their "Supreme Court." All the incidents which are the inevitable consequences of the difficulties of forming an arbitral court will be avoided. This permanent court would be able to create a solid basis of the Law of Nations and thereby to give to the litigants the assurance that the decision would correspond to the principles of law. The principal advantage of such a tribunal will be to offer, in so far as is possible in human affairs, a quasi-absolute guarantee of the impartiality of its sentences. This guarantee will be based on the following norms: (1) The judges will be elected for a number of years in advance, and not for a special case,

⁴⁵ [Translator's note]: The French "alinea" corresponds to our "paragraph" in the narrowest sense, that is, the amount of text included between two indentations in the margins. The French "paragraphe" corresponds to our "section," or even "article." To avoid confusion between the French and English texts I have used the French terms.

so that it will be impossible to know in advance their opinion on this case. (2) Only those persons shall act as judges who enjoy the full confidence of the majority of the states creating this court. (3) Nationals of the nations in litigation shall be excluded from the decision of special cases. (4) Each party shall have the right to challenge three judges among the fifteen that compose the court, without being obliged to give their reasons.

However fit such a court may be for the majority of cases of a juridical nature, it can not be denied that for certain categories of disputes the states will have confidence only in a court [upon] whose composition they shall have had some influence in the special case. These will be the cases in which the vital interests of one of the parties are at stake. For this case, our project gives each party the right to claim an arbitral court in place of a permanent court. Obviously, the objection of one party will not be sufficient to invalidate the permanent court. To obtain this result this objection must be recognized to be well-founded by a commission of unimpeachable impartiality. Toward this end, the project proposes to create a commission in whose election each party shall have the right to challenge six members out of the total of fifteen. In case this commission decides that the litigation touches the vital interests of one of the parties, the affair shall pass before the Court of Arbitration. Otherwise it shall remain before the International Court.

The Court of Arbitration shall be composed on the model of the Hague Tribunal of 1907. It shall give decisions in a commission of five members. The better to insure the impartiality of these commissions, they shall be composed in a manner slightly different from that provided for in the Court of Arbitration of the Hague.

To judge the individual case, each of the litigants shall appoint two members not its nationals. The adverse party shall have the right to exclude the nationals of a definite number of states. The number of these exclusions shall differ according to the number of states establishing the Court. Special attention must be given to the choice of the president (Judge). At the opening of each session, a permanent commission of nineteen members shall be elected. For the election of the president, each party shall eliminate eight members of this commission, so that there shall remain three members, who shall choose the president from among the ensemble of the members of the Court.

But not all difficulties are of a juridical nature. There exist disputes which represent not a collision of subjective rights, but a clash of interests outside the sphere of law. These can be submitted neither to a judicial procedure nor to arbitration. Both lack the abstract and theoretic bases necessary to decision. These cases will arise especially over economic rivalry or national aspirations or demands for the abrogation of treaties that have become inapplicable by reason of later develop-

ments. All these cases require a settlement in a spirit of fairness, which will take into account the conflicting interests and will reconcile the situation in the past with that in the present.

It was President Wilson's first Secretary of State, Mr. Bryan, who proposed to this end a supplement to the conventions of arbitration by the creation of a Council of Conciliation. This idea met with a very favorable reception from nearly all the governments and a great number of states concluded conventions with the United States of America by which they laid themselves under obligation: (1) to submit all disputes not falling within the jurisdiction of a tribunal or a court of Arbitration, to a more or less permanent council of conciliation; (2) not to open hostilities against each other until, within a fixed time, the Council of Conciliation had rendered its opinion. That is the germ of the League of Nations. By transforming this system of conventions among different states into a world treaty, the League of Nations is created. It is the idea of many propositions emanating from private and learned societies. It is also at the bottom of the propositions of the Scandinavian States, of Switzerland and of Germany.

All these projects coincide in the proposition of a Council of Conciliation, whose members shall be elected by the states of this League according to the confidence reposed in them by a majority. The members of this Council shall not be called as representatives of their respective states, but solely by reason of their personal merit.

If the task of this Council were limited to rendering an opinion which, by its moral authority, should determine the decision of the litigants without binding them judicially, this Council might be founded on the following bases:

Each of the states uniting for the maintenance of peace appoints for a period of from five to ten years from four to six persons enjoying its confidence. From this total, which would be too numerous to give a verdict itself, there shall be chosen for each particular case a special commission composed as follows: Each of the two parties chooses one of its nationals and another member belonging to another state; in regard to this second member, the adverse party has the right to designate a certain number of states from which the said member shall be chosen, in this manner excluding the states which would be more favorable to its adversary. The president, if not chosen unanimously by the parties, shall be named by a commission of three members of the Council of Conciliation, to be chosen from among the nineteen members by right of elimination, in a way similar to that followed for the election of the president of the commission of the Court of Arbitration.

But when it becomes desirable to transform this opinion into a sentence or to oblige the litigants to accept this decision and the other members of the League to aid in the execution of the sentence with

their moral, economic and military forces, it may be doubted whether this composition of the Council as above given will be sufficient. It will become necessary for this organ to receive a supplement, for this moral authority to be reinforced by a material authority guaranteeing that this sentence is not merely the expression of the conviction of the most enlightened and independent men of the world, but also the expression of the will of the nations who have the greatest influence in the direction of the world and who have at their disposition the necessary physical force to overcome any resistance that the litigants may offer to this sentence. For this purpose, the sentence given by the Council composed in the above manner will not be sufficient. For this reason, the draft of the Peace Treaty rejects all similar plans and establishes the Council of the League, which holds in its hands the government of the world.

But obviously this construction sins on the other side. By establishing an authority before which the whole world will be obliged to bow, a jurisdiction will be created which will not offer all the guarantees of absolute impartiality. According to this system, the conciliators will be prominent statesmen in the service of their nations. Consequently their principal duty will be to safeguard the interest of their particular states. For them the interest of the states whose dispute they have to settle will take a second place. Any proposition of conciliation will be considered by them in the first place in the light of the effect that it may have on their own states. Moreover, it will be difficult to assemble this illustrious committee for every case that comes up. The lack of physical authority is therefore the defect of the first system and the lack of satisfactory guarantees of absolute impartiality that of the second. Both these defects may be remedied by combining the two systems in the creation of two commissions, one an inferior court, guaranteeing by its composition the most perfect impartiality, the other a court of appeal representing by the majority of its members the political force of the world. The first will be composed in the manner indicated in Article 14, alinea 1 and 2, based on the above principle; the second in the following manner: out of a total of 11 members, 6 shall be appointed by the Council of the League, 2 by each of the litigants, choosing them from among the members of the Council of Conciliation, and the President shall be elected from the International Court by the parties eliminating seven members each out of the total of fifteen.

From the cooperation of these two colleagues, we expect the best results. Each of them shall take account of the other. The Office of Conciliation will take into consideration the practical and political possibilities and exigencies whose great importance it recognizes for the majority of the other colleague. On the other hand, the majority in the court of appeal, the authoritative element, will not be able to neglect the arguments of justice and fairness on which the office has based its reso-

lution, and which will be invoked by their colleagues of the minority, the members chosen from the Office and the Tribunal. By this procedure, it may be hoped to obtain a solution at the same time fair and practical, which will combine the two requirements of impartiality and authority, both necessary in order to arrive at a solution that everybody will respect.

In case of the disagreement of the two parties on the question as to whether the affair is of a judicial nature or not, this preliminary question shall be decided by a commission of three members of the Court created according to the rule of Article 14, alinea 2.

This system will offer no loophole and will leave no gap. For each dispute there will be an international court. Some will be submitted to the permanent court, some to the Court of Arbitration, and the third category to the Office of Conciliation and, in case of appeal, also to the executive commission. Any decree of these courts shall oblige the litigants to submit and all the members of the League to aid in its execution if necessary.

(Translation)

ANNEX C

The juridical situation of the nationals of a State belonging to the League of Nations in the territories of all the other States, members of said League, reciprocal trade within the League and exchange of property between the members, shall be regulated by a World Commercial Treaty, in so far as this can be done on the basis of the equality of all the nationals of the States belonging to the League of Nations with their own nationals, in any other case on the basis of the treatment of the most favored nation.

Meanwhile, each State, member of the League, will apply the following principles with regard to the other members:

1. The nationals of a State, member of the League, will be treated, in the territory of any other signatory State, on an equal footing with the nationals of the latter as regards personal liberty, freedom of religion, juridic situation and judiciary protection.

2. In the exercise of commerce, industry and agriculture, the nationals of a signatory State, in the territory of any other signatory State, will be treated on an equal footing with the nationals of the latter, especially as regards the taxes and duties incumbering this exercise.

3. In any signatory State, the natural or industrial products of another signatory State shall not be subjected to customs or duty charges, including internal taxes, differing from or higher than those imposed on the same products of any other State. Likewise, the products exported from a signatory State to another signatory State shall not be subjected to customs or duty charges, including internal taxes,

differing from or higher than those levied on the same goods upon their exportation to another foreign country.

4. All favors and exemptions as well as all privileges conceded by a signatory State to any other State, as regards importation, exportation or transit of goods, will be simultaneously and unconditionally extended to all other signatory States, without there being any need of a special request or of compensation.

This stipulation, however, will not be applied to favors, exemptions and privileges existing in the traffic between certain States and their colonies.

5. Mutual traffic outside of the League of Nations will not be hindered by import, export or transit prohibitions, in so far as these are not being imposed for reasons of public safety or of the sanitary and quarantine police.

6. Goods of every sort, proceeding from or consigned to the territory of a signatory State will be exempt from any transit tax in the territories of the signatory States.

7. No signatory State will impose, on the maritime or internal navigation of another signatory State, a less favorable treatment than that imposed on the navigation of the country itself or of the country enjoying the treatment of the most favored nation. This rule will apply especially to the use of installations serving to supply ships with fuel and other materials necessary for their operation. The coasting trade will be regulated by a special convention. As regards the capacity of ships and the conditions on board, the laws of the State whose flag the ship flies will be recognized as serving as norms, until a regulation is made by the League of Nations.

84. RESOLUTION, JULY 7, OF THE COUNCIL OF HEADS OF DELEGATIONS REGARDING AUSTRIA'S ADMISSION TO THE LEAGUE OF NATIONS⁴⁶

"Peace Treaty with Austria: Admission of Austria to League of Nations: no objection to it taking place as soon as possible after signature of Treaty.⁴⁷ H.D. 1(6) and App. A."

⁴⁶ "H.D. Index: Peace Treaty with Austria."

⁴⁷ Austria was admitted to the League by a vote of the Assembly on December 15, 1920. League of Nations, First Assembly, *Provisional Verbatim Record, 25th Plenary Meeting . . . 15 December 1920* (Geneva, 1920), p. 11.

85. REPLY OF ALLIED POWERS TO THE AUSTRIAN NOTE ON
THE LEAGUE OF NATIONS, SENT UNDER
DATE OF JULY 8, 1919⁴⁸

(Translation)

PEACE CONFERENCE
THE PRESIDENT

PARIS, July 8, 1919

FROM: *President Clemenceau*
TO: *President Renner*

I have the honor to send to Your Excellency the reply of the Allied and Associated Powers to the note of the Austrian Delegation dated June 23, 1919, relative to the League of Nations.

1. The Principal Allied and Associated Powers note with satisfaction the acceptance on the part of the Austrian Delegation of the project of a League of Nations and of the principles on which this League is founded by the Covenant included in the Peace Conditions. The Powers are glad to learn that the Austrian Delegation is convinced, as they are, that the institution of a League of Nations will lead to the maintenance of peace in parts of the world which up to now have been centers of international disturbances and misunderstandings.

2. The Principal Allied and Associated Powers have examined with the greatest care the request made by the Austrian Delegation that its country be admitted as a charter member in the League of Nations. It has never been their intention to exclude Austria for a long time from the League of Nations; on the contrary, they insist on declaring once more that they have the hope and conviction that the League of Nations will open its doors as soon as possible to all nations whom they can trust to execute the obligations acceptable to the members of the League. The Powers must however point out that by insisting on the immediate admission of Austria to the League of Nations as absolutely indispensable to the safety of its territory, the Austrian Delegation has used arguments which seem to indicate that it does not appreciate at their true value the provisions of the covenant.

Nevertheless the Principal Allied and Associated Powers recognize the full force of the request presented by the Austrian Delegation.

They appreciate to their full the proofs that Austria has given of her good intentions by her attitude up to the present.

They see no reason why Austria should not request her admission to the League of Nations, by virtue of the provision of Article I of the Covenant, as soon as the occasion presents itself after the ratification of the Peace Treaty.

As soon as they are convinced that Austria possesses a responsible

⁴⁸ *S-H Bulletin*, No. 402; for French and German texts, see *Bericht*, I, 318-19.

government, and as soon as this government shall have shown that it will and can fulfil its international obligations, they are ready to support the candidacy of Austria for admission to the League of Nations.

3. The Allied and Associated Powers have examined with the greatest care the interesting propositions presented by Dr. Lammasch in Annexes A and B to the Austrian note relative to the settling of international disputes and to the time limit for the organization of a permanent court of international justice, provided in the Covenant. They understand the full value of certain of Dr. Lammasch's propositions, but, if they do judge the immediate organization of a permanent court to be of the greatest importance, they have not thought it possible or opportune to incorporate in the Covenant itself the detailed provisions required for its constitution. It will submit Annexes A and B of the Austrian note to the examination of the Council of the League of Nations when the latter undertakes to prepare a project of a permanent court in conformity with Article 14 of the Covenant.

4. Moreover the Principal Allied and Associated Powers are not of the opinion that an addition to the Covenant of the sort proposed in Annex C, relative to Article 23, is for the moment either necessary or possible. They wish to call attention to the fact that by the terms of Article 23 "freedom of transit, as well as an equitable treatment of the commerce of all the members of the League 'will be guaranteed'; under the reserve of, and in conformity with, the provisions of the international conventions at present existing or which may be later concluded."

They are persuaded that when the members of the League of Nations come to draft the international convention provided in this article, the propositions contained in Annex C of the note of the Austrian Delegation will be examined with all the attention that is their due.

CLEMENCEAU

86. OBSERVATIONS OF THE AUSTRIAN DELEGATION, AUGUST 9, 1919, ON THE COVENANT OF THE LEAGUE OF NATIONS IN THE ALLIED CONDITIONS OF JULY 20⁴⁹

(Translation)

PART I

COVENANT OF THE LEAGUE OF NATIONS

Still convinced that vital interests of German Austria require her admission to the League of Nations within a short time limit, the German Austrian Delegation has learned with deep satisfaction from the

⁴⁹ *S-H Bulletin*, No. 668, Part II: Part I, "Covenant of the League of Nations"; for covering letter and list of accompanying documents, see Document 66(a-c), *supra*.

note of the President of the Peace Conference dated July 8, 1919, that the Allied and Associated Powers appreciate at its real value the request formulated by it in this manner and that they are willing to support all the steps which German Austria may undertake immediately after the ratification of the Peace Treaty in order to become a member of the League of Nations.

87. REPLY OF DRAFTING COMMITTEE TO SUPREME COUNCIL'S QUESTIONS REGARDING THE APPLICABILITY TO AUSTRIA OF THE ARTICLE OF THE COVENANT CONCERNING LITIGATION BETWEEN MEMBERS OF THE LEAGUE⁵⁰

PEACE CONFERENCE
SECRETARIAT GENERAL

PARIS, August 26, 1919

By its decision of August 23, the Supreme Council asked the Drafting Committee the following question:

"Numerous points of the Treaty must be settled by agreement between the States concerned. What procedure is to be followed? To what judgment will recourse be had if one of the States concerned causes opposition? Is Art. 13, of the Pact of the League of Nations which provides for a procedure, sufficient?"

The Drafting Committee has the honor to reply as follows:

1. Art. 13, of the Pact concerns litigation between members of the League of Nations, and consequently, is inapplicable to litigation with Austria so long as the latter does not belong to the League;

2. Up to now, it does not seem as though a procedure of arbitration or any other has been provided by the Treaty for the case in question;

3. The following provision may be proposed:

In cases where the present Treaty provides for the settlement of a question peculiar to certain States by means of a special agreement to be concluded between the States concerned, it is and remains understood between the High Contracting Parties that the difficulties which would arise in this connection would be settled by the Principal Allied and Associated Powers, until the time when Austria is admitted as a member of the League of Nations.

For the Drafting Committee
HENRI FROMAGEOT

⁵⁰ *S-H Bulletin*, No. 814, Part II; Resolution of the Supreme Council to refer the questions to the Drafting Committee (H.D. Resolution 36-C(e), August 22, 1919) not reproduced.

CHAPTER V

“PART II, FRONTIERS OF AUSTRIA” (ARTICLES 27–35)

GENERAL

88. DECISION OF THE COUNCIL OF TEN SETTING UP THE CENTRAL COMMITTEE ON TERRITORIAL QUESTIONS¹

IT WAS AGREED THAT:

In order to expedite the work of the Conference in defining the approximate future frontiers of the enemy countries in the preliminary treaties of peace a Committee² composed of one representative, each, of the United States of America, the British Empire, France, Italy and Japan, be appointed with the following terms of reference:

(a) to draw up for the consideration of the Preliminary Peace Conference the frontiers based on the recommendations of the Territorial Commissions which have been, or may be, appointed.

(b) to make recommendations as to any part of the frontiers of enemy states which are not included in the scope of any commission, excepting such frontiers questions as any of the Powers concerned may reserve for discussion in the first instance at the Quai d'Orsay Council.

It was also agreed that each of the five representatives of the Great Powers should have the right to bring an assistant with him, in order to insure continuity in the proceedings.

89. REPORT OF THE MEETING OF MARCH 5, 1919, OF THE CENTRAL COMMITTEE ON TERRITORIAL QUESTIONS³

An informal meeting of the Territorial Commission was held at 6 P.M., March 5th, at the Quai d'Orsay. The following members were present:

United States.....	Dr. S. E. Mezes
British Empire.....	Sir Eyre Crowe
France.....	M. Andre Tardieu
Italy.....	Marquis Salvago Raggi

¹ B.C. 41(1d), February 27, 1919.

² This committee was also known as the Commission on the Frontiers of Enemy Powers and the Frontiers Co-ordinating Committee.

³ *S-H Bulletin*, No. 61.

M. Ijuin (Japan) was unable to be present and sent a representative in his stead. M. Tardieu was elected President of the Commission.

Various questions were raised regarding the scope of the Commission's instructions and the procedure to be observed.

As a basis for discussion Dr. Mezes presented a list of territorial questions which might be considered as falling within the competency of the Commission. A provisional agreement was reached that it would not be necessary to discuss in detail the frontiers of former German and Austro-Hungarian territorial possessions outside of Europe, since Germany and Austria-Hungary would have no frontiers outside of Europe, and only a simple formula of renunciation would be required. The Commission was also in agreement that the frontier between German-Austria and Hungary need not be considered. It was agreed that at the next meeting a series of questions should be formulated with a view to obtaining from the Council of Ten precise instructions regarding the procedure to be followed in frontier questions not yet entrusted to special commissions.

M. Tardieu raised the question of whether the report of the Committee should be submitted in the form of draft clauses for insertion in the Preliminary Treaty. M. Tardieu observed that it had already been decided to establish a Drafting Committee for that purpose.

On M. Tardieu's initiative, the Commission engaged in a discussion of the probable dates on which the reports of the Special Commission on territorial problems would be ready for examination. It appeared that the study of these reports would be possible next week.

It was agreed that the members of the Commission might ask their assistants to attend the meetings, but that such assistants should not participate in the discussions.

The next meeting will be held on Friday, March 7, at 6 P.M.

90. SUMMARY OF MEETING OF MARCH 7TH OF THE CENTRAL COMMITTEE ON TERRITORIAL QUESTIONS⁴

The second meeting of the Commission on the Frontiers of Enemy States was held at the Quai d'Orsay on Friday, March 7, 1919, at six P.M., with M. Tardieu in the Chair.

The Marquis Salvago Raggi was designated Vice-President.

A letter requesting more definite instructions from the Council of Ten on certain points was drafted. Another letter, directed to the Presidents of the several Commissions charged with the study of territorial problems, was drafted by M. Tardieu and approved by the members of the Commission. This letter requested the several Commissions to submit copies of their reports directly to the Commission on the Frontiers

⁴ *S-H Bulletin*, No. 72.

of Enemy States, and to accompany their reports with (*a*) maps, together with detailed description of the proposed frontier lines; (*b*) statistics on the basis of which an estimate could be formed of the population which would be included in the proposed changes of frontiers; (*c*) statistics showing the population to be included in the frontiers claimed by the nationalities in question; and (*d*) statistics showing alien populations.

On M. Tardieu's suggestion it was agreed that for the study of territorial questions which had not already been entrusted to special Commissions, the Commission on the Frontiers of Enemy States should appoint expert sub-Committees.

The next meeting will be called by the President.

91. ANNOTATIONS ON THE PRELIMINARY DISCUSSIONS BY THE COUNCIL OF FOUR OF THE AUSTRIAN FRONTIERS⁵

(Annotations by H. C. Nixon)

. . . . On May 7th (I.C. 181 E), while the settlement of Austria was under consideration by the Council of Four, Mr. Lloyd George said he did not see why the Austrians should be mixed up in the settlement with the Jugo-Slavs and other parts of the old Austrian Empire. He suggested the general settlement was our affair, and that Austria be told it was only proposed to draw her frontiers. No difficulty would arise about the frontiers between Austria and Italy. The difficulty concerned Croatia and Italy. He did not see that Austria had anything to do with boundaries of other States than those contiguous to her. M. Orlando advocated that, as Austria-Hungary had become dismembered and Austria had become one of the new States whose boundaries must be settled, it was necessary to determine the frontiers of other States at the same time. May 8th (C.F. 1), the Council of Four agreed that the Council of Foreign Ministers consider at once boundaries of Austria and Hungary and of the new States created out of former Austro-Hungarian territory, as well as States contiguous, as dealt with in reports of the various Commissions. . . .

92. COMMENT OF MR. LLOYD GEORGE IN THE COUNCIL OF FOUR ON MAY 7 REGARDING THE GENERAL SETTLEMENT OF THE AUSTRIAN EMPIRE⁶

"Peace Treaty with Austria: Mr. Lloyd George on general settlement of Austrian Empire—no affair of German Austria; M. Orlando suggests various negotiations should be carried out simultaneously . . . 181 E(9)."

⁵ Miller, *My Diary*, XIX, 513-14; reprinted with the permission of Hunter Miller, Esq.

⁶ "Index I.C.A.: Peace Treaty with Austria."

93. DISCUSSION BY THE COUNCIL OF FIVE OF THE METHODS TO BE USED IN DEFINING THE AUSTRIAN FRONTIERS¹(a) *Question of secession of parts of Austria and Hungary*

Mr. Balfour thought that before examining the particular reports it might be desirable to define what Austria and Hungary were to be, in terms of territory. He instanced the case of Vorarlberg. Was it to be Swiss or Austrian? In the former alternative, if Vorarlberg was allowed to split off, how was the Conference to prevent other fractions of previous Austrian territory to follow suit, in order to alleviate the debt on the population or for any other reason whatever? Before the Treaty could be made with Austria or Hungary this question must be settled in principle.

Baron Sonnino said that as far as he was concerned, Vorarlberg was part of Austria. He had no knowledge of this territory as an independent unit. Its recognition as such would lead to the secession of other populations, and result in endless confusion.

Mr. Balfour said that if he understood Baron Sonnino aright, it was intended that the discussion should result in a definition of Austria.

Baron Sonnino said that it should result in a definition of Hungary as well as Austria.

Mr. Balfour agreed that the method of defining the frontiers by adopting the results reached by the territorial committees might perhaps be the best. The circuit would then be complete and the various difficulties arising on the way could be considered.

Mr. Lansing said that in his view the Council was dealing with the territory which in 1914 had been the domain of Austria and Hungary. It was recognised that this territory was to be dismembered, that Austria and Hungary were to be made separate States, and that their lands were to be limited by new States, whose frontiers were to be determined. No definition of Austria and Hungary, therefore, appeared necessary. The definition would arise automatically as a result of establishing the new States.

Mr. Balfour said that the question still remained what would the conference do if any other part of Austrian or Hungarian territory wished to split off like Vorarlberg?

Mr. Lansing said that this question would have to come before the conference when it arose. In his opinion the population could not be allowed to secede in order to avoid paying taxes.

Mr. Balfour thought that in the Treaty there should be a clause covering such cases. He pointed out that there was to be a plebiscite in

¹ F.M. 12(1), May 8, 1919.

Vorarlberg in fifteen days, and that the Conference was doing nothing to stop it.

M. Pichon observed that the French Government had several times been informed by the Swiss Government that the adhesion of Vorarlberg was not desired. On the last occasion the Swiss Government had said that they would not welcome Vorarlberg, unless a crushing majority in the plebiscite practically forced their hands. The question, however, had not yet arisen, and it did not appear necessary for the Council to deal with it before it arose

94. REPLY OF THE AUSTRIAN DELEGATION OF JUNE 16 TO
THE ALLIED CONDITIONS OF JUNE 2 CONCERNING
THE AUSTRIAN FRONTIERS⁸

(a) NOTE NO. 311, TRANSMITTING THE MEMORANDUM
ON THE BOUNDARIES OF AUSTRIA

(Translation)

DELEGATION OF THE
GERMAN-AUSTRIAN REPUBLIC
No. 311

ST. GERMAIN-EN-LAYE
16 June 1919

To: *His Excellency Georges Clemenceau, President of the
Peace Conference, Paris*

MR. PRESIDENT:

In my note of 10 inst., No. 229,⁹ I summarized the impression evoked by the peace conditions—insofar as they have been transmitted to us—by stating, in general that German-Austria would be deprived of every possibility for material existence by the situation which would result from the putting into force of said conditions. I have, moreover, pointed out in a note addressed to Your Excellency under date of 15 inst., No. 304,¹⁰ that in particular the separation of the Sudete Germans from those of the Alps, who have been united in the same political and economic community since the year 1526, would not only cause injury to the interests and national sentiments of the German-Austrians, by depriving

⁸ *S-H Bulletin*, No. 383; for French and German texts see *Bericht*, I, 128-65, and *Notes*, pp. 55-77. Cf. Document 64 (*a-c*). The Memorandum and its Annex A are reproduced as Document 94(*b, c*), *infra*; Annexes B and C are reproduced as Document 131(*a, b*), *infra*; and Annexes D and E are reproduced as Document 117(*a, b*), *infra*. The second part of the Austrian Delegation's remarks on the frontiers of Austria is reproduced as Document 99, *infra*.

⁹ Reproduced as Document 63, *supra*.

¹⁰ Reproduced as Document 169, *infra*.

them of their political rights, but would also condemn the inhabitants of the Alpine countries to economic paralysis.

In the memorandum inclosed herewith, the German-Austrian Peace Delegation proves that—even supposing that German-Austria were limited to the Alpine regions and organized into a Republic of the Eastern Alps—the draft of the Peace Treaty, in its present form, traces unjust frontiers for this State from a national point of view, contrary to geographic configurations and absolutely untenable from an economic point of view. At the same time, the memorandum points out that the projected delimitations wrong our legitimate individual claims, does not respond to the needs of our neighbors and injures the general interests of the whole of Europe.

In requesting the High Conference to kindly make a careful examination of this Memorandum as well as of its annexes in all their details and to judge them at their just value, I shall limit myself to bringing out, in the form of a summary, the following facts and considerations:

The projected Northern front, which should separate German-Austria and the Czecho-Slovak Republic, does not follow the linguistic line of delimitation; otherwise, it should be identical with the line traced by German-Austria on the basis of former proposals for delimitation; the Böhmerwaldgau, the German regions of Neubistritz as well as southern German Moravia, would be assigned to us. The projected frontiers pretend to follow historical boundaries; it is this principle of historical frontiers which the Czech people urge in claiming their pretended rights. It is precisely this claim, invoked by the Czecho-Slovaks in support of their imperialistic aspirations to subjugate several hundred thousand Germans, that this same people is injuring by making claims upon the regions included between the historical frontiers of Lower-Austria, in the aid of which claims no reason could be alleged unless it were that of violence. We assert, in opposition, the right of a people overwhelmed by the burden of unmerited misfortune to self-determination, an imprescriptible right, although for the moment trodden under foot.

In case the spontaneous desire, proclaimed by all the Germans of Bohemia and of the Sudetes, to remain united with our state is not respected, strong in our right, we ask, at least, the incorporation in our state of the German Southern Districts of Bohemia and Moravia.

However, if the refusal given us in the matter of the exercise of the said right were irrevocable, we should have to urge the necessities and demands of the economic life to justify our legitimate claims. The inhabitants of the territories which we claim have always considered the markets of Vienna and Linz as the natural outlets for their products. Germans, working for and united with Germans in the same political community for four centuries, they have always sold the output of their

quarries, forests, their wheat and their cattle, their milk and other farm produce to the markets of Lower and Upper Austria.

The Morava and the Leitha should form the eastern frontier between German Austria on the one hand, and Czecho-Slovakia and Hungary on the other. In strange contradiction to all the usages of international law, the draft of the treaty sketches as a frontier, not the medial water course line of the Morava, but the eastern bank of this river. This arrangement, as singular as it is arbitrary, can only be explained by the tendency to prevent German-Austria from using this waterway. This procedure is the more surprising in view of the fact that the Allied and Associated Powers, for the purpose of facilitating world commerce, were elsewhere inspired by the principle of internationalizing waterways or of rendering them, at least, accessible to several nations at a time. Contrary to the principles of historic right, to practical reason, to national interests as well as to all the usages of international law, it is desired to establish a regime with regard to this medium of communication which would with intent exclude a nation which is especially interested on account of its geographic situation.

It is true that the Leitha, for a long time, formed the frontier between Hungary and Austria, but, as a result of the formation of the Monarchy, this river had become a purely administrative line of demarcation. From a political and military point of view as much as from an economic point of view, this frontier had lost all importance centuries ago.

Now it should separate two States which have become foreign to each other. This line, it must be remembered, is within the range of a long distance gun from Vienna, that is 48 kilometers, and within gun shot of Wiener-Neustadt, while only a day's march separates it from Graz. Bruck, on the Leitha, was a common field for manouvers for Austria and Hungary. The workmen in the great industries of Wiener-Neustadt were recruited, to a large extent, in Hungary; the Oedenburg district has always been the vegetable garden of Vienna; the milk and fresh meat supplies of this town were mainly furnished by the districts of Oedenburg, Eisenburg and Wieselburg; the city of Graz, finally, situated at the foot of the Alps, imported mainly from Western Hungary the food supplies which it needed for itself and for its Alpine hinterland. By transforming these regions into foreign countries through the creation of a political and customs frontier, the draft reestablishes a barrier from which commerce had been free since the time of the discovery of America, and separates our three most important industrial centers from their vegetable gardens, from their farms and from their agricultural land. This delimitation, so to speak, places the most sensitive points of our country within range of the artillery of our neighbors, a state of affairs which gives rise, at this moment, to inconveniences and to

serious apprehensions. Let us imagine, for an instant, that the frontier of France passes from Chantilly to Melun via Meaux, and that of England through Canterbury, and let the question be asked as to whether, under these circumstances, Paris or London could live in entire tranquility.

Geography, history and economic life themselves have indicated the road to follow in order to surmount these difficulties. The counter-forts of the eastern Alps extend as far as and dominate these territories of eastern Hungary, which, as far back as the middle of the middle ages, have been mainly inhabited by Germans and have always kept up a continuous and direct traffic with Vienna, Graz and Wiener-Neustadt. Budapest, on the contrary, situated at a great distance and, furthermore speaking another language, does not need the products of these territories, for the lower Hungarian plain, adjacent to it, furnished it more abundant and better means of supplying itself with food. German-Austria has the right to claim these territories for geographic, national and economic reasons; however she does not aspire to any arbitrary annexation that does not place her cause, here as in every other territorial question, under the free self-determination of nations. This is why we ask that the right be granted to the inhabitants of these territories themselves deciding by a free plebiscite, whether or not they wish to be joined to German-Austria.

In the south, where German-Austria is adjacent to the Kingdom of the Serbs, Croats and Slovenes and to the Kingdom of Italy, she does not claim even a single village, either under a pretext of a historical nature, or under the menace of violence. The linguistic frontier, in this region, being extremely confused and the races inextricably mixed, German-Austria has asserted its right upon the territories where the German element is preponderant, at the same time bearing the following facts in mind; in the Italian Trentino, in Carniola and in the Littoral there are numerous towns and villages mainly inhabited by a German population; furthermore, numerous German minorities live in these provinces and the German Duchy of Gettesche [Gottschee] is entirely included therein. Therefore, if German-Austria has voluntarily abandoned these national minorities to the Italian and Yugo-Slav states, minorities of hundreds of thousands of souls, it cannot be thought unjust if, in the interest of a natural geographic delimitation and of the maintenance of the great lines of communication, German-Austria requests the joining to her of rather insignificant minorities of neighboring peoples and not even a single town of over 5,000 [5,000] inhabitants. And it is the less unjust since these Latin and Yugo-Slav minorities have declared their wish to form part of German-Austria in an unquestionable manner. The German towns and villages which we have renounced in the south, in view of their importance from the point of view of their civilization and richness, cer-

tainly represent a full compensation for the said rural communes. This circumstance alone would justify a plebiscite which would establish a majority by geographic territorial units.

The interest of German-Austria, from the point of view of geography and communications south of this state, may be defined as follows: The peace conditions would make German-Austria a state composed principally of the eastern Alps, characterized by their longitudinal valleys which extend from west to east. The line from Reschenscheideck following the course of the Upper Adige down stream, as far as the confluence of the Eisack and, thereafter, the Rienz, towards the upper part, then the Toblach plateau and the whole valley of the Drava, down stream, as far as its proximity to the Hungarian frontier, in fact presents the appearance of a longitudinal Valley, forming a unit as much from a geographic point of view as from that of the lines of communication. It is cut by the southern railway line, crossing the Pustertal, and is inhabited by German-Austrians to a proportion of at least 90%. The completion of the Ofenpass railway will make this longitudinal line one of the most important arteries of communication of Europe, that is, if it joins Switzerland and thereby western Europe with the lower plain of the middle Danube and with the south-east of Europe, especially with Hungary which may be considered as the granary of all the Alpine countries of insufficient agricultural production. This line would be cut up by the Peace Treaty; it would pass, first, through the Italian territorial domain, would then cross over a short stretch that of German-Austria and would terminate on Yugo-Slav territory. All the towns of any importance situated on this line such as Mals, Meran, Bozen, Brixen, Klagenfurt and Marburg, inhabited by a population wholly or mainly German, would be assigned to the southern neighbors. Two thirds of the whole Valley, inhabited by a population 90% of which, at least, are Germans should be ceded to the neighbors. This division of the line in question would render impossible a satisfactory administration of the railway. The interest of Italy, of Switzerland, of France, to the west of Hungary and of Rumania to the east and the interest of Europe itself imperatively demands that this valley, including its southern slopes, that is as far as the Karawanken ridges and the Pacher group, be considered as a unit and subjected to the administration of German-Austria, the greater part of whose territory is formed by the eastern Alps. In spite of this unquestionable situation and in spite of our incontestable national right when this valley is considered as a unit, German-Austria has not laid claim to the whole of these territories. She counts, with regard to them also, on the contribution of the will of the people themselves toward assuring the victory of common sense, and the reason of utility, provided that the population be granted a plebiscite, with entire freedom and in the coherent territories.

Let us cast a glance, therefore, over the whole frontier of German-Austria as traced in the draft of the peace conditions. From Krumau, north of Znaim, Feldsberg, Wieselburg, Eisenburg, Oedenburg, St. Gotthard, Marburg, and Klagenfurt as far as Brixen, Bozen, Meran and Mals to the extreme southwest, our country, in case of the entry into force of the treaty, would be surrounded by former German towns, placed under the domination of conquerors of a foreign language. German-Austria with its 6,000,000 inhabitants would be surrounded by several thousand nationals, who, although of the same race, of the same language, and, in part, of the same families, would find themselves in neighboring states under hostile domination. What an endless source of conflicts and ineffaceable injustice. What hatred, which it will be impossible to avoid. The world war had as its purpose to bring peace to the world; but here, on the contrary, hatred will be sown and can only produce a harvest of discord. The victor, also, must bear his part of the responsibility before history. But before history also, no one can reply for the results which conditions of peace such as have been imposed upon us may bring about.

For this reason the German-Austrian Delegation wishes to believe that the Peace Conference will take the suggestions contained in this memorandum into account.

Accept, etc.

(Signed) RENNER

94. (b) MEMORANDUM ON THE BOUNDARIES OF GERMAN AUSTRIA

(Translation)

German-Austria is far from desiring territorial expansion. Any suspicion which might arise in this regard would be dispelled by the democratic spirit with which the young Republic is inspired and the present state of its armed forces. The German-Austrian people, however, wishes to maintain its native soil. It claims this right of justice from the Great Powers, for the Powers themselves are now deciding the destinies of mankind, and have proclaimed through their most eminent statesmen the right of peoples to self-determination. Trusting completely in this promise, these nations and especially those upon whom the war has brought the greatest suffering, have up to the present time worried along in the expectation of a just decision. To deprive them of their illusions and their faith would be to prevent them at the start from gaining strength and recovering the calm and the energy which they need to reconstruct their life and to begin work again. The territorial integrity should extend at least to the coherent group of communes inhabited

by people belonging to one and the same race, as well as those border regions which are linked together by common economic interests and political solidarity. The will of the people with respect to this union could be verified where doubtful cases occur through a plebiscite. In order to put into execution effectively this fundamental principle of determination, German-Austria submits herewith for examination by the Conference the draft of an additional convention regarding a plebiscite. This draft has been worked out with the most conscientious impartiality and is adapted to the requirements of practical administration. It is one of the chief postulates of international justice, a requirement recognized by the Great Powers and to a certain extent the moral drawn from the sad experiences gained in this war, that no territory should be subject to a foreign State without the consent of that territory's population.

Desiring only those territories where the will of the population to remain united in the same country has been clearly and plainly established, German-Austria bases her claims on certain territories only under the strict reservation of the result of a plebiscite.

Under this reservation the German-Austrian Delegation mentions the following territories inhabited by German-Austrian people, who are ready voluntarily and over-whelmingly to declare themselves in favor of union with their country. In a special memorandum¹¹ addressed to the Supreme Council of the Allied and Associated Powers, it has been clearly explained that the incorporation of the German part of Bohemia and the land of the Sudetes in the Czecho-Slovak State would necessarily destroy the national life of these countries, and that it would necessarily entail the financial collapse of German-Austria, as from that moment on it could not meet the simplest obligations towards its own citizens or foreign creditors and that it would create an ever-menacing peril for the Czecho-Slovak State itself. For such a settlement could never bring a solution of the antagonism between the two races inhabiting that country which would conform to the ideas of liberty and democracy, which ought to be engendered by the world peace.

With regard to the coherent [*cohérent*] territory of German-Austria, it must be added that the southern regions of Bohemia bordering on Lower and Upper Austria are inhabited by a German population (197,918 Germans, 7,359 Czechs); likewise the southern portion of Moravia bordering on Lower Austria (159,263 Germans, 11,249 Czechs).

These regions, as well as the people living therein, are an integral part of the German-Austrian country. The unity of race, speech, mode of living and development of political life has not in the course of cen-

¹¹ Reproduced as Document 169, *infra*.

turies been influenced in the slightest degree by administrative boundaries, which did not impede in any way the frequent and close relations existing between the peoples of a homogeneous country.

To tear away the people of these regions from the whole community of their Austrian compatriots would be considered an arbitrary act, which the victor imposes on a people not responsible for the war, and on its descendants, who can be blamed still less. The incorrect allegation that this separation would find its justification in the historic boundaries, could in fact be considered a mere pretext to extend the sad fate which is menacing the millions of Germans in the North to a people against which not even geographical consideration could be urged in argument.

The inhabitants of the contested regions would not only be subjected to foreign government and cruelly separated from their own country, but they also would be deprived of the proceeds of their work, based on the exchange of agricultural products for manufactured goods. The cities of Vienna and Linz are in fact the most important, and cover the exclusive markets for the products of the territories in question. This is the case with the unworked stone from the quarries, with the cattle, grain, milk, etc., products which could not be sold in the Czech-Slovak markets, as these are on the one hand too remote and on the other hand well-stocked with similar merchandise.

Concerning other ethnographic points of view with regard to Southern Bohemia and Southern Moravia, we refer to the memorandum mentioned above as well as to the statistics attached thereto.

These same arguments are still more convincing against the violations inflicted on the integrity of our territory in Lower Austria. In this case, with no regard to the existing historic boundaries, two regions in the East and West of the Babenberger land are torn away. This country and its capital are deprived of their most necessary resources, since the last sugar refinery located in Bohemau [Hohenau] is taken and the most important railroad lines, so indispensable to traffic and commerce, are occupied. Finally the wooded districts around Gmünd are to be taken from us, which furnished us with the necessary wood for heating purposes and for those factories which so far we have been able to keep open. Thus a territory covering 80,000 hectares¹² and inhabited by 50,000 German people would be subjected to the Czecho-Slovak State.

There are on the northeast of Lower Austria three communes, viz.: Oberthemenau, Unterthemenau and Bischofswarth, all three adjoining the Czecho-Slovak territory beyond the boundaries and inhabited by 5,072 Czechs. There is no reason why the will of the inhabitants of this region, whether they want to join the one or the other boundary state, should not be clearly determined.

¹² The original French reads: "plus de 800 kilomètres carrés."

In no way however can the linguistic character of these three well known communes serve as a reason why other parts of Lower Austria, far more considerable in size and number of inhabitants, should be torn away.

In the east of Lower Austria the river Morawa [Morava], until now the frontier between Austria and Hungary, is to become the boundary between German-Austria and the Czecho-Slovak State. For this purpose, however, a provision has been inserted in the peace terms, which stands in contradiction to a principle recognized in Article IV of the Treaty Draft and to all practice heretofore observed in the determination of international boundaries. This principle, according to which frontiers defined by a waterway follow the median line of the river or the channel of navigation, is in this case not respected, to the detriment of one of the parties in question, i.e., German-Austria, as the entire waterway is awarded to the other contracting party. This arbitrary measure can be explained only by the intention to keep German-Austria away from the channel of navigation, which is to be dug in the Morawa [Morava] and to frustrate its productive utilization by our country. A people is to be deprived of an advantage offered it by nature and this for the sole purpose of prolonging its sufferings and misery and of preventing the recuperation of its economic strength.

In Hungary there are large coherent territories extending east of the former boundaries of Austria and in the vicinity of the latter's capital which have been inhabited for centuries by a fixed population of pure German race and speech. These regions cover a space of more than 5,000 square kilometers and are inhabited by 300,000 German people. They are closely bound to German-Austria by national, political and economic ties. The economic relations can not be too strongly emphasized. The agricultural products of these regions are indeed an absolute necessity for the provisioning of Vienna, the Lower Austrian industrial centers and the city of Graz. The districts of Oedenburg, Eisenburg, and Wieselburg have always been, so to say, the kitchen garden of Vienna and have provided this city with the necessary supplies of milk, butter, cheese, meat, etc. On the other hand those districts are an important market for the Austrian industry, which furnished the farmers with their indispensable tools and implements manufactured in conformity with the conditions peculiar to the country. Without demanding in advance the incorporation of the districts in question, we must insist in declaring that it would be in agreement with the principles of international justice to grant the inhabitants of these districts a plebiscite, through which the will of the people to join their co-nations beyond the Hungarian boundaries would be clearly expressed.

In South Styria and Carinthia a distinct and clearly traced ethnographic boundary cannot be established. On the contrary, a large inter-

mediate region exists between the Germans on the one part and the Slovenians on the other inhabited by a population of mixed race and speech. These regions gradually subside southward into the Slovenian settlements and extend in Styria as far as the right bank of the Drave and in Carinthia to the ridge of the Karawanken, which at the same time outline the borders of the country. The tendencies resulting from this fact, the natural frontiers, the waterways, the configuration of the valleys and the lines of communication were bound to create and maintain a political unity, which in no way could be influenced by the diversity of speech (see Annex B and C).¹³ Carinthia in particular forms as a whole a basin of which no part could be torn off without having its existence seriously endangered. A glance at the enclosed embossed map (Annex C)¹⁴ will show at once the unity of the country. The people living on the slopes, either north or south of the valleys, which are the center of food supply and commerce, would be unable to satisfy their most primitive needs, if their country was walled on one side by a ridge and on the other was closed by the boundary of a State. They could procure for themselves neither food nor clothing nor the implements needed for the cultivation of their soil. With a few exceptions there could be found hardly one single commune in Carinthia, not even a Slovenian one, of which the majority of the population would not resist with all energy any attempt to dismember the country.

For instance, a great number of communes can be cited, the inhabitants of which use either the Slovenian or a mixed language, and have through a "referendum," as well as through frequent demonstrations made by public and private corporations, expressed their opinion that they consider German-Austria to be their country, and that there could be no greater misfortune for them than to be absorbed by another State.

The economic unity on which these desires are based is clearly shown by the fact that all important towns of Southern Styria are inhabited by a majority of German people, and that in general all Slovenian regions of Southern Styria are dotted with German settlements and enclaves. This is proved by the map attached to Exhibit B.¹⁵

The economic situation of the city of Pettau is another example of this point of view. The economic future of this town and its surroundings could be secured through utilization of the great water powers of the Drave. The electric plants would however lose their purpose if the main conducting wires are cut by state boundaries. The economic development of the natural forces would be entirely paralyzed through a separation of the territory in question from German-Austria.

¹³ Reproduced as Document 131(a-b), *infra*.

¹⁴ Map not reproduced. Annex C reproduced as Document 131(b), *infra*.

¹⁵ Map not reproduced.

In the memorandum herewith enclosed, Annex D,¹⁶ the reasons for the independence of the Southern Tyrol and the unity of the entire Tyrol are considered. The conclusion may be drawn that the strategic reasons first brought forward for the incorporation of the country with Italy lack all foundation. The power which occupies the heights along the linguistic boundaries commands from a military standpoint the entire contested territory from the South. They could by no means be used by another power as a base for military operations. Such an argument moreover cannot be considered, as by the conclusion of the Treaty proposed in Annex E¹⁷ by the German-Austrian Government itself, the entire Tyrol will be neutralized and recognized by the Great Powers as forbidden ground for all military actions.

The German and Italian settlements in the Tyrol are clearly defined and separated from each other by plain and distinct lines, traced by the geographic formation in agreement with the requirements of practical life, and are, as far as their clearness is concerned, not equalled by any other linguistic boundaries. Leaving aside indisputable historic facts, the unity of the Tyrol and of its national character is expressed in speech, mode of living, national customs and the requirements of economic life. For centuries the peoples of the Tyrol south and north of the Brenner connected by this pass have politically and economically formed an inseparable unity. The food supply and the economic reconstruction would be rendered impossible if the country should be dismembered. Besides, by such an imperialistic measure the victors would endanger great interests of international commerce, as the railroad line connecting the western States with the Orient would, while running through the Valley of the Inn, be in its entire length crowded between two ridges crested with fortifications and between two States' boundaries, so that the traffic on it could not be warranted by the government under which it stood, while on the other hand the important railroad line planned for the traffic to the Balkans over the Ofenpass and through the valleys of the Adige (Etsch), Eisack and Drave would again and again be cut by state boundaries. A line of communication, connecting the most fertile regions of Europe—the plains of the Danube and the Banat—with the western mountain regions, would be cut in such a way that no far-seeing organization of transportation or any rational operation of the railroads would be feasible. It would answer the requirements of international interests, as well as those of justice towards the people of the above enumerated valleys, to treat with consideration the economic life and political sentiment by permitting them to join a race to which nine-tenths of them belong, between the frontiers of Switzerland and Croatia. One

¹⁶ Reproduced as Document 117(a), *infra*.

¹⁷ Reproduced as Document 117(b), *infra*.

would not wish to injure the international interests of provisioning the indigent Alpine population and the industrial workers of large business centers, for the sole purpose of entirely ruining an unfortunate country. The most striking and irrefutable argument in favor of the aspirations of the Tyrol is based upon the firm will and the spirit of liberty of this people, proud of its history and traditions. The heroic reverses, to which it so often in the course of history has fallen a victim, have never shaken the unity of the Tyrolese nor their faith in their liberty and future. In conclusion we cite the following words which have been suggested to us by one of the leading Great Powers: "Never can an injustice done to a people become the source of right for those who, face to face with history, have assumed the responsibility for it."

TERRITORIAL NOTES [CONCERNING THOSE REGIONS OCCUPIED BY GERMAN PEOPLES WHO ARE READY TO DECLARE THEMSELVES UNANIMOUSLY IN FAVOR OF REUNION WITH THEIR COUNTRY]¹⁸

(1)

All the communes of the districts: Hartmanitz, Hohenfurt, Neubis-
tritz, Oberplan, Wallern;

of the district Bergreichenstein: all the communes except Da-
mitsch, Malec [Malez], Ostruzno, Pohorsko, Schimanau, Sobeschitz,
Stachau, Straschin and the village of Nezditz of the Commune Nezditz;

of the district Budweis: the communes Roschowitz, Sabor;

of the district Gratzen: all the communes except Julienhain;

of the district Kalsching: all the communes except Berlau, Neu-
dorf and the village Oberneudorf of the commune Johannesthal;

of the district Kaplitz: all the communes except Dluhe, Greb-
poreschin [Grossporeschin], Oemau and the village of Kleingallein of
the commune Ottenschlag;

of the district Klattau: the commune Gesen and the villages of
Hinkowitz, Mladotitz and Memcitz [Nemcitz] of the commune Birkau;

of the district Krumau: the communes Grobdrossen [Gross-
drossen], Höritz, Hoschlowitz, Kirchs Schlag, Kladen, Krumau, Lagau,
Lobiesching, Maltschitz, Pohlen, Priethal, Sahorsch, Schöbersdorf,
Teutschmannsdorf, Trieteschn [Tritesch], Tweras, Wetterern, Zippendorf
and the villages of Kabschowitz, and Zahradka [Zaradka] of the com-
mune Mirkowitz;

of the district Netolitz: the communes Bowitz, Kollowitz, Ober-
groschum;

of the district Neuern: all the communes except the village of
Böhmisch-Hammer of the commune Holletitz;

¹⁸ For explanation of the two spellings of certain place names, see footnote 46 to Document 62, p. 178, *supra*.

of the district Neugedein: the communes Donau, Friedrichsthal, Hirschau, Kaltenbrunn, Maxberg, Neumarkt, Schneiderdorf [Schneiderhof], Springenberg, Viertel and the village of Silberberg of the commune Putzeried;

of the district Neuhaus: the communes Blauenschlag, Brunn, Buchen, Deutschmoliken, Diebling, Gatterschlag, Grobrammerschlag [Grossrammerschlag], Heinrichschlag, Hosterschlag, Kleinradeinles, Kleinrammerschlag, Köpferschlag, Motten, Muttaschlag, Neudek, Niederbaumgarten, Niedermühl, Oberbaumgarten, Obermühl, Ottenschlag, Riegerschlag, Ruttenschlag, Tieberschlag, Ulrichschlag, Wenkerschlag;

of the district Prachatitz: the communes Brenntenberg, Christelschlag, Chrobold, Frauenthal, Oberhaid, Obersablat, Oberschlag, Pfefferschlag, Prachatitz, Repeschin, Rohn, Sablat, Schreinetschlag, Wollettschlag and the villages of Prislop and Zaborz of the commune Zaborz;

of the district Schüttenhofen: the communes Albrechtsried, Langendorf, Swina and the villages of Mochau and Untereschau [Unterteschau] of the commune Gaberle, Unterkochet of the commune Petrowitz, Rock of the commune Podmok [Potmok], Brabschow [Prabschow] and Zalusch of the commune Schüttenhofen;

of the district Schweinitz: the commune Haid and the villages Chwalkohof, Glasern, Neudorf of the commune Neudorf, Georgenthal of the commune Teschin;

of the district Taus: the communes Prennet, Vollmay [Vollmau], and the villages Kohlstätten, Pelechen [Pellechen] and Philippsberg of the commune Tilmitschau [Tillmitschau];

of the district Winterberg: the communes Aussergesild, Buchwald, Fürstenhut, Gansau, Kaltenbach, Klösterle, Korkuschütten [Korkushütten], Kuswarda, Landstrassen, Neugebäu, Obermoldau, Rabitz, Winterberg.

(2)

All the communes of the districts: Joslowitz, Nikolsburg, Pohrlitz, Zlabings;

of the district Auspitz: the communes Auspitz, Brobstenrowitz [Grossteurowitz], Gurdau, Neumühl, Poppitz, Prittlach, Saitz, Tracht;

of the district Datschitz: the commune Urbantsch;

of the district Frain: all the communes, except Höslowitz, Vötau, Wisokein, Zblowitz;

of the district Jamnitz: the communes Dantschowitz, Döschen, Fratting, Frauendorf, Hafnerluden, Kurlupp, Lospitz, Nespitz, Plospitz, Qualkowitz, Ranzern, Tiefenbach, Ungarschitz, Wispitz, Zoppanz;

of the district Lundenburg: the communes Lundenburg and Lundenburg-Israelitengemeinde;

of the district Mährisch-Kromau: the communes Aschmeritz, Babitz, Chlubitz, Damitz, Brubschitz [Grubschitz], Hosterlitz, Irritz, Kaschnitzfeld, Kleinseelowitz, Kodau, Lidmeritz [Liedmeritz], Misslitz, Misslitz - Israelitengemeinde, Nispitz, Skalitz, Socherl, Tullnitz, Wolframitz;

of the district Seelowitz: the communes Laatz and Woikowitz;

of the district Znaim: the communes Altschallersdorf [Altschallesdorff], Baumöhl, Bonitz, Borotitz, Deutsch-Konitz, Dörflitz, Edelspitz, Essekle, Frainersdorf, Gaiwitz, Gerstenfeld, Gnadlersdorf, Grobolkowitz [Grossolkowitz], Gurwitz, Hermannsdorf, Hödnitz, Kaidling, Kallendorf, Kleintajax, Kleintesswitz, Lechwitz, Mannsberg, Mühlfraun, Naschetitz, Neuschallersdorf, Oblas, Panditz, Pöltenberg, Poppitz, Pratsch, Prossmeritz, Pumlit, Rausenbruck, Schakwitz, Schattau, Selletitz [Seletitz], Tasswitz, Tesswitz an der Wiese, Töstitz, Urban, Wainitz, Znaim, Zuckerhandl.

(3)

The German territories of West Hungary include:

in the comitat Pressburg:

of the district Pressburg: the commune Engerau;

in the comitat Wieselburg:

of the district Neusiedl: all the communes;

of the district Ragendorf: all the communes, except Frauendorf;

of the district Ungarisch-Altenburg: the communes Andau, Gahling, Kaltenstein, Kroatisch-Kimling, St. Johan [Johann] bei Wieselburg, St. Peter, Tadten, Ungarisch-Altenburg, Ungarisch-Kimling, Wieselburg, Wüst-Sommerein, Zanegg;

in the comitat Oedenburg:

the liberated cities Eisenstadt, Oedenburg and Rust;

all the communes of the districts: Eisenstadt, Mattersdorf, Oberpullendorf;

of the district Oedenburg: the communes Agendorf, Baumgarten, Deutschkreuz, Frauenhaid [Fraunhaid], Harkau, Haschendorf, Holling, Horitschon, Kalkgruben, Kierm, Klingenbach, Kobersdorf, Kohlnhof [Kohlenhof], Kroisbach, Lackenbach, Lackendorf, Loipersbach, Mörbisch, Neckenmarkt, Oberpetersdorf, Reiding, Ritzing, Schatendorf, Tschurndorf, Unterpetersdorf, Wandorf, Wepersdorf, Wolfs;

of the district Tschapring [Tschapring]: the communes Bleigraben, Prössing, Roggendorf, Siegersdorf;

in the comitat Eisenburg:

the free city of Güns;

all the communes of the districts: Güssing and Oberwarth;

of the district Güns: the communes Allersdorf, Althodisch, Bernstein, Budendorf [Bubendorf], Deutschgerisdorf [Deutsch-Geris-

dorf], Dreihütten, Dürnbach, Glashütten bei Langeck, Glashütten bei Schlaining, Günseck, Hammer, Hodisch, Holzschlag, Kogl, Langeck, Lebenbrunn, Liebing [Liewing], Lockenhaus, Mönchmeierhof, Oberkohlstätten, Padler, Pilgersdorf, Podgora, Rattersdorf, Rauriegel, Rechnitz, Redlschlag [Redelschlag], Rettenbach, Rumpersdorf, Salmansdorf, Schachendorf, Steinbach, Stuben, Unterkohlstätten, Weiden, Zuckerbach;

of the district Körmend: the communes Deutschbieling, Gaas [Gass], Hagersdorf, Luising, Moschendorf;

of the district Oelsnitz: the communes Fixlintz, Gnitzenhof, Sinnersdorf;

of the district St. Gotthardt: the communes Bonisdorf, Deutsch-Kaltenbrunn, Deutsch-Minihof, Dobersdorf, Doiber, Eltendorf, Gertsch, Heiligenkreuz, Hendorf [Henndorf], Jakobsdorf, Jennesdorf, Kalch, Königshof, Krieselstein, Krobotek [Krobotek], Krottendorf, Minihof, Mogersdorf, Mühlgraben, Neuhaus, Oberdrasen, Oberradling [Ober-radling], Poppendorf, Potschendorf, Raabfidisch, Raabneumarkt, Rax, Rohrbrunn, Rudersdorf, St. Gotthard [St. Gotthardt], St. Martin, Tauka, Unterradling, Unterzeming, Weichselbaum, Wellendorf, Welten, Windisch-Minihof, Zahling [Zaling];

of the district Steinamanger: the communes Deutsch-Grossdorf [Brossdorf], Deutsch-Schützen, Eberau, Edlitz, Grossnahrung, Höll, Katharein, Kleinnahrung, Kroatisch-Schützen, Kulm, Oberbildein, Oberschilding, Pernau, Prostrum, Schandorf, Schauka, Ungarisch-Grossdorf, Unterbildein, Unterschilding, Winten.

(4)

All the communes of the districts: Aflenz, Arnfels, Bad Aussee, Birkfeld, Bruck an der Mur, Deutsch-Landsberg, Eibiswald, Eisenerz, Fehring, Feldbach, Friedberg, Frohnleiten, Fürstenfeld, Gleisdorf, Graz-Stadt, Graz-Umgebung, Gröbming, Hartberg, Irdning, Judenburg, Kindberg, Kirchbach, Knittelfeld, Leibnitz, Leoben, Liezen, Mahrenberg, Marburg, Mariazell, Mautern, Mürzzuschlag, Murau, Mureck, Neumarkt, Obdach, Oberzeiring, Oberwölz, Pettau, Pöllau, Radkersburg, Rottenmann, St. Gallen, St. Leonhard in Windischbüheln, Schladming, Stainz, Voitsberg, Vorau, Weiz, Wildon;

of the district Oberradkersburg: the commune Oberradkersburg;

of the district Windisch-Feistritz: the commune Unter-Pulsgau;

of the district Windischgratz: the commune Ottischnigberg.

(5)

All the communes of the districts: Althofen, Arnoldstein, Bleiburg, Eberndorf, Eberstein, Feldkirchen, Ferlach, Friesach, Gmünd, Greifenburg, Gurk, Hermagor, Klagenfurt, Köttachach [Köttschach], Mill-

statt, Obervallach [Obervellach], Paternion, Rosegg, St. Leonhard, St-Paul, St. Veit, Spittal, Tarvis, Villach, Völkermarkt, Winklern, Wolfeberg [Wolfsberg];

of the district Eisenkappel: all the communes, except Seeland;

of the district Kronau: the commune Weissenfels (Carniole) [Weissenfeld (Krain)].

(6)

All the communes of the districts: Bozen, Brixen, Bruneck, Buchenstein, Enneberg, Fügen, Glurns, Hall, Hopfgarten, Imst, Innsbruck, Kastelruth, Kaltern, Kitzbühel, Klausen, Kufstein [Kuffstein], Lana, Landeck, Lienz, Meran, Mieders, Nauders, Neumarkt, Passeier, Rattenberg, Reutte, Ried, Sarntal, Schlanders, Schwaz, Silz, Sillian, Steinach, Sterzing, Taufers, Telfs, Welsberg, Windischmatriei [Windisch-Matriei], Zell an Ziller;

of the district Cavalese: the communes Altrei and Truden;

of the district Cles: the commune Proveis;

of the district Fondo: the communes Laurein, St. Felix, Unsere liebe Frau im Walde.

94. (c) ANNEX A: OF THE MEMORANDUM ON THE
FRONTIERS OF GERMAN AUSTRIA

(Translation)

ADDITIONAL CONVENTION CONCERNING THE PLEBISCITE

ARTICLE I

DECLARATION OF NATIONALITY

The plebiscite shall take place in the territories designated in Article of the Peace Treaty.

The inhabitants of each commune forming part of the said territories shall declare to which state they desire to belong.

ARTICLE II

SUBJECTS CALLED UPON TO DECLARE NATIONALITY

All persons, without distinction of sex, shall be called upon and obliged to make such declaration, who:

(1) Have their legal domicile (Heimatrecht) in a commune of the territory subject to the plebiscite or of the territory of one of the States concerned;

(2) Are over twenty years of age;

(3) Were domiciled in the commune when the Armistice Treaty of November 3, 1918, was signed and had been living there for a year before the signing of the said treaty, or who had, during the last war,

performed military service for at least three months and had lived in the commune for six months preceding the beginning of their military service.

Persons are excepted from the right and duty of making said declaration who:

- a) Are not in the full enjoyment of civil rights or who,
- b) during the last five years preceding the coming into force of the present Treaty, have been definitively condemned (i.e., whose sentence has not been revoked), for a non-political crime, or who on the day of the plebiscite were in prison by reason of a sentence which became definitive.

ARTICLE III

PLACE OF DECLARATION

The vote will take place as a rule in the commune itself.

The declarations of voters who, at the time of the plebiscite, are out of the commune of their domicile, will be accepted by bureaux installed in other communes to be determined later.

ARTICLE IV

TIME OF DECLARATION

The declaration shall be made in each commune in the course of the same day between 6 o'clock in the morning and 6 o'clock in the evening. For each commune the day of the plebiscite shall be published three weeks in advance and afterwards from day to day in at least five newspapers of wide circulation of the countries to which the regions in question belong.

The time of the plebiscite, in each commune, shall be fixed so that an interval of not more than 24 hours shall elapse between the days on which the plebiscite shall take place in contiguous communes.

ARTICLE V

FORM AND CONTENTS OF THE DECLARATION

The declaration shall be made by filling out in writing a form which shall be officially drawn up and delivered by the voting bureaux; the text shall be in as many languages as may be necessary. Each voter shall receive a form in the language that he requests, and shall hand it in personally after filling it.

The form shall bear the following text:

"I declare upon my honor and my faith that my domicile is in the commune of It is my desire and my will that (country, State, province) be and remain my country."

When the time of the plebiscite for each region is published, the contents of the form shall be fixed so that the voter will have only to strike out the name of the country that he does not choose for his own.

ARTICLE VI

INTERNATIONAL COMMISSION. ITS COMPOSITION

The plebiscite shall be superintended and directed by a Commission composed of 5 members, 4 of whom shall be appointed by the Council of the League of Nations.

The Commissioners appointed shall elect a fifth commissioner by majority vote. In default of majority, lots shall be drawn to decide among those having the most votes.

A substitute shall be appointed or elected for each commissioner by the process established for the appointment or election of the latter.

Each state concerned shall accredit a representative to the Commission. This representative shall be authorized to communicate freely with the authorities of his state as well as with all authorities, communes and persons of the territory subject to the plebiscite; it is he who shall, in the name of his government, present demands and claims to the commission.

During the exercise of their functions the commissioners shall enjoy diplomatic privileges and immunities. These same privileges and immunities shall be accorded to the representatives of the governments in the territory subject to the plebiscite.

The authorities whose jurisdiction covers the territory subject to the plebiscite shall be held to follow all the orders and regulations of the Commission.

ARTICLE VII

INTERNATIONAL COMMISSION. ITS TASKS

The Commission is called upon to give all orders and to take all measures necessary to insure the liberty, the sincerity and the secrecy of the plebiscite, and to safeguard the observation of the treaties relative to it.

It is especially incumbent on it to watch over the independence of the vote, to keep the voting lists, to save the latter as well as the declarations of nationality, to pronounce on complaints concerning the vote and the exercise of it, and to ascertain the results of the vote in each voting precinct.

The Commission shall designate or appoint the authorities, the deputations and the organs called upon to fulfil the tasks mentioned in the preceding paragraph.

The Commission shall pronounce on all claims of the contracting states and upon the complaints entered, by authorities of communes or by individuals, against the execution of the plebiscite. It shall ascertain the total result of the plebiscite. The right of the states concerned to appeal to the Council of the League of Nations from the decisions of the Commission and from the statement of the total result is reserved.

The Commission adopts its resolutions and decisions by majority vote.

It makes its rules for its own government.

The rulings of the Commission, taken in conformity with the first paragraph of the present article, have the force of law for the entire territory subject to the plebiscite.

ARTICLE VIII

DECLARATIONS OF COMMUNES

The declaration of the majority of voters shall be considered as the declaration of nationality of the commune.

Out of the territory of communes located on the frontier to be determined by the plebiscite, and in which the inhabitants of one or several localities, able to constitute in themselves an administrative unity, may have cast a vote contrary to that of the rest of the commune, there shall be formed two new communes which, according to the vote of their inhabitants, shall be attached to one and to the other of the two states in question.

ARTICLE IX

FIXING OF STATE FRONTIERS

Each community shall form a part of the territory of the State for which it shall have declared nationality.

If the application of the provision of the first paragraph should separate the territory of one or several communes from that of the State in which they should be incorporated, the Commission (Article VI) will endeavor to establish a territorial connection by as small a number of contiguous communes as possible, subject to the plebiscite, where the comparatively larger minorities may have declared their nationality in the same manner as the inhabitants of the separated commune.

The latter, as well as the communes necessary to the establishment of the territorial connection, shall be incorporated in the state for which the majority of the votes coming from the ensemble of the said communes shall have declared nationality.

However, the states concerned reserve the right to incorporate, by special treaties and for economic or commercial reasons, certain regions in one or the other of the states in question.

ARTICLE X

SPECIAL PROVISIONS FOR THE ENCLAVES

Regions subject to the plebiscite and surrounded by territories not subject to the plebiscite, but inhabited by a nation taking part therein, are *enclaves*. Any community situated in the enclave, contiguous to the surrounding state and professing the nationality of that state, shall be incorporated therein; likewise, any other commune, situated inside the

enclave, contiguous to one of the said communes and professing the same nationality.

If in the rest of the enclave the majority representing a total of at least 10,000 votes declares itself for the noncontiguous state, the enclave shall be attributed to the latter; in the contrary case, to the surrounding state.

ARTICLE XI

IMMUNITY IN MAKING THE DECLARATION OF NATIONALITY

No one shall receive any penalty or any other injury from the state or from any other public authority by reason of his declaration of nationality.

The legislatures shall issue the orders to insure, as far as possible:

1) that no voter shall be threatened or injured in any way whatever by individuals, on account of the contents of his declaration of nationality, and

2) that, if this happens, the persons injured shall be indemnified.

ARTICLE XII

NECESSARY TIME TO BE GRANTED FOR MAKING THE DECLARATION

Anyone who, by law or contract, exercises authority over another person, and especially officials, employers and masters, shall be compelled to grant without restraint to his subordinates, workmen or servants, the time necessary for the declaration of their nationality, including the time for the journey to and from the place where the declaration is to be made.

ARTICLE XIII

PENALTIES

I. Whoever shall intentionally commit an act:

1) attempting to prevent or frustrate the plebiscite, by force or threats;

2) doing violence to a voter or to one of his near relatives, or threatening them in their health, liberty, honor, property or any other important interest, in order to restrain the voter from his declaration or to force on him a declaration of a special kind;

3) threatening a voter or one of his near relatives because of his declaration or of the contents of the latter, or by causing him injury or damage of the kind designated in point 1;

4) granting, promising or offering to the voter or to a third party, a present or any other reward, in order to restrain the voter from his declaration or to force on him a declaration of a special kind;

5) asking or provoking the granting or promise of such reward, in return for the promise that a voter will abstain from his declaration or will make a declaration of a special kind;

6) taking part in the plebiscite without having been called upon to do so, or causing by any other means an incorrect result of the vote or falsifying the result, notably by adding, modifying, suppressing or crossing out declarations or signatures or committing forgery in the counting or in the reports announcing the results,

shall be punished by a maximum of 5 years of imprisonment (*reclusion*) or fined a maximum of 500,000 francs. The imprisonment (*reclusion*) and the fine may be imposed simultaneously. The reward granted, promised or offered shall be confiscated. If the author has got rid of this reward or has spent it, the confiscation will be changed to a fine of the same amount.

II. (1) Whoever shall, with premeditation, spread false news of a nature to keep the voters from their declaration, or to force on them a declaration of a special kind, or to provoke erroneous ideas as to the influence that the result of the plebiscite might exercise with regard to civil liberties of public and individual rights,

2) whoever shall have acted contrary to Article XII,

3) whoever shall not have fulfilled, save in case of absolute impossibility, his duty of declaring his nationality,

shall be punished by a maximum of two years imprisonment (*reclusion*) or by a maximum fine of 200,000 francs. The imprisonment (*reclusion*) and the fine may be applied simultaneously.

III. The present treaty bearing no special provisions, the general provisions of the penal law in force before the declaration of war, in the place of the infringement, shall be applied.

IV. The power to pardon persons convicted for the above offences may be exercised only by a general agreement of all the contracting parties.

The penalties of imprisonment (*reclusion*) shall be served if possible in a neutral state. In that case the expenses of execution, which it may be impossible for the condemned party to cover, shall be met by the contracting parties, in equal parts.

The fines and material rewards confiscated shall be assigned to the public welfare in the territories subject to the plebiscite.

ARTICLE XIV

LEGAL PROCEDURE

The Commission shall appoint International Courts, which shall be charged with the examination and trial of the offences the penalty for which is stated in the present Treaty. For that purpose local competent tribunals will be assembled if possible or persons who, according to local laws, possess the necessary qualifications to act as judges, may be called as assistants,—taking into consideration the proposals of the

governments concerned. Each tribunal may, in case of necessity, move to various localities of its circumscription (district).

The Commission shall decide upon the procedure, taking into consideration the regulations on criminal procedure in force in the territory subject to the plebiscite.

The contracting parties shall lend help and assistance to the International Courts and deliver to them persons prosecuted or condemned.

In the course of the procedure, the contracting parties considering themselves despoiled by the infraction may declare themselves plaintiffs.

95. NOTE FROM THE AUSTRIAN DELEGATION, NO. 467,
JUNE 25, 1919, REGARDING THE FRONTIERS
OF AUSTRIA¹⁹

(Translation)

DELEGATION OF THE
GERMAN AUSTRIAN REPUBLIC
No. 467

ST. GERMAIN-EN-LAYE
June 25, 1919

FROM: *Renner*
TO: *President Clemenceau*

Pursuant to my note of June 16²⁰ concerning the determination of the frontiers of German Austria, I have the honor to submit to the Supreme Council of the Conference the text of the provisions which might be substituted, by taking into account the facts presented by German Austria, for the respective parts—Part II, Articles 1 to 9—of the peace conditions presented to the undersigned delegation.

These simple and practical provisions form an ensemble with the sentiment of the convention of the plebiscite, submitted to the High Conference on June 16 (Annex A of the Memorandum on the Frontiers of German Austria).²¹

The motives of all these propositions are the spontaneous result of the fundamental right of nations to self-determination, a humanitarian right which the Powers have extolled to the nations exhausted by the war. I take the liberty of referring you to the above-mentioned Memorandum on this subject.

¹⁹ *S-H Bulletin*, No. 411; for French and German texts, see *Bericht*, I, 192-200, and *Notes*, pp. 102-11.

²⁰ Reproduced as Document 94(a), *supra*.

²¹ Reproduced as Document 94(c), *supra*.

German Austria energetically protests against any insinuation to the effect that she would wish to seize territories contrary to the will of the inhabitants. All that we ask is that populations threatened with foreign domination be admitted to the plebiscites and that the silence of servitude shall not be imposed on men who wish to demand their liberty. At least let them be heard! Let not the Powers responsible for the future of nations expose themselves to the inextinguishable reproach of having repudiated the truth for fear its light might open the way to justice.

(Signed) RENNER

(Note: Memorandum to follow.)²²

96. DISCUSSION IN THE COUNCIL OF FIVE OF AUSTRIAN
RECOGNITION OF THE FRONTIERS OF NEIGH-
BORING STATES²³

M. Tardieu pointed out that there was a clause in the draft Treaty with Austria requiring Austria to recognise "the following frontiers" of neighbouring countries. As it was not likely that these frontiers would be completely settled before the signature of Peace with Austria, it was desirable to alter the wording and to require the assent of Austria to frontiers to be fixed later by the Allied and Associated Powers.

(This was agreed to, and the question was referred to the Drafting Committee.)

M. Tittoni remarked that he assumed it was established that the ultimate decision regarding frontiers was a matter not for the League of Nations but for the present Conference of Allied and Associated Powers. He wished to make the same reservation as had been made by the Italian Delegation regarding the Treaty with Germany.

97. DECISION OF JULY 5 OF THE COUNCIL OF HEADS OF
DELEGATIONS REQUIRING AUSTRIA TO ASSENT TO THE
FRONTIERS OF NEIGHBORING STATES TO BE FIXED
LATER²⁴

"Peace Treaty with Austria: Italian reservations re frontier clauses: clause to be inserted requiring Austria to assent to frontiers of neighboring countries to be fixed later. I.C. 201(8)."

²² Reproduced as Document 99, *infra*.

²³ F.M. 29(8), July 2, 1919.

²⁴ "H.D. Index: Peace Treaty with Austria."

98. STATEMENT IN THE COUNCIL OF HEADS OF DELEGATIONS, JULY 7, ON THE INCOMPLETE CONDITION OF THE FRONTIER CLAUSES IN THE AUSTRIAN TREATY DRAFT²⁵

"Peace Treaty with Austria: Incomplete condition of frontier clauses, remainder of Treaty drawn up and ready for signature. H.D. 1(2)."

99. COUNTER PROPOSALS OF THE AUSTRIAN DELEGATION, JULY 10, 1919, TO "PART II, FRONTIERS OF AUSTRIA," IN THE ALLIED CONDITIONS OF JUNE 2²⁶

(Translation)

Articles I to IX of Part II of the "Conditions" are to be replaced by the following provisions of Articles I, II, and III. The proposed wording is in harmony with the text of the Agreement on the plebiscite included in the memorandum here appended (Appendix IIa, page 11).²⁷ Articles IV, V, VI designated below replace, in the same way, the numerous provisions scattered through the several parts of the "Conditions" concerning the nationality of the former subjects of collapsed Austria. The reasons for these latter proposals as well as the reasons why the respective clauses of the "Conditions" could not fulfill the practical needs of international harmony are given in Appendix IIb.²⁸

The basis for the general provisions on the determination of boundaries is of course the fundamental right of nations to decide their own fate, a humanitarian right which the Powers have made seem worth while in the eyes of the peoples exhausted by the war. The undersigned Delegation refers to this matter in the memorandum submitted to the Powers on June 16, concerning the fixing of the limits of our boundaries and included in the Appendix mentioned above (IIa).

German Austria energetically protests against any insinuation implying that she would like to take over territories against the will of the inhabitants. All we are asking for is that the peoples threatened by foreign domination be granted a plebiscite and that the silence of

²⁵ "H.D. Index: Peace Treaty with Austria."

²⁶ Translated from *Bericht*, I, 329-34. See also *Notes*, pp. 253-61. This memorandum, the covering letter of which is reproduced as Document 64(a), *supra*, is the second part of the Austrian counter proposals on the Frontiers of German Austria, the first part being Document 94, *supra*.

²⁷ Reproduced as Document 94 (c), *supra*.

²⁸ Reproduced as Document 225, *infra*.

servitude be not imposed on men who wish to ask for their liberty. At least let them be heard! Let the Powers who are responsible for the future of nations not expose themselves to the reproach which they can never live down of having repudiated the truth in such a way that their glory cannot pave the way for justice!

ARTICLE I

The boundaries of German Austria are to be determined as follows:

§1

In accordance with the will of the inhabitants—such will be made known in conformity with the provisions of the additional Agreement appended to the present Treaty of Peace on the basis of a plebiscite to be held in the regions designated below, namely:

A. GERMAN NORTHERN BOHEMIA

All the communes of the district: Arnau, Asch, Auscha, Aussig, Bad Königswarth, Bensen, Bilin, Böhmisches Kamnitz, Böhmisches Leipa, Braunau, Brüx, Buchau, Dauba, Deutschgabel, Duppau, Dux, Eger, Elbogen, Falkenau, Friedland, Gablonz an der Neisse, Görkau, Graslitz, Haida, Hainspach, Hohenebel, Hostau, Jechnitz, Kaaden, Karbitz, Karlsbad, Katharinaberg, Komotau, Kratzau, Luditz, Marienbad, Marschendorf, Mies, Neudeck, Neustadt an der Tafelfichte, Oberleutensdorf, Petschau, Pfraumberg, Plan, Platten, Podersam, Prossnitz, Reichenberg, Rochlitz an der Iser, Ronsperg, Rumburg, Saaz, Schatzlar, Schluckenau, Sebastianberg, St. Joachimsthal, Tachau, Tannwald, Tepl, Teplitz-Schönau, Tetschen, Trautenau, Warnsdorf, Wegstädtl, Weipert, Wekelsdorf, Weseritz, Wildstein, Zwickau;

in the Bischofteinitz district: the communes of Bischofteinitz, Blisowa, Czarlowitz, Dobrowa, Grossmallowa, Hochsemlowitz, Horschau, Krakau, Maschowitz, Messhals, Mirikau, Mogolzen, Mukowa, Nahoschitz, Nemlowitz, Obermedelzen, Pirk, Polzowitz, Raschnitz, Semeschitz, Trebnitz, Wassertrompeten, Webrowa, Weirowa, Worowitz, Wostirschen, Zetschowitz;

in the Dobrzan district: every commune with the exception of Elhotten, Lihn, Neudorf;

in the Eisenbrod district: the locality of Pintschei, second part of the commune of Skuhrow;

in the Jaroměř district: the communes of Grabschütz, Hermanitz, Kleinbock, Littisch, Proda, Salnei, Schlotten, Westetz, and the locality of Bilaun in the commune of Časlau;

in the district of Königshof an der Elbe; the communes of Altenbuch, Dobernei, Dubenetz, Gradlitz, Grossbock, Güntersdorf, Haatz, Kaschow, Ketzelsdorf, Kladern, Königreich I, Königreich II, Koken, Komar, Kukul, Leuten, Liebthal, Niederermaus, Niederwölls-

dorf, Oberwöllsdorf, Prohrub, Rennzahn, Rettendorf, Schurz Dorf, Schurz Markt, Sibojed, Silwarleut, Söberle, Stangendorf, Stern, Wihnan, Ziesmitz, as well as the localities of Nemaus and Stückhäuser in the commune of Königreich III;

in the district of Leitmeritz: every commune, with the exception of Bauschowitz, Böhmisches Kopist, Brnian, Deutsch Kopist, Drabschitz, Hrdly, Keblitz, Podčapl, Theresienstadt;

in the Lobositz district: every commune except Chodolitz, Chrastian, Dlaschkowitz, Jetschan, Kolloletsch, Opolau, Podseditz, Schöppenthal, Semtsch, Starrey, Trebnitz, Tribnitz, Trzemschitz, Wrbitschan;

in the district of Manetin: the communes of Bernklau, Cisotin, Deutsch Doubrawitz, Hurkau, Kotantschen, Krasch, Lukowa, Mösing, Netschetin, Potok, Preitenstein, Rabenstein, Radschin, Ratka, Wilkischau, Wirschin, Wisočan, Zahradka, Zwolln, and the locality of Hluboka of the commune of Hluboka;

in the Neupaka district: the communes of Grossborowitz, Nedař, Stupna, Widach;

in the Niemes district: every commune, except Zetten and the locality of Sobaken in the commune of Kessel;

in the Pilsen district: the commune of Littitz;

in the Postelberg district: every commune except Imling;

in the Rakonitz district: the commune of Wetzlau and the locality of Swojetin in the commune of Swojetin;

in the Staab district: all the communes except those of Nürschan;

in the Strakenbach district: the commune of Huttendorf;

in the Taus district: the communes of Haselbach, Tannawa, Wassersuppen, the locality of Nimvorgut in the commune of Possigkau, and the locality of Nepomuk of the commune of Klentsch;

in the Turnau district: the localities of Bösching and Jilowei in the commune of Bösching;

in the Tuschkau district: every commune except that of Malesitz;

in the Weisswasser district: the communes of Jesowai, Kleinbösig, Neudorf, Niedergruppai, Niederrokita, Nosadl, Oberrokita, Wiska, and the locality of Wazačka of the commune of Weisswasser.

B. THE GERMAN SUDETIC COUNTRIES

IN BOHEMIA:

All the communes of the districts of Grulich and Rokitnitz;

in the district of Landskron: every commune except Böhmisches Rothwasser, Herbotitz, Koburg, Nepomuk, Niederhermanitz, Oberhermanitz, Petersdorf, Riedersdorf, Waltersdorf, Weipersdorf;

in the Leitomischl district: the communes of Abtsdorf, Blumenuau, Dittersdorf, Hopfendorf, Jansdorf, Karlsbrunn, Ketzelsdorf, Nikl, Schirmdorf, Strokele, Überdörf, and the localities of Brünnersteig and Lauterbach of the commune of Lauterbach;

in the district of Neustadt an der Mettau: the communes of Deschney, Giesshübel, Plassnitz, Polom, Sattel, Trtschkadorf;

in the Opočno district: the locality of Michowy of the commune of Lom;

in the Polička district: the communes of Böhmisches Rothmühl, Böhmisches Wiesen, Bohnau, Brünnlitz, Deutsch Bielau, Dittersbach, Laubendorf, Neubiela, Riegersdorf, and the localities of Goldbrunn and Schönbrunn of the commune of Schönbrunn;

in the district of Reichenau an der Kněžna: the localities of Nemanitz and Wltschinetz of the commune of Rehberg;

in the Senftenberg district: the locality of Čihak of the commune of Klösterle;

in the Wildenschwert district: the communes of Dreihöf, Hertersdorf, Hilbetten, Knappendorf, Mittellichwe, Niederlichwe, Oberlichwe, Seiversdorf, Tschernowier.

IN MORAVIA:

Every commune of the districts of Fulnek, Kof, Mährisch Altstadt, Römerstadt, Stadt Liebau, Wiesenberg, Zwickau;

in the Freiberg district: the communes of Engelswald, except the locality of Lilien, Gurtendorf, Neuhübel, Partschendorf, Sednitz, Sikowitz, the locality of Rosenthal of the commune of Grosspeterswald;

in the Gewitsch district: the communes of Dörfles, Hinterehrnsdorf, Kornitz, Schlettau, Selsen;

in the Hohenstadt district: the communes of Budigsdorf, Heinzhof, Kleinjestreby, Kolloredo, Lusdorf, Nebes, Pobutsch, Rohle, Rudolfsthal, Steine, Tattenitz, Unterheinzendorf;

in the Leipnik district: the communes of Prussinowitz, Kozlau, Schlock;

in the Littau district: the locality of Neuschloss of the commune of Lautsch;

in the Mährisch Neustadt district: every commune except Lepinke, Pissendorf;

in the district of Mährisch Schönberg: the communes of Benke, Bladensdorf, Blaschke, Brattersdorf, Deutschliebau, Frankstadt, Gepersdorf, Goldenfluss, Grumberg, Halbseit, Hermesdorf, Hohenfluss, Liebesdorf, Mährisch Schönberg, Niedereisenberg, Niederullischen, Nikles, Oberullischen, Rabenseifen, Rabersdorf, Reigersdorf, Reitendorf, Tschimischl, Weikersdorf, Wenzelsdorf, Wiesen, as well as the localities of Königsgrund and Flötsch of the commune of Schönbrunn;

in the Mährisch Trübau district: every commune, except Alt Türnau, Bodelsdorf, Lohsen, Markt Türnau, Petrufka, Pitschendorf, Unrutz;

in the Mährisch-Weisskirchen district: the communes of Bodensadt, Bölten, Daub, Fünzfinghuben, Gaisdorf, Hermitz, Kunzendorf, Lindenau, Litschl, Lutschitz, Mittelwald, Neudeck, Pohl, Poschkau, Schmiedsau;

in the Müglitz district: the communes of Altmoletlein, Allerheiligen, Augezd, Chirles, Chries, Grosspoidl, Kaltenlautsch, Kremetschau, Kwittein, Lexen, Libein, Mährisch Aussee, Morawican, Müglitz, Mürau, Neumoletlein, Ohrnes, Rippau, Schützendorf, Schwägersdorf, Schweine, Steinmetz, Trittschein, Wolledorf;

in the Neutitschein district: the communes of Blattendorf, Blauendorf, Deutsch Jassnik, Grafendorf, Grosspetersdorf, Halbendorf, Hausdorf, Kunewald, Neutitschein, Schönau, Seitendorf, Senfleben, Söhle;

in the Olmütz district: the communes of Epperswagen, Grosswasser, Habicht, Haslicht, Hombock, Nirklowitz, Pohorsch, Posluchau, Weska;

in the Schildberg district: the communes of Bukowitz, Frieseendorf, Friesehof, Herautz, Lenzhof, Mährisch Karlsdorf, Mährisch Rothwasser, Schildberg, Schönau, Schönwald, Weisswasser;

in the Sternberg district: every commune except Böhmisches Hause, Boniowitz, Gnoitz, Jägersfeld, Laschtian, Libusch, Starnau, Stefanau, Strukowitz, Zerotein.

IN SILESIA:

The city of Troppau;

every commune of the districts: Bennisch, Freiwaldau, Freudenthal, Hennersdorf, Hotzenplotz, Jägerndorf, Jauernig, Odrau, Olbersdorf, Weidenau, Würbenthal, Zuckmantel;

in the Königsberg district: the communes of Stiebzig, Wollmersdorf, except the locality of Janowitz;

in the Troppau district: the communes of Dirschkowitz, Dorfteschen, Jarkowitz, Katharein, Kreuzendorf, Lippin, Lodenitz, Mladetzkó, Neplachowitz, Skrochowitz, Wawrowitz, Wlastowitz;

in the Wagstadt district: the communes of Altstadt, Biellau, Brawin, Brosdorf, Grossolbersdorf, Tyrn, Wagstadt;

in the Wigstadtl district: every commune except Briesau, Dittersdorf, Jantsch, the locality of Böhmisches Markersdorf in the commune of Markersdorf, Waldolbersdorf.

C. GERMAN SOUTHERN BOHEMIA

Every commune of the districts: Hartmanitz, Hohenfurt, Neubistritz, Oberplan, Wallern;

in the district of Bergreichenstein: every commune except Damitsch, Malez, Ostruzno, Pohorsko, Schimanau, Sobeschitz, Stachau, Straschin and the locality Nezditz of the commune Nezditz;

in the Budweis district: the communes of Roschowitz, Sabor;

in the Gratzen district: every commune except Julienhain;

in the Kalsching district: every commune, except Berlau, Neudorf and the locality of Oberneudorf of the commune of Johannesthal;

in the Kaplitz district: every commune, with the exception of Dluhe, Grossporeschin, Oemau, and the locality Kleingallein in the commune of Ottenschlag;

in the Klattau district: the commune of Gesen and the localities of Hinkowitz, Mladotitz and Nemcitz of the commune of Birkau;

in the Krumau district: the communes of Grossdrossen, Höritz, Hoschlowitz, Kirchs Schlag, Kladen, Krumau, Lagau, Lobiesching, Malt-schitz, Pohlen, Priethal, Sahorsch, Schöbersdorf, Teutschmannsdorf, Tritesch, Tweras, Wetterern, Zippendorf, and the localities of Kabschowitz and Zaradka of the commune of Mirkowitz;

in the Netolitz district: the communes of Bowitz, Kollowitz, Obergroschum;

in the Neuern district: every commune, except the locality of Böhmisches Hammer of the commune of Holletitz;

in the Neugedein district: the communes of Donau, Friedrichsthal, Hirschau, Kaltenbrunn, Maxberg, Neumarkt, Schneiderhof, Springenberg, Viertel, and the locality of Silberberg of the commune of Putzeried;

in the Neuhaus district: the communes of Blauenschlag, Brunn, Buchen, Deutschmoliken, Diebling, Gattersschlag, Grossrammersschlag, Heinrichschlag, Hosterschlag, Kleinradeinles, Kleinrammersschlag, Köpferschlag, Motten, Muttaschlag, Neudek, Niederbaumgarten, Nieder-mühl, Oberbaumgarten, Obermühl, Ottenschlag, Riegersschlag, Ruttenschlag, Tieberschlag, Ulrichschlag, Wenkersschlag;

in the Prachatitz district: the communes of Brenntenberg, Christelschlag, Chrobold, Frauenthal, Oberhaid, Obersablat, Oberschlag, Pfefferschlag, Prachatitz, Repeschin, Rohn, Sablat, Schreinetschlag, Wolletschlag, and the localities Prislop and Zaborz of the commune of Zaborz;

in the Schüttenhofen district: the communes Albrechtsried, Langendorf, Swina and the localities Mochau and Unterteschau of the commune Gaberle, Unterkochet of the commune Petrowitz, Rock of the commune Potmok, Frabschow and Zalusch of the commune of Schüttenhofen;

in the district of Schweinitz: the commune of Haid and the localities of Chwalkohof, Glasern, Neudorf of the commune of Neudorf, and Georghenthal of the commune of Teschin;

in the district of Taus: the communes of Prennet, Vollmau, and the localities of Kohlstätten, Pellechen and Philippsberg of the commune of Tillmitschau;

in the Winterberg district: the communes of Aussergesild, Buchwald, Fürstenhut, Gansau, Kaltenbach, Klösterle, Korkushütten, Kuschwarda, Landstrassen, Neugebau, Obermoldau, Rabitz, Winterberg.

D. GERMAN SOUTHERN MORAVIA

Every commune of the districts of Joslowitz, Nikolsburg, Pohrlitz, Zlabings;

in the Auspitz district: the communes of Auspitz, Grossteurowitz, Gurdau, Neumühl, Poppitz, Prittlach, Saitz, Tracht;

in the Datschitz district: the commune of Urbantsch;

in the Frain district: every commune, except Hösowitz, Vötau, Wisokein, Zblowitz;

in the district of Jamnitz: the communes of Dantschowitz, Döschen, Fratting, Frauendorf, Hafnerluden, Kurlupp, Lospitz, Nespitz, Plospitz, Qualkowitz, Ranzern, Tiefenbach, Ungarschitz, Wispitz, Zoppanz;

in the Lundenburg district: the communes of Lundenburg and Lundenburg-Israelitengemeinde;

in the Mährisch-Kromau district: the communes of Aschmeritz, Babitz, Chlubitz, Damitz, Grubschitz, Hosterlitz, Irritz, Kaschnitzfeld, Kleinseelowitz, Kodau, Liedmeritz, Misslitz, Misslitz-Israelitengemeinde, Nispitz, Skalitz, Socherl, Tullnitz, Wolframitz;

in the Seelowitz district: the communes of Laatz and Woikowitz;

in the Znaim district: the communes of Altschallesdorff, Baumöhl, Bonitz, Borotitz, Deutschkonitz, Dörfnitz, Edelspitz, Essekle, Frainersdorf, Gaiwitz, Gerstenfeld, Gnadlersdorf, Grossolkowitz, Gurwitz, Hermannsdorf, Hödnitz, Kaidling, Kallendorf, Kleintajax, Kleintesswitz, Lechwitz, Mannsberg, Mühlfraun, Naschetitz, Neuschallersdorf, Oblas, Panditz, Pöltenberg, Poppitz, Pratsch, Prossmeritz, Pumlit, Rausenbruck, Schakwitz, Schattau, Seletitz, Tasswitz, Tesswitz an der Wiese, Töstitz, Urban, Wainitz, Znaim, Zuckerhandl.

E. LOWER AUSTRIA

In the Feldsberg district: the communes of Bischofswarth, Oberthemenau, Unterthemenau.

F. GERMAN WEST HUNGARY

The German parts of western Hungary include:

in the comitat of Pressburg:

in the district of Pressburg: the commune of Engerau;

in the comitat of Wieselburg :

in the district of Neusiedl : every commune ;

in the district of Ragendorf : every commune, except Frauendorf ;

in the district of Ungarisch-Altenburg : the communes of Andau, Gahling, Kaltenstein, Kroatisch-Kimling, St. Johann bei Wieselburg, St. Peter, Tadtten, Ungarisch-Altenburg, Ungarisch-Kimling, Wieselburg, Wüst-Sommerein, Zanegg ;

in the comitat of Ödenburg :

the free cities of Eisenstadt, Ödenburg and Rust ;

all the communes of the districts : Eisenstadt, Mattersdorf, Oberpullendorf ;

in the Oedenburg district : the communes of Agendorf, Baumgarten, Deutschkreuz, Fraunhaid, Harkau, Haschendorf, Holling, Horitschon, Kalkgruben, Kierm, Klängenbach, Kobersdorf, Kohlenhof, Kroisbach, Lackenbach, Lackendorf, Loipersbach, Mörbisch, Neckenmarkt, Oberpetersdorf, Reiding, Ritzing, Schattendorf, Tschurndorf, Unterpetersdorf, Wandorf, Wepersdorf, Wolfs ;

in the Tschapring district : the communes of Bleigraben, Prössing, Roggendorf, Siegersdorf ;

in the comitat of Eisenburg :

the free city of Güns ;

all the communes of the districts : Güssing and Oberwarth ;

in the Güns district : the communes of Allersdorf, Althodisch, Bernstein, Bubendorf, Deutsch-Gerisdorf, Dreihütten, Dürnbach, Glashütten bei Langeck, Glashütten bei Schlaining, Günseck, Hammer, Hodisch, Holzschlag, Kogl, Langeck, Lebenbrunn, Liewing, Lockenhaus, Mönchmeierhof, Oberkohlstätten, Padler, Pilgersdorf, Podgora, Rattersdorf, Rauriegel, Rechnitz, Redelschlag, Rettenbach, Rumpersdorf, Salmannsdorf, Schachendorf, Steinbach, Stuben, Unterkohlstätten, Weiden, Zuckerbach ;

in the Körmend district : the communes of Deutschbieling, Gass, Hagersdorf, Luising, Moschendorf ;

in the Ölsnitz district : the communes of Fixlintz, Gnitzenhof, Sinnersdorf ;

in the St. Gotthardt district : the communes of Bonisdorf, Deutsch-Kaltenbrunn, Deutsch-Minihof, Dobersdorf, Doiber, Eltendorf, Gertsch, Heiligenkreuz, Henndorf, Jakobsdorf, Jennersdorf, Kalch, Königshof, Krieselstein, Krobotek, Krottendorf, Minihof, Mogensdorf, Mühlgraben, Neuhaus, Oberdrasen, Oberradling, Poppendorf, Potschendorf, Raabfidisch, Raabneumarkt, Rax, Rohrbrunn, Rudersdorf, St. Gotthardt, St. Martin, Tauka, Unterradling, Untermzing, Weichselbaum, Wellendorf, Welten, Windisch-Minihof, Zaling ;

in the Steinamanger district : the communes of Deutsch-Bross-

dorf, Deutsch-Schützen, Eberau, Edlitz, Grossnahrung, Höll, Katharein, Kleinnahrung, Kroatisch-Schützen, Kulm, Oberbildein, Oberschilding, Pernau, Prostrum, Schandorf, Schauka, Ungarisch-Grossdorf, Unterbildein, Unterschilding, Winten.

G. STYRIA

All the communes of the district: Arnfels, Mahrenberg, Marburg, Mureck, Pettau, Radkersburg, St. Leonhard in Windisch-Büheln; the communes of Ehrenhausen, Gamlitz, Gersdorf, Nestelberg, Oberfahrenbach, Obervogau, Ottenberg, Ratsch, Retznei, Spielfeld, Strass, Untervogau in the Leibnitz district; the commune of Oberradkersburg in the Oberradkersburg district; the commune of Unter-Pulsgau in the Windisch-Feistritz district; the commune of Ottischnigberg in the Windischgratz district.

H. CARINTHIA

All the communes in the districts: Arnoldstein, Bleiburg, Eberndorf, Ferlach, Hermagor, Klagenfurt, Kötschach, Rosegg, St. Paul, Tarvis, Villach, Völkermarkt; the commune of Brückl in the Eberstein district; all the communes except Seeland in the Eisenkappel district.

I. CARNIOLA

The commune of Weissenfels in the Kronau district.

K. TYROL

Every commune of the districts: Bozen, Brixen, Bruneck, Buchenstein, Enneberg, Glurns, Kaltern, Kastelruth, Klausen, Lana, Meran, Neumarkt, Passeier, Sarnthal, Schlanders, Sillian, Sterzing, Taufers, Welsberg; the communes of Altrei and Truden in the Cavalese district; the commune of Proveis in the Cles district; the communes of Laurein, St. Felix, Unsere liebe Frau im Walde in the Fondo district.

§2

a) along the boundary between the old Austria and Switzerland on the one side, and Liechtenstein and Switzerland on the other, from Stilsferjoch (Col Stelvio) as far as its point of contact with the boundary of Germany, then along the boundary between old Austria and Germany as far as its point of contact with the boundary between the districts of Aigen in Upper Austria, and of Oberplan in Southern German Bohemia;

b) along the boundary between Lower Austria and Bohemia, from its point of contact with the southern boundary of the commune of Julienhain to its point of contact with the boundary between the districts of Neu-Bistritz and Neuhaus;

c) along the frontier between Lower Austria and Moravia from its point of contact with the southern boundary of the commune of Lundenburg to its point of contact with the former boundary between Austria and Hungary, then, along this latter boundary downstream with the Morava until it empties into the Danube.

ARTICLE II

The International Commission instructed by virtue of a further Agreement to oversee and direct the plebiscite shall make the result known to the Council of the League of Nations. The Council shall, in conformity with the declared result, determine the boundaries in question, and, by means of a notification emanating from the League of Nations and countersigned by the Commission, shall inform the contracting parties of the decision.

The fixing of the boundaries of the national jurisdictions thus established shall take place a month after the said notification has been given.

ARTICLE III

The regions subject to the plebiscite shall be evacuated by the military authorities and the troops of the two States between which the issue is to be decided by the plebiscite.

The said regions are to be occupied by the troops of a third Power; it is understood, however, that the States bordering on one of the two States between which the issue is to be decided by the plebiscite shall be excluded from the functions of the occupying Power.

The evacuation and occupation are to be put into effect a week after the carrying out of the present Treaty.

The occupying Power shall be held responsible, during the occupation, for the maintenance of order and quiet as well as for the regard of all provisions of the present Treaty and of the additional Agreements.

The regions in question are to be evacuated a month after the results of the plebiscite have become effective.

ARTICLE IV

The nationality of persons who were subjects of the old Austria is to be determined as follows:

§1. Every person is to be subject to the State in which, by virtue of the present Treaty of Peace, the commune of his legal residence (Heimatgemeinde) is or is to be incorporated;

§2. In every commune where the plebiscite is to be held, persons allowed by special arrangements to vote shall have the right of declaring their preference for that one of the two States in question to which,

because of the results of the plebiscite, that commune is not to be annexed (Art. II).

§3. Every person who belongs to another race and who, in his ordinary family relationships, uses a language different from that of the dominant race of the State referred to in paragraph 1, is, moreover, to have the right of declaring his preference for the State to which, according to his race and language, he belongs.

ARTICLE V

The right of choice can, however, be exercised only by persons who have attained the age of more than eighteen (twenty)* years and within two years from the time of the enforcement of the present Treaty.

The choice of the husband is to determine that of the wife. The right of choice for minors who have not attained the age of eighteen (twenty) years, as well as for those declared legally incapable of managing their own affairs, belongs to the father or guardian.

Persons exercising the right of choice above provided for shall be obliged to transfer their residence within the following twelve months to the State in favor of which they shall have declared their preference.

They shall be free to retain the landed property which they possess under the jurisdiction of the other State where they would have maintained their residence prior to their choice. They shall be permitted to take with them their personal belongings of any description. No duties or taxes, either import or export, shall be imposed on them on this account.

The carrying out of the right of choice is to be the subject of special agreements.

ARTICLE VI

As the result of the choice permitted and verified by competent authorities, the nationality of the one of the two States is to be completely and entirely adopted, to the exclusion of the nationality of the other.

* [Original footnote.] To conform to the provisions in the agreement on the plebiscite (Art. II, No. 2).

100. OBSERVATIONS OF THE AUSTRIAN DELEGATION, AUGUST 9, 1919, ON "PART II, FRONTIERS OF AUSTRIA," IN THE ALLIED CONDITIONS OF JULY 20²⁹

(Translation)

PART II

SECTION I. FRONTIERS OF GERMAN AUSTRIA

In the memorandum of June 16, 1919,³⁰ concerning the frontiers of German Austria, among other things it was noted that vast coherent territories in Bohemia, Moravia and Silesia are inhabited by more than 3 million Germans, that this sedentary and autochthonous population is as great, in every respect, as that of many small independent states of Europe, and that, according to the Conditions, all this people, up to the time free and highly civilized, would be subjected to Czecho-Slovak domination without consideration to its desires and aspirations.

The national will of the German people in Bohemia, Moravia and Silesia has since then been again manifested through the communal elections. Contrary to the designs of the Czecho-Slovak Government, said elections took on the character of a popular referendum in the German parts of said countries. The inhabitants of all the territories for which the undersigned Delegation requested a plebiscite in its counter-propositions of July 10, 1919, No. 664 (Part II),³¹ have professed with every desired clearness their German nationality. The Czecho-Slovak Government itself published as result of the communal elections the following figures:

	Czechish Votes	German Votes
In Bohemia	2,185,588—66.51%	1,087,371—33.08%
In Moravia	862,765—77.89%	237,140—21.41%
In Silesia	48,038—32.95%	97,527—66.80%
	<hr/>	<hr/>
	3,096,391—68.21%	1,422,038—31.33%

It must thus evidently be recognized that, even under the present regime, a third of the territory of the three countries, Bohemia, Moravia and Silesia, claimed in their extent by the Czecho-Slovaks, is really inhabited by German electors.

The historic fact of this solemn manifestation under the auspices of the Czecho-Slovak Government itself will put forever in evidence the responsibility incurred by all those who, when no doubt, even the

²⁹ *S-H Bulletin*, No. 668, Part II: Observations . . . Part II, Frontiers of Austria. For covering letter and list of accompanying documents, see Document 66(a, b), *supra*.

³⁰ Reproduced as Document 94(a), *supra*.

³¹ Reproduced as Document 64(a), *supra*.

smallest, could exist in their minds as to the German race and language of the peoples in question, and when they were fully conscious of the ardent desire for liberty moving the hearts of almost more than 3 million men, gave them over, mercilessly, to a foreign domination, thus crushing the viability of German Austria and perpetrating a flagrant injustice, which, in the centre of Europe, will continually threaten peace and social and political equilibrium.

In what concerns, especially, economic interest attaching to Upper and Lower Austria *the southern regions of Bohemia and Moravia*, purely German countries, inhabited by about 360,000 Austrian nationals, there is reason to bring forward insistently that the state of penury in which the population of German Austria, and notably the city of Vienna, is at the present time, would be perpetuated,—in spite of the assistance which may be expected from the products of the German districts of Western Hungary—if the supplies coming from the countries bordering on the north Upper and Lower Austria were blocked by frontiers and put at the mercy of another state. Not only the capital, but all German Austria and especially the industrial centres of Upper Austria, such as the mining district of Steyr, would be continually exposed to the gravest catastrophes. The injury done to national feelings by the dismemberment of a people for centuries united has been mentioned on many occasions. There remains then only to insist on the fact that German Austria, deprived of its most indispensable regions for the supply of the working class, is not and will never be able to lead an organized life. It would be inhabited only by incoherent little peoples. The inhabitants of the cities will be in a perpetual struggle with those of the countrysides, and economic misery will lead to social disaster. In order not to force us to seek elsewhere support the adoption of which cannot correspond to the intentions of the Powers, it would be important, at the very least, to create the conditions essential for a viable Austria by uniting to it bordering countries which might contribute to the supply of its people. In this connection, it is a question solely of communes the inhabitants of which ask for nothing better than to rejoin Austrian soil. German Austria therefore proposes to unite—as well by reason of the will of the inhabitants as for supply and sale of agricultural products—to German Austrian territory a band of bordering communes inhabited exclusively by a population of German race and language. This proposition is enunciated in Article 27, No. 8, of the “drafts” herewith. German Austria can, besides, defy anyone to cite a single commune which would not join in the spontaneous enthusiasm with which—upon a favorable decision of the Powers—a population separated by dominant forces from its compatriots would unite to its Fatherland. We propose that, upon the request of a single one of said communes, the population of the entire territory should be consulted

through a plebiscite (Article 63 of the "drafts") on the question as to which of the two states it desires to see its domicile attached.

The Powers will be good enough to recognize, as well from the national point of view as in consideration of economic necessity, the well founded character as well as the extreme moderation of the desire expressed above.

The undersigned Delegation recognizes with gratitude that its objections on the subject of injury done to the territory of Lower Austria have been in part taken under favorable consideration. However, it still seems to be the intention to deprive Lower Austria of territory inhabited by about 18,000 inhabitants. This measure is so much the more injurious to the German Austrian people as, on the other hand, in so far as it was prejudicial to German Austria, a quite exaggerated importance contrary to the reality of facts as well as to the desire of populations has been attributed to so-called historic administrative frontiers. German Austria therefore has recourse to the feeling of equity of the Conference in begging it to be good enough to give satisfaction to the just recriminations of the inhabitants of German Austria, either by respecting the frontiers of Lower Austria, or by uniting to our territory—as compensation—bordering parts inhabited by our compatriots and necessary for our supply. One might, besides, in order to take into consideration Czecho-Slovak intentions, have continued—in what concerns communications between Nikolsburg and Lundenburg—the closed line Lundenburg—Eisgrub as far as Nikolsburg and one might—in order not to be obliged to trespass on the soil of Lower Austria near Gmuend—proceed to the construction of the direct line for long projected from Budweis by Lischau to Wittingau. At the cost of leaving intact the German territory of Lower Austria, an exploitation right over the railroad lines from Nikolsburg to Lundenburg as well as from Gmuend (Wolfshof), to Budweis and to Wittingau, might be determined upon in favor of the Czecho-Slovak State. A regulation in this sense forms the subject of the draft proposed by this Delegation for Article 65.

It is with a sincere gratitude that the undersigned Delegation must recognize the decision made by the Conference on the subject of the German regions of Western Hungary. By extending the frontiers of the young German Austrian Republic beyond these districts, the Peace Conference has effectively contributed to make German Austria viable as well as to attain the realization of the principle of the right of peoples to self-determination. German Austria desires, however, to execute scrupulously said principle which, for that matter, has been adopted as the basis of her national organization. In order to remove every suspicion of a measure which might have disposed of a territory contrary to the will of its population, German Austria takes the liberty of insisting with the Supreme Council to the end of having gathered, by way of

a plebiscite under the supervision and direction of one of the principal Allied and Associated Powers, the explicit declarations of the inhabitants of Western Hungary on the subject of the State to which they desire to see their native soil attached. It is only this will formally declared by the people itself which may serve, in right and in fact, as a basis for the incorporation of Western Hungary in German Austrian territory.

In what concerns the trace of the frontier, the German Austrian Delegation takes the liberty of observing that the intentions with which the decisions of the Conference is inspired are—in part—made illusory by the splitting of the district of Wieselburg into two parts, the eastern of which is crossed by the railroad line Presburg-Csorna and should not be a part of German Austria. Now it is exactly this part which would be of the highest importance for the supply of Vienna, considering that in peace times the milk furnished to the hospitals, to child asylums and other establishments of public aid came, in great part, from the neighborhood of Wieselburg, Hungarian Altenburg and Strassommerein. Considering the extraordinary importance which attaches—in these times of misery and of frightful extension of infant mortality—to this very question of the milk supply, German Austria must warmly insist that the inhabitants, for that matter purely German, of the regions in question, be excluded from a right recognized to their blood-brothers of uniting with their nationals in German Austria. The ethnographic frontier to be determined, if said ethnographic and humanitarian interests are to be taken into consideration, is proposed in Article 27, No. 7, of the "drafts." In order, however, to give satisfaction to the exigencies of the Czecho-Slovak State, which would like to assure itself freedom of traffic on the above mentioned line, the regulation proposed relative to three fractions of the railroad lines in Lower Austria might also be adopted for the Presburg-Csorna line. This proposition is drawn up in Article 65, mentioned above.

In addition, there have been proposed in the said article a few frontier rectifications for which the will of the people will be, for that matter,—as well as in what concerns the modification in the district of Wieselburg—verified through a plebiscite. These final changes would extend to the cities of Guens and St.-Gotthard, among others, former bulwarks of German civilization which, although at present—according to the Hungarian census—inhabited in majority by Magyars, form with the purely German communes which border them on the north and west an organic unity. In this way the Graz-Fehring-Steinamanger railroad, a line connecting German Austria with her new provinces, should cross in a somewhat longer extension German Austrian territory. It would be cut by the frontier at only a few kilometres down stream from St.-Gotthard.

In any case German Austria begs please to have submitted to plebis-

cite, in the regions in question, the German communes of Gininof, Luis-ing, Jakobsdorf, Oberradling, Raa-Fidisch, Unterradling, Unter-Zeming, Fuexlintz, Guitzenhof and Sinnersdorf who will very probably pronounce spontaneously in favor of union with their Austrian co-nationals.

It is with the keenest satisfaction that the inhabitants of Carinthia have received the news that, according to the Peace Conditions, the Powers are willing to listen to the voice of the people, in proceeding to a plebiscite which will be directed and controlled by an international commission. The Carinthians will then be able, for the greater part, to proclaim freely their desire to remain united in a single Fatherland with their nationals. They hope that this plebiscite will be organized in a way to make their true will prevail; they might thus expect to be delivered in a near future from the torments and sufferings of the foreign yoke.

So much the deeper was the consternation of the people of Central Styria where the circumstances are absolutely analogous to those existing in Carinthia; to the fervent desire of these oppressed people to recover its liberty, the Peace Conference has opposed a formal refusal! In its memorandum of June 16, the German Austrian Delegation amply exposed and proved that in Central Styria, the Marburg basin—as well as that of Klagenfurt in Carinthia—is separated from Southern Styria by a clearly marked geographical line, formed by the block of the Bachern Mountains and by their lesser chains. The inhabitants of this territory consider themselves, as in the case in Carinthia, as members of a single and same national community, without regard to the differences of the idioms spoken; as in Carinthia, the economic life in Styria would be disorganized by a frontier arbitrarily traced which would give over to foreign domination the Styrians domiciled in the valley of the Drave as well as on the slopes which border it; the prosperity of the peasants, as well as the industrial activity of the inhabitants of the cities, would be threatened with destruction by such a procedure. In the memorandum herewith (Annex C)³² the reasons determining the ardent desire of the Styrian people to be united to German Austria, as well as the material and economic interests which are connected with her, are exposed in order to furnish the basis for the decision of the Powers on the future of these countries. Considering the discouraging terms of the “Conditions” in regard to the deliverance of the Styrians in the Marburg countries, the undersigned Delegation thinks it should give up the attempt to validate the rights and interests which would also require the union of the German City of Pettau as well as its environs to German Austria. However justified these last aspirations were and however painfully the interested populations will feel this cruel deprivation, it seems to us, nevertheless, that the intentions of the Powers will be satisfied if we con-

³² Reproduced as Document 133, *infra*.

fine ourselves to those of the territorial propositions the adoption of which constitutes an absolute necessity for the viability of German Austria, on the one hand, and for the political and material existence of the contested territories themselves, on the other. In this sense German Austria must reiterate her instances on the subject of the Marburg Basin as well as on that of the basin of the Mur.

In what concerns Carinthia, it seems quite evident that the principle of economic unity has determined the decision of the Peace Conference; in regard to Styria, this same principle was however abandoned, thus inflicting a poignant disappointment on the people of this country. While maintaining in Carinthia—on the reservation of the result of the plebiscite—the integrity of the main line of the world traffic, passing through the valley of the Drave toward the Jugo-Slavic frontier and the Balkan States, by fixing the frontier of Styria one has given up the enforcement of this same idea; said railroad would then not be cut near Villach, it would however be cut beyond the Klagenfurt Basin, below Lavamuend. The triangular network of the Bruck Villach-Marburg lines forming incontestibly the vital arteries of all communication in German Austria would still be split up, a thing which would make traffic with Italy and the maritime ports impossible.

In spite of the concessions granted in Carinthia, the viability of our state would still be threatened by the solution which one would like to give to the Styrian question. It has been demonstrated on many occasions that all the traffic on the Marburg Basin tends toward the north. The agricultural products of the valleys of the Mur and the Drave have their natural outlets in the capital of the country and in the industrial centres of northern Styria; all the economic life is inspired by the organizing spirit of promoters working at Vienna or Graz, where are chartered all important agricultural and industrial concerns. German workers are spending their strength and their labor in the development of these regions. All the working class, as well agricultural as industrial, would be filled with bitterness and indignation if the fields of their activity were submitted to Jugo-Slavic domination. The countrymen of the two banks of the Mur, especially, would find themselves confronted by an incomprehensible fact, if the current of this river were suddenly transformed by a *sic volo*, coming from without, into a political frontier, separating them from each other, in spite of the unity of this region, unshakably established by the will of its population almost entirely German as well as by its geographical formation. The inhabitants of said basin would in that way find it absolutely impossible to exploit numerous mills, saw mills and other similar establishments, as well as to cultivate their fields situated beyond the river. In order to safeguard the viability of this country, so flourishing before the war, it would be indispensable to adopt at least the former administrative frontier of the

districts of Mureck and of Radkersburg and thus to prevent the southern slope of the mountain chain, situated on the right bank of the river, from being separated from the rest of this region. Said memorandum (Annex C) contains every desired explanation on the subject of the economic consequences which would result from the splitting up of the basin of the Mur, of the obstacles placed in the way of the regulation of this river, as well as of every measure which would cut by a frontier the railroad just before the city of Radkersburg.

The fact cannot be disregarded that existing administrative frontiers constitute, in some fashion, the results of the exigencies of practical life, and that in time, local habits, traffic and commerce have conformed to them. The desire of the inhabitants to be finally delivered from the eternal fear of the foreign yoke and from obstacles separating them from agricultural property, from the centres of their economic interests and their compatriots, cannot, for that matter, be placed in doubt—in the basin of the Mur still less than in the other contested regions. The German Austrian Delegation is in a position to submit to the High Conference circulars *signed by the inhabitants of all the communes in question* to the end of obtaining from the Principal Allied and Associated Powers *that the basin of the Mur be neither split up nor separated from the rest of Styria.*

The incorporation in another state of the countries of Styria, to which German Austria must lay claim for the said economic, social and humanitarian reasons, would imply, besides, serious dangers not only for the said countries themselves, but also for the other parts of German Austria.

The hydraulic energy of the Drave constitutes, indeed, a source of riches for all Styria; it would be moreover the most effective means to combat successfully the penury of light and of heating materials, which exists in all our Fatherland. A trace of a political frontier preventing utilization of these hydraulic forces by transforming them into electrical energy would dissipate economic values and would dry up natural resources capable of ameliorating the deplorable lot of suffering peoples, and that at a time when the entire world is struck with the most serious privations. German Austria and notably Vienna are in great need of combustibles; the idleness of industrial enterprise through lack of coal is involving the misery of thousands of men as well as the most serious social dangers, while the resources through which one might succeed in remedying all these disasters would be made inaccessible by an arbitrary act of the governing authorities. A solution of territorial questions which, by enslaving people through violence, reduces to naught their economic life and condemns them, as well as their nationals from which they are separated, to suffer hunger, cold and idleness, would inevitably provoke cruel indignation in the cities and villages of the basins of the

Drave and the Mur. Workmen and countrymen could not be restrained from resorting to violence. Anguish, uncertainty and the absence of all hope in a better future would make impossible, for years to come, the re-establishment of peace and calm in this country from now on to be so hard tried.

It is consequently the duty of the German Austrian Delegation to solicit with all the ardor which the struggle for a good cause authorizes, that, as has been granted in the case of Carinthia, a plebiscite free of all constraint be allowed the populations of the contested regions of Central Styria.

It would certainly be contrary to the designs of the Powers if, the plebiscite having been granted, the organization and execution of this measure did not offer every desired guarantee that the authentic will of the people submitted to it should really prevail. Now the German Austrian Delegation keenly apprehends that this system outlined in this respect in Article 56 of the Peace Conditions be not calculated to satisfy this just exigency.

This Delegation must, first of all, although with the most painful regret, give up the attempt to prove that this right, granted to a part of Carinthia, was refused another important region of this country, a region precious from the economic point of view, the inhabitants of which aspire with the same enthusiasm to union with their nationals. They are the population of the districts of Tarvis, who, torn from their Fatherland, are being sacrificed to Italy.

If, on the other hand, one were to take into account [*sic*] regained the inhabitants of Central Styria, the exigencies of justice above exposed, it would be inevitable that the eastern limit of the Klagenfurt basin, submitted to the plebiscite, be slightly modified. In these places, the contested regions of Klagenfurt and Marburg, regions which, both of them, are struggling under the same circumstances for their good right, should be united so as to safeguard in the interest of these countries as well as in that of the maintenance of the economic life of Austria and of international commerce, the integrity of the main line formed by the railroad in the valley of the Drave.

In what concerns the execution itself of the plebiscite, the undersigned Delegation has, in its memorandum of June 16, brought forward its detailed propositions in full conformity with the results of the science of public right; it takes the liberty of calling the attention of the High Conference of this plan elaborated down to its slightest details and enclosed herewith in Part III, Section IX, of the "drafts."⁸⁸ It is especially important to insist on the provisions looking toward a guarantee of the liberty of the vote and the prevention of every attempt which

⁸⁸ Reproduced in Document 62, Part III, Section IX, *supra*.

might be made to tamper with it. It is impossible to fulfill this exigency of elementary justice without providing, in the first place, for the *prompt evacuation* of the territory submitted to the plebiscite by every armed force of one of the interested parties. Otherwise the votes would inevitably be influenced and exposed to all sorts of moral constraint, even exercised by violence. The adoption of Article II proposed in the above mentioned draft and concerning the immediate evacuation of the countries in question thus constitutes, in our opinion, an absolute necessity for establishing the true will of the people through a plebiscite. This same object will be pursued by the *military occupation* on the part of a disinterested power, by the supervision exercised by the *international commission* from which every unilateral influence must be removed (Article VI and VII) as well as by the rigorous *punishments* with which every attempt to influence the vote should be threatened (Article XIII).

One can besides achieve through plebiscite an unvitiated expression of the people's will only by starting at the smallest primordial administrative unit viable from the economic point of view. German Austria consequently addresses to the Peace Conference the urgent appeal that it be inspired, in this connection, by principles of justice and equity and that it have the plebiscite executed in registering the votes *by commune*.

This request refers of course to the Klagenfurt basin as well as to those of Marburg and Radkersburg. If, however, this instant appeal were not to be granted, it would nevertheless be necessary to limit the zones of the plebiscite in such a way that in case the vote should show in the two zones divergent results, the viability of one of the two territories should not be threatened. Now this case would come up for instance if the limitation of the zone provided by Article 56 of the conditions should be put in force. Passing along the line Lake of Woerth, passing the Glanfurt, the Glan and the Gurk, this limit of Carinthia would separate the city of Klagenfurt from countries which form a part of its environs indispensable to its economic life. Cut off from its electricity factories, as well as from those which furnish it drinking water, the city would be given up to the mercy, if not to the arbitrary will, of its neighbors. Besides, the capital of Carinthia would be deprived of the products of the valley of the Levand, that is, on the country which has been responsible for centuries for its food supply. It would be much more in conformity with the principle of equity if the current of the Drave were adopted as frontier line, designating as Zone I that situated to the south, as Zone II that situated to the north of this river. It would further correspond to the practical exigencies of the procedure to divide each of the two zones into two parts so that the part south of the Drave would constitute, west of the Freibach, section Ia; east of the Freibach, section Ib; the zone north of the Drave, divided by the current of the Gurk, would form sections IIa and IIb. In the same way, the contested territories

of Styria might—if the plebiscite by communes were not accepted—be divided into three parts, namely: *a*) south of the Drave, *b*) north of the Drave, *c*) the basin of the Mur.

Besides, it is absolutely contrary to justice to proceed to the plebiscite in the zones in question in two *successive terms*, in a way to allow the results of one of the two ballots to influence that of the others.

Besides, it would probably be the political character of the economic centres and of the fertile valleys which would determine most strongly the vote of the territories in question. If the ballots were then to follow one another, it is evident that the capital and its immediate environments would be called upon first to make known their choice, while the other parts would have to decide, consequently, whether they desire or not to coincide in this opinion. But every system of temporal gradation of the plebiscite is contrary to the exigencies of equity: the ballots should, as was proposed by this Delegation, be executed by communes or, in case this suggestion were rejected, by limited zones with a view to creating equitable conditions for both parties; but in both cases, this plebiscite should be executed in such a way that every temporal gradation in the scrutiny of the ballot and in the publication of its results should be avoided and that, consequently, the free determination of the people should undergo no influence in this way.

Once again, the German Austrian people and especially the inhabitants of the countries so hard tried of Carinthia and Central Styria have recourse, in all confidence, to the Peace Conference. They appeal, in this question touching their intellectual development and their material existence, with ardor and insistence to the heavy responsibility which is weighing on this supreme aeropage, asking of it liberty.

The southern Tyrol would be according to the "Conditions" in effect deprived of its liberty.

In spite of all the despair of which the peoples worn out and discouraged by the war are victims, the mountaineers of the Tyrol have, up to the present, preserved a sufficient faith in a spirit of justice, acting always over ruins, to believe in the deliverance of their country. The victorious powers have, during the war and since its end, led the entire world to hope—the triumphal people as well as those who have succumbed—for a regime of equity and the abolition of all social and political servitude. The powers have proclaimed the beautiful principles to the right of self-determination and of peace founded on the will and on the happiness of peoples. Now, at these comforting promises, could the most hardly tried people, people a prey up to the present to an authoritative militarism which had pushed them on to fight and to kill each other for incomprehensible ends, how could these people, exhausted by agony and suffering, not have drawn hope and faith from the noble intentions of the powers dominating the world? Thus with full confi-

dence the mountaineers of the Tyrol, they too, gave themselves up to the conquerors, believing their fate and their future in the hands of just arbiters. And here is this very Tyrol, up to the present time beside Switzerland, the most ardent home of liberty and resistance to all foreign domination, being sacrificed to strategic reasons, as in offering on the altar of militarism!

Is it with this sensation that a way made to defend right and justice is ending? Is it this ferment of shuddering bitterness, introduced into the centre of Europe, which should inaugurate a just and lasting peace? What cruel and painful irony!

German Austria has brought forward all the reasons proving that the liberty and unity of the Tyrol constitute, in right and in fact, an elementary exigency, as well of justice as of practical and material life.

For that matter, how could the *ethnic frontier* which separates the Tyrol from the Trentino, this frontier so clearly determined by geographic formation, this strategic frontier of a high order, how could it have been maintained during centuries without undergoing the slightest change, if it did not correspond exactly to the needs of the people and to all the exigencies of practical life? The territorial claims of Italy are growing, besides, continually. The frontiers which she requests in the present Treaty extend beyond the line of the watershed, beyond the territories referred to in the Pact of London and marked out by virtue of the armistice. They would include the valley of the Sexton which, up to the present, had not yet been threatened with slavery. (These facts are, besides, exposed in detail in Annex D.)³⁴ The will of the people and its right to liberty are, when these claims are supported, as little taken into consideration as the reiterated offers supported by clearly established plans, to the end of neutralizing the Tyrol and of making impossible—by the intervention and control of the Great Powers, notably of Italy herself—every action and every measure of a military nature or tending however so little towards strategic ends.

The German Tyrol thus needs liberty and unity within its natural frontiers to be able to live and not drag down with it many other peoples into a fearful catastrophe. It should remain free and united, considering that its material and national existence form one single whole from which, without destroying it, one cannot detach parts. In the memorandum presented on June 16 to the Conference, the German Austrian Delegation demonstrated that the Tyrolians are held on both sides of the Brenner by actual life, economic regions, traffic, commerce, exchange of materials, supplies reciprocally furnished in chestnuts, corn, fruit, wine, milk and lard. Never has this pass formed a frontier, even administrative: far from separating the German Tyrolians from each other,

³⁴ Reproduced as Document 122, *infra*.

it was the attaching bond. The way of cultivating the soil, the system of agricultural property, the formation of the villages, the architecture, the arts and crafts, in general everything which goes to make up the national character of a people is identical in all the German Tyrol and distinguishes it from the Trentino which, in this connection, is a part of northern Italy.

On the other hand, no subjugated people can resume the calm and equilibrium necessary for the reconstruction of all its national organization after the unparalleled disaster of which we are victims. But the mountaineers, especially, under all conditions need liberty as they need air and light.

The dismemberment of the Tyrol would have, besides, for a consequence that the maintenance of a new Austria, viable by herself, would be made impossible. For it is inconceivable that the valley of the Inn, constituting a single longitudinal trench in the Alps and containing one railroad, could be kept as part of a state with which it communicated only by its terminal extremity. The attachment of this valley to the country on which it borders for its whole length would imply, for German Austria, the loss of the Vorarlberg and might besides involve that of the Salzburg. It is thus that the complete dissolution of the State would be engendered.

Said measure, cruel from a national point of view, would besides be disastrous for our economic interests. It would mutilate the railroads of the Pustertal and the Brenner, principal traffic arteries, reducing thus to inertia all commerce, all industry and agriculture.

To these economic reasons of a local nature international interests may be added: every injury done to the unity of the Tyrol will impose, indeed, serious obstacles to European traffic, and consequently to the re-establishment of economic life. The railroad of the north, attaching France and Switzerland through Buchs-Innsbruck-Vienna to Russia and the Orient, would be situated between two mountain crests, bristling with fortifications and scrupulously watched by two armed forces, so that traffic on said road could not be guaranteed by the Government on whose territory it was. On the other hand, the important line projected to serve the shipment to the Balkans or products of the Great Western Powers, a line which would pass through Switzerland, the Ofenpass, the valley of the Adige, of the Eisack, of the Rienz, and of the Drave, would be cut by numerous state frontiers. A line of communication connecting the most fertile regions of Europe—the low countries of the Danube and the Banat—through western countries, mountainous on one side, industrial on the other, would be so blocked as to make impossible any organization providing for transportation and any rational railroad administration. It would be in conformity, as well to international interests as to exigencies of justice toward the inhabitants of the valleys

enumerated, to spare their economic life as well as their national feeling by allowing them to unite with the people to which, from the Swiss frontier to the former Croatian frontier, nine-tenths of them belong. It will not be desired to prejudice the international interests of the food supply of the indigent population of the Alps and of the working class of the great centres, for the single reason that one wishes thoroughly to overwhelm an unhappy country.

It has finally been put in evidence by irrefutable arguments that the strategic reasons alleged by Italy are absolutely unfounded, considering that the heights constituting the ethnographic frontier dominate indeed from the south, from a military point of view, all the contested regions. These arguments are besides rendered void by the complete neutralization of the Tyrol proposed by German Austria in Part III, Section VIII, of her counter-propositions.

It is important, finally, to insist on the fact that the value and importance of the national will cannot be disregarded in disposing of the native soil of a people. To close its eyes, by recompensing it, would be inexcusable. All those who are responsible for organizing the new order in Europe and for establishing the reign of international justice can thus not be ignorant of the ardent desire of the Tyrolians to recover their liberty. The proclamation reproduced below, to which all the communes of the southern Tyrol have adhered by their signature, as well as the resolution herewith, also, voted on July 4 by the Diet, furnish new proofs of this.

May one take well into consideration the entire disastrous scope of the decision by virtue of which the southern Tyrol would be incorporated in Italy? This people, struck with misfortunes and condemned to servitude, will be a disquieting element and a grave danger for peace and social rest. As soon as the Tyrolians, for the moment exhausted and worn out, have been able to recover—and they will do it sooner or later, for the Gothic race, hardened by a struggle of centuries, has endured still greater miseries—they will feel only the sacred duty of not being unworthy of their heroic ancestors and of doing honor to the example shining in history of the “Sandvirt” of the Passeier Valley, Andreas Hofer. It will then arise, the old spirit of the Tyrolian heroes, to shake off the yoke, the weight of which is an insult to the white crests of their mountains, raised up as a symbol of an independent Fatherland. And then—at the price of hundreds of lives, of valor, and of strength of work, that the price of peace compromised—the Tyrolians will again see breaking the dawn of their liberty.

All peoples are languishing in the expectation of peace. May the Powers responsible for this noble and humanitarian work not compromise it by a despotic act! Give justice to the Tyrol and give peace to the world!

On the subject of the delivery of her nationals and the union of their domiciles, German Austria must confine herself to the observation made above with a faithful frankness. She can bring forward no other reason than those of truth and no other titles than those of justice.

101. REPLY OF THE ALLIED AND ASSOCIATED POWERS, SEPTEMBER 2, 1919, TO THE REMARKS OF THE AUSTRIAN DELEGATION ON THE AUSTRIAN FRONTIERS⁸⁵

(Translated from the French)

PART II. FRONTIERS OF AUSTRIA

The Allied and Associated Powers, having been called upon to sanction the spontaneous disruption of the former Austro-Hungarian monarchy, have found that the breaking up of the secular bonds connecting the different parts of that State had not been brought about everywhere in the same way. They have deemed that they could not insure for their work of reconstruction a better guarantee of justice and permanency than in heeding the lesson of events and in adhering in each case to the principle which, violated by the Union, had rendered the separation necessary.

Such is the spirit in which they have, since the convening of the Conference, studied the future frontiers of the Republic of Austria, with due regard to the historical, geographical, ethnical, and political aspects of the question. They have examined most carefully the remarks which the Austrian Delegation has presented on the frontiers that were made known to it on June 2nd, and have given them consideration in the final peace terms presented on July 20th. They believe consequently that the counter proposals contained in the memorandum of August 6th have not brought any new argument to bear in the case, nor have they justified in any wise the Powers in changing, save on one point, the decisions which they had arrived at concerning the frontiers of the Republic of Austria as these were determined in the peace terms.

⁸⁵ United States, 66th Congress, 1st Session, *Senate Documents*, Vol. 15, No. 121, p. 8. For covering letter and list of accompanying documents, see Document 73(a, b), *supra*. For a valuable discussion of the bases underlying the decisions regarding the frontier clauses of the Austrian Treaty see C. H. Haskins and R. H. Lord, *Some Problems of the Peace Conference* (Cambridge, 1920), pp. 201-29.

ARTICLE 27, FRONTIERS

"1. WITH SWITZERLAND AND LICHTENSTEIN"³⁶102. DECISION OF THE COUNCIL OF HEADS OF DELEGATIONS, AUGUST 19, CONCERNING LICHTENSTEIN AND VORARLBERG³⁷

It was decided to invite the Central committee on Territorial Questions to consider the question of Lichtenstein and Vorarlberg, and with reference to the latter, to inquire into the desirability of acceding to the requests made to permit Vorarlberg to join the Swiss Confederation. The Committee is likewise invited to inquire into the desirability of inserting in the treaty with Austria a clause stipulating that the international status of Austria and the frontiers of that state, as defined by the treaty, shall not be modified without the consent either of the Five Principal Allied and Associated Powers, or of the League of Nations.

103. RESOLUTION OF THE CENTRAL TERRITORIAL COMMITTEE CONCERNING VORARLBERG³⁸

(Translation)

August 23, 1919

In view of the manifestation of the inhabitants of Vorarlberg in favor of the union of their territory to Switzerland, the Republic of Austria, in case Switzerland should formally declare that she accepts such a union, engages to recognize the decision of the Council of the League of Nations to which the case should be presented.

³⁶ Cf. Document 93, *supra*.

³⁷ H.D. Resolution 33-C. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

³⁸ *S-H Bulletin*, No. 770.

104. NOTE NO. 1117 FROM THE AUSTRIAN DELEGATION, AUGUST 26, 1919, ON A COMMUNICATION FROM PERSONS IN VORARLBERG RELATIVE TO UNION WITH SWITZERLAND. TELEGRAM, SUBJECT TO COMMENT, ANNEXED, AS ADDRESSED TO MR. CLEMENCEAU BY "DELEGATES OF THE VORARLBERG"⁸⁰

(Translation)

DELEGATION OF THE REPUBLIC
OF GERMAN AUSTRIA
No. 1117

ST. GERMAIN-EN-LAYE
August 26, 1919

VERBAL NOTE

To: *The Secretariat-General of the Peace Conference*

According to news given out in the press, Messrs. Neubner and Pirker—pretending to act in the name of the people of the Vorarlberg—are said to have sent a telegram to the President of the Peace Conference on the subject of the union of this country to Switzerland.

The German-Austrian Delegation begs the Secretariat-General of the Peace Conference to kindly bring to the knowledge of his Excellency, M. Clemenceau, the fact that the German-Austrian Government has just received serious protests against this procedure of the said Neubner and Pirker, protests which assert that the persons mentioned are not even natives of the country, that they are in no way in touch with the aspirations and the true will of the people and that they cannot claim any right whatsoever to wish to represent the Vorarlberg or to address the Great Powers in its name.

(Translation)

TELEGRAM

Addressed to *Monsieur Clemenceau, President of the Peace Conference*
BERNE 2632 610-602 17-8 4-20 S

MR. PRESIDENT:

Acting in the name of the people of Vorarlberg, we the undersigned, having duly received a mandate to this effect from our fellow-citizens, have the honor to make to you the following declaration, requesting

⁸⁰ *S-H Bulletin*, No. 785.

you to bring it to the knowledge of the Allied and Associated Powers. On November 3, 1918, the Vorarlberg, using its recovered sovereignty, proclaimed itself independent. On May 11, by a regular plebiscite and by an overwhelming majority it charged its Government to negotiate with Switzerland to obtain its admission in the Swiss Confederation, to which the people of the Vorarlberg feel themselves closely allied by geography, race, historical memories and the common love of liberty. Unfortunately, the delegate from the Vorarlberg, Dr. Ender, who had gone to St. Germain at the invitation of Austria, was forbidden by the head of the Austrian delegation to lay before the Conference the legitimate claims and the unshakable will of his fellow-citizens. The Government of Austria in acting thus has not only denied the right of nations and all the principles which it invokes incessantly for itself, but it has moreover set itself up in opposition to its own declarations and its actions, by which it had itself recognized the right of the Vorarlberg to independence and self-determination. We here protest solemnly against a proceeding which deprives the Vorarlberg of all regular means of making its voice heard, and we declare unanimously in the name of our fellow citizens that we do not recognize to the Austrian delegation the moral right to represent the people of the Vorarlberg and to interpret its wishes, since our delegate, Dr. Ender, who is still a member of the Austrian Delegation, will himself translate our will, and since we do not feel ourselves bound by any declarations that he may make in our name [*sic*]. This is what the people of the Vorarlberg have affirmed anew with force on Sunday August 10 in numerous public meetings, which have unanimously reiterated the will of the country to separate from Austria to unite with Switzerland, which we regard as our true chosen country. We the undersigned, convinced that the force of this resolution, the persistence of which no contrary decision can shake, has escaped the Peace Conference up to the present, have respectfully requested the authorization, through your accredited representatives at Bern, to go to Paris to lay before the Allied and Associated Powers the real situation of the country and the unshakable will of the inhabitants. We shall have the honor of explaining why the people of the Vorarlberg ask that the Peace Treaty which is to be concluded between Austria and the Allied and Associated Powers recognize expressly the right of the Vorarlberg to self-determination. We the undersigned declare ourselves persuaded that after having destroyed the power of the Hapsburgs to give liberty to the nations of the double monarchy and to assure to them the right of self-determination, [you] will not refuse to hear the regular delegates of a mountain population which aspires to be free, not to escape the consequences of a war which was decided upon without its consent, but from a traditional and henceforth inflexible love of independence. It is with this hope and this senti-

ment that the undersigned have the honor to express in advance the gratitude of the people of the Vorarlberg.

DR. PAUL PIRKER
DR. GUSTAV NEURNER [NEUBNER]
Delegates of the Vorarlberg

105. TELEGRAMS FROM THE "VORARLBERG DELEGATES"
PIRKER AND NEUBNER⁴⁰

(Translation)

III

TELEGRAM

BERNE 109 -151 -14 50

FROM: *Pirker and Neutner [Neubner], Delegates from Vorarlberg*
TO: *President Clemenceau, Paris*

Fearful lest our request for passports remains without reply and being convinced that within the next few days the fate of the people of the dual Monarchy will be decided, the undersigned respectfully request you to take into consideration what follows: In the event that the Peace Conference, whether from a lack of time or for any other reason, does not decide to settle the Vorarlberg question at the present time, we ask you to recognize this question as follows; that is that Vorarlberg shall have the right to express its wishes to the League of Nations. Our people look upon you as the legitimate defenders of self determination, following Mr. Wilson's program, and with this conviction, we are convinced that we shall obtain our full rights if given a chance to put forth our legitimate avowals.

(Translation)

TELEGRAM

BERNE No. 4059 · 327-326 26-8 12h. 20 S.

FROM: *The Delegates of the Vorarlberg*
TO: *M. Clemenceau*

The undersigned have already had the honor of communicating in two telegrams the wishes of the people of the Vorarlberg as they have not yet received the passports requested for Paris and that the Vorarlberg fears that the right of self-determination which they claim be not mentioned in the Peace Treaty. The undersigned, acting as mandatories of the people

⁴⁰ *S-H Bulletin*, No. 849.

of the Vorarlberg, respectfully beg that the following passage be inserted in the Peace Treaty. The Contracting Parties recognize the independence of the Vorarlberg, in the sense of the resolutions made by her Landtag which give her the right to make use at will of the principle of self-determination. Under reserve of this recognition a future convention will settle the relations of the Vorarlberg with the Austrian Republic. The adoption of this article would consecrate the right of self-determination for the Vorarlberg. The undersigned take the liberty of proposing it because Chancellor Renner has not authorized Dr. Ender, chief of the Government of the Vorarlberg and member of the Austrian Delegation, to make known officially the wishes of his country. The Austrian Republic up to now has not been opposed to the autonomous movement which is taking place in the Vorarlberg, but today it hinders the latter from obtaining the consecration of her autonomy by the Entente. The people of Vorarlberg has raised its voice in numerous assemblies against this policy and it is resolved to make every sacrifice to defend its liberty. Its appeal is addressed to all defenders of justice and it will be eternally grateful to those who will help it to obtain the right to dispose of its fate.

In the hope that their legitimate demand shall be taken into consideration, the undersigned beg Mr. President to please accept, etc.

DR. PAUL PIRKER
 DR. GUSTAV NEUBUER [NEUBNER]
The Delegates of the Vorarlberg

HOTEL BAERON, BERNE

106. RÉSUMÉ OF INFORMATION GATHERED BY THE FRENCH
 CHARGÉ D'AFFAIRES AT BERNE ON THE VORARL-
 BERG QUESTION⁴¹

(Translation)

III

VORARLBERG QUESTION

According to information received by the French Chargé d'Affaires in Berne, the German Government is at present carrying on active propaganda regarding the incorporation of the Vorarlberg to the Reich. Taking advantage of the great food and coal shortage which actually exists in this district, the German Government is supposed to make the most enticing offers of supplies and of admittance into the Empire under the most advantageous conditions.

⁴¹ *S-H Bulletin*, No. 1371, Part III.

The Austrian Government is supposed to favor this manoeuvre by giving to the inhabitants of Vorarlberg facilities to buy marks intended for paying for their purchases in Germany. Carrying out its idea of annexing Austria to Germany, it has tried to carry on little by little an operation which the Allies forbid it to effect all at once.

The population of Vorarlberg, with the exception of a small but noisy pan-German local minority, is not deceived by these intrigues. On the contrary, it is every day more and more favorable for an annexation to Switzerland.

The Swiss Government is striving against the German propaganda by giving to the Vorarlberg facilities for supply.

The Swiss politicians, who desire the annexation of the Vorarlberg to the Confederation, consider such assistance a means of encouraging the authorities of the Vorarlberg to appeal to the Council of the League of Nations, by virtue of Article 19 of the Covenant, in order to obtain the annexation.

Of course, the Swiss Government will certainly not take the initiative of a step with the Council of the League of Nations, as its members are far from being unanimous regarding the wisdom of the annexation. In a recent interview with the French Chargé d'Affaires, Mr. Schulthess, Chief of the Economic Department, considering that the Vorarlberg will have to assume a part of the Austro-Hungarian debt and to pay pensions to the war widows and crippled, estimated that it would cost the confederation thirty millions a year. Mr. Schulthess added: "Under present social conditions, you must realize that the Federal Council could not explain its refusal to take measures intended to improve the conditions of working classes, by arguing the necessity of supporting the charges which the war imposed on the budget of the Vorarlberg."

November 22, 1919

107. QUESTION OF VORARLBERG BEFORE THE COUNCIL OF HEADS OF DELEGATIONS

(a) DISCUSSION BY THE COUNCIL ON DECEMBER 16⁴²

4. (The Council had before it a note from the French Delegation dated December 12th, 1919, on the question of the Vorarlberg (see Appendix D) and a note from the same Delegation concerning "dangers of breaking up of Austria" (see Appendix E).)

M. Clemenceau said that he had received a call from Chancellor Renner who in his conversation had shown the most conciliatory dispositions and had protested the good will of Austria with respect to the

⁴² H.D. 111(4), December 16, 1919.

execution of the Treaty of Saint Germain. The Chancellor had appeared to be to him a simple and well meaning man. There was no doubt that his Government was confronted by very serious difficulties, and its situation would be compromised if he did not leave Paris with satisfactory promises on the subject of the provisioning of Vienna. He had deemed it advisable to assure him that at that time the Council was considering the Austrian question in a spirit of good will.

M. Berthelot read and commented upon the notes which the Council had before it. He added that it was quite clear that separatist activities could not be tolerated without the consent of the League of Nations. Article 88 of the Treaty of Saint Germain was emphatic on that question. Under these circumstances it might well be opportune to transmit to Chancellor Renner a declaration which might be worded thus :

“The Principal Allied and Associated Powers, anxious to ensure the integrity of Austria within the frontiers assigned to it, and agreed to have the provisions of the Treaty of Saint-Germain-en-Laye observed, declare that they will oppose every effort which tends to endanger the integrity of Austrian territory, or which, contrary to the provisions of Article 88 of the said Treaty, would result in compromising in whatever manner, directly or indirectly, the political and economic independence of Austria.”

Such a declaration would have as corollary the measures which the Powers would take in favor of the provisioning of Austria.

M. de Martino said it was certain that from a geographical standpoint the Vorarlberg occupied an eccentric position in Austria and from that point of view the union might be grounds for long discussions. But the Council was confronted by a political question of the highest importance. If a separatist movement got a footing in the Vorarlberg there was no doubt that it would spread to Styria, Carinthia and to the Tyrol. It would, therefore, be wise to stop immediately a movement of that nature. That was the reason why he entirely approved of the proposed declaration which was then before them.

Sir Eyre Crowe said he also approved.

Mr. Matsui said that he agreed.

It was decided :

That the following declaration be submitted to Chancellor Renner in the name of the Principal Allied and Associated Powers :

“that the Principal Allied and Associated Powers, anxious to ensure the integrity of Austria within the frontiers assigned to it, and agreed to have the provisions of the Treaty of Saint Germain-en-Laye observed, declare that they will oppose every effort which tends to endanger the integrity of Austrian territory, or which, contrary to the provisions of Article 88 of the said Treaty, would result in compromising in whatever

manner, directly or indirectly, the political and economic independence of Austria."

The American Ambassador undertook to refer the text of this declaration to his Government.

107. (b) REPORT OF THE FRENCH DELEGATION
TO THE COUNCIL⁴⁸

12 December, 1919

APPENDIX D, H.D. 111

FROM: *French Delegation*

TO: *Secretariat General of the Delegation of the United States of America*

VORARLBERG QUESTION

From reports which reached the French Government, the Government of Vienna and public opinion in Austria are very much concerned about the separatist movement which is to be observed in Vorarlberg.

The Landtag of this region discussed on December 6, the question of its union with Switzerland. On this subject, it has taken the four following decisions:

1) It asks the Central Government to recognise the right of self-determination for Vorarlberg, and to refer this question to the Supreme Council at Paris (League of Nations).

2) These authorities are invited, in case of necessity, to proclaim themselves the right of self-determination of the country.

3) The communes are invited to prepare the electoral lists, with a view to an eventual plebiscite.

4) The provincial authorities are invited to take the necessary measures, in case they should have to exercise the right of self-determination.

These decisions have been communicated by the Landtag to the Chancellery of the State of Vienna, which has answered by the following telegram:

"The Government will close no legal way to Vorarlberg, if the Landtag presents to the Government in Vienna a proposition authorising the negotiations of Vorarlberg concerning its union with Switzerland; the proposition will be forwarded to Paris; but the Government will, at the same time, reserve the right to make the necessary declarations in the interests of Austria. Vice-Chancellor Fink's proposition, presented Tuesday, will therefore be accepted by the Government. The Government will, of course, be obliged to oppose, by every means in its

⁴⁸ H.D. 111, Appendix D.

power, any action directed against the Peace Treaties or the existing laws. It advises legal methods."

The Allied and Associated Powers cannot remain indifferent to the question. It is certain, as the Austrian Delegation says, in its letter of December 2, that the separation of Vorarlberg from Austria, would "lead sooner or later to a complete disintegration of Austria." The demonstrations of the Vorarlberg people and of their Landtag have stimulated the ferments of dissolution throughout the Republic. It is reported that the province of Salzburg demands its reunion with Bavaria, and that a similar movement is growing in Northern Tyrol. The agents of the Government of Budapest are circulating through the comitats of western Hungary, which were attributed to Austria, organising an agitation in favor of a plebiscite. It may be remarked, on this subject, that the Austrian Government now realises the danger of the solution it had the imprudence to request in its counter-propositions.

The decisions of the Peace Conference concerning the frontiers of Austria, determined in the interest of Europe, which inspired it with the desire to facilitate in every way the existence of this State, should influence it to give the Austrian Government official support in the question of Vorarlberg.

The Supreme Council might take advantage of Chancellor Renner's presence in Paris to transmit to him a declaration in which the Allied and Associated Powers state that they adhere, and will adhere, as far as concerns the territory of the Austrian Republic, to the frontiers which have been fixed by the Treaty of St. Germain.

The Chancellor might be authorised to publish the declaration of the Supreme Council. This demonstration would strengthen the authority of the Austrian Government in all the regions where separatist tendencies exist. Concerning Vorarlberg in particular, it would contribute to wipe out the movement which is gaining hold in certain Swiss classes for the incorporation of Vorarlberg with the Confederation. The partisans of the incorporation invoke the danger for Switzerland if Vorarlberg were attached to Germany. Now, this eventuality would be excluded, if the Allied and Associated Powers would affirm their desire to see the integrity of the Austrian Republic maintained.

107. (c) NOTE FROM THE FRENCH DELEGATION ON THE DANGERS OF THE DISINTEGRATION OF AUSTRIA⁴⁴

The deplorable situation now existing in Austria from an economic point of view favors all efforts towards disintegration instigated in the country by the pan-Germans who thus hope to annex the new State piece

⁴⁴ H.D. 111, Appendix E.

by piece by evading the provisions of the St. Germain and Versailles Treaties which prohibit the attachment of Austria to Germany.

The Vorarlberg Landtag decided, on December 6, to request the Government at Vienna to recognize a right of self-determination to the province, and to submit the question to the Supreme Council at Paris and to the League of Nations. Preparatory measures for an eventual plebiscite were taken, as well as provisions with a view to the separation from Austria.

In Switzerland public opinion is considerably stirred up, but is divided.

In certain circles, especially in the Germanic districts, a propaganda for the annexation of Vorarlberg to Switzerland is being conducted, while another current of opinion is hostile to such annexation through fear of seeing the religious or linguistic proportion displaced in the Confederation.

However, the Swiss Government has taken the following position, viz., that it will not favor the annexation of Vorarlberg to Switzerland as long as the integrity of Austria is maintained. It is only in the event that Austria would become disintegrated and the annexation of Vorarlberg to Germany a possibility, that Switzerland would support the independence of Vorarlberg and even consider its annexation, to prevent such an eventuality.

It is also agreed in Switzerland to submit the question to the League of Nations if need be.

On the other hand, an annexationist movement is being manifested in the Limburg district favoring Bavaria, and a similar movement is also evident in the Tyrol where it has assumed the form of a request for economic annexation with Germany.

Finally, the Hungarians announce that they will claim a plebiscite for the districts of Western Hungary, which were annexed to Austria by the St. Germain Treaty. The Government at Vienna, greatly alarmed, appeals to the Powers to obtain the solemn assurance that they will not permit a like destruction of the work of the St. Germain Treaty.

Article 88 of this Treaty is formal, and is drawn up as follows:

"The independence of Austria is inalienable otherwise than with the consent of the Council of the League of Nations. Consequently Austria undertakes in the absence of the consent of the said Council to abstain from any act which might directly or indirectly or by any means whatever compromise her independence, particularly, and until her admission to membership of the League of Nations, by participation in the affairs of another Power."

These provisions were taken with a view to protecting European interests which exist more than ever and which should create a desire to favor the Austrian State by every means.

It is therefore proposed to accord the Austrian Government public support in the form of a declaration which might be drawn up as follows and delivered to Chancellor Renner :

"The Allied and Associated Powers, desirous of assuring the existence of Austria within the frontiers as assigned, and determined to have the provision of the Treaty of St. Germain-en-Laye respected, declare that they will oppose every effort of a nature to infringe upon the integrity of Austrian territory or which, contrary to the stipulations of Article 88 of the said Treaty, would result in compromising in any manner, whether directly or indirectly, the political or economic independence of Austria."

It is understood that in order to give full force to this public declaration, the Supreme Council should offer at the same time full security to Austria relative to her provisioning, and also take all measures necessary to insure her economic life.

108. NOTE FROM THE PRESIDENT OF THE PEACE CONFERENCE TO CHANCELLOR RENNER, INFORMING HIM OF THE DECISION OF THE SUPREME COUNCIL OF DECEMBER 16TH ON THE VORARLBERG QUESTION⁴⁵

(Translation)

PARIS, December 16, 1919

PEACE CONFERENCE
THE PRESIDENT

FROM: *The President of the Peace Conference*
TO: *Chancellor Renner*

MONSIEUR LE CHANCELLOR :

The attention of the Allied and Associated Powers has been [called] to certain disturbances which jeopardize in several ways the cohesion and even the territorial integrity of the Republic of Austria.

The proposition made by the Landtag of Vorarlberg to the Viennese Government, to have this Government recognize the right of self determination, coincides with the movements which tend to attract either the Salzburg district or the Tyrol into the economic orbit of the neighboring States, and with the campaign carried on in the former Comitats of Western Hungary to institute a plebiscite not provided for by the Treaty which has attributed this region to Austria.

The Allied and Associated Powers consider that if the forces of disassociation should triumph on any one of these points, such a separation would tend to bring about the complete disintegration of the Aus-

⁴⁵ *E.S.H. Bulletin*, No. 19.

trian State and to ruin the equilibrium of Central Europe. They wish, consequently, to allow no doubt to remain as to their intention to maintain, integrally, all the clauses, territorial or others, of the Treaty of Saint Germain, and to effect their strict fulfilment.

It is in this spirit that the Supreme Council adopted today the following resolution, the execution of which the Council is determined to effect, and which I have the honor to communicate to you in its name:

"The Allied and Associated Powers, desirous of assuring the existence of Austria within the frontiers which have been assigned to her, and determined to have the provisions of the Treaty of Saint Germain respected, declare that they will oppose all tentatives of a nature to injure Austrian integrity, or which, contrary to the stipulations of Article 88 of the above mentioned Treaty, would result in compromising in any way whatsoever, either directly or indirectly, the political or economic independence of Austria."

Please accept, etc.

(Signed) CLEMENCEAU

"2. WITH ITALY"⁴⁶

109. ANNOTATIONS ON THE SUPREME COUNCIL'S DISCUSSIONS OF THE AUSTRO-ITALIAN FRONTIER⁴⁷

ITALY (ARTICLES 36 TO 45) AND RELEVANT PARAGRAPHS OF PART II, FRONTIERS OF AUSTRIA

(Annotations by H. C. Nixon)

AUSTRIAN FRONTIERS WITH ITALY

The frontier between Italy and Austria was discussed by the Council of Four on April 19th (I.C. 171 D). At this meeting M. Orlando said that Italy's first claim related to her desire for union with the territories on the Italian side of the natural frontiers; the boundaries were clearly defined by nature; there was a geographical unity for Italy, bounded by the sea and by the mountains encircling her northern limits; Italy claimed the water-shed of the mountains as her natural frontier. Admitting that non-Italian races were here included, he said that the Austrian statistics were recognized as untrustworthy and as being falsified against Italy; and that this inclusion should not override strong economic and strategic reasons. The natural boundary for Trieste would be im-

⁴⁶ See also Documents 127(a, b) and 179, *infra*.

⁴⁷ Miller, *My Diary*, XIX, 512-15. Reprinted with the permission of Hunter Miller, Esq.

possible from strategic point of view, as this would bring Trieste in gun-fire range. He maintained that the granting of all of Italy's territorial claims would bring in only a small foreign element, some six hundred thousand out of a total of nearly forty million.

President Wilson said there was a certain claim of argument which must be brushed aside, namely, the economic and strategic argument. Within certain limits he agreed that natural boundaries must be taken into consideration. As in the case of Spain and Scandinavia (cited by M. Orlando), the slope of the mountains not only threw rivers in a certain direction but tended to throw the life of the people in the same direction. These, however, were not strategic or economic arguments. On these grounds he felt no difficulty in assenting to the Italian claim included in M. Orlando's first point. Nature has swung a great boundary round the north of Italy; it included Trieste and most of the Istrian Peninsula. He had no great difficulty there in meeting the Italian views.

Italian claims were discussed on the following day (I.C. 174 A).

Mr. Lloyd George, speaking of Fiume and the Pact of London, incidentally remarked that he realized it was a very serious matter for Italy to antagonize two of the most powerful races in Europe, the Germans in the Tyrol and the Slavs in Austria. He, however, was not entitled to discuss that. He said Baron Sonnino had taken upon himself a heavy responsibility in rejecting Austria's terms.

President Wilson read extracts from his Fourteen Points, including the following: "IX. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality." He stated that this was what he had been attempting to do.

M. Orlando maintained that the Fourteen Points did not apply to defunct Austria-Hungary, but that those relating to Italy remained. He observed that he had made a definite reservation at the beginning of the Peace Conference with the United States, through Colonel House, in regard to their application to the Austro-Hungarian Treaty. He was [not]⁴⁸ bound by them in the Austro-Hungarian Treaty.

President Wilson said he realized that Italy was not bound by the Fourteen Points in making peace with Austria. His position was that he could not make peace with Germany on one set of principles and with Austria on another. Throughout, the drawing of frontiers had been on ethnic lines as a principle

On May 26th (C.F. 32) the Council of Four considered the procedure of handing terms to the Austrian Delegation. President Wilson remarked that the southern boundary of Austria was not yet ready. Mr. Lloyd George said it would be ready in a short time.

It was stated in the presence of experts by President Wilson, May

⁴⁸ Editors' interpolation.

29th (C.F. 40), that the Heads of Governments had reached a decision regarding the southern frontier of Austria. This frontier was to be the frontier laid down in the Pact of London on 26th April, 1915, with the addition that the Sexten Valley and Tarvis should be Italian, and the junction of Villach should be Austrian. At a subsequent meeting on the same day (C.F. 41), M. Orlando reported that the Drafting Committee had received no instructions as to the boundaries between Austria and Italy. Upon President Wilson's recalling as to what had been understood, the following was incorporated in the resolution adopted at the meeting:

"The Drafting Committee are instructed to include in the Treaty of Peace with Austria the boundary between Italy and Austria as described in the Treaty of London, dated 26th of April, 1915, with the rectifications shown in the attached map, giving the Sexten Valley to Italy, as well as a certain region in the vicinity of Tarvis."

110. NOTE BY COLONEL CORNWALL ON A SUGGESTED FRONTIER BETWEEN ITALY AND GERMAN AUSTRIA⁴⁹

1. The question of a future northern frontier for Italy involves a conflict between two distinct principles—(a) ethnic justice; (b) strategic security. The problem is still further complicated by the fact that the extreme frontier along the crest of the Rhaetian Alps, which affords the maximum strategic security, was definitely promised to Italy by the Treaty of April 1915 and has received a certain confirmation by the terms of the Armistice of the 4th November 1918.

2. Although the claim of Italy to the Province of Trentino is beyond any doubt, the frontier of the Rhaetian Alps includes in addition the Province of Alto Adige. The Alto Adige is as overwhelmingly German as Trentino is Italian, and comprises (according to the 1910 census) 215,000 Germans out of a total population of over 242,000. The proportion of Germans at the present day is probably still greater. In the Trentino on the other hand there are only some 14,000 Germans out of a total population of 390,000.

3. The line of demarcation between the two races is remarkably clear, and to all intents and purposes coincides with the administrative boundary between the Trentino and the Alto Adige, if we include the Ladins with the Italian population. The German-speaking population of the upper valleys of the Adige and the Eisack are intensely strong in their devotion to Austria, and to bring any large proportion of them

⁴⁹ Miller, *My Diary*, VI, 407-10. Prepared by Colonel Cornwall of the British. The date of this paper is uncertain. Reprinted with the permission of Hunter Miller, Esq.

under Italian rule would be a distinct violation of the principles of self-determination. The main objection to a frontier approximating to the racial boundary is its strategic weakness as compared to the military frontier along the Rhaetian Alps promised by the Treaty of London in 1915. The linguistic frontier, although resting on the solid flanking buttresses of the Ortler and Monte Cristallo massifs, is weak in the centre where it cuts across the main valley of the Adige between Bozen and Trent, exposing the latter town to a converging attack down the valleys of the Adige, Eisack and Pustertal, since it leaves the passes over the main watershed, i.e., the Reschen, the Brenner and the Toblach, firmly in Austrian hands. It must be admitted that from the strategic point of view the Italians are thus placed at a serious disadvantage vis-à-vis their old Austrian enemies and the danger is not diminished by the possibility of union between German Austria and Germany. On the other hand, we must remember that a line which would afford sufficient depth of protection to the town of Trent which would dominate the important strategic centres of Meran, Bozen and Brixen, which are vital to the Austrian power of concentration, would afford an infinitely greater measure of security than that provided by the unjust frontier of 1914, which laid bare the Plains of Lombardy to an Austrian offensive.

4. A line is suggested which while violating as little as possible the ethnic principle at the same time affords a definite measure of strategic security, might be traced as follows:

Leaving the Swiss frontier at the Stelvio Pass and following the glacier crest of the Ortler massif, the line would run first east and then east-north-east along the spur which runs via the Zufritt Spitz towards Meran. Leaving this spur at .2607 north of St. Walberg, the frontier would run south-east across the Val Ulten valley to the Laugen Spitz and thence would continue south-east along the crest until it cut the Bozen-Kaltern road at St. Michael. The line runs thence in a general east-south-easterly direction over the Stadlegg Spur via Deutschen Nofen to Monte Latemar (.2846); thence north to the Rosengarten (.3002) and then eastward to the Sella (.3152). From the Sella the line would run first due north and then north-north-west over the Geisler Spitz (.3027) and the peak north-north-west of it (.2505) overlooking Brixen. The line then turns east-north-east, passing north of Welschellen and Enneberg, thence turning south-east along the Seekoff (.2810) to join the old frontier at Monte Cristallo north-east of Cortina d'Ampezzo. From Monte Cristallo the line would follow the old frontier along the crest of the Carnic Alps to the neighborhood of Tarvis.

The line as above described only includes two small portions of German-speaking territory, namely, the upper portion of the Val Ulten and the part of the Adige valley between St. Michael and Salorno. These inclusions are necessitated (a) to dominate the Val Venosta and Meran;

(b) to dominate the important junction of Bozen where the Eisack joins the Adige. By holding this line the Italians effectively flank the approach from the Reschen, Brenner and Pustertal Passes and cover the only road of approach to Trent.

5. Should it be considered that this line does not afford Italy sufficient security, the following alternative line is suggested:

Leaving the Swiss frontier at the Reschen Pass south of Nauders, the line would coincide with the strategic line of the 1915 Treaty, along the main water-parting of the Oetzaler and Stubai Alps as far as the Schwarzwand Spitze; thence south and south-east along the water-parting between the Passeiertal and Ridnauntal drainage basins via the Jaufen Pass to the Weisshorn (.2707) in the Sarntaler Alps; thence along the main water-parting of the Sarntaler Alps past the Rittnerhorn (.2261); thence to the Eisack Valley at Waidbruck; thence down the river Eisack to the mouth of the Schwarzgriesbach, which it follows south of Kastelruth to the Roszähne. Thence eastward along the ridge to the Sella group, where it follows the judicial district boundary around the northern side of the Cortina d'Ampezzo basin, which boundary is with minor modifications the main water-parting between the Inn and Piave drainage basins. Thence the line continues to join the old Austro-Italian frontier at Monte Cristallo.

6. There is no doubt that this latter alternative offers considerable strategic advantages by depriving the enemy of the use of the Reschen Pass and the Val Venosta, a line of approach which will in future be still more useful to Austria when the Landeck-Mals railway has been completed. It confines the concentration of Austrian troops to the use of the Brenner and Pustertal Passes. In addition this second line gives the Italians considerable economic advantages in the important electric power stations of the Upper Adige at Mals, Naturns, Meran, Lana and Bozen, which develop a total of nearly 50,00 [50,000?] horsepower. On the other hand, we must remember that the adoption of this line would bring under Austrian subjection a population of some 160,000 Germans. This disadvantage could only be overcome by affording the Germans some real measure of autonomous government.

111. OUTLINE OF TENTATIVE REPORT AND RECOMMENDATIONS ON THE AUSTRO-ITALIAN FRONTIER PREPARED BY THE INTELLIGENCE SECTION OF THE AMERICAN DELEGATION IN ACCORDANCE WITH INSTRUCTIONS, FOR THE PRESIDENT AND THE PLENIPOTENTIARIES, JANUARY 21, 1919⁵⁰

A. TERRITORIAL

15. ITALY

It is recommended:

1) That Italy be given a northern frontier midway between the linguistic line and the line of the treaty of London, 1915. The proposed line is delimited on maps 12 to 15⁵¹ inclusive

DISCUSSION

1) It is recommended that Italy be given a northern frontier midway between the linguistic line and the line of the treaty of London, 1915. The proposed line is delimited on maps 12 to 15 inclusive.

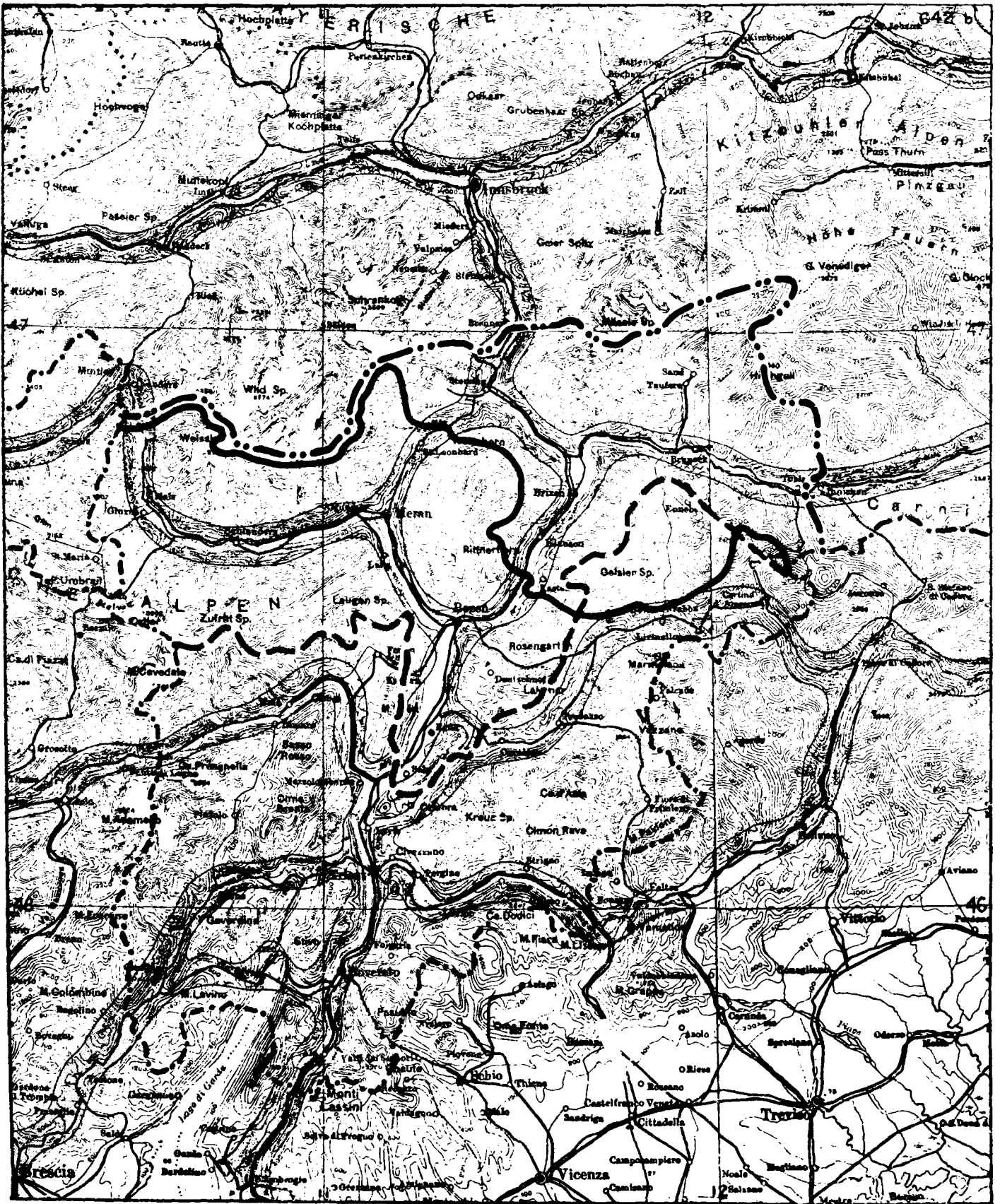
This recommendation would give Italy all that part of the Tyrol to which she has any just claim on linguistic, cultural or historical grounds. It would leave no rational basis for future irredentist agitation in this direction. It transfers to Italy over 10,000 square kilometers of territory and a population consisting of 373,000 Italians and Ladins, 161,000 Germans and 3,000 others.

The recommended line does not meet those claims of Italy which are based on strategic grounds alone, for the line of 1915, following as it does the main watershed, gives incomparably the best strategic frontier. On the other hand, the proposed line does ameliorate the intentionally bad frontier imposed upon Italy by Austria, and some such amelioration seems essential if the Italians are to enter a League of Nations with confidence in its ability to render their peaceful existence reasonably sure. The weight of this argument would be augmented if Italy were confronted by a united and potentially powerful German state on the north. The task of the League of Nations will be rendered easier and its success made more certain by the adjustment of Italy's northern frontier at least in part along lines which would discourage armed aggression by a powerful German state.

As laid down upon the map the proposed boundary is a good line

⁵⁰ Miller, *My Diary*, IV, 209, 239-43. Reprinted with the permission of Hunter Miller, Esq.

⁵¹ Map No. 14a only is reproduced.



Note how present Austro-Italian frontier breaches entire system of parallel east-west valley trenches (shaded) and intervening mountain barriers (unshaded), and controls the north-south connecting trench.

————— Recommended new frontier. - - - - - Present Austro-Italian frontier.

In lieu of colors the editors have superimposed the following symbols:
 - - - - - 1915 Treaty of London line (the best strategic frontier)

————— Linguistic line, separating areas of Latin and Teutonic speech.

From *My Diary at the Conference of Paris*, by David Hunter Miller, Volume IV, Plate III. Reprinted with the permission of Mr. Miller.

from the geographical standpoint, since it follows natural lines of demarcation and coincides with the marked topographical barrier between regions climatically dissimilar. Its position is easily recognizable on the ground, it is capable of clear and accurate delimitation, and is not subject to change from natural causes. Since throughout its entire length it traverses regions of little or no population it does not interfere with the activities of the local population, and the small number of practicable passes makes the administration of customs and other frontier regulations simple.

Finally, it is so drawn as to throw into Austria about 71,000 Germans, with a minority of 10,000 Italians and Ladins, forming properly a part of the Austrian realm. Were the line of 1915 to be followed (red line on map 13), it would simply throw the irredentist problem into Austrian territory and would not lead to a lasting peace

16. GERMAN AUSTRIA

It is recommended:

2) That Austria's frontier in the Tyrol be rectified to put Italy in a position of less disadvantage than formerly

112. MEMORANDUM OF A DISCUSSION OF THE AUSTRO-ITALIAN BOUNDARY AT A MEETING ON MARCH 10, ATTENDED BY M. CLEMENCEAU, MR. LLOYD GEORGE, AND COLONEL HOUSE⁵²

4. The question of the boundary between Italy and Austria, and the Jugo-Slavs was discussed. Neither Clemenceau nor Lloyd George is in favor of giving the Italians the line of the London agreement. Nor are they in favor of giving the Italians Fiume. They both said that they liked our line which was marked on a map Colonel House had with him. They stated if necessary they would be willing to internationalize Fiume.

113. DISCUSSION IN THE COUNCIL OF TEN OF THE RIGHT OF THE SERB - CROAT - SLOVENE DELEGATION TO BE PRESENT WHEN FRONTIER QUESTIONS AFFECTING THEM WERE DISCUSSED BY THE COUNCIL⁵³

. . . . M. Sonnino said that at the Meeting of the Conference held on 18th February, 1919,⁵⁴ after the Serbian Delegation had put forward

⁵² Miller, *My Diary*, VI, 316-17. Reprinted with the permission of Hunter Miller, Esq.

⁵³ B.C. 49(4), March 11, 1919.

⁵⁴ Reproduced as Document 124, *infra*.

their territorial claims, he himself had proposed, and the Conference had agreed to accept the following resolution:

"That the question raised in the statement of MM. Vesnitch, Zolger and Trumbitch on behalf of the Serbian Delegation on the Serbian territorial interests in the Peace settlement (*excepting only the question in which Italy was directly concerned*) shall be referred for examination in the first instance to an expert Committee, and that it shall be the duty of that Committee to reduce the questions for decision within the narrowest possible limit, and to make recommendations for a just settlement."

That is to say, it had been decided that all frontier questions in which Italy was directly concerned should be considered by the Conference itself. That did not, however, mean that the representatives of the Serbians should not be present when frontier questions affecting them were discussed by the Conference. The Serbs obviously had the same right to appear before the Conference that other interested States had to appear before Commissions. He agreed, therefore, that the interested parties would have the right to appear before the Conference to express their views, and to take part in the discussions; but the Small Powers could obviously have no voice in drawing up the final decisions

114. MAJOR DOUGLAS JOHNSON'S MEMORANDUM CONCERNING THE AUSTRO-ITALIAN FRONTIER⁵⁵

AMERICAN COMMISSION TO NEGOTIATE PEACE

PARIS, March 17, 1919

FROM: *Major Douglas Johnson, U.S.A.*

TO: *Colonel House*

RE: *Italian Territorial Claims*

1. From confidential conversation with certain individuals already named orally to Colonel House, I understand that:

a. French opinion favors as Italy's northern boundary in the Tyrol a line similar to or identical with that recommended by the American experts; but there is a certain willingness to accord Italy more than she can justly claim (even on strategic grounds) in this region, if necessary in order to secure from her a reasonable solution of the eastern frontier problem.

b. British opinion favors a line in the Tyrol farther south than that drawn by the American experts, but supports the American line as the most reasonable in case considerable weight is to be given to Italy's

⁵⁵ Miller, *My Diary*, VI, 457-59. Reprinted with the permission of Hunter Miller, Esq.

strategic arguments. A confidential statement prepared by a British military expert is attached hereto.⁵⁶

c. Both French and British authorities have independently reached the same general conclusions as have the American experts with regard to the most equitable frontier in the Isonzo-Istria region. The lines indicated by them differ from the American proposal only in minor details. Both agree with the American experts that Fiume and Dalmatia should go to Jugo-Slavia.

d. It is probable, therefore, that had Italian territorial claims been referred to a commission, as was done in the case of Roumanian, Greek, Czecho-Slovak, Jugo-Slav and other claims, the Commission would have reported in favor of boundaries similar to those already recommended to the consideration of the American Commissioners.

e. Both French and British express an earnest desire that the American Commissioners should insist that the future frontier between Italy and Jugo-Slavia must be drawn only after a full and frank discussion of the problem on its merits.

2. Italy's official territorial claims recently submitted to the Peace Conference include not only the territory allotted to her by the Treaty of London, but in addition:

a. In the Tyrol, the Sexten valley, one of headwaters of the Drav river system, despite the Italian claim that the watershed is the natural geographic frontier of the Kingdom.

b. The important Tarvis area, farther east, also lying across the watershed in the Drav drainage basin.

c. Fiume and a considerable surrounding area inhabited almost wholly by Slavs.

d. Spalato and adjacent areas.

3. In view of the above facts, it is recommended, with the approval of the Chief of the Italian Division of the Section of Territorial Intelligence:

a. That it be insisted that a free and unprejudiced discussion of Italy's territorial claims is an essential pre-requisite to American participation in any Treaty of Peace which defines the territorial limits of German Austria and Jugo-Slavia vis-a-vis Italy. (This insistence can be based not only on the grounds that America was not a party to the Treaty of London; that the powers signatory to that Treaty later agreed to make peace on the basis of the Wilsonian principles; that the pact of Rome, April, 1918, placed upon the Italian Government at least a moral obligation to have Italo-Jugo-Slav boundary problems considered on other than purely technical grounds; but also on the ground that in claiming territory beyond the line of the Treaty of London, Italy in fact

⁵⁶ Not reproduced.

departs from the juridical basis of her claim which she insists upon as against the other parties to that Treaty, and consequently opens the whole question for consideration upon the basis of equity and right).

b. That the American Commissioners might let it be known that they are disposed to consider favorably certain important concessions to Italy not accorded by the Treaty of London, but only on condition that all the Italian claims be considered on their merits. (The Tarvis area should go to Italy for reasons set forth in a separate memorandum to be submitted with maps. Special protection for *all* Italian minorities in Jugo-Slav areas should be assured instead of permanent control of only a part of those minorities. Support of Italy's proposed protectorate over Albania, if Italy were the mandatory of the League of Nations acting within clearly specified limits; and constituting Italy the mandatory for some colonial possession, might, if these steps were deemed desirable, form additional inducements to discussion. It is not within the province of this Division to advise regarding the two points last named).

115. ORLANDO'S STATEMENT ON THE BASIS OF ITALIAN
FRONTIER CLAIMS BEFORE THE COUNCIL OF
FOUR ON APRIL 19, 1919⁵⁷

M. Orlando said that he would not base his argument on the claims of the secret treaty with Great Britain and France because the United States was no party to it. He would argue each question on its merits.

116. WILSON'S POSITION WITH REGARD TO THE
AUSTRO-ITALIAN BOUNDARY

(a) COLONEL HOUSE'S REPORT⁵⁸

'Frazier told me,' wrote House, 'how Wilson promised Orlando to give Italy the Tyrol. He said that Orlando had asked him, Frazier, to interpret for the two of them and that no one else was present excepting Wilson, Orlando, and himself. Orlando made a plea for Fiume and Wilson replied, "I cannot consent for Fiume to go to Italy, but you may count upon me for the Brenner line." This did not satisfy Orlando, but he held Wilson to his promise I have often wondered just why Wilson consented to this line. Clemenceau, Lloyd George, and I discussed it during the Armistice proceedings and the three of us came to

⁵⁷ Miller, *My Diary*, XIX, 531. Reprinted with the permission of Hunter Miller, Esq.

⁵⁸ House, *Intimate Papers*, IV, 435. Reprinted with the permission of Professor Charles Seymour, Editor and Compiler, and of Houghton, Mifflin Company, publishers.

the conclusion that the Tyrol should not be taken from Austria. They were committed by the Secret Treaties, but thought the United States could protest.⁶⁰

116. (b) RAY STANNARD BAKER'S REPORT
AS TO THE BRENNER⁶⁰

. . . . Already the President had, unfortunately, promised the Brenner Pass boundary to Orlando, which gave to Italy some 150,000 Tyrolese Germans—an action which he subsequently regarded as a great mistake and deeply regretted. It had been done before he had made the careful study of the subject he was now engaged upon and was due to Orlando's pleading for a strategic frontier. Perhaps he also thought that a concession in the Alps might mitigate Italian claims in the Adriatic; but the Italians wanted both!

116. (c) PRESIDENT WILSON AND THE BRENNER IN THE
COUNCIL OF FOUR⁶¹

"Tyrol: M. Orlando states Italian claims. 171 D(2)." "Claims accepted by Pres. Wilson. 171 D(5), 174 A(1)."

"Pres. Wilson's Views: on general principles of peace settlement; on economic and strategic argument; assents to Italian claims within Alpine Boundaries. 171 D(5)."

⁶⁰ [Original note.] Colonel House to C. S., May 28, 1928. In May 1919 President Wilson said to C. S. that his own approval of the Brenner frontier was 'based on insufficient study.' Mr. Baker who rarely criticises Mr. Wilson, says (*Woodrow Wilson and World Settlement*, II, 146): 'Already the President had, unfortunately, promised the Brenner Pass boundary to Orlando.'

⁶⁰ *Woodrow Wilson and World Settlement*, by Ray Stannard Baker, copyright 1922 by Doubleday, Doran and Company, Inc., II, 146. Reprinted with the permission of Dr. Ray Stannard Baker and Doubleday, Doran and Company.

⁶¹ "Index I.C.A.: Tyrol; Italy." (I.C. 171 D, April 19; I.C. 174 A, April 20.) President Wilson, in a public statement, on April 23, 1919, regarding the disposition of Fiume, reaffirmed his assent to Italy's northern frontier claim. *Public Papers of Woodrow Wilson* [V], 467.

116. (d) PRESIDENT WILSON'S NOTE CONCERNING THE
BASIS FOR DECISIONS REGARDING FRONTIERS,
ESPECIALLY THE ITALIAN FRONTIERS⁶²

WASHINGTON, February 24, 1920

The joint memorandum of February 17 of the Prime Ministers of France and Great Britain⁶³ has received the careful and earnest consideration of the President. He has no desire whatever to criticize the attitude of the Governments of France and Great Britain concerning the Adriatic settlement, but feels that in the present circumstances he has no choice but to maintain the position he has all along taken as regards that settlement. He believes it to be the central principle fought for in the war that no government or group of governments has the right to dispose of the territory or to determine the political allegiance of any free people. The five great powers, though the Government of the United States constitutes one of them, have in his conviction no more right than had the Austrian Government to dispose of the free Jugoslavic peoples without the free consent and cooperation of those peoples. The President's position is that the powers associated against Germany gave final and irrefutable proof of their sincerity in the war by writing into the Treaty of Versailles Article X of the covenant of the League of Nations which constitutes an assurance that all the great powers have done what they have compelled Germany to do—have foregone all territorial aggression and all interference with the free political self-determination of the peoples of the world. With this principle lived up to, permanent peace is secured and the supreme object of the recent conflict has been achieved. Justice and self-determination have been substituted for aggression and political dictation. Without it, there is no security for any nation that conscientiously adheres to a nonmilitaristic policy. The object of the war, as the Government of the United States understands it, was to free Europe from that cloud of anxiety which had hung over it for generations because of the constant threat of the use of military force by one of the most powerful governments of the Continent, and the President feels it important to say again that in the opinion of the American Government the terms of the peace settlement must continue to be formulated upon the basis of the principles for which America entered the war. It is in a spirit of cooperation, therefore, and of desire for mutual understanding that the President reviews the various con-

⁶² United States, 66th Congress, 2d Session, *Senate Documents*, No. 237, pp. 23-26. Although this memorandum is concerned primarily with the Adriatic, it is reproduced here because it throws light on Wilson's position with regard to the Austro-Italian frontier.

⁶³ Not reproduced.

siderations which the French and British Prime Ministers have emphasized in their memorandum of February 17. He is confident that they will not mistake his motives in undertaking to make plain what he feels to be the necessary conclusions from their statements.

The President notes that the objections of the Italians and Jugoslavs were made the basis for discarding the project of the Free State of Fiume. It would seem to follow, therefore, that the joint consent of these two powers should have been required for the substitute project. The consent of Italy has been obtained. He does not find, however, that the Jugoslavs have also expressed a willingness to accept the substitute plan. Are they to be required now to accept a proposal which is more unsatisfactory because they have raised objections to the solution proposed by the British, French, and American Government in the memorandum of December 9? The President would, of course, make no objection to a settlement mutually agreeable to Italy and Jugoslavia regarding their common frontier in the Fiume region provided that such an agreement is not made on the basis of compensations elsewhere at the expense of nationals of a third power. His willingness to accept such proposed joint agreement of Italy and Jugoslavia is based on the fact that only their own nationals are involved. In consequence, the results of direct negotiations of the two interested powers would fall within the scope of the principle of self-determination. Failing in this, both parties should be willing to accept a decision of the Governments of Great Britain, France, and the United States.

The British and French Governments appear to find in the President's suggestion that the latest proposals would pave the way for the annexation of the city of Fiume, an implication that the guarantee of the League of Nations is worthless and that the Italian Government does not intend to abide by a treaty into which it has entered. The President can not but regard this implication as without basis and as contrary to his thought. In his view the proposal to connect Fiume with Italy by a narrow strip of coast territory is quite impracticable. As he has already said, it involves extraordinary complexities in customs control, coast guard services, and other related matters, and he is unable to detach himself from the previous views of the British and French Governments, as expressed jointly with the American Government in the memorandum of December 9, that the plan appears to run counter to every consideration of geography, economics, and territorial convenience. He further believes that to have Italian territory join Fiume would be to invite strife out of which annexation might issue. Therefore, in undertaking to shape the solution so as to prevent this he is acting on the principle that each part of the final settlement should be based upon the essential justice of that particular case. This was one of the principles adopted by the Allied and Associated Powers as a basis for treaty making. To it has

been added the provisions of the League of Nations, but it has never been the policy of either this Government or its associates to invoke the League of Nations as a guarantee that a bad settlement shall not become worse. The sum of such actions would of necessity destroy faith in the League and eventually the League itself.

The President notes with satisfaction that the Governments of Great Britain and France will not lose sight of the future interests and well-being of the Albanian peoples. The American Government quite understands that the threefold division of Albania in the British-French agreement might be most acceptable to the Yugoslav Government, but it is just as vigorously opposed to injuring the Yugoslav people for the benefit of Italy. It believes that the differences between the Christian and Mohammedan populations will be increased by putting the two sections under the control of nations of unlike language, government, and economic strength. Moreover, one part would be administered by the Italian Government which is represented on the Council of the League, the other part by the Yugoslav Government which has no such representation. Therefore, to alter or withdraw the mandate at some future time would be well-nigh impossible.

Regarding the Treaty of London, the French and British Prime Ministers will appreciate that the American Government must hesitate to speak with assurance since it is a matter in which the French and British Governments can alone judge their obligations and determine their policies. But the President feels that it is not improper to recall a few of the arguments which have already been advanced against this treaty, namely, the dissolution of Austria-Hungary, the secret character of the treaty, and its opposition to the principles unanimously accepted as the basis for making peace. In addition he desires to submit certain further considerations. In the northern Italian frontiers agreements have already been reached which depart from the Treaty of London line and which were made with the understanding that negotiations were proceeding on quite a new basis. It has been no secret that the parties to the treaty did not themselves now desire it and that they have thus far refrained from putting its provisions into effect. In mutually disregarding their secret treaty commitments, the parties to the treaty have recognized the change in circumstances that has taken place in the interval between the signing of the secret treaty and its proposed execution at the present time. For nearly eight months, discussion of the Adriatic problem has proceeded on the assumption that a better basis for an understanding could be found than those provided by the Treaty of London. The greater part of the resulting proposals have already received Italy's assent. These proposals in some cases affected territory beyond the Treaty of London line, as in the Tarvis and Sexton Valleys; in others, the territory fell short of the Treaty of London line, as in the

case of the islands of Lussin, Unie, Lissa, and Pelagosa—to mention only a few of the many proposals upon which tentative agreements have long been reached and which would be upset by an application of the treaty at this late day.

The coupling of the Treaty of London as an obligatory alternative to the Adriatic settlement proposed on January 14 came as a surprise to the American Government because this Government had already by the agreement of December 9 entered into a distinct understanding with the British and French Governments regarding the basis of a settlement of the question. By their action of January 14 the Government of the United States was confronted with a definitive solution, to which was added on January 20 a threat to fall back upon the terms of the Treaty of London. This course was followed without any attempt to seek the views of this Government or to provide such opportunity of discussion as was easily arranged in many other matters dealt with in the same period.

The President notes that the memorandum of February 17 refers to the difficulty of reconciling ethnographic with other considerations in making territorial adjustments, and cites the inclusion of three million Germans in Czechoslovakia and more than three million Ruthenes in Poland as examples of necessary modifications of ethnographic frontiers. He feels compelled to observe that this is a line of reasoning which the Italian representatives have advanced during the course of negotiations, but which the British and French have hitherto found themselves unable to accept. There were cases where for sufficient geographical and economic reasons slight deflections of the ethnographical frontier were sanctioned by the Conference, and the American Government believes that if Italy would consent to apply the same principles in Istria and Dalmatia, the Adriatic question would not exist.

The American Government heartily subscribes to the sentiments expressed by the Governments of Great Britain and France regarding Italy's participation in the war. It fully appreciates the vital consequences of her participation and is profoundly grateful for her heroic sacrifices. These sentiments have been repeatedly expressed by the American Government. But such considerations can not be made the reason for unjust settlements which will be provocative of future wars. A course thus determined would be shortsighted and not in accord with the terrible sacrifices of the entire world, which can be justified and ennobled only by leading finally to settlement in keeping with the principles for which the war was fought. The President asks that the Prime Ministers of France, Great Britain, and Italy will read his determination in the Adriatic matter in the light of these principles and settlements and will realize that standing upon such a foundation of principle he must of necessity maintain the position which he arrived at after months of earnest consideration. He confidently counts upon their co-operation

in this effort on his part to maintain for the Allied and Associated Powers that direction of affairs which was initiated by the victory over Germany and the Peace Conference at Paris.

POLK, *Acting*

117. MEMORANDUM OF THE AUSTRIAN DELEGATION
OF JUNE 16
(Translation)

(a) CONCERNING THE FUTURE OF TYROL⁶⁴

In order to demand the incorporation in Italy of the Southern Tyrol, for centuries entirely German, arguments have been presented of a strategic order, and the principle of nationalities and historic facts has been invoked, as well as the alleged material interest of the population.

Concerning reasons of an entirely military order—which, however, according to the principles of international justice, could not henceforth be alleged causes for annexation—the reunion of the German Southern Tyrol to German-Austria would carry no strategical advantage for the latter. The country placed between the principal ridge of central Alps on one side and the frontier of languages on the other could not form, in case of war, a base of concentration for German Austrian troops on the ground that the lower part of the Wintschgaw [Vintschgau] and the environs of Bozen—the only regions which might serve as rallying-ground—would be dominated by Italy, from a military point of view.

In case of war, this territory, far from constituting a danger to Italy, would be at once evacuated by German Austria and abandoned to Italy without striking a blow.

Indeed, one seldom finds on the borders of a state as favorable a strategic frontier as that offered to Italy, precisely along the language boundary. This fact has however been recognized by Italian scholars whose competence cannot be challenged by their countrymen. Thus, L. Gambillo, among others, comparing the ethnographic frontier to that of the Brenner, declares in his work, *Il Trentino* (Florence 1880):

“If from a strategic standpoint, the present ethnographic frontier is not as favorable (as that of the Brenner), it offers however the same security on account of the steep grade of the northern slope of the mountains and on account of the rare defile dangerous to cross and easy to defend.”

German-Austria desires besides to prove her disinterestedness from a military standpoint in offering to neutralize, not only the contested

⁶⁴ *S-H Bulletin*, No. 383, Annex D of the Memorandum on the Frontiers of German Austria (Document 94(a), *supra*).

region, but the whole German Tyrol and to forbid any military operation as well as the maintenance of fortifications, factories or depots of munitions, etc. (Annex E).

If the strategic argument might be taken as an unjustified excess of precaution, explained however by the desperate war which has just ended, it is not the case with the other reasons urged.

Thus, the principles of nationality are invoked in Italy, assuming that in the total number of inhabitants in the Trentino on one side and the German Southern Tyrol on the other, Italians are in majority of 420,000 against 180,000 Germans. Leaving aside the inaccuracy of these figures⁶⁵ this argument is invalidated by an elementary defect, evident to any impartial observer, because it is not a matter of relation between the number of inhabitants of the Trentino, who are undoubtedly Italians, and those of the contested part of the Tyrol, but only those in the latter country. To consider the sections of the Tyrol now occupied by Italy, including the Trentino, as a unit, would be quite arbitrary and without foundation. Might one not be tempted to qualify as a sophism an argument which, in order to demonstrate the ethnographic and economic homogeneity of two territories—one Italian, another German—rests upon a calculation including the number of inhabitants in the smallest territory in the sum of both, thus uniting them beforehand? Whoever has traversed the countries in question must be aware of the unquestionable fact that a clear and well defined line, such as exists nowhere else in Europe between two nations, divides Italians from Germans and Ladins. This national boundary offers a most satisfactory solution; on either side only an insignificant number of persons would remain out of their mother-country.

To quash all alleged historic arguments that might be invoked to the prejudice of the unity of the Tyrol, we will only recall the fact that the region south of the Brenner, as far as the town of Bozen included, was German as early as the eleventh century; in the thirteenth century the territory almost exclusively inhabited by Germans reached its present dimensions. The Southern Tyrol has therefore been inhabited by a German population, partly for 600, partly for 500 years.⁶⁶ With the exception of a transient union to the Kingdom of Italy, which lasted only from 1810 to 1814, the regions in question have never in any manner been part of Italy or an Italian state. The fact that they belonged of old, like most of the world then known, to the Roman Empire, cannot justify

⁶⁵ [Original note.] According to the last official census, the territory of the German-Tyrol, claimed in the draft of the Peace Treaty was inhabited by 221,266 Germans, 6,661 Italians and 12,290 Ladins.

⁶⁶ This sentence appears neither in the original French nor in the German texts. Cf. *Bericht*, I, 161, and *Notes*, p. 76.

historically the claims of Italy, who on the same ground might just as well claim Egypt, Spain, or part of the British Isles.

Let us confess that, for the present settlement of the vital needs of the people, one should not give too much importance to historic facts, however well founded they may be. It is only on the ground of real facts that states may reach fruitful organizations.

It is therefore the present life, economic reasons, circulation, trade, exchange of materials and the reciprocal supply in chestnuts, corn, fruits, wine, milk and fat, which unite the Tyrolese on both sides of the Brenner. Never has this pass formed even an administrative boundary; far from separating the German Tyrols from each other, it was their connecting link. The method of agriculture, the system of land ownership, the formation of villages, architecture, arts and trades, in short all that which goes to constitute the national character of the people, is identical in all German Tyrol and separates it from the Trentino which, in this regard, is part of Northern Italy. To these economic reasons of a local order are added international interests: every attempt against the unity of the Tyrol would create indeed serious obstacles to European circulation and therefore to the reestablishment of economic life. Not only that [*sic*] the Northern railway, connecting France and Switzerland through Buch [Buchs]—Innsbruck—Vienna with Russia and the Near East, would run between two mountain ridges which are carefully watched by two great powers, but it would also be intersected by numerous state boundaries, this important line intended to serve for the transportation to the Balkans of the products of the Great Western Powers; a line which would go through Switzerland, the Ofenpass, the valleys of the Adige, the Eisach and the Drave, hence over the German Austrian countries—although themselves contested—to Carinthia and Styria. As to the annexation of the Southern Tyrol to Italy every argument collapses before the firm desire of a people which refuses indignantly to be united to the conqueror. This unanimous feeling at the time of the most cruel national collapse gives the certainty that this people, proud of its history and traditions, will never accept foreign rule.

The unshakable brotherhood of the Tyrolese is rooted in their imagination, their customs, the whole of their ideals, in the hardships of their traditional life under the breath of the ice-fields, on the rocky slopes and in the narrow valleys: they are united to it by old legends, popular songs, the remembrance of triumphs and trials, glorious victories and heroic defeats, in short by all that kindles in the soul of a nation patriotic feeling and the spirit of solidarity. To the rough and familiar speech of the mountaineers in their reciprocal relations responds the enthusiastic accord uniting all Tyrolese in opposition to all attacks against that which they hold most sacred: their freedom, their unity, their faith and their country.

117. (b) PROPOSING AN ADDITIONAL CONVENTION ON THE
NEUTRALITY OF THE TYROL⁶⁷

(Translation)

ARTICLE I

The part of German Austria bounded on the west, north and east by the frontiers of the Tyrol in force on August 3, 1914, and on the south by the frontier designation by Article of the Peace Treaty, shall be considered as neutral territory.

ARTICLE II

The Tyrol, bounded according to the provisions of Article I, forms part of the Swiss neutrality, as it is recognized and guaranteed by the Powers.

Consequently, no armed troops of any Power shall be empowered to cross the Tyrol, and no armed force shall be assembled or stationed there beyond the number strictly necessary to maintain order and public safety, and to give assistance in case of disaster.

ARTICLE III

The fortifications in the Tyrol shall be dismantled within six months following the ratification of the present treaty.

The Tyrol shall not, moreover, be used as a military base, and no factories or depots of war munitions shall be maintained there.

ARTICLE IV

Whenever the Powers bordering on German-Austria and Italy, or these two States themselves, are in a state of open or imminent hostility, German-Austria or Italy shall appeal to Switzerland to effect the military occupation of the territory in question and guarantee it against all violation of its neutrality. The expenses of the occupation shall be borne by the State that asks for it.

118. DECISION OF THE COUNCIL OF HEADS OF DELEGA-
TIONS, JULY 7, TO ESTABLISH A COMMISSION TO
DELIMIT THE AUSTRO-ITALIAN FRONTIER⁶⁸

"Austria, Frontiers—Frontier with Italy: Commission to be appointed to draw up. H.D. 1(3)."

⁶⁷ *S-H Bulletin*, No. 383, Annex E of the Memorandum on the Frontiers of German Austria (Document 94(a), *supra*).

⁶⁸ "H.D. Index: Austria, Frontiers."

119. DECISION OF THE COUNCIL OF HEADS OF DELEGATIONS, JULY 7, TO INSERT IN THE TREATY A CLAUSE ON THE ESTABLISHMENT OF A BOUNDARY COMMISSION TO DELIMIT THE AUSTRO-ITALIAN FRONTIER⁶⁹

"Peace Treaty with Austria: Clause on establishment of a boundary commission for Austro-Italian frontier to be inserted in Treaty. H.D. 1(3)."

120. MEMORANDUM FROM THE YUGOSLAV DELEGATION REGARDING THE AUSTRO-ITALIAN FRONTIER⁷⁰

(Translation)

DELEGATION OF THE KINGDOM OF
THE SERBS, CROATES, AND SLOVENES
TO THE PEACE CONFERENCE

PARIS, July 25, 1919

FROM: *M. Nik P. Pachitch*

TO: *The President of the Peace Conference*

I. Part II, frontiers of Austria, Article 27 (2), and Part III, Article 36.

In point 2 of Article 27 of the Peace Treaty with Austria is traced the new frontier between the latter and Italy. Within this frontier is included a part situated between the Rosskofel and Cote 1509 (Pec) and crossing regions which are the object of our claims.

By this fact, not only in Carinthia, but also in Carniola, territories claimed by us have already been adjudged to Italy.

We believe that a good and amicable solution of our difference with Italy, as we too desire it, may not be brought about if, from the whole of all our disputed questions, certain parts are detached and resolved a priori in favor of one of the interested parties, that is, Italy.

To safeguard our interests, we are obliged to make every reservation in regard to the decision relative to said part of the Austro-Italian frontier, and we propose to modify point 2 of Article 27 in the following fashion:

to suppress in this point the part beginning by the words "from there, toward the east south east and as far as Cote 2050 (Osternig)" and ending with the words "1270 (Gabin Berg)," and replace it by the following provisions:

"from there, toward the east south east, and as far as Cote 2234 (Rosskofel):

"the line of the watershed between: on the one hand, the basin of

⁶⁹ "H.D. Index: Peace Treaty with Austria."

⁷⁰ *S-H Bulletin*, No. 610.

the Drave to the north, and, on the other hand, in succession, the basins of the Sextenbach, of the Piave and of the Tagliamento."

To insert after it a new point:

"2 a. With the region of Tarvis (held in reserve to be attributed later).

"From Cote 2234 (Roskofel) as far as Cote 2050 (Osternig), to about 9 kms. northwest of Tarvis.

"the line of the watershed between the basins of the Drave to the north and of the Tagliamento to the south;

"from there, towards the east southeast, and as far as Cote 1492 (about 2 kms. west of Thoerl):

"the line of the watershed between the river Gail to the north and the river Gailitz to the south;

"from there, toward the east and as far as Cote 1509 (Pec):

"a line to be determined on the ground cutting the Galitz to the south of the city and the station of Thoerl and passing along Cote 1270 (Cabin Berg)."

II. Part II (frontiers of Austria), Article 27 (3).

In Article 55 of Part III (European Political Clauses), the limits of the region of Klagenfurth are indicated in such a way that the territory situated to the west of Cote 1817 (Malestiger Mittagkogel) is not included in the region of Klagenfurth. On the contrary, point 3 of Article 27 of Part II (frontiers of Austria) implies that the territory situated between Cote 1817 (Malestiger Mittagkogel) and Cote 1509 (Pec) is a part of the region of Klagenfurth.

To remove this contradiction, evidently caused by an error in drafting, there should be eliminated from point 3 the words "from the Pec towards the east as far as Cote 1817 (Malestiger Mittagkogel): the line of the crest of the Caravanques" and they should be placed under the inscription "with the Serb-Croate-Slovene State."

Please accept, etc.

121. DOCUMENTS ON THE TYROL PRESENTED BY THE
AUSTRIAN DELEGATION TO THE SUPREME
COUNCIL ON AUGUST 9¹¹

(Translation)

ANNEX E

PROTESTS SIGNED BY ALL THE COMMUNES OF SOUTHERN TYROL AT
THE PRESENT TIME OCCUPIED BY ITALY

After all the anguish endured during the long wait of these last months, the hearts of all German Tyrolians in the South have just been

¹¹ *S-H Bulletin*, No. 668, Part II: Observations . . . Annexure E. For covering letter and list of accompanying documents, see Document 66(a-c), *supra*.

profoundly touched by the atrocious news that, according to the terms of the Peace Conditions presented to the German-Austrian Delegation at St. Germain-en-Laye, the Brenner Crest should form the Italian frontier, furthermore, that the territory considered up to the present time threatened by servitude is to be further increased by the German valley of Sexten.

Thus a country, German for hundreds of years, would be cut to pieces; Southern Tyrol would be deprived of its hereditary nationality, and its glorious name blotted from history, because without Southern Tyrol there exists no Tyrol at all.

How blind must be all those who inspired the unhappy council to proceed to a like dismemberment! How little they know the spirit of the Tyrolian! Otherwise, they could not have conceived the idea that we, mountaineers ourselves and to the last of our decedents [*sic*], could ever depart from our national sentiment and from the unshakable conscience [*sic*] to be the children of Tyrol. Mourning and despair overshadow this harmless country, which—all reason for any insignificant animosity being blotted out—would have been able to live with their neighbor in the most friendly and close relationship.

Why does Italy herself not recognize the right of unfortunate Tyrol to self-determination? Solely for military reasons, assuring her in the North borders armed against all aggression. Is it then necessary, after so much suffering, to again sacrifice the liberty and happiness of a people through the apprehension of a new war? Is it that the eventuality of a war between Italy and Germany is being thought of? To us, such an eventuality appears ridiculous! There are many other ways and means, and much more efficacious, of providing for the strategic security exacted by Italy, without inflicting a hardship on the Tyrol, and forcing her to suffer the pangs of servitude.

We, the Tyrolians of the South, represented by all the communes—without exception—of the Tyrol of the South, at this supreme hour cry out in distress, and entreat the help of the entire civilized world to solicit that justice may be done us. We request our representatives at the Peace Conference to leave no stone unturned and to use every persuasion of which they are capable in an attempt to save us. We are ready, if necessary, for any sacrifice: it is only the right of nations to self-determination that we demand be accorded us. We are Tyrolians and we are Germans, and wish to remain so! Italy can count upon us as loyal, true and sincere neighbors,—however, in us she would have profoundly unhappy subjects, shuddering with indignation and fomenting despair [*sic*] and bitterness during the years which we will live with a hope to again see born the bloody dawn of liberty.

RESOLUTION VOTED ON JULY 4, 1919, BY THE DIET OF THE TYROL
DURING A SPECIAL SESSION CALLED FOR THAT PURPOSE

At the moment when the Peace Conference is deliberating upon the fate of the Tyrol, the constituent Diet of that country wishes to promulgate the following resolution:

"The German and Ladine Tyrol, whose territory extends to the North as far as Kufstein and to the South as far as Salourn, insists that its unity and its right of self-determination be safeguarded. Any outrage inflicted upon the said fundamental right, as well as any dismemberment of the country, would constitute a measure of brute force and would in consequence give rise to an active resistance involving the entire energy and all the means at the disposal of the intrepid people of the Tyrol."

122. MEMORANDUM OF THE AUSTRIAN DELEGATION DATED
AUGUST 9, 1919, ON THE SEXTEN VALLEY⁷²

(Translation)

August 9, 1919

ANNEX D

MEMORANDUM ON THE SEXTEN VALLEY

Italy has continually increased her territorial claims. On April 10, 1915, she would still have declared herself satisfied if Trentino and the neighboring territory of the North up to the frontier called the Napoleon frontier (treaty of Paris, February 28, 1830) had been ceded to her, that is to say out of the German part of Southern Tyrol only the Bozen basin (Austro-Hungarian Red Book, No. 147). At the time of the conclusion of the Treaty of London, April 26, 1915, Italy had already claimed besides the Trentino "the whole Southern Tyrol up to the Brenner, which constitutes her natural geographic frontier." (Par. 4 of the Treaty of London.) In a note to Par. 4, it was said that the frontier should follow the line of the watershed in the Rhetian Alps up to the source of the Adige and of the Eisach Rivers and going towards the South from the Alps of the Ziller Valley, crossing the Toblach Mountains.

It was exactly following this line that the zone provided for by the Armistice of November 3, 1918, between Austria-Hungary and Italy was traced.

Still in the month of March 1919, when the Italian Government set forth for the first time its pretensions to the Peace Conference, it asked that the frontier be traced so as to take into consideration the hydrographic laws and that in consequence the whole Adige Basin be attributed

⁷² *S-H Bulletin*, No. 668, Part II: Observations . . . Annexure D. For covering letter and list of accompanying documents, see Document 66(a-c), *supra*.

to Italy, while the Drave Basin, an affluent of the Danube, would remain outside of that line.

In the draft of the Peace Treaty delivered to the Delegation on June 2, 1919, Italy again increased her pretensions. By virtue of Article 27, the frontier deviates from the line of the watershed between the Drave Basin on the East and the Adige Basin on the West, so that it reaches the Helm-Spitz cote on the Southeast and the line will have to be determined crossing the Drave between Winnbach and Ausbach. In this manner, Italy, going beyond the stipulations of the Treaty of London, claims a territory for the acquisition of which Italy cannot invoke the consent of England and France, as it was given by the Treaty of London. Going beyond the stipulations of the Treaty of London, the following would therefore be separated from the Tyrol: the burg of Innichen (1,641 inhabitants) and rural communes of Innichberg (191 inhabitants), of Sexten (1,434 inhabitants), of Vierschach (357 inhabitants) and of Winnbach (284 inhabitants), all purely German communes among which Innichen represents specially a center of German culture several centuries old, since the church of that village was founded towards the end of the eighth century by the Duke Tassilo of Bavaria.

In case there should be no means of persuading Italy to renounce the German territories of the Tyrol which were guaranteed to her by the Treaty of London, it would nevertheless be of great value for that country if it were possible at least to prevent Italy from extending her power beyond the frontier line established by the Treaty of London and maintained up to the present as the limit fixed by the Armistice. This will be all the more important because Italy is inspired only by strategic reasons to go beyond the line of the watershed at that point, while she respects it everywhere else, a reason which is not of a defensive nature but on the contrary of a purely offensive one. This frontier claimed by Italy would constitute a permanent menace [*sic*] for the Valley of the Upper Drave situated East of that region.

123. REPLY OF THE ALLIED AND ASSOCIATED POWERS OF
SEPTEMBER 2, 1919, TO THE OBSERVATIONS OF THE
AUSTRIAN DELEGATION ON THE AUSTRO - ITALIAN
BOUNDARY⁷³

(Translation)

IV. BOUNDARY BETWEEN AUSTRIA AND ITALY

The Allied and Associated Powers consider that no modification should be made in the boundary line between Italy and Austria which

⁷³ United States, 66th Congress, 1st session, *Senate Document*, Vol. 15, No. 121, p. 11. For covering letter and list of accompanying documents, see Document 73(a, b), *supra*.

has been presented to the Austrian Delegation in condition of the Peace terms. Also that it is shown by the very positive declarations made by the President of the Council of Ministers of Italy, to the Parliament of Rome, the Italian Government proposes to adopt a generous and liberal policy toward its new subjects of the German race, as concerns their language, their culture, and their economic interests.

"3. ON THE SOUTH AND THEN WITH THE KLAGENFURT AREA"

"4. WITH THE SERB-CROAT-SLOVENE STATE"⁷⁴

124. STATEMENT OF YUGOSLAV DELEGATION IN THE COUNCIL OF TEN REGARDING THE AUSTRO-YUGOSLAV FRONTIER⁷⁵

(i) *Northern Frontier*

In the North the Delegation proposed a frontier which corresponded not only to ethnic, but to geographical realities.

Dr. Zqlger, continuing, explained that the proposed boundary with the Germans and Magyars was drawn in such a way as to include all the Croats, Serbs and Slovenes along the Drave. The frontier would not accord with the results of the Austrian census. This census could not be trusted. It did not record nationality, but professed to record the spoken language of the people. Workmen serving German employers and communicating with them in German would be represented as Germans. Even German authorities admitted that this method was deliberately devised in order to favour Germanisation. The Delegation therefore proposed to neglect the Austrian census and pin its faith to certain other means of obtaining information. Among these he would cite the ecclesiastical parish registers published yearly, showing the language used in the parish for confessional purposes. The language to which it was necessary to resort to spread the Gospel must be the spoken language of the people. A hundred villages shown in the Austrian census as German were proved by the parish registers to speak Slovene. There were other documents which might be consulted such as the census of 1849-51. This census had been conducted in a less partial manner than its successor, for since 1870 the Pan-German idea had become the official doctrine of the Central Governments.

⁷⁴ See also Document 207, *infra*.

⁷⁵ B.C. 35(14-k), February 18, 1919. For further information on Yugoslav territorial claims see Paris Peace Conference, Kingdom of the Serbs, Croats and Slovenes, *Memorandum Presented to the Peace Conference, in Paris, Concerning the Claims of the Kingdom of the Serbians, Croatians and Slovenes*, No. 8: "Northern Frontier," pp. 1-22 and map. (Listed in *A Catalogue of Paris Peace Conference Delegation Propaganda in the Hoover War Library*, Stanford University, 1926, pp. 11-12.)

(j) *German Attempt to Reach the Adriatic*

In pursuance of this doctrine the most consistent efforts had been made to establish German contact with the Adriatic. In this process the Slovenes had fared perhaps worse than any other Yugo-Slav nation. The process had begun in the 18th Century. The danger had been realized by Napoleon, who had set up the Illyrian Province after the Peace of Schoonbrunn [Schoenbrunn], comprising all Slovene lands, to block the way from Vienna to the Adriatic and to guard the road to the East.

(k) *Claims in Carinthia*

The frontier suggested in Carinthia gave to Yugo-Slavia certain areas in which the Slovenes were not a majority in the population. The justification of this was the forcible germanisation practised since 1850. Dr. Zolgar [*sic*] drew attention to a work called "The Vilayet of Carinthia," published before the war. In this work it was shewn that every means had been adopted of destroying Slovene nationality and the Slovene language. For instance, all writers, even the Germans, admitted that Celovec (Klagenfurt) was, in 1850, two-thirds Slovene. At the present time the Slovenes were in the minority. This had been brought about by the educational policy forced on the country. Children were only taught the Gothic script. Where there had been a hundred Slovene schools, there were now but three. From all branches of the public service Slovenes had been extruded. The last Slovene judge died some ten years ago. The last Slovene notary was removed during the war. Barristers were not allowed to plead before the Courts in Slovene. Only one Slovene Deputy was sent to the Reichsrat, though on the population basis there should have been three. The people were afraid of speaking their own language, and a man had been arrested for demanding a ticket at a railway station in Slovene. The war had been used to give the death blow to Slovene life in Carinthia. It was therefore fair to say that the reduction of the Slovene element was not a process of natural evolution, but the work of a deliberate and forcible policy, carried out in contempt of all morality and law. In fixing the frontier between Yugo-Slavia and German Austria, the result of this policy should not be perpetuated. Wherever it was possible to show that 50 years previously the Slovenes had been in possession, he claimed that they should have ownership restored to them. The frontier suggested would be some compensation to the Yugo-Slav people for their losses in the long struggle with Germanism. He would point out that in the course of centuries the Slovenes had lost not only part of Carinthia and Styria, but also the Eastern Tyrol and Lower Austria. Wherever it was possible to establish an ethnic claim, he thought that it should be admitted.

125. DISCUSSIONS IN THE COUNCIL OF TEN OF THE
YUGOSLAV BOUNDARY CLAIMS(a) PROCEDURE REGARDING YUGOSLAV CLAIMS⁷⁶

2. Agenda for future conversations

(b) *Procedure regarding Yugo-Slav Claims*

Mr. Balfour said that the Council had now heard the evidence of the Yugo-Slavs. Similar evidence had been heard from other nationalities, and in most cases the problems raised had been referred for examination to a Committee, without power to decide on solutions, but with a Commission to report on the facts. In the case of the Yugo-Slav statement, he admitted that there were difficulties, especially by reason of the treaty commitments of some of the Powers present. He wished to ask what should now be done. Was the matter to be left just as it was?

M. Sonnino said that the subject was a difficult one. He wished to be quite frank. Italy could not take part in any Commission or in any discussion outside the Conference, or allow any Committee to make recommendations regarding questions outstanding between Italy and the Yugo-Slavs. He would also oppose any Committee which was to examine collectively all questions raised by the statements heard that day. The question between the Yugo-Slavs and the Roumanians was already being sifted by a Committee. To this he had no objection.

Mr. Balfour then asked Baron Sonnino to state what procedure he did recommend. He understood that Baron Sonnino would raise no objection to a Committee on the subject of the Northern and Eastern frontiers of Yugo-Slavia. But he would refuse to be a party to any discussion of the frontiers between Italy and Yugo-Slavia outside the Conference. He would point out that the object of a Committee was to furnish the Council with facts, in order that the Council should be in a position to discuss the matter with full knowledge.

Baron Sonnino said that each Delegation was accompanied by its experts and he felt quite sure that at least eight members of the Council must have already consulted them.

M. Clemenceau asked Baron Sonnino whether he raised no objection to the formation of a Committee to investigate the other frontiers claimed by the Yugo-Slavs.

M. Sonnino said that he raised none, provided that the questions pending between Italy and Yugo-Slavia were excluded.

M. Clemenceau suggested that a Committee should be set up and that the Dalmatian Coast should be excluded from the terms of reference.

⁷⁶ B.C. 35(2b).

He thought it impossible to entrust this question to any Committee or Commission, by reason of the commitments of the Powers and certain difficult political aspects of the question. This question resembled that of the Rhine, which also could not be entrusted to a Committee. Such questions must be dealt with in the Council, which was not ill-supplied with the necessary statistics. In this matter, therefore, he agreed with Baron Sonnino. He proposed to name a Committee to deal with the problems raised, with the exception of those pending between Italy and the Yugo-Slavs.

Mr. Balfour then read the following draft resolution:

"IT IS AGREED:

"That the questions raised in the statements by Mm. Vesnitch, Zolger and Trumbitch on behalf of the Serbian Delegation on the Serbian territorial interests in the peace settlement (excepting only the question in which Italy is directly concerned) shall be referred for examination in the first instance to an expert Committee similar to that which is considering the question of the Banat.

"It shall be the duty of this Committee to reduce the questions for decision within the narrowest possible limits and to make recommendations for a just settlement.

"The Committee is authorised to consult representatives of the peoples concerned."

Mr. Lansing suggested that this question be referred to the same Committee as was dealing with the Banat.

M. Pichon said that some of the questions raised were different to the one under discussion in that Committee. It might, however, be convenient that the Committee on these other questions should be composed of the same members.

Baron Sonnino said that he supported Mr. Lansing's proposal as questions of reciprocal concession might arise.

(It was therefore decided that the above Resolution be adopted and that the Committee be the same as that appointed to deal with the Banat.)" (See I.C. 130.)

Interval in conversations.

M. Clemenceau proposed that there should be no meeting on the following day as he wished to devote the whole day to thought on the Russian question.

⁷⁷ By this resolution the Commission for the Study of Territorial Questions relating to Rumania became the Commission for the Study of Territorial Questions relating to Rumania and Yugoslavia (usually called the Commission on Rumanian and Yugoslav Affairs). For personnel of this Commission, see Document 182, *infra*.

125. (b) CREATION OF A NEUTRAL ZONE IN CARINTHIA⁷⁸

On the proposal of Mr. Lansing, the following resolution was accepted:

"In view of the fact that disorders have arisen in Carinthia as result of the absence of a definite boundary between the territories of the German-Austrians and the Yugo-Slavs,

"IT IS AGREED,

"That the question of the establishment of a neutral zone between the two peoples be referred to the same Military Committee charged with the investigation of establishing neutral zones in the Banat and Transylvania. (Military representatives, Supreme War Council, Versailles.)"

126. REPORTS OF THE COMMITTEE FOR THE STUDY OF TERRITORIAL QUESTIONS RELATING TO RUMANIA AND YUGOSLAVIA AND THE CENTRAL COMMITTEE ON TERRITORIAL QUESTIONS ON THE AUSTRO - YUGOSLAV FRONTIER

(a) REPORT OF APRIL 6 OF THE COMMITTEE FOR THE STUDY OF TERRITORIAL QUESTIONS RELATING TO RUMANIA AND YUGOSLAVIA⁷⁹

IV. FRONTIER BETWEEN YUGOSLAVIA AND AUSTRIA

The Committee has carefully studied the Yugoslav claims to the Austrian provinces of the valley of the Drave. After examining the ethnographical, historical, economic and political conditions, it has decided upon the solutions indicated below for the two regions which form distinct basins having as their respective centers Marburg and Klagenfurt.

(A) DISTRICT OF MARBURG

1. Principles

(a) The American, British, and French Delegations note that the district of Marburg is inhabited by a population in which the rural Slovene element possesses the majority.

⁷⁸ B.C. 37(4), February 22, 1919.

⁷⁹ Committee for the Study of Territorial Questions relating to Rumania and Yugoslavia, *Report No. 2*, April 6, p. 8. (This Committee is usually called the Commission on Rumanian and Yugoslav Affairs.) From the Edward M. House Collection in Yale University Library. Reprinted with the permission of Professor Charles Seymour, Curator of the House Collection, and of the Librarian and Library Committee of Yale University Library.

(b) They recognize that in spite of the policy of assimilation pursued by the Austrian administration, in the service of Pan-German aims, that element has preserved its national aspirations intact.

(c) They note that in spite of the efforts of the Austrian administration to divert from Hungary the commercial current of these districts, the markets of Marburg were already in close economic relations with the lower valley of the Drave and the country south of the river. They believe that those relations will naturally become closer as a result of the political union of the district with Yugoslavia; while the links with the north, created by the attraction of the Austrian capital, will be loosened.

(d) The Italian Delegation considers that Marburg, of which it recognizes the German character, depends on the Austrian economic system and cannot be detached from it without disturbing the economic life of the region and compromising the maintenance of peace.

2. Conclusions

(a) The American, British, and French Delegations propose to assign to Yugoslavia the basin of Marburg delimited according to the stipulations of Annex I.⁸⁰ In a general manner this line follows various crest-lines to the north of the Drave (leaving to Yugoslavia the town of Marburg), passes to the south of the confluence of the Lavant and the Drave, and then proceeds south-west till it meets the crest of the Karawanken range to the south-east of Eisenkappel.

(b) The Italian Delegation opposes to this proposal the reservations of principle formulated above.

126. (b) DRAFT ARTICLES PROPOSED BY THE COMMITTEE FOR THE STUDY OF TERRITORIAL QUESTIONS RELATING TO RUMANIA AND YUGOSLAVIA FOR INSERTION IN TREATY WITH AUSTRIA⁸¹

ARTICLE 2

Leaving the meeting-place of the frontiers of Yugoslavia, Hungary, and Austria on the Mur—
the *talweg* of the Mur westwards to a point about 7 kilometres west of Mureck.

⁸⁰ Not reproduced.

⁸¹ Committee for the Study of Territorial Questions relating to Rumania and Yugoslavia, *Report No. 2*, April 6, 1919, pp. 33-35. These draft articles are Annex VII of the Report. From the Edward M. House Collection in Yale University Library. Reprinted with the permission of Professor Charles Seymour, Curator of the House Collection, and of the Librarian and Library Committee of Yale University Library.

A line:

turning southwards and reaching the administrative boundary which follows the crest-line of the Windisch-Büheln;
 following that boundary westwards and then south-west as far as point 966 (west-north-west of Marburg) on the crest-line north of the Drave;
 following that crest-line to the west, crossing the valley of the Feistritz and reaching point 1400 (Hühnerkogel) about 7 kilometres to the north-north-east of Drauburg;
 crossing the Drave immediately to the south of its confluence with the Lavant;
 reaching and following south-westwards the crest-line east of Bleiburg and Eisenkappel up to the point where it meets the crest of the Karawanken (point 2559);
 following this crest west as far as the road from Klagenfurt to Laibach.

ARTICLE 3

A Commission composed of seven members, five nominated by the five Allied and Associated Powers, one by the Yugoslav State, and one by the neighboring State concerned, will be set up within three months from the coming into force of the present Treaty to trace on the spot the frontier line as defined by Article 2(4).

The decisions of the Commission will be taken by a majority, and will be binding on the parties concerned.

ARTICLE 4

Austria renounces in favor of the Yugoslav State all rights and title over the territories incorporated in the said State under the present Treaty.

ARTICLE 5⁸²

In the whole of the basin of Klagenfurt, as defined below, an Inter-Allied Commission will be charged by the Allied and Associated Powers with the duty of ascertaining on the spot the wishes expressed by the inhabitants as to the attachment of their territory to that of the Yugoslav State.

If the conclusions of this Commission establish the formal desire of the population to be attached to the Yugoslav State, the five Allied and Associated Powers reserve the right to give satisfaction to such desire.

The boundaries of the basin of Klagenfurt are as follows:
 On the south, the crest of the Karawanken Mountains.

⁸² [Original note.] The Italian Delegation formulated a reservation (which appears on p. 9 of the Report) in regard to this portion of the frontier.

On the east, the frontier defined in Article 2 (4), leaving the crest of the Karawanken at point 2559, passing east of Eisenkappel and Bleiburg, cutting the River Drave just south of its confluence with the River Lavant, thence to point 1400 (Hühnerkogel) on the crest-line north of the Drave, following the crest between the Lavant and the River Feistritz as far as point 2144.

On the north, a line leaving this point 2144, to point 2080, between the Lavant and the valley of Hüttenberg, passing to the south of the bifurcation formed by the railway line from Klagenfurt to Neumarkt and the branch line to Strassburg, following the secondary crest nearest to and to the south of Weitensfeld and the valley ending at Feldskirchen, then the crest-line to the east of Paternion.

On the west, in the Villach area, a line which the five Allied and Associated Powers reserve to themselves the right to define.

ARTICLE 6

The inhabitants of the territories assigned to the Yugoslav State under the present Treaty, and formerly belonging to Austria, will acquire Yugoslav nationality *ipso facto*, and will lose their Austrian nationality.

Nevertheless, Austrian nationals who may have become resident in these territories after January 1st, 1910, will not obtain Yugoslav nationality without permission from the Yugoslav State.

ARTICLE 7

Within a period of two years from the coming into force of the present Treaty, Austrian nationals over 18 years of age and habitually resident in the territories of Austria which are assigned to the Yugoslav State under the present Treaty will be entitled to opt for their former nationality.

They must, within the ensuing twelve months, transfer their place of residence to the State for which they have opted. Option by a husband will cover his wife, and option by parents will cover their children under 18 years of age.

All persons who have exercised the above right to opt will be entitled to retain their immovable property in the territories assigned to the Yugoslav State. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

ARTICLE 8

Further stipulations will determine, if necessary, the proportion and nature of the financial or other obligations of Austria which are to be assumed by the Yugoslav State, and will decide all other questions arising from the transfer of sovereignty over the territories dealt with

in the present stipulations, particularly in connection with archives and administrative public documents.

ARTICLE 9

(To be reserved in view of the decisions to be taken by the
Committee on Responsibilities)

No inhabitant of the Austrian territories assigned to the Yugoslav State under the present Treaty may be prosecuted or molested, in person or in property, on account of his political or military acts during the war.

126. (c) REPORT OF THE CENTRAL COMMITTEE ON TERRITORIAL QUESTIONS ON THE REPORT OF THE COMMISSION ON RUMANIAN AND YUGOSLAV AFFAIRS⁸³

• CONCERNING THE FUTURE FRONTIERS OF YUGOSLAVIA

In accordance with the instructions received from the Supreme Council, the Central Committee has examined Report No. 2 of the Commission on Roumanian and Yugoslav Territorial Interests.

The Committee unanimously approves as a whole the proposals of this Commission and has the honor to recommend to the Supreme Council the adoption of the following drafts of articles to be inserted either in a collective treaty, or in the preliminary treaties of peace between Yugoslavia on one hand, and Bulgaria,⁸⁴ Hungary,⁸⁵ Austria,⁸⁶ and Roumania⁸⁷ on the other hand. (Annexures 4 to 8 of the Report.) The American and Italian Delegations call the attention of the Supreme Council to the reservations formulated by their representatives in the Special Commission and maintained by their Delegates in the Central Committee.

The Committee, however, considered it expedient to invite a commission, composed of technical experts, to reexamine, from the point of view of means of communication, the frontier between Yugoslavia and Roumania in the Banat to the north of Bazias. The technical experts unanimously agreed that a slight rectification (of about 1 kilometre) of the line originally established by the Special Commission would fa-

⁸³ Central Territorial Committee, *Report to the Supreme Council concerning the Future Frontiers of Yugoslavia*. From the Edward M. House Collection in Yale University Library. Reprinted with the permission of Professor Charles Seymour, Curator of the House Collection, and of the Librarian and Library Committee of Yale University Library.

⁸⁴ Not reproduced.

⁸⁵ Not reproduced.

⁸⁶ Annex VII only reproduced, Document 126(b), *supra*.

⁸⁷ Not reproduced.

cilitate the construction of the railway which is to connect the Roumanian system of railways with the port of Bazias, on the Danube. This line is described in detail in Annexure 2.⁸⁸

This slight rectification of the frontier has been provided for in the draft or articles, the adoption of which the Central Committee has the honor to recommend to the Supreme Council, for insertion in a collective treaty. (Annexure 1.)⁸⁹

(Signed) A. TARDIEU
S. E. MEZES
EYRE CROWE
MARQUIS SALVAGO RAGGI
IJUIN⁹⁰

127. DISCUSSIONS BY THE COUNCIL OF FIVE OF AUSTRO-YUGOSLAV BOUNDARY QUESTIONS

(a) DISCUSSION OF MAY 9⁹¹

1. *Territorial Frontiers of Austria*

ii. Frontiers between Austria and Jugo-Slavia

M. Tardieu said that the Committee had carefully studied the Jugo-Slav claims to the Austrian provinces of the valley of the Drave. After examining the ethnographical, historical, economical and political conditions, it had decided upon the following solutions for the two boundary regions which formed distinct basins, having as their respective centres, Marburg and Klagenfurt.

(a) District of Marburg

The United States, British and French Delegations noted that the district of Marburg was inhabited by a population in which the real Slovene element possessed the majority. On the other hand, the Italian Delegation considered that Marburg, of which it recognised the German character, depended on the Austrian economic system, and could not therefore be detached from it without disturbing the economic life of the region and compromising the maintenance of peace.

In consequence, the United States, British and French Delegations proposed to assign to Jugo-Slavia the basin of Marburg; whilst the

⁸⁸ Not reproduced.

⁸⁹ Not reproduced.

⁹⁰ In addition to these names the personnel of the Central Committee on Territorial Questions included, for varying periods, M. G. de Martino for Italy and M. Ochiai for Japan.

⁹¹ F.M. 13(1), May 9, 1919.

Italian Delegation opposed to this proposal the reservation of principle formulated above.

(b) District of Klagenfurt

The United States, British and French Delegations noted that the basin of Klagenfurt was inhabited by a mixed population, composing important Slovene elements, particularly to the east of Klagenfurt. This basin, moreover, constituted a geographical entity separated from the south by the natural barrier of the Karawanken Mountains. For this reason, the basin, and not particularly the town, of Klagenfurt, constituted an association of economic interest more closely connected with the districts situated to the north than with those situated to the south. Nevertheless, the United States, British and French Delegations considered that the information at present in their possession did not appear to be sufficient to allow them to determine with certainty the natural aspirations of the nations of this district. On the other hand, the Italian Delegation considered that the Klagenfurt basin formed an integral part of the Austrian geographical system from which it could not be separated, without disturbing the life of the region and compromising the general peace. For the above reasons, the Committee proposed that the frontier between Jugo-Slavia and Austria should follow the course of the Karawanken mountains from a point south-east of Eisenkappel as far as the Klagenfurt-Laibach road. At the same time, the United States, British and French Delegations proposed that a local enquiry or consultation (under conditions to be determined by the Allied and Associated Governments) should be held, in order to afford the inhabitants of the Klagenfurt Basin an opportunity of protesting, should they wish to do so, against inclusion in Austria, and demanding union with Jugo-Slavia. The Italian Delegation, however, opposed to this proposal the reservation of principle formulated above. It declared, moreover, that in its opinion, any question of a consultation or enquiry, as well as of a plebiscite, bore an eminently political character which removed it from the competence of the Territorial Committees.

M. de Martino invited the attention of the Council to the importance of Marburg as a railway centre. In his opinion, the questions of Klagenfurt and Marburg were intimately connected. Consequently the two problems should be studied together and the study should be continued right up to the Italian frontier.

Mr. Balfour said that before accepting M. de Martino's proposal he wished to enquire whether the arrangement in regard to the boundaries in the district of Marburg had not been something in the nature of a compromise, whereby it had been agreed that a triangle situated to the north of Luttenburg should be left to Austria in exchange for Marburg and the adjoining territory, which was to be included in Jugo-Slavia. As a result, he considered that the Council could not consider one ques-

tion without the other, as it was by taking the two questions together that a compromise had been reached.

M. Tardieu agreed that the question should be considered as a whole.

M. Pichon enquired whether the Commission should not be authorised to study the question up to the Italian frontier.

M. Sonnino considered that this could be done then and there. The Council of Four had charged the Council of Foreign Ministers to accept the proposals submitted by the Committee for the study of territorial questions relating to Jugo-Slavia, or to put up their own recommendations in regard to matters requiring amendment.

M. Tardieu explained that the Committee had thought that a study of the frontiers beyond the Klagenfurt-Laibach road must involve the consideration of Italian claims which had been reserved by the Council of Ten.

M. Sonnino said that if he had correctly understood the question, the Committee in fixing the frontiers between Austria and Yugo-Slavia had given careful consideration to the position of the existing railway lines in these regions, with the result that it had decided to leave the railway line between Klagenfurt, Assling and Trieste free, that is to say, outside the territories allotted to Jugo-Slavia. Now, to give effect to this principle, it would be necessary that the frontier which had been delimited up to the Klagenfurt-Laibach road should thence proceed in a southerly direction, remaining east of Assling, until it met the Italian frontier. In other words, it was essential that the whole of the railway line from Klagenfurt to Trieste, via Assling, should remain in Austria until it reached the Italian frontier. In his opinion, that was the idea which the Committee had meant to follow in accordance with the principle accepted in regard to railway communications by other Commissions. Under this arrangement one important direct railway line of communication would exist between Trieste and Vienna, whilst the other railway lines more to the east would pass through Jugo-Slav territory.

Mr. Lansing said the Council of Foreign Ministers had received no specific reports on these various questions. The Committee for the study of territorial questions relating to Jugo-Slavia had not reported on the particular questions under consideration. He proposed, therefore, that these should first be referred to that Committee for examination.

M. Sonnino said that he would be prepared to accept Mr. Lansing's proposal. He would point out, however, that the Council of Four had directed the Council of Foreign Ministers to report on these very questions. Should his colleagues, nevertheless, insist on referring these questions to the Committee, he would bow to their decision, but only on the understanding that the terms of reference to the Committee should clearly lay down the principle he had just enumerated, namely, that the main line of railway communication between Trieste and Vienna via

Assling and Klagenfurt should pass wholly through Italian and Austrian territory.

M. Pichon enquired whether the Commission should also be charged to deal with the question of the Italian frontiers in these regions.

Baron Sonnino replied in the negative. He invited the attention of his Colleagues to the fact that the Supreme Council had decided that all frontier questions affecting Italy should be settled by that Council. Consequently the reference to the Committee would relate only to the part between the Klagenfurt-Laibach road, where the Committee had previously stopped, and the frontier of Italy. Now, the principle which governed the Committee appeared to be to leave the railway line between Trieste and Vienna outside Jugo-Slav territory. He thought that question could, therefore, be accepted at once. Otherwise it should, in his opinion, be referred forthwith to the Supreme Council and not to the Committee on Jugo-Slavia.

Mr. Lansing maintained that there was nothing either in the report or in the maps submitted by the Committee for the study of territorial questions relating to Jugo-Slavia, which supported Baron Sonnino's contention.

Mr. Balfour said that he understood Baron Sonnino to state that the Councils of Foreign Ministers were not competent at present to decide questions relating to the Italian frontiers. In this view he entirely concurred with Baron Sonnino, at all events as far as Great Britain and France were concerned, since there existed the additional complication in regard to the Treaty of London. On the other hand, for the Council to decide at this stage that a certain railway line must be left out of Jugo-Slavia and included in Italy and Austria seemed to him to be hardly justifiable with the information at present available.

Baron Sonnino agreed that the Committee would be quite unable to discuss such a question, especially if the Foreign Ministers themselves could not do so. Consequently in his opinion the question should be referred to the Supreme Council.

M. Pichon remarked that Mr. Lansing had not said that the present Council were not competent to consider the question. He had merely asked that the question should be referred to the Committee for study and report.

Mr. Lansing agreed. He explained that he felt himself at present incompetent, because he had received no advice from his experts either on the ethnological aspect of the case or in regard to the Railways.

Baron Sonnino said that he asked himself what the Committee would do when it reached the Italian frontier, since it would not be competent to deal with the question further. The Committee could, therefore, only deal with another 20 kilometres of country beyond the Klagenfurt-Laibach road.

Mr. Balfour enquired whether it would not be an advantage that the question should be examined by a Committee before it came under consideration either by the present Council or by the Supreme Council. So far the question had not been examined by the Committee because the Italian delegation had held the view that for political reasons Committees should not do so. He quite agreed with the view put forward by the Italian Delegation in regard to the question of international policy: but the Committee could give the ethnologic and economic aspect of the case which would greatly help the Council to deal with the larger questions. For instance, the area which the Italians desired should be given to Austria and not to Jugo-Slavia was, he understood, largely inhabited by Jugo-Slavs.

That was a question on which the Committee could furnish a statement.

Again, the Italian Delegation maintained that for economic reasons a direct line of communication between Trieste and Vienna and Bohemia should pass wholly through Italian and Austrian territory without crossing Jugo-Slavia. That constituted partly an economic point. Surely the two questions could be looked into by a competent Committee of experts. He understood that to be the suggestion made by Mr. Lansing.

Mr. Lansing agreed that Mr. Balfour had correctly interpreted his proposal.

M. Sonnino said that provided the Council of Ministers were willing to accept the lines proposed by the Committee on Jugo-Slav affairs, he would, himself, withdraw the reservation made by the Italian Delegation in regard to the districts of Marburg and Klagenfurt.

M. Tardieu pointed out that two reservations had been made: one by the Italian Delegation in regard to the Klagenfurt Basin, which the Delegation considered should remain Austrian on account of its forming an integral part of the Austrian geographical and economic system. On the other hand, the United States, British and French Delegations, considered that a local enquiry or consultation should be held in order to afford the inhabitants of the Klagenfurt Basin an opportunity of protesting, should they wish to do so, against inclusion in Austria and of demanding union with Jugo-Slavia. It would be seen, therefore, that the Committee had not made any definite proposals. The Italian Delegation considered that the Klagenfurt Basin should be included in Austria, whereas the other three Delegations proposed that a line should be drawn south of the Klagenfurt Basin up to which the enquiry or consultation should proceed.

Mr. Balfour enquired whether the procedure adopted in the case of Malmedy could not be followed in the present instance. Malmedy had been incorporated in Belgium, but provision was made in order to allow the inhabitants to protest against their inclusion in Belgium within a

certain time; reference would then be to the League of Nations, which would decide. He thought that procedure might be found a convenient method of dealing with the problem of Klagenfurt.

M. Sonnino pointed out that the two cases were very different. In Malmedy there was a question of bringing Germans under Belgian sovereignty; whereas the people of Klagenfurt already formed part of the Austrian State.

M. Pichon interpreted the views of the Council to be that the question should be referred to the Committee on Jugo-Slav affairs to report as soon as possible, giving precise details to enable a decision to be taken.

M. Tardieu pointed out that the Committee could give ethnic and statistical data relating to this region but it could not give particulars relating to the railway line which would join the Italian frontier at an unknown point.

Mr. Lansing agreed that the Council only required the Committee to give ethnological and economic information.

(It was agreed that the Committee for the study of territorial questions relating to Jugo-Slavia should submit recommendations in regard to the frontiers between Jugo-Slavia and Austria, up to the Italian Frontier, based on ethnic and economic considerations; the Committee should submit their report on the morning of the 10th May, 1919.)

127. (b) DISCUSSION ON MAY 10⁹²

Frontier between Austria and Jugo-Slavia

Consideration of supplementary Report by Committee on Jugo-Slav affairs.

1. M. Pichon asked M. Tardieu whether he had any additional explanations to make to the report. (For Report see Annexure A.)

M. Tardieu said that the Report had been circulated and that it explained itself.

Baron Sonnino said that in his opinion the solution finally proposed by the Committee in Part II of the Report appeared to him somewhat complicated. Italy, in the interest of the port of Trieste, wished that there should be uninterrupted communication between that port and German-Austria and Bohemia. For this purpose the Railway line should not pass through the territory of any third State which had no direct interest in the development of the line and possibly an adverse interest. Similar considerations had been given weight in dealing with Poland, Czecho-Slovakia, Hungary, etc. No doubt this might involve the delivery of a certain number of Slovenes to Austrian rule, but similar instances were not lacking elsewhere. For instance, the town of Marburg had

⁹² F.M. 14(1) and Annexure A, May 10, 1919.

been given to Jugo-Slavia though it contained from 18,000 to 20,000 Germans. He did not wish to delay peace with Austria, and for that purpose, he would, if necessary, agree to the solution proposed, but he pointed out that it was no real solution; it was only a postponement.

M. Pichon said that it had the advantage of rendering an early signature of peace with Austria possible. The ultimate attribution of the territory could then be settled among the Allies.

Baron Sonnino said that the alternatives were to give the territory in question, namely: the triangle surrounding Klagenfurt, to Austria or to Jugo-Slavia. If it were to go to Austria, why not decide at once? Were it to go to Jugo-Slavia, either at once or later, the economic trouble to which he had alluded would inevitably ensue. There was a third possibility, to attribute it to Italy; but this was not desired by Italy, who wished to avoid the inclusion of non-Italian populations, except in cases of territories required for Italian safety.

Mr. Balfour said that he did not wish to express any strong dogmatic views, but he wished to suggest a few points. He felt some difficulty in meeting the views of the Italian Delegation, and in disregarding those of the French, British and American delegations. The Italian solution involved not only the separation of some Jugo-Slavs from the bulk of their nation, but their surrender to an enemy State. It was difficult to justify the handing over to an enemy of the natural subjects of a State it was intended to create. Secondly, he understood that the frontier proposed by all but the Italian Delegation followed the crest of a high range of hills. This crest formed the natural frontier between Jugo-Slavia and Austria. The Italian proposal would bring the Austrians south of the range. This, on the face of it, was an extraordinary thing to do in dealing with a hostile State. The proposal appeared to violate both ethnographical and geographical considerations. It was not a parallel case to that of the Brenner, the acquisition of which by Italy could be justified on geographical grounds, though open to criticism on ethnological grounds. In this case both ethnology and geography agreed, and both were to be violated. The only answer to these objections was that one of the two railway lines connecting Trieste and the north passed through this tongue of territory. It was assumed that if this tongue of territory belonged to Jugo-Slavia, it might be utilised to obstruct the trade of Trieste with the North. This was a serious argument, as undoubtedly all the Allies wished to promote the trade of Trieste. There was, however, one qualification to this, namely: that there was another railway line connecting Trieste with German-Austria. This line it was true was inferior to the more easterly line. Still it existed and was an element in the situation. A further qualification was that the Allied Powers in dealing with Poland had been faced by a similar, but yet more vital, railway problem. The arrangement with Germany made it

possible that the only main line of communication between the capital of Poland and the sea would be intercepted by German territory. This possibility had been contemplated, and in the event of its being realised, arrangements had been thought out to safeguard the traffic. The Polish case was obviously a stronger case than the one in question, as the most vital interests of the whole country were in jeopardy. It could not be held that the railway line from Trieste to the North affected Italian interests to this extent. If, therefore, the provisions made for Poland were sufficient, similar provisions ought to be adequate for Trieste. Lastly, he wished to draw attention to a very serious aspect of the delivery of this territory to Austria. It would give the Northern powers access to a region from which they could advantageously invade Jugo-Slavia. He did not think that Italy would readily grant such an advantage to any of her own enemies. The Council could not, he thought, decide this case against the Jugo-Slavs until this military problem had been studied. The remarks just made represented the reflections suggested by the report just put forward by M. Tardieu. Before concluding he wished to say that he sympathised most cordially with the Italian wish to free Trieste. All wished to see Trieste prosperous, and possessed of free access to all the countries North of it.

Mr. Lansing enquired whether he was wrong in understanding that both of the railway roads were single tracks.

M. Laroche said that both lines had a single track, but that tunnels had been made on the Eastern line (Trieste-Assling) for a double track.

Mr. Lansing said that he had little to add to the very full consideration given to the subject by Baron Sonnino and Mr. Balfour. As to the principles on which the solution ought to be based, he agreed with Mr. Balfour. In the case of the Brenner Pass the Council had decided to give precedence to topographical over ethnographical considerations, and had given to Italy territory including a large number of Austrian-Germans. They were now asked to change their principles, and to decide against a natural boundary. It seemed to him that a similar argument might be used in the case of Fiume. If this territory must not be Jugo-Slav because the Jugo-Slavs might use it to interrupt communications with an Italian port, the Hinterland of Fiume, it might equally be argued, must not be Jugo-Slav because the railways feeding the port might similarly be interfered with.

Baron Sonnino said that he did not admit the cases were parallel. In this instance the railway was to pass through a band of territory about 20 kilometres broad. The Jugo-Slavs would not be interested in the railway at all, and if they possessed this strip they might seize the opportunity of neglecting the line in order to favour traffic to another part. In the case of Fiume, however, the whole trade must come through territory which no one suggested should be withheld from Jugo-Slavia. The con-

test was really between two ports, and the natural flow of commerce to each should be kept as far as possible separate, and no entanglement between them should be allowed. This was the only way to secure the development of both.

As to the ethnological point, in Poland some 300,000 Germans were to be made subjects of the new Polish State, and about 280,000 Hungarians were to be Roumanian subjects, as the inevitable accompaniment of some hundreds of kilometres of railway.

Mr. Lansing observed that the process of giving to friends rather than to enemies was being reversed. This territory was being taken from the Jugo-Slavs to be given to the Austrians.

Baron Sonnino observed that the Slovenes were not his friends in a rather degree than the Austrians.

Mr. Lansing retorted that America regarded them as friends.

Baron Sonnino said that the new States should be considered neither as friends nor foes. Should German Austria, for instance, join the Danubian Confederacy, the Austrians might come to be regarded as friends. Should they join the German Confederation, the Austrians would be counted among foes. The question was really one of permanent commercial relations. Further, if the question of friendship was raised, he claimed a share for Italy.

Mr. Balfour said that he heartily endorsed the last sentence.

Mr. Lansing agreed but pointed out that the question was an Austrian rather than an Italian problem.

Baron Sonnino said that it was an Italian question in as much as it concerned Trieste, Istria and the Adriatic.

Mr. Lansing said that he was struck by the fact that if Austria were brought so far south, she might feel she had a claim to reach salt water.

Baron Sonnino observed that she would only be brought some 20 kilometres nearer the sea.

M. Pichon enquired whether any practical solution could be found.

Baron Sonnino said he was ready to accept the proposal made by the Committee at the end of the second section of the Report. He was ready to do this in a conciliatory spirit to avoid obstructing the signature of a Treaty with Austria. He would have, however, a small amendment to make. He would stipulate that the triangle, the ultimate fate of which was to be reserved, should not be made so wide as to include the western line from Trieste, and thereby to leave in suspense the whole of the railway communications between Trieste and the north. In other words, the triangle should not include the line from Trieste to Villach via Udine and Tarvis.

Mr. Lansing proposed that the formula suggested by the Committee be accepted with a proviso that the limit of the territory be to the east of Tarvis.

M. Tardieu observed that the Committee had constantly kept in view the desirability of preserving uninterrupted communication between Trieste and Austria.

Mr. Balfour said that he was ready to accept the view that it was the business of the Conference to see that direct and free railway communication be assured between Trieste, German Austria, Bohemia and the north generally.

Baron Sonnino said that on this understanding he would agree to the draft of the Committee.

Mr. Balfour said that his remark should not be interpreted as a pre-judgment on the question of territorial sovereignty by direct and free communication, he did not mean necessarily to imply that railway lines were not to pass through ground belonging to a third state.

Baron Sonnino said that he accepted the proposal of the Committee on the understanding that due consideration was given to the necessity of preserving the railway communications of Trieste towards the north. He would make no concession in advance regarding the question of territory just mentioned by Mr. Balfour.

Mr. Lansing pointed out that the Report of the Committee proposed that the frontier line should pass north of the tunnel of Rosenbach. He thought that it would be better to have the frontier line along the ridge over the tunnel.

(After some discussion it was agreed to omit the last clause of the first paragraph of the Committee's recommendation in Part II of the Report.)

M. Pichon suggested that the Committee should formulate a proposal, after taking into consideration the above discussion, for reference to the Council of Heads of States, and that no further reference need be made to the Council of Foreign Ministers, should the Committee reach a unanimous decision.

(This was agreed to.)

(The meeting then adjourned.)

PARIS
May 10th, 1919

ANNEXURE A

REPORT SUBMITTED TO THE COUNCIL OF FOREIGN MINISTERS BY THE COMMITTEE ON JUGO-SLAV AFFAIRS

I. EXPLANATORY

(1). The Italian Delegation claim that to the west of the road Klagenfurt-Laibach, the frontier between Jugo-Slavia and Austria should follow a south south-easterly direction, reaching the frontier

granted to Italy by the Treaty of London in such a manner as to leave to Austria the upper part of the valley of the Save as far as Radmanskendorf.

(2). The Italian Delegation supports this demand by economic and military reasons to which it attaches the highest importance.

(a). *Economic Reasons*

The line Udine-Pontebba is insufficient to carry traffic between Trieste and Austria and the north, firstly by reason of its limited capacity, secondly, by reason of its greater length, which increases the cost of transport.

Absolutely free use of the line Gorizia-Assling-Rosenbach is therefore indispensable to the life of Trieste, as the proposed link between Tolmino and Tarvis through the Predel Pass is, according to the Italian Delegation, not realisable for a long time, and the delay would cause serious harm to the commerce of Trieste. Should even a small part (twenty-five kilometres) of the line Gorizia-Assling-Rosenbach be in Jugo-Slav territory, the traffic of Trieste will be hampered, firstly, by passing through two customs barriers in a short stretch, secondly, by the risks incidental to any difference arising between the two countries concerned.

(b). *Military Reasons*

The railway line in question, according to the Italian Delegation, does not represent a military threat against Italy on behalf of an enemy attacking from the North, as any attack from that side would necessarily be limited to that single point. On the other hand, it does represent a very serious threat favourable to any attack coming from the East, if supported by a developed system of communications over more open ground. This threat would on the left wing compromise the lines of defence from the sources of the Isonzo to the Adriatic.

The experience of the war and the events of October 1917 are proof of this.

(3). From the ethnographical point of view the Italian Delegation points out that if the consequence of their claims is that a certain number of Slovenes will be included in Austria, on the other hand equally large groups of Germans (Marburg, Gottschee, etc.) have been included in Jugo-Slavia.

It is further argued that in many similar cases, Commissions and the Supreme Council have given precedence over ethnographic considerations to economic interests like those put forward by Italy regarding railway communications.

II. OPINION OF THE COMMITTEE

The Committee after three meetings held on the 9th and 10th May, presents the following report :

1. The Committee unanimously recognises that the number of Slovenes who, as a consequence of the Italian claim, would remain in Austrian territory amounts to about 50,000.

2. The Committee unanimously considers that it is not competent to deal with the military argument and suggests that this aspect of the problem should be studied by other Experts.

3. As regards the economic argument, the importance of which is unanimously recognised;

(a) The American Delegation considers that the inconvenience pointed out by Italy could be remedied by special stipulations regarding the regulation of customs. These regulations might be placed under international supervision which would ensure to Italy full and free use of the railway line.

The British and French Delegations are of the same opinion.

(b) The same Delegations consider that this would permit of the construction of a line from Tolmino to Tarvis by the Predel pass, without jeopardising the traffic of Trieste.

4. The above mentioned Delegations consider that this local problem is intimately connected with the solution of the general problem of frontiers between Italy, Austria and Jugo-Slavia, a problem with which the Committee is not entrusted. The solution of this problem may eventually remove the whole basis of the observations made by the Italian Delegation.

For this reason, in order to avoid any delay in the drafting of the clauses of the Treaty of Peace with Austria, the following formula is proposed:

"The southern frontier of Austria should be continued from the point south of Klagenfurt at which the line proposed in the Committee's report ends, in such a way as to follow the crest line of the Karawanken towards the West as far as Hill 2,035, northwest of Tarvis, but in such a manner as to leave to the south of the frontier the northern entrance of the tunnel of Rosenbach.

"The district of Tarvis and the zone south east of it, which the Italian Delegation wishes to attribute to Austria, will thus be ceded by Austria to the Allied and Associated Powers.

"Italy's interest in preserving all adequate means of communication by rail, free of all obstacles, between Italy and Austria, would thus be safeguarded."

The Italian Delegation made full reservations concerning any solution which might raise questions not entrusted to the Committee.

NOTE ANNEXE

It has been recognised that the limits of the Basin of Klagenfurt, as fixed in the report of April 6th, would have the effect, should the popula-

tion choose connection with Jugo-Slavia, of changing the sovereignty of the territory over which railway lines connecting Trieste and Vienna pass.

This consideration justifies a revision of the limits of the Basin of Klagenfurt within which enquiry should take place with the object of ascertaining the wishes of the population regarding the attribution of the region to Jugo-Slavia.

The Commission therefore proposes to fix the limit of the Basin of Klagenfurt in the following manner:

South, the crest of the Karavanken.

West, a line starting from the crest of Karavanken northeast of Assling, going northwards towards the Drave, reaching it in such a manner as to leave five kilometres to the west of it the entrance of the tunnel of the line Rosenbach-Assling; thence following the course of the Drave up to 5 kilometres east of San-Ruprecht.

North, a line following the crest between Worther-See and Ossiacher-See, continuing towards the North east in such a way as to pass equidistant from San-Veit and Klagenfurt, thence by the Steinbruckkogel (1075 metres, map 1-200,000) passing by the extremity of the crest of Sau Alpe (Hill 1458), continuing towards the South east, passing north of Griffien, cutting the valley of the Lavant 5 kilometres north of its confluence with the Drave and meeting towards the east the crest between the Lavant and the River Feistritz.

East, following the crest between the Lavant and the Feistritz and cutting the Drave south of its confluence with the Lavant, continuing towards the south west in such a way as to pass east of Eisenkappel and to meet the crest of the Karavanken at Hill 2559.

This outline from the ethnological point of view results in the exclusion from the Basin, as previously defined by the Committee, of a population of about 60,000 Germans.

PARIS

May 10th, 1919

128. DISCUSSION BY COUNCIL OF TEN, ON MAY 12, OF AUSTRO-YUGOSLAV BOUNDARY⁹³

Frontiers of Austria and Hungary

(a) Frontier between Jugo-Slavia and Austria

M. Clemenceau asked M. Tardieu to explain the finding of the Committee on Jugo Slav affairs.

⁹³ B.C. 61(a), May 12, 1919.

M. Tardieu gave an explanation of the finding of the Committee substantially identical to that given in I.C. 182⁹⁴ and I.C. 184.⁹⁵

Mr. Balfour asked whether any method of obtaining a plebiscite in the Klagenfurt Basin had been thought out.

M. Tardieu replied that no methods had been suggested as the Committee had not thought it necessary to propose any, until the plebiscite had been accepted in principle.

M. Clemenceau enquired whether the principle of the plebiscite was accepted.

President Wilson replied in the affirmative.

Mr. Lloyd George also agreed.

Baron Sonnino expressed the view that if a plebiscite were resorted to in this area, there should be one in Marburg and in other doubtful corners along the proposed frontier.

Mr. Balfour said that it was true there were other regions with mixed populations, but if the Conference were satisfied that it possessed sufficient knowledge to solve these problems without a referendum, he could see no reason why a plebiscite should not be resorted to in the isolated case of the Klagenfurt Basin if the Conference did not think itself sufficiently well-informed to decide its fate without one.

M. Tardieu pointed out that the Commission had been unanimous not only regarding the rest of the frontier, but in recommending a plebiscite in this area.

President Wilson pointed out that the most urgent business before the meeting was to frame a clause for the Treaty. Some definite stipulation should be put down. He read the draft prepared by the Committee on Roumania and Jugo-Slavia, given as Article 5 on page 31 of *Report No. 2* (W.C.P. 646):

"In the whole of the basin of Klagenfurt, as defined below, an Inter-Allied Commission will be charged by the five Allied and Associated Powers with the duty of ascertaining on the spot the wishes expressed by the inhabitants as to the attachment of their territory to that of the Jugo-Slav state.

"If the conclusions of this Commission establish the formal desire of the population to be attached to the Jugo-Slav State, the five Allied and Associated Powers reserve the right to give satisfaction to such desire."

Mr. Balfour agreed that all Austria need know was that the people in the area in question would be consulted.

M. Orlando said that if he understood the clause aright, it meant that the fate of this territory was reserved until the conclusion of the

⁹⁴ F.M. 12. Reproduced as Document 93, *supra*.

⁹⁵ F.M. 14. Reproduced as Document 127(b), *supra*.

labours of the Commission set up by it. On these terms he would accept the draft Article.

The draft Article regarding the consultation of the population in the Klagenfurt Basin by an Inter-Allied Commission was accepted.

M. Tardieu then proceeded to explain the difficulty regarding the triangle south-east of Tarvis. (See I.C. 184 and Annexure.)

Baron Sonnino asked at what date the final attribution would be made. He expressed the opinion that the occasion of making a Treaty with Austria was the best moment for settling this.

Mr. Balfour explained that the result obtained at the last meeting of the Foreign Ministers (see I.C. 184), a compromise had been reached solely in order to obtain means of settling speedily with Austria. He agreed with Baron Sonnino that the final attribution of this territory must be made at some date. He suggested that if it were not settled immediately, it might be considered when the Conference came to decide on the boundaries of Jugo-Slavia.

M. Clemenceau suggested that this course should be adopted.

Baron Sonnino adhered to the view that the matter should be settled immediately; not only was it an Italian interest, but it was also a first rate Austrian interest. It concerned the Austrians to know by what means they would communicate with the sea. The territory in question was a small mountainous wedge with a very small population. It was quite separate from the question of Fiume, and it could readily be decided in connection with the forthcoming Treaty with Austria.

President Wilson pointed out that two questions were involved. One was that of the ultimate sovereignty to be acknowledged by the population of the district. As this population was predominantly Jugo-Slav, the natural answer would be that the sovereignty should be Jugo-Slav. The second question was that of direct railway communication between Austria and Italy. In a similar instance the Conference had found no great difficulty in settling an almost identical problem. Arrangements had been made to ensure unimpeded transit between Eastern and Western Prussia.

Baron Sonnino pointed that in order to give Czecho-Slovakia some 60 kilometres of railway, about 60,000 Magyars were to be subjected to Czecho-Slovak sovereignty. This had been done in order to ensure unimpeded railway communication between Czecho-Slovakia and Roumania. Similarly, no less than 280,000 Magyars had been handed over to Roumania, and in Poland, together with 100 kilometres of railway, some 100,000 Germans had been made Polish subjects.

(Considerable dissent was expressed from this statement. Such solutions might have been proposed by Committees, but had not yet been accepted by the Council.)

M. Clemenceau said that the proposal which he asked the Council to

accept or reject was that the limits of Austria should be fixed provisionally, and that the final attribution of the triangle in question be reserved until the frontiers of Jugo-Slavia were determined. This would be in accordance with the decision of the Foreign Secretaries of the previous Saturday. (I.C. 184.)

(This was finally agreed to and the frontier of Austria as proposed by the Committee on Jugo-Slavia in the report, and in the annexure to I.C. 184 was accepted.)

(The southern frontier of Hungary as set forth in the document annexed to these Minutes (Annexure A)⁹⁶ was also accepted.)

129. MEMORANDUM FROM THE YUGOSLAV DELEGATION REGARDING AUSTRO-YUGOSLAV BOUNDARY QUESTIONS⁹⁷

(Translation)

DELEGATION OF THE KINGDOM
OF THE SERBS, CROATS AND SLOVENES
TO THE PEACE CONFERENCE

PARIS, May 31, 1919

4 rue de Presbourg
PARIS

TO: *His Excellency Monsieur Georges Clemenceau, President of the Peace Conference at Paris*
FROM: *Nich. P. Pachitch, for the Delegation of the Kingdom of the Serbs, Croats and Slovenes*

In the Peace Treaty with Austria which has just been submitted to us, we read in Part II: Frontiers of Austria (3rd proof, 5-29-1919), Articles 1, 2 and 3, that the frontier between Austria and the State of the Serbs, Croats and Slovenes, in so far as it is to be traced between the eastern extremity of the Austro-Italian frontier (to be fixed later) and Cote 1054 (Strojna), will be determined later by the principal Allied and Associated Powers; from Strojna on, the frontier will be represented by a line still to be determined on the terrain cutting the Drave downstream from its junction with the Lavant and passing by Cote 1522 (Hühnerkogel), or, as it is put in the Resume (page 2), by a line passing "just east of Bleiburg and crossing the Drave just above its junction with the Lavant." In Part III (5th proof, 5-29-1919), Section II, Article 4, we find the remark: "Klagenfurt reserved."

In the presence of these arrangements, the Delegation of the State of

⁹⁶ Not reproduced.

⁹⁷ *S-H Bulletin*, No. 327, III.

the Serbs, Croats and Slovenes must declare that the said arrangements take account neither of their original claims nor of the minimum of their reduced demands, as they had particularized them in the session of the Territorial Commission of May 20, 1919, and that the points concerning Strojna and Bleiburg open even a perspective which is in evident contradiction with these claims.

The Serbo-Croat-Slovene Delegation is under the depressing impression that an effort is being made to exclude their state from Carinthia. Not a single one of its numerous propositions has been taken into consideration by the Great Powers, although even according to Austrian statistics about 100,000 Slovenes live in the territory in question; and although no convention prevents a just solution, the Serbo-Croat-Slovene Delegation regrets to note that the Allied and Associated Powers have not considered its demands even within the limits that the Germans themselves were ready to accept them. (V. Pfaundler; *Die Staatsgrenze Deutschösterreichs auf dem Kärntner Gebiet*, Vienna, 1919.)

The Delegation of the State of the Serbs, Croats and Slovenes deems itself obliged to call the attention of the Great Powers very insistently to the untenable situation in which the Slovene nation will find itself if its sacrifices in the Adriatic are aggravated by the loss of Slovene Carinthia.

The soul of the Slovene people will never recover from this blow. This constant ferment of irredentism will prevent the peaceable development of the Serbo-Croat-Slovene State on the one hand, and will be a perpetual cause of hostile sentiments towards German Austria on the other.

The Serbo-Croat-Slovene Delegation deems itself, consequently, obliged to make one last appeal to the Great Powers, begging them to satisfy its demand concerning the definitive assignment of the territory situated south of the line indicated in the annex (point I), and traced on the subjoined map.

In Part II, mentioned above, the Mur is in Styria characterized as the frontier "as far as its junction with the frontier between Austria and Hungary."

In the opinion of the Serbo-Croat-Slovene Delegation this formula, which excludes from the State of the Serbs, Croats and Slovenes the region of Radkersburg, formally assigned to this State by the Resume, is inexact.

Finally, we have the honor to call the attention of the Great Powers to the fact that in Point "4 with Hungary," the determination of the point of departure from the frontier between Austria and Hungary is inexact, because it does not take into account the fact that the Prekmurje is to form part of the Kingdom of the Serbs, Croats and Slovenes. The same is true of the Resume.

130. ANNOTATIONS ON THE DISCUSSIONS OF THE COUNCIL
OF FOUR OF THE ASSLING TRIANGLE⁹⁸

. . . . Between May 30 and May 31, the Council decided to suppress an Article of Part III, Section II, dealing with the Assling triangle (no text of this Article is accessible to the writer), "inasmuch as in other territories lying outside her frontiers, as drawn in the Treaty of Peace, agreed upon by the Principal Allied and Associated Powers" (C.F. 43, App. A). The question of the railway was again raised by M. Orlando on June 7 in connection with the section of the Assling-Villach line, which would probably run through Yugo-Slav territory. To this President Wilson replied that he had attributed the Tarvis junction to Italy on the understanding that Villach should be Austrian, and Assling Yugo-Slav; the Tarvis-Trieste line would thus be outside Yugo-Slav territory, but he could not assent that both railways, together with all three junctions, should go to Italy (C.F. 52 (5)).

131. MEMORANDA OF THE AUSTRIAN DELEGATION OF
JUNE 16, ON STYRIA AND CARINTHIA

(Translation)

(a) MEMORANDUM ON THE FRONTIERS OF STYRIA⁹⁹

A very defined geographic line divides Northern and Central Styria, on one hand, from Southern Styria, on the other. It is the Bachern group, together with the promontories forming its counterforts towards the east-south-east and skirting the Drave a few kilometers from its right bank, and bounding Central Styria on the south.

No very precise ethnographic border could possibly be established in these countries. Between the non-contested domains of the Germans and the Slovenes there are vast tracts of territory with a mixed population, as far as language and race are concerned, but united to the Styrians by the special character of their customs, manners, economic interests and their agricultural and industrial undertakings, as well as by their spirit of solidarity and their provincial patriotism.

The indisputably predominant role played by the German language in the mixed territories is due primarily to the importance of the city of Marburg and its environs, with a population of some 35,000 Germans and constituting, so to speak, an historical bulwark of German civilization. The assertion, put forward by some people, of the alleged meas-

⁹⁸ Gray, *op. cit.*, p. 20.

⁹⁹ *S-H Bulletin*, No. 383, Annex B of the Memorandum on the Frontiers of German Austria (Document 94, *supra*).

ures of Germanization in Styria, has never been proved. It is amply disproved by the fact, established and recognized by several Slavic scholars themselves, that, during the last five or six decades, the ethnographic character of the territories in question have shown only unimportant fluctuations.

The economic life and commercial relations in Styria would be seriously endangered by a delimitation of frontiers such as the one planned in the peace conditions. It would be arbitrary to destroy the unity of Central Styria, and especially to trace a frontier through the Mur basin, which comprises the regions between Spielfeld and Radkersburg. Such measures would naturally embitter the inhabitants of homogeneous countries separated from each other; they would imply, consequently, the danger of spontaneous eruptions among the rural and working classes. Anguish and uncertainty would therefore weigh heavily on a country which would furthermore lack all means of military protection, preventing anybody from establishing industrial or commercial houses which might revive the economic life.

All the territory north of the Bachern group has formed, since the remotest times, a well-determined unit, as has been said above. All the traffic on public highways has tended for centuries towards the north. The agricultural regions of the Mur and the Drave valleys, as well as the vast Pettau country, furnish the food supply necessary to Graz and the industrial districts of Northern Styria, sending to them the excess of their harvest. A large part of the agricultural property and, with a few exceptions, all the real estate in the cities is entirely in the hands of German-speaking Styrians; two-thirds of the taxes are collected from German taxpayers and commerce and industries are almost entirely in their hands. All the establishments in Marburg and the Drave valley were created only by the zeal and spirit of organization of our people.

The traffic on the railways of Central German-Austria is based, as is well known, on the triangular system Bruck-Villach-Marburg, a system which would be cut up and blocked by the establishment of the frontiers marked in the Peace Treaty. Our republic would thus lose its principal arteries. Communication with Italy and the seaports would be rendered impossible, and the vitality of the state would be annihilated.

The Southern Railway Companies employ at the present time more than 4,000 workmen and employes of German race, who, together with their families, represent about 15,000 people. Most of these families of workmen have permanently settled in Marburg for the last ten years. By the decisions which threaten us, they would be condemned to undergo the misery of emigration and unemployment.

Similar consequences would result from the cutting of the principal line Pragerhof-Pettau, as well as the branch line Spielfeld-Radkers-

burg, the latter acting, so to speak, as suction pump between the industrial centers of the north and the fertile regions of Central Styria. Now, one of the most serious consequences of the projected delimitation would be the collapse of all the enterprises for the exploitation of the hydraulic forces of the Drave between Marburg and Pettau. The establishments in question produce some 300,000 HP. The construction is almost completed, and the rest is planned for.

Styria, Lower Austria, and especially the city of Vienna, now deprived of the possibility of getting coal freely from the coal basins of the north of former Austria, lose by the annihilation of all this natural energy their last hope of securing light by hydraulic power and of bringing back to life the industries which, should they remain idle, would make impossible the reconstruction of an organized life, while seriously threatening social life and order.

On the basis of the right of nations to self-determination, the inhabitants of North and Central Styria, united by their economic, political and humanitarian interests, will nevertheless come together.

They ask only for a plebiscite, by which the people of the contested regions up to the Bachern group and beyond the right bank of the Drave, especially in the Mur basin, will pronounce by a large majority for the union of Styria to German Austria.

131. (b) MEMORANDUM ON CARINTHIA¹⁰⁰

(Translation)

The above relief map¹⁰¹ shows that the frontiers of Carinthia are traced by nature herself. Chains of high mountains (Hohe Tauern [Tauern] Kärntnisch-Steirisches Grenzgebirge, Koralpe, Karawanken, Karnische Alpen) hinder communication.

There are only certain gates easy of passage, like the passes of Neumarkt and of Obdach (Neumarkter and Obdachersattel), the valleys of the Drave, of the Missling, the Kanaltal and Drautal, which form the outlet of the country. At the present day railroads follow these ways. All the other outlets lead one across high passes which are scarcely penetrable, especially in winter. Modern technical science has constructed two new gates: the Tauern [Tauern] and Karawanken tunnels.

Southwards, toward Carniola, Carinthia is limited by the chains of the Karawanken, one hundred kilometers long and 2,240 metres in height. A girdle of thick forests, up to the sixty kilometres broad and

¹⁰⁰ *S-H Bulletin*, No. 383, Annex C of the Memorandum on the Frontiers of German Austria (Document 94, *supra*).

¹⁰¹ Not reproduced.

almost uninhabited, runs along the deserted and unwatered crests of the mountains. There are only three passes leading to the South: Wurzen (1,071 metres), Loibl (1,366 metres), and Seeberg (1,236 metres).

The Karawanken, which oppose great difficulties to communication, have served since the time of the Romans, that is to say, for the last two thousand years, as a frontier between two territories under different administrations. The railway communication is limited to the one line of the Karawanken railroad. Consequently, commerce between Carniola and the valley situated north of the Karawanken is hampered by the turns it has to make. The construction of new railway lines would be very costly and of little use from an economic point of view, since such lines would be of importance for local commerce.

This country situated in the middle of mountains is a unity created by nature, especially in view of its river bed, the quality of its soil, its climate as well as its communications, and consequently, for about a thousand years, has formed a homogeneous territory and one united administratively.

A single important watercourse—the Drave—runs through the country, a stream which receives as affluents all the water-courses of the country except the Fella and Kanker, rivers without importance. All the affluents of the Drave, all the valleys and all the ways of communication are directed toward the center of the country, the Klagenfurt basin. It is in the towns of Klagenfurt (27,000 inhabitants) and Villach (18,000 inhabitants) situated in this basin, that the intellectual and material life of this country are concentrated, whose parts are closely connected both from the economical and geographical point of view and that of civilization, with these two towns. Besides, the city of Klagenfurt, capital of the country, is the seat of government. All the other towns of Carinthia are inferior to these two, and have not more than 5,000 or 6,000 inhabitants. The rest of the country, separated from these two towns, would be doomed to ruin, because it would only be composed of small valleys without coherence among themselves and deprived of the possibility of being united to neighboring countries on account of the mountains, which prevent all communication.

The separation of the country would not only destroy the unity of the government, but it would also violate the geographical unity sharply marked by nature; a unity at the same time economic and commercial. This separation would give rise to two isolated parts, one of which could not live without the other, and which would therefore have a tendency to unite afresh.

New conflicts and new combats would result from this and would only come to an end with the re-establishment of the unity of this

country, whose limits nature herself has traced. Besides by the partition of Carinthia two important lines of communication of Central Europe would be cut across: the railway line of Udine-Villach-Vienna, and the line of the Southern Railway: Franzensfeste-Klagenfurt-Marburg-Hungary.

As for the language: there is only a narrow zone broadening out towards the East which is inhabited by a population composed of Germans and Slovenes. All the German population, as well as the greater part of the Slovenes, have demanded by clear and precise manifestations the unity of their country, faithful to their motto "Carinthia to the Carinthians."

Manifestation

of the Representatives of Carinthia concerning the declaration of the Yugo-Slav deputies on May 30, 1917 (Union to a future Yugo-Slav State as a part of the Austro-Hungarian monarchy).

Against the Yugo-Slav Union there declared themselves...	240 communes
For the Yugo-Slav Union there declared themselves.....	9 communes
There remained without declaration.....	14 communes
Total	263

Among them were 37 communes with a Slovene majority.

Result of the vote in the contested departments which were not occupied by the Yugo-Slavs in March 1919:

For union with the German-Austrian State there declared themselves—81,451 electors—equal to 84.6%.

For union with the Yugo-Slav State there declared themselves—771—equal to .8%.

There remained without declaration 14,000, which equals 14.6%.

Total 96,222 electors.

Which equals 100%.

132. RESOLUTION OF THE COUNCIL OF HEADS OF DELEGATIONS REGARDING THE AUSTRO-YUGOSLAV BOUNDARY¹⁰²

(Translation)

PARIS, July 16, 1919

To: *The Chairman of the Drafting Committee*

The Secretariat General of the Peace Conference has the honor to inform the Chairman of the Drafting Committee of the Conference, that, in its sessions of July 10th and 11th, the Supreme Council of the Allied and Associated Powers took the following decisions, regarding the frontiers of Austria:

¹⁰² *S-H Bulletin*, No. 513.

1. *Frontier of Austria with the Serb-Croat-Slovene State*

The description of this frontier as it is given in the peace conditions with Austria, Part 2, Art. I, from line 14 of page 3,¹⁰³ shall read as follows:

4.

From there to the north to a point to be determined east of cote 400, about 16 kilometers north of Radkersburg;

the former frontier of 1867 between Austria and Hungary;

from there north-east to a point to be determined on the line of the watershed between the basins of the Raab and the Mur, about 2 kilometers east of Toka;

a line to be determined on the spot, passing between the villages of Bonisfalva and Gedoudvar.

This point is the point common to the three frontiers of Austria, Hungary and the Serb-Croat-Slovene State.

133. MEMORANDUM DATED AUGUST 9, OF THE AUSTRIAN DELEGATION, ON STYRIA¹⁰⁴

(Translation)

ANNEX C

MEMORANDUM ON STYRIA

The Peace Treaty provides for the organization of a plebiscite for the basin of Klagenfurt. In Styria, the territory between the Mur and the Drave includes two basins: the one situated in the valley of the Mur forms, with the city of Radkersburg, part of the coherent German linguistic territory; in the second, the basin of Marburg with the valley of the Drave, the same economic and ethnic conditions exist as in Carinthia. It is impossible, therefore, to refuse to Styria the treatment that has been accorded under the same conditions to Carinthia.

The territory for which German Austria claims the plebiscite, after the model of Carinthia, includes the valley of the Drave with the basin of Marburg, on one hand, and the valley of the Mur with the basin of Anstall, and Radkersburg, on the other.

I. *The Valley of the Drave, with the Basin of Marburg*

a) From the *geographic* point of view, the basin of the Drave, naturally framed in the Bachern group, belongs to central Styria. It is made up of 63 communes of the district of Marburg, 15 communes of

¹⁰³ Document 60, Part 2, Article 1, Section 4, next to last paragraph.

¹⁰⁴ *S-H Bulletin*, No. 668, Part II: Observations . . . Annexure C. For covering letter and list of accompanying documents, see Document 66(a-c), *supra*.

the district of Mahrenberg, 1 commune of the district of Arnfels and 1 of the district of Windischgratz.

b) From the *ethnic* point of view, the inhabitants are Germans and native Wends, the same as in Carinthia. It is a country of mixed tongues. In the cities and the villages belonging to them, the Germans form a majority as high as 90%; in the country, the Germans and the Wends live side by side. The Wends differ essentially from the Slovenes of the Carniola. According to their own sentiments, they are before all other things Styrian. Their habits and customs, as well as their national costumes, resemble those of the northern parts of Styria. Their language is based in many respects on words borrowed from the German, for example: Gemeindeamt-gmainsen, pflug-plug, Schere-Skarja, Sesses[1] - Zezely, Gewehr - Gvir, puts[z]en - putzati, etc. The Wends of the valley of the Drave have nothing in common with the Slovenes of the Carniola; on the contrary, in many regions the name "Kranc," Carniolian, is considered to be an insult.

c) From the point of view of *economics and traffic* the valley of the Drave and central Styria, with the city of Graz, form a *single unit*, which could not be partitioned without great detriment to the inhabitants. All the ways of communication lead toward the north. The vital center is formed by the city of Marburg, situated in the middle of the basin. 35,000 Germans and 5,900 Wends live in the city and its environs. In spite of its occupation by the Jugoslavs, Marburg remains a German city. Mr. Rothays Reynolds noted this fact in the *Daily News* of July 15, 1919, when he published a report on a tour of information in Jugoslavia. All the intellectual and economic life is imprinted with a German character; the schools, the commerce, trades, industries and banks are German in a proportion of 90%. Not a single one of the thirty industrial enterprises of Marburg and the valley of the Upper Drave is in the possession of the Slovenes.

Marburg is a very important railway center for German Austria. The Southern Railway, which follows the right bank of the Drave, constitutes for German Austria the principal communication with Carinthia, Italy and the sea ports. Here are found the largest engine yards and shops of the Southern Railway in the Alpine country; 4,000 German workmen and employees are at work here.

Up the Drave to above Marburg there are hydraulic forces of great value. The power station of Fahl has 30,000 HP and is now running. The plans for the construction of other establishments above Fresen are completed and approved by the competent commissions. They are intended to furnish, over a territory including Vienna, the electric energy indispensable to our industry, to replace the coal which we have no longer at our disposal. This white coal is our last hope of economic and consequently social reconstruction.

d) The population has many times over clearly manifested its desire to be united with Austria. In October, 1918, the city of Marburg declared in favor of the German Austrian Republic; a great number of communes did the same. The American investigating commission, under the chairmanship of Colonel Miles, which came to Marburg on January 27, 1919, was able to verify the German character of the city.¹⁰⁵ Moreover, a memorandum was submitted to the Peace Conference, drafted on the advice of Colonel Miles by the mandatories of the German population of Marburg. This memorandum contains a full reply to the questions concerning the state to which the population desired to unite the city, concerning the ethnical conditions of the inhabitants of the city, and the present relations between Germans and Slovenes, as well as the state of affairs existing in general since the occupation by the Yugoslavs.

Moreover, the Slovene financial commissary, Dr. Vekoslav Kubovec, stated himself in the "Slovenski Narod" that Marburg, with slight exceptions, is inhabited by a population purely German.

In the valley of the Drave and the basin of Marburg the right of self-determination must consequently be accorded to the population, as in the case of Carinthia. For in this region the Germans and Wends are in almost equal number, and any violence imposed on them would cause continual discords and disturbances.

II. *The Valley of the Mur and the Basin of Abtall and Radkersburg*

a) From the *geographical* point of view this region forms part of the plain of central Styria.

b) From the *ethnic* point of view it belongs to the coherent territory inhabited by compact masses of the German race.

The region of the Mur, which German Austria claims, comprises 33 communes of the districts Mureck and Radkersburg and the town of Oberradkersburg. The Germans are in number 9,763, that is 75%; the Slovenes 3,482, that is 25%; in 8 communes there is not a single Slovene, 19 communes have large German majorities; in 2 communes the number of Germans and Slovenes is almost even; there are therefore only 4 communes of Slovene majority.

c) From the *economic* point of view the population would suffer serious detriment if this territory were partitioned. All ways of communication on either bank of the Mur lead toward Mureck and Radkersburg, the economic centers. It is toward this latter city that gravitates also the principal economic traffic of the southern parts of German West Hungary.

¹⁰⁵ For discussion of this report, see Document 183, *infra*.

The Spielfeld-Mureck-Radkersburg railway is adapted to the needs of the population of both banks, it passes through a territory purely German and it can not be suddenly stopped 4 kilometers from the Radkersburg station. The regularizing of the Mur constitutes an economic enterprise of the greatest importance. Since 1875 the public administrations have been carrying out this important work according to the uniform principles by which these important works must be ordered. It is a question of reinforcing the banks of the river from Gratz to Radkersburg, in order to preserve this very fertile territory from the erosion of dangerous currents, of protecting the industries and of rendering the construction of high power stations possible. If the frontier were traced in conformity with the "Conditions," the right bank of the Mur, from kilometer 48.5 down stream from Spielfeld would become Yugoslav, and from kilometer 72.5 east of Sogersdorf, both banks would become Yugoslav. In this way, it would be impossible to finish the regularization of the rivers, a work that has been carried on for forty-four years at an expense running into the millions and according to uniform principles. These works can not be carried on on one bank without exposing the other to great damage. In view of the fact that during the entire war, notably since 1916, serious damage has been occasioned by great floods and that for lack of workmen, the necessary repairs could not be made, it would be impossible now, even by the conclusion of the Peace Treaty, to proceed with the reconstruction. It is clear that during the next few years the two states in question could not arrive at the agreement necessary for this collaboration. In consequence there would be serious economic losses, even the material ruin of the entire country. Even the plans drawn up for protection against floods could not be carried out, seeing that the dikes begin on the left bank near Mureck and afterward run on both banks.

Moreover, seven out of the nine hydraulic power stations draw their power from German Austrian territory. The establishments themselves, however, would henceforth be in Yugoslav territory. It involves the woodworking factory and the pasteboard factory near Zierberg, eight mills between Mureck and Radkersburg and the electric light power house at Radkersburg. By the fact that parts of each of these enterprises would be found now in the territory of one of the two states, now of the other, their exploitation would become impossible. Seven hydraulic power stations have, for example, a common canal which begins above the Mureck bridge, on the left bank of the Mur. The existence of all these establishments is subordinated to the maintenance of the canal. Experience proves that it is at the head and the upper part of this canal that the most of the works of conservation must be executed.

Up to the present it has been possible only by the intervention of the authorities to prescribe and to collect the taxes necessary for this. Now,

such a procedure becomes impossible when urgent works, necessitated by floods, can be carried out only after an international agreement. In the meantime serious economic losses and the idleness of the factories would be the result. Moreover, by the trace of the frontier in question, the construction of the high power stations planned would be impossible and the valley of the Mur would suffer new losses. The economic interests of this region require, consequently, that the Mur with *both* banks be left entirely to German Austria.

d). The will of the population has been clearly manifested many times and can give rise to not the least doubt. In October, 1918, the districts of Radkersburg and of Mureck, as well as all the communes that they include, pronounced in favor of the German-Austrian State. In the month of February, 1919, the peasants of the valley of the Mur opposed armed resistance to the Yugoslav occupation. In the armistice treaty concluded on February 14 at Marburg in the presence of the French Major Montaigu, it was expressly stipulated that the military occupation by the Yugoslavs should exercise no influence on the decision of the Peace Conference on the subject of the future annexation of the valley of the Mur. Moreover, during the Yugoslav occupation all the communes of this region have proceeded to test votes, with the result that all the communes, including those inhabited by a majority of Wends, claim their incorporation with German Austria. Finally the city of Radkersburg and eighteen communes have, in spite of the military regime of violence to which they were subject, addressed, on June 18, 1919, identical telegrams to the Peace Conference to express their desire.

In January, 1919, an American Commission visited this territory and verified its German character.

Before this Commission, the Slovene General Majster was obliged to recognize the German character of the city and region of Radkersburg; the Slovene financial commissary, Dr. Vekoslav Kubovec, in November, 1918, declared in the presence of the provincial government of Graz, the absence of any Slovene claim to Radkersburg.

For all these reasons, the population of the valley of the Mur claims the right to decide its fate by a plebiscite.

134. NOTE FROM THE YUGOSLAV DELEGATION REPLYING
TO THE OBSERVATIONS OF THE AUSTRIAN DELEGA-
TION WITH PARTICULAR REFERENCE TO AUSTRO-YU-
GOSLAV BOUNDARY QUESTIONS¹⁰⁶

(Translation)

DELEGATION OF THE KINGDOM OF
THE SERBS, CROATES AND SLOVENES
TO THE PEACE CONFERENCE
No. 3129

PARIS, August 11, 1919

FROM: *M. Nik P. Pachitch*

TO: *The President of the Peace Conference*

The Delegation of the Serb-Croate-Slovene Kingdom has the honor to send herewith a memorandum to Your Excellency, in which it takes the liberty of expressing its point of view concerning the "remarks presented by the German Austrian Delegation on the Peace Conditions with German Austria in general," insofar as these remarks concern the question of the boundary between the Republic of Austria and the Serb-Croate-Slovene Kingdom.

Please accept, etc.

PARIS, August 11, 1919

REMARKS OF THE SERB-CROATE-SLOVENE DELEGATION
CONCERNING THE REMARKS PRESENTED BY THE AUSTRIAN
DELEGATION ON THE "PEACE CONDITIONS" WITH AU-
STRIA IN GENERAL, INsofar AS THESE REMARKS CONCERN
THE TERRITORIAL BOUNDARY BETWEEN AUSTRIA AND
THE SERB-CROATE-SLOVENE STATE

The remarks made by the Austrian Delegation regarding the bound-
ary in Carinthia and Styria are not only without any material foundation,
but also contain evident contradictions in their most important points
and they seem to be trying to mystify the Peace Conference, against
which proceeding the Serb-Croate-Slovene Delegation must make its
most formal reservations.

1. Such a mystification is contained in Annex C¹⁰⁷ where it is
claimed that the Slovene element in Styria and in Carinthia is not
identical with the Slovenes but is composed of "Wendes, who differ
essentially from the Slovenes of Carniola," and who "have nothing in
common with the Slovenes of Carniola."

¹⁰⁶ *S-H Bulletin*, No. 742.

¹⁰⁷ Reproduced as Document 133, *supra*.

It is incomprehensible that the Austrian Delegation should dare to address such an absurdity to the Supreme International Forum. The Austrian Delegation cannot fail to know that neither legislation, nor the official census, nor the system of primary instruction, nor finally the entire public administration of former Austria have known, in Styria and in Carinthia, beside Germans and the German tongue, any other nation or any other language than the Slovene. As it cannot, either, fail to know that pan-Germanist propaganda itself was used to conquer the Slovene population, the Slovene language and papers written in Slovene, its statement can only be considered as premeditated slander.

2. The Austrian Delegation, indeed, is in evident contradiction with its own ideas when it recommends a plebiscite for a territory of Styria which it contests with the Serb-Croate-Slovene State on the pretext that this territory forms an economic whole with Central Styria while the method of plebiscite proposed by the Delegation itself destroys in principle this unity.

Concerning Carinthia, the Austrian Delegation, claiming that the transversal line as it has been traced to separate zones A and B passes too close to Klagenfurt, opposes its adoption. But at the same time it proposes, for Styria, as a transversal line between 2 zones the Drave, which cuts in two the City of Marburg.

The Austrian Delegation claims that the Mur, because of a few rare hydraulic establishments, such as saw mills and other mills, even on the relatively short line between Spielfeld and Radkersburg, only 25 kms. long, cannot serve as a state frontier, while, according to its propositions, the Drave might form a state frontier between Austria and the Serb-Croate-Slovene State along all the stretch from Villach to Marburg (150 kms.).

3. Concerning the material point of view, the Austrian Delegation demands that, as in Carinthia, the territorial question for the regions of Marburg and Radkersburg be solved by a plebiscite.

The Serb-Croate-Slovene Delegation feels obliged to pronounce in principle against this request of the Austrian Delegation, the plebiscite which was already imposed upon us also in spite of ourselves in Carinthia, being in this way imposed also upon Styria, therefore to the entire Slovene-German frontier, while the plebiscite was accorded us for no region where we had desired it. Plebiscite in Styria would give, as we have already exposed for Carinthia, to the Germans the formal right and possibility of stabilizing the results of their Germanizing system of violence.

4. But also the arguments on which the Austrian Delegation bases its request for a plebiscite are without any foundation. The supposition that the region of Marburg and Radkersburg be separated geographically and economically from southern Styria, and that it form an integral part

of central Styria (remarks, Preamble, page 9,¹⁰⁸ Annex C, pages 33, 34¹⁰⁹) corresponds as little to truth as that concerning the "Wendes." For the fact that Marburg and the territory extending as far as Remsник and the Mur belongs geographically to southern Styria and that this territory, in all epochs of history, has been united to southern Styria not only ethnically, but also administratively, and that especially the City of Marburg has always been the centre of southern Styria from the point of view of commercial, social and administrative communication, this fact is so incontestable that it seems superfluous to speak of it longer. The supposition that this territory gravitates economically and commercially toward the north is in the same way without any foundation.

5. As for the other arguments which the Austrian Delegation uses to found its claim, they emanate from the well known principle of pan-Germanist policy: "my interest is my right."

If central and northern Styria has profited by the agrarian exportation of southern Styria, this fact cannot be used for the claiming by Austria of a certain part of this territory.

For that matter, exactly, this part which she claims cannot be taken into consideration as for agrarian exportation.

Still less can one use to this end the fact that "all the economic life," as the remarks say, "was inspired by the organizing spirit of promoters working at Vienna or Gratz, where all the important agricultural and industrial organizations are chartered." (Remarks, Preamble, page 10.¹¹⁰) It would follow from this argument that in general, no territory could be detached from former Austria, since such a separation would affect the interests of Vienna which, in an artificial way, had economically enslaved all parts of former Austria.

An argument which shows the same sort of ideas as those which have just been cited, is that from the fact that the City of Vienna is connected by the Bruck-Villach and Bruck-Marburg line with the valley of the Drave, one deduces the consequence that the transversal railroad line of the Drave, Villach-Marburg, it [*sic*] also should be in Austria's possession. (Remarks, Preamble, page 10.) However the supposition remains incomprehensible that in case this transversal line did not belong to Austria, "traffic with Italy and with the maritime ports would become impossible," the fact being beyond a doubt that said transversal line is of no importance for this traffic. However, Austrian policy, inspired solely by its selfish interest, does not worry at the fact that this railroad crosses purely Slovene territory and that it connects the latter with the rest of the Serb-Croate-Slovene State.

¹⁰⁸ Reproduced in Document 100, *supra*.

¹⁰⁹ Reproduced in Document 133, *supra*.

¹¹⁰ Reproduced in Document 100, *supra*.

It corresponds perfectly to the way of thinking of the Austrian Delegation if the latter, in order that hydraulic force on the Drave may be exploited for the benefit of Austria, thinks itself authorized to claim all the valley of the Drave without scruples, because in this way more than 170,000 Slovenes would be separated from their co-nationals. Austria, for that matter, possesses in its innumerable waters in the Alps, inexhaustible hydraulic force.

If the argument that the Austrian Delegation uses that the Mur, because of the hydraulic establishments along its course, that is, because of one wood factory, one cardboard factory and 8 mills, finally because of its regularization, cannot serve as a state frontier, if this argument became law, no river, in general, could serve as a state frontier.

From what we have just explained, it follows that the arguments used by the Austrian Delegation to request a plebiscite for Styria are without any serious motivation and that, consequently, this request itself is not based on any material foundation.

6. The Austrian Delegation still further exacts a change of methods, which, for the plebiscite in Carinthia were drawn up by the Peace Conference after long and profound deliberation, in agreement with the Serb-Croate-Slovene Delegation. This request, it too, is without foundation and the Serb-Croate-Slovene Delegation is bound to protest formally against such a change.

Considering the economic unity of the basin of Klagenfurt, the plebiscite in Carinthia has a special end to which the methods determined are appropriate; these methods cannot be replaced by forms which elsewhere would be possible. It follows that the plebiscite by communes cannot be taken into consideration.

It is the same for the division of the plebiscite territory into four zones, proposed by the Austrian Delegation, which is inconvenient because this form might lead to quite unacceptable results.

In the principal idea mentioned above, for the plebiscite in Carinthia, the ballot also, at two successive terms, is founded, and consequently cannot be suppressed. It is evident that, for the successive plebiscite, the territory which has the greatest extent and the greatest population should have the priority.

135. NOTE NO. 3206 FROM THE SERB-CROAT-SLOVENE DELEGATION ON THE SUBJECT OF A MODIFICATION OF THE FRONTIER IN THE REGION OF SOBOTH¹¹¹

(Translation)

II

DELEGATION OF THE KINGDOM OF THE
SERBS, CROATS AND SLOVENES
TO THE PEACE CONFERENCE

No. 3206

PARIS, August 13, 1919

FROM: *Nik P. Pachitch*
TO: *President Clemenceau*

The delegation of the S. C. and S.'s proposes to modify the Peace Conditions with Austria (Part II, Frontiers of Austria, Article 24 [27] 4°) as follows:

in place of "point 1330," put "point 1432 (Soboth)"; the text thus modified will then be as follows:

"from point 1522 (Huehnerkogel), eastwards to point 917 (St. Lorenzen);

a line to be determined on the ground passing through point 1432 (Soboth)."

In the above way the commune of Soboth, which, according to the official Austrian census of 1910 counted 708 inhabitants, will be annexed to the S.C.S. State.

The commune of Soboth has itself demanded this change, supporting its claim on the fact that all the inhabitants of the commune, scattered about the mountain, are connected with the valley of the Drave by the valley of Feistritz, while they are separated from the region of the north by the high crest of Soboth, 1432 meters, Schneiderlipl, 1249 meters, and Mauthnereck, 1014 meters.

Moreover, for a long time Soboth had formed a part of the judicial district of Mahrenberg and of the administrative district of Windischgratz, which has formed close ties with this region; so that it would be a very serious detriment to the commune of Soboth if it had suddenly to break its present economic, political and social relations to turn, contrary to the natural laws, to the north.

¹¹¹ *S-H Bulletin*, No. 741 (II).

136. RESOLUTION OF THE COUNCIL OF HEADS OF DELEGATIONS OF AUGUST 26, 1919, CONCERNING THE PLEBISCITE IN THE MARBURG AREA¹¹²

It was decided that the Central Territorial Commission should be heard at the Council on August 27th, 1919, on the question of the Plebiscite in the Marburg area in Styria.

137. NOTE FROM THE SERB-CROAT-SLOVENE DELEGATION PROTESTING AGAINST THE PLEBISCITE FOR STYRIA¹¹³

(Translation)

DELEGATION OF THE KINGDOM OF THE SERBS,
CROATS AND SLOVENES TO THE
PEACE CONFERENCE

4 Rue de Pressbourg—Tel: PASSY 55-47

PARIS, August 26, 1919

FROM: *President Pachitch*

TO: *President Clemenceau*

According to information in today's papers the Supreme Council in its session of yesterday had certain amendments concerning the southern frontier of Austria laid before it, and on this occasion the adoption of a plebiscite was considered as the method of solution of the territorial question in Styria.

Although I am not in a position to know whether this information is well-founded, I think it my duty to call the attention of the Supreme Council to the absolute consternation that this unexpected news has caused in our delegation.

In my letter of the 11th instant I had the honor to set forth all the facts and all the considerations which prove the claims of Austria to an integral part of southern Styria are entirely unjustified, and that they are based only on the right of German policy concentrated in the thesis: "My interest is my right."

I think that I should be abusing the indulgence of the Supreme Council if I occupied myself further with the Austrian arguments, therefore I will limit myself to the following statements:

It is an incontestable fact that the part of Styria that extends from the south beyond the Drave to the watershed Radelj-Remsnik on one

¹¹² H.D. Resolution 39-D. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress. See also Documents 67 and 68, *supra*.

¹¹³ *S-H Bulletin*, No. 808 (III).

side and to the river Mur on the other is, from the geographical point of view, clearly separated from Central Styria. It is for this reason that it is known to scientific terminology as well as in everyday speech under the name of southern Styria.

It is also an incontestable fact that from the time of the Roman Empire to our own days this part of Styria has always formed an administrative unit, and sometimes also a political unit separated from Central Styria. Even the Austrian old regime, which sought to fuse everything, recognized this unity by making southern Styria a department (*Kreis*) with Maribor (*Marburg*) as capital, while Central Styria formed the separate department of *Graz*, and northern Styria a third, that of *Leoben*. The Austrian electoral reform of 1907, which was based on the principle of nationality, also recognized southern Styria as Slovene political territory.

It is moreover an incontestable fact that southern Styria constitutes a unit also from the ethnographic point of view, since its native population is Slovene. The best proof of this is that in 1859 the episcopal seat was transferred expressly from Lavant to Maribor, because it was thought necessary to establish at Maribor a Slovene diocese that would take in all the Slovenes of Styria.

It is also an incontestable fact that Maribor is the center of the intellectual, political and economic life as well as of the traffic of southern Styria, whose capital would also be a city entirely Slovene if the old Austrian system of Germanization had not used all means to create artificially a German strong-point in a country purely Slovene.

A solution that would break up this unity would imply a contradiction not only with history but also with the needs of ordinary and political life.

No more can I pass over in silence the fact that the revival of the question of the Styrian frontier has surprised us all the more because whenever we complained that our territorial demands were not being conceded our attention was called to the favorable solution of the Styrian question, which according to this argument is a sort of "compensation."

I wish moreover to state that after the plebiscite was imposed on us in Carinthia against our will, the adoption of the plebiscite in Styria would mean that we must accept a frontier between Austria and our state along the whole line according to this method of solution, while this has not been granted to us at any point where we desired and proposed it. Such a proceeding would be interpreted as unjust towards our state.

I take this liberty, moreover, of calling the attention of the Supreme Council to the fact that in Styria even the part of the population which under the old regime had been the representative of the German idea has accepted the arrangements made up to the present by the Peace

Conference, and that a change of the present situation would inevitably lead to an excitement, to difficulties and to troubles such as, unfortunately, are taking place now in Upper Silesia (text incomplete).

It would moreover be incomprehensible if precisely concerning the Austrian frontier account were taken of every enclave created artificially by the well known system of Germanization in the heart of Slovene territory, and if it were desired to sacrifice the vital interests of territory entirely Slovene to the enclaves which are encircled by it.

The demand that our nation should on this point again submit to the excitement of a plebiscite would create in our country a state of things which would put our Delegation in a very serious situation.

In the interest of peace so ardently desired, I have the honor to address to the Peace Conference the urgent request to spare our nation, already so sorely tried, a new irritation and to make easy for it the interior consolidation which is the first condition of quiet labor and an effective evolution to which it has a full right after so many years of bloody struggles.

NIK P. PACHITCH

138. REPORT OF THE COMMISSION ON RUMANIAN AND
YUGOSLAV AFFAIRS ON THE PLEBISCITE
IN STYRIA¹¹⁴

(Translation)

REPORT OF THE COMMISSION ON RUMANIAN AND JUGO-SLAVE AFFAIRS
ON THE PLEBISCITE IN STYRIA

1) *On the question of the zone of the plebiscite*

A. The *British* and *French* Delegations believe that the line proposed by the Austrian Delegation is unacceptable, since traced artificially by the Austrians for a purely political purpose, and as breaking the economic unity of the Marburg Basin.

They, therefore, request the inclusion of the districts of Pettau and Luettenberg in the zone of the plebiscite of Styria.

Furthermore, they believe that the Drauburg region which, according to the present administrative boundaries, is joined to Carinthia, should vote with zone A of Carinthia.

B. The *American* and *Italian* Delegations desire to accept as it is, in conformity with the decision of the Supreme Council, the line proposed by the Austrian Delegation.

They would accept, at a maximum, the taking of the administrative

¹¹⁴ *S-H Bulletin*, No. 784, August 28, 1919.

limit of the judiciary districts (Gerichtsbezirke) of Marburg and Radkersburg.

They oppose the inclusion of the districts of Pettau and of Luettenberg in the zone of the plebiscite of Styria, because this arrangement would unbalance the vote in favor of the Jugo-Slavs and would impose a plebiscite upon peoples who do not desire it, and for whom no one has requested it.

For the same reason, the *Italian* Delegation opposes the joining of the region of Draburg to zone A of Carinthia. It considers, moreover, that the boundaries of this latter zone, having already been fixed by the Supreme Council, are intangible.

2) *As to the methods of the plebiscite*

The four Delegations propose:

A. *Inter-Allied control of the plebiscite*: the Inter-Allied plebiscite Commission of Carinthia will exercise control in Styria under the same conditions as for zone A of Carinthia.

B. *Occupation and Administration of the zone of the plebiscite*: Will take place under the same conditions as for zone A of Carinthia, that is, occupation by Jugo-Slav troops and administration according to the general rules of the legislation of the S.C.S. State.

The troops shall be reduced to the effectives necessary for the maintenance of order: They shall be replaced as rapidly as possible by a police force recruited on the spot.

C. *Vote*: Will take place at the same time for the whole of the zone of Styria.

D. *Date of plebiscite*: Same date as for zone A of Carinthia, that is, three months after the coming into force of the Treaty.

E. *Right of suffrage*: Will be granted under the same conditions as for the plebiscite of Carinthia.

II

The *British* and *French* Delegations feel it their duty to respectfully inform the Supreme Council that in their opinion and whatever may be the boundaries of the zone which will be applied, the plebiscite has serious inconveniences.

1. The Jugo-Slav Delegation has requested a general plebiscite (Banat, Bacsha [Batchka], Baranya, Prekomouria, Styria, Carinthia, Istria, Dalmatia). An agreement had been made to limit the plebiscite to Carinthia. It is scarcely just, upon the request of the Austrians, to again call this agreement into question for the region of Marburg alone.

2. From the point of view of statistics, excepting the town of Marburg, there is a very strong Slovene majority in the region under consideration (district of Marburg, without the town: 75,000 Slovenes

and 17,000 Germans according to Austrian statistics). Austrian publications of 1919 recognize that the Austrian line previously adopted was in conformity with the situation of nationalities.

3. From an economic point of view the bond is evident between the Marburg region and all the railways of Jugo-Slavia. Artificial measures taken by Austria were applied to divert this traffic toward the north.

4. The Jugo-Slavs have occupied this region for nine months with the authorization of the Allied and Associated Powers. No objection was ever made by the Conference to the difference which took place for Klagenfurt. The Jugo-Slavs, consequently, have had the right to consider—and the Treaty handed to Austria has confirmed this opinion—that this region was not contested to them. The measure taken will, therefore, certainly provoke violent agitation which will not favor the peaceful policy which the Conference is pursuing in Central Europe.

5. The Slovenes (1,500,000 souls) by the fact of the Treaty are in a [illegible word] situation. Almost a third of this race is placed under foreign domination. 0,000 [400,000?]¹¹⁵ Jugo-Slavs (of which 225,000 are Slovenes) are held in Italian territory. The plebiscite, as it is proposed by the Austrian Delegation, will aggravate the conditions of the Slovene race and runs the risk of making its claims more violent in the countries in which it has been included by the Treaty.

6. The *British* and *French* Delegations, recall that the plebiscite had been disapproved:

- a. Unanimously by the Commission on Jugo-Slav affairs.
- b. Unanimously by the Central Territorial Commission, on first [exa]mination.
- c. Unanimously by the Supreme Council before handing the Treaty to the Austrians.
- d. Unanimously by the Central Territorial Commission, at the time of the preparation of the reply to Austria.

7. Consequently, the two Delegations consider the plebiscite under discussion as perilous.

III

In opposition to the observations presented to the Supreme Council by the British and French Delegation, the *American* and *Italian* Delegations feel bound to remark, in turn:

1. The fact that the Jugo-Slavs requested a plebiscite for the Banat, the Bacsha, Baranya, etc., has nothing to do with the conclusion of the Treaty with Austria. When the time has come to discuss the Treaties between Jugo-Slavia and the other States, the other plebiscites may pos-

¹¹⁵ Illegible in Hoover War Library copy; figure in brackets supplied by editors.

sibly be proposed. As for the agitation which one fears to arouse, it already exists (the last events of Marburg prove this) under the Jugo-Slav military regime. The actual conditions are certainly not ideal, but the disadvantages are all on the side of the Austrians.

2. While not contesting the existence of an absolute Slovene majority in the rural parts of the district of Marburg and Radkersburg, it is, however, justifiable to believe that many of these Slav peasants prefer to be joined to Austria, because of the economic interests which intimately connect these regions with those of Klagenfurt and of Gratz.

3. The traffic of Marburg is, to a proportion of three-fourths, directed toward Austria, as proved by official statistics.

4. The decision suggested by four Delegations in the Committee on Co-ordination of the replies to the Austrian counter-proposals and subsequently adopted by the Supreme Council, of acceding to the Austrian request for a plebiscite in the districts of Marburg and Radkersburg, cannot be weakened by the perspective of certain transitory agitations, which, besides, are especially provoked by the Jugo-Slav military occupation, as said above.

5. The fact that the Slovene nation is dispersed in very different geographic regions and in those having opposite interests (Valleys of the Isonzo, of the Save, of the Drave, etc.) does not justify the necessity for its unity, which is opposed by very good geographical and economic reasons.

6. The decisions against the plebiscite, cited by the British and French Delegations, are all previous to the examination of the Austrian counter-proposals by the Committee on Co-ordination, where four Delegations suggested the plebiscite, and by the Supreme Council, which approved this stipulation.

7. In any event, the plebiscite will give the Slovenes of Marburg and of Radkersburg the means of freely expressing their opinion.

139. NOTE FROM THE ITALIAN DELEGATION ON THE PLEBISCITE IN STYRIA¹¹⁸

(Translation)

No. 512-5-b prot.

PARIS, August 27, 1919

FROM: *The Italian Delegation*

TO: *The Peace Conference*

The Secretariat of the Italian Delegation has the honor of informing the Secretariat General of the Peace Conference of the following declaration:

¹¹⁸ *S-H Bulletin*, No. 796.

Referring to the report of the Commission on Rumanian and Jugo-Slav Affairs on the question of the plebiscite in Styria, the Italian Delegation approves the proposition made by the French and British Delegations that the districts of Luttenberg and Pettau be included in the zone of the plebiscite.

"Referring to the methods of the plebiscite such as they are expressed in Chapter I, No. 2, B of the said report, the Italian Delegation asks that to the alinea of this chapter the phrase: 'the troops shall be reduced to the necessary effectives for the preservation of order,' be followed by the words 'and shall assure the execution of their mission under the control of the International Commission,' as is prescribed for the plebiscite to be held in the Klagenfurt basin, the conditions of which serve as model for the plebiscite in Styria."

140. RESOLUTIONS OF THE COUNCIL OF HEADS OF DELEGATIONS ON A PLEBISCITE IN STYRIA

(a) RESOLUTION OF AUGUST 27¹¹⁷

The American, British, French and Japanese delegates agreed to abandon entirely the idea of a plebiscite in Styria and to stand by the territorial settlement made in the Treaty handed to the Austrian Delegation. M. Tittoni reserved his agreement and said that he would communicate his conclusion to the Secretary General in the course of the afternoon.

140. (b) RESOLUTION OF AUGUST 29¹¹⁸

It was decided that no plebiscite should be held in Styria and the river Mur should be accepted as the frontier between Austria and the Kingdom of the Serbs, Croats and Slovenes in this area. Radkersburg would be attributed to Austria and Marburg to the Kingdom of the Serbs, Croats and Slovenes.

¹¹⁷ H.D. Resolution 40-G. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

¹¹⁸ H.D. Resolution 42-A. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

141. MEMORANDUM FROM THE SERB-CROAT-SLOVENE DELEGATION ON THE SERB-CROAT-SLOVENE CLAIMS TO RADKERSBURG¹¹⁹

(Translation)

PARIS, August 29, 1919

DELEGATION OF THE SERB,
CROAT AND SLOVENE KINGDOM

According to information, I learn that the Supreme Council has decided to attribute the Radgona triangle (Radkersburg) to Austria.

I think it my duty to call the attention of the Conference before it is too late upon the consequences that such a decision might develop to the detriment of the future Austrian citizens as well as to the detriment of future Jugo-Slav citizens, who would be affected by this attribution. These consequences have, perhaps, escaped the vigilance of the Supreme Council.

Radkersburg, both as locality, commercial center and etape, owes its origin and existence to its situation between the Slovene hills (Windische Bueheln), to the Southwest, and the Prekmurje, to the Southeast. It is through these regions that the city of Radkersburg is provisioned, and its markets receive the wine of the Slovene Hills and the grain and other agricultural products of the Prekmurje Plain. The Champ de la Mur has furnished, annually, as much as 40,000 tons of grain to Styria and especially to the markets of Radkersburg. An ulterior proof of the close liaison existing between the Radkersburg region and the Prekmurje is the fact that of the 5310 inhabitants of the Radkersburg triangle 1627, or one quarter, are immigrants from Prekmurje, which statistics carry as "foreigners." No less than five roads connect Radkersburg to the Jugo-Slav hinterland. From this natural hinterland which forms an economic and vital base at Radkersburg, this city, as is shown on the map hereto attached, would be separated by the State frontiers proposed. All that would cause an evident detriment to the inhabitants of Radkersburg, because Radkersburg despite its brilliant situation as a connecting link between the Prekmurje and the Slovene Hills would then become a dead point. Such a consequence would be the more inevitable as a result of the extremely exposed situation of Radkersburg, which advances like a wedge into a foreign state, and Austria would be unable to replace in this city all that it loses as a result of such an arrangement. It is evident that the Slovene population, encircling Radkersburg in an arc of 320 degrees, would suffer damage as well by losing its natural center and because the wedge mentioned before would cut the natural traffic line between the Prekmurje and Marburg. These were, if I am

¹¹⁹ *S-H Bulletin*, No. 833.

well informed, the motives which at first brought the Supreme Council to attribute Radkersburg triangle to the S.C.S. State, to which it belongs by its position and to which it should be united to conform with ethnographic principles.

By origin, Radkersburg is a Slovene foundation. In the 9th century, this locality was the center of the Slovene Dudlebi tribe and its name is derived from that of the distinguished Slovene Radigoj. Radkersburg was the seat of the Zupa (officium) of Maropolje (Champ de la Mur) and of a very ancient parish from which depended all the parishes of the present administrative district of Luttenberg and which extends almost to Halbenrain, or to a line formerly fixed by the Supreme Council as a frontier between Austria and the S.C.S. State. This fact clearly proves that Radkersburg already in ancient times was administratively connected with the South, that is to say, the Champ de la Mur, and not with the North, to which it seems about to be attributed contrary to all natural laws.

At the time of the struggle against Protestantism which the inhabitants of Radkersburg had accepted, the Ducal Captain Paar disdainfully designated them the "Wincische Khno pi" (Slovene button).

Yet again toward 1850 the Slovene element in Radkersburg was in the majority, as Stanko Vraz clearly proved when he said "Radkersburg is a Slovene city."

Only in recent times, in Radkersburg and in the other villages included in the triangle, has Germanization influenced by the administration and the schools made some progress. In the triangle there are exactly ten communes, including Radkersburg. One half of these communes had, in 1880, still a Slovene majority. According to her last census there were 3,265 Germans and 2,045 Slovenes in the triangle. (See annex.) In fact, the proportion is a great deal more advantageous for the Slovenes. In any event, even according to the official statistics, the territory in question is not a German territory; in Radkersburg a third of the people are Slovenes, and in the rest of the territory they form one half of the population. Statistics further show that the population of Radkersburg is nourished exclusively by the Prekmurje. If one cuts off artificially from this city its only means of development, Radkersburg would from this point of view also infallibly perish.

Since the new decision does not take into consideration these concrete conditions, and as it would only be prejudicial to all interests at stake, I am convinced that it would be vitally necessary that the Supreme Council decide to adopt its anterior decision already inserted in the Peace Conditions, which, being natural, would consequently be advantageous for all parties interested.

Accept, etc.

(Signed) NIK P. PACHITCH

ANNEX II

	[Germans]	[Slovenes]	[Slovenes- "Foreigners"]
Radkersburg	1,766	971	(49-922)
Alt-Neudorf	684	354	(97-257)
Hummersdorf	95	34	(7- 27)
Pfarrsdorf	112	16	(0- 16)
Pridahof	140	5	(0- 5)
Do-Danitz	15	125	(83- 42)
Laafeld	210	199	(21-178)
Sicheldorf	80	96	(68- 28)
Windischgratz	61	173	(75- 98)
Zelting	102	72	(18- 54)
	3,265	2,045	

142. REPLY OF THE ALLIED AND ASSOCIATED POWERS ON
SEPTEMBER 2, 1919, TO THE OBSERVATIONS OF THE
AUSTRIAN DELEGATION ON THE QUESTION OF THE
BOUNDARY BETWEEN AUSTRIA AND THE SERB-CROAT-
SLOVENE STATE¹²⁰

(Translation)

III. BOUNDARY BETWEEN AUSTRIA AND THE SERB-CROAT-SLOVENE
STATE

The policy of assimilation pursued by the imperial and royal administration in regard to the Slavonic race, has been one of the causes which have prevented the formation of a moral unity at the heart of the old monarchy. But under the oppression of functionaries strangers to their race, deprived of schools teaching their language, overwhelmed by the immigration of state employees and laborers, the Slovenes have, however, kept intact their national aspirations. The Allied and Associated Powers have recognized the right of these Slav populations to partake the destinies of a Slav State. The application of this principle presents itself under different conditions in Styria and in Carinthia.

STYRIA

The Associated and Allied Powers have considered that the Marburg basin, in its geographical, ethnographical, and economic unity, ought to be united to the Kingdom of the Serbs, Croats and Slovenes. They maintain that this natural region, indented to the west by the Balkan range, communicates as easily with the Slav countries of the South as with the Austrian countries and opens itself widely towards the East, by

¹²⁰ United States, 66th Congress, 1st Session, *Senate Documents*, Vol. 15, No. 121, pp. 9-11. For covering letter and list of accompanying documents, see Document 73(a, b), *supra*.

the valley of the Drave, which even to its confluence with the Danube never ceases to be within Serb-Croat-Slovene territory.

They recognize that certain cities, notably Marburg, are German in character. But they maintain that the Slovene element distinctly dominates in the rural population, where the action of the authorities succeeds only with difficulty in creating factitious majorities they consider that despite the efforts of the former Austrian administration to deflect from Hungary the commercial current of these regions, the market of Marburg was formerly in close economic relations with Croatia. They consider that their relations will naturally become closer following a political reattachment to the Serb-Croat-Slovene State, while the relations with the North created by the attraction of the Austrian capital will be relaxed.

The Allied and Associated Powers have, however, taken account of the Austrian protest concerning the city of Radkersburg, that the ethnographic and economic conditions appear to orient toward Austria rather than toward the Serb-Croat-Slovene State.

They are convinced that their solution so amended responds at the same time to the sentiment and to the interest of the majority of the populations.

CARINTHIA

The Allied and Associated Powers admit the geographical unity of the basin of Klagenfurt and recognize that this region closed at the South by the basin of the Karawanken has easy relations with the North. They distinguish on the other hand a very distant [*sic*] line of ethnic demarcation, constituted by the Gurk, the Glan, the Glanfurt, and the Wörthersee, the Slovene element dominating at the East and at the South of this line, the German element to the West and to the North. In short, they decree that the ways of communication constructed in the interior of the basin by a centralized administration converge near the market of Klagenfurt and that so far the economic orientation of this region has been directed toward the North.

In these conditions they have decided to grant to the population all latitude for conforming and according their economic interests with their national aspirations and to decide if they will, or will not, maintain their regional unity, and in this case remain united to Austria, or join the Serb-Croat-Slovene State.

Such is the idea that has controlled the decision to organize the plebiscite. The Powers have sought, in placing the entire basin under the control of their representatives to surround this consultation with all necessary guarantees for a free expression of the peoples will.

They have, in view of the plebiscite, divided the basin, following the line of ethnic demarcation in two zones, each of these zones, which will

be called to give a vote as a whole, comprises a nearly homogeneous population and will be able, if the separation becomes definitive to reconstitute its economic unity in close liaison with the State with which it decides to follow the destinies. The reasons which have led them to arrange for a delay between the two votes against which the Austrian Delegation protests, seem convincing. If the first zone declared for an attachment to Austria it would be useless to consult the second as geographic conditions would prohibit the choice of a different destiny. The Allied and Associated Powers recognize as well founded the observations of the Austrian delegation in regard to the water supply of Klagenfurt. They have inserted in the Treaty an article 310, guaranteeing to the city water necessary for drinking, and for the functioning of the factories by electricity.

143. NOTE FROM THE TECHNICAL GEOGRAPHICAL COMMITTEE, NO. 33, PARIS, SEPTEMBER 21, 1920, ON THE AUSTRO-YUGOSLAV FRONTIER¹²¹

TECHNICAL GEOGRAPHICAL COMMITTEE
No. 33

PARIS, September 21, 1920

NOTE FOR THE CONFERENCE OF AMBASSADORS

The Technical Geographical Committee studied in its session of September 16, 1920, the following questions brought up in the name of the Allied Commissioners, by the President of the Austro-Serbian Boundary Commission in his letter No. 11 of August 16, 1920.

Should the portion of the Austro-Serbian frontier, constituted by the old frontier of 1867 between Austria and Hungary be considered as an administrative boundary, capable of being revised or as an international frontier existing in August 1914, with respect to which the Commission ought to confine itself to the re-establishment of sign-posts and boundary marks.

It is fitting to remark that this frontier of 1867 has never been an international frontier, but before as after the compromise of 1867, it was only an internal frontier between two states united under the same sovereign.

In these circumstances, the Technical Geographical Committee is of the unanimous opinion that the frontier of 1867 should be considered as an administrative boundary capable of revision.¹²² The eventual modifi-

¹²¹ *E.S.H. Bulletin*, No. 1020.

¹²² This opinion was approved by the Council of Ambassadors at its meeting on October 13. C.A. 80(11).

cations of detail to be introduced in this part of the frontier may consequently be decided upon by the Boundary Commission by a majority of votes in conformity with Chapter I of the Instructions relative to Boundary Commissions.

The Delegates :

British :

Capt. Benoy

French :

Col. Bellot

Italian :

Major Mazzolini

Japanese :

Capt. Sakai

"5. WITH HUNGARY"

144. REPORTS, TO THE COUNCIL OF FIVE, ON THE FRONTIERS OF AUSTRIA AND HUNGARY BY THE TERRITORIAL COMMITTEES¹²³

(d) *Boundary between Austria and Hungary*

M. Sonnino asked whether anything had been done regarding the boundary between Austria and Hungary.

M. Pichon said that no Commission had been charged with this subject.

Mr. Lansing questioned whether it was necessary to make any alteration in this boundary.

Mr. Balfour said that it might possibly be necessary to do so, as he understood that there was a German population in Hungary which might wish to join Austria. If so, it might be desirable to be prepared to deal with this eventuality.

M. Sonnino pointed out that up to date neither Austria nor Hungary had raised the question.

Mr. Balfour said that the question did not greatly interest the Allies, unless the financial or economic terms were to differ as between Hungary and Austria. In that case, some trouble might arise.

M. Sonnino said that he could see no reason why any difference in the treatment of the two countries should be made.

Mr. Balfour said that if the Treaties in both cases were identic, it might not be necessary for the Conference to define the areas of the two states. In the other alternative, it might be desirable to do so.

M. Pichon thought it was unnecessary to deal with the question at once.

Mr. Lansing said that, in his view, certain economic questions might arise which, unless the frontiers had been adjusted, might cause diffi-

¹²³ F.M. 12(1d), May 8, 1919.

culties. As these two countries were now to be separated, he thought it would be well to ask a Commission to make a report to the Conference as to whether the previous boundary lines required to be changed or not. The Conference would therefore be prepared beforehand to deal with any proposal that might be made either from the Austrian or from the Hungarian side.

M. Sonnino said that if either the Austrians or the Hungarians had raised the question, he would be inclined to agree. As neither had done so, he could see no reason for setting a Commission to work. As far as he was concerned, he accepted the old frontier. Should either side desire an alteration, he would then be prepared to recommend examination by a Commission

Mr. Lansing observed that neither the Austrians nor the Hungarians were present to raise the question. He suggested that, as the Allies had so often been unready to deal with emergencies when they arose, they should in this case take steps to be prepared in advance.

M. Sonnino pointed out that full liberty had been left to the Serbians and the Roumanians to compose their differences. It was only should they disagree that the Conference would step in. He suggested that the same procedure be adopted regarding Austria and Hungary. He saw no reason for stirring them up. The Hungarians were not represented but had made a very considerable fuss about their frontier with Roumania. It appeared to him quite gratuitous to suggest to them that they should raise needless trouble. The two countries had not quarrelled for fifty years over this frontier; their present Governments were very insecure and the time seemed very inopportune for thrusting a controversy upon them.

Mr. Lansing said that his suggestion was that the question should be dealt with, without rousing either the Austrians or the Hungarians.

M. Sonnino said that if it could be done without the knowledge of either he would not object.

M. Pichon said he understood the suggestion to be that a Committee should be asked to deal objectively with a possible rectification of boundary between Austria and Hungary.

(It was decided that a Commission be appointed to collect information regarding any possible rectification of frontier between Austria and Hungary which might be proposed by either of the parties concerned. The object of the investigation was to be to place the Council in a position to settle rapidly any trouble that might arise between Austria and Hungary on this subject. No action would be taken unless the question were to be raised by Austria or Hungary.)¹²⁴

¹²⁴ For the decision of March 5 of the Central Committee on Territorial Questions regarding the frontier between Austria and Hungary, see Document 89, *supra*.

145. DISCUSSION BY THE COUNCIL OF TEN OF THE
FRONTIERS OF AUSTRIA AND HUNGARY¹²⁵

C. *Frontier between Austria and Hungary*

President Wilson pointed out that it would be necessary to specify the frontier between Austria and Hungary in the Treaty with the former. He reminded the Meeting that it had been decided to set up a Commission to investigate this matter in order to prepare the Conference for the raising of the question by either of the parties interested. He was informed that the Austrians would raise the question, and that the Allied and Associated Powers would be called upon to decide it. He read the decision recorded in I.C. 182 Para. 1 D,¹²⁶ and asked whether any nominations had been made.

(No nominations had been made.)

Baron Sonnino asked whether it would not be enough to require Austria to recognise the independence of Hungary, and Hungary that of Austria, without raising the frontier question at all.

President Wilson said that he was informed the Austrians would raise the question.

(After some discussion it was decided that Austria would be required to recognise the frontier of 1867 between Austria and Hungary, and that if any difficulty arose regarding this frontier, the Allied and Associated Powers might if necessary arbitrate.)

146. DISCUSSION BY THE COUNCIL OF FIVE OF THE
AUSTRO-HUNGARIAN FRONTIER¹²⁷

Mr. Balfour observed that he had pointed out on the previous day that the frontier between Austria and Hungary required speedy attention.

(It was agreed that the Committee newly set up to answer the Austrian notes regarding frontiers should endeavour to report on the following day.)

¹²⁵ B.C. 61(c), May 12, 1919.

¹²⁶ F.M. 12(1d).

¹²⁷ F.M. 29(7), July 2, 1919.

147. CZECHOSLOVAK PROTEST AGAINST THE EVENTUAL ALLOTMENT OF CERTAIN TERRITORY, COMPRISING THE GERMAN DISTRICTS OF WEST HUNGARY TO THE GOVERNMENT OF AUSTRIA¹²⁸

(Translation)

II

CZECHO-SLOVAK REPUBLIC
MINISTRY OF FOREIGN AFFAIRS

PARIS, July 3, 1919

FROM: *Karol Kramarcz*,
TO: *President Clemenceau*

The Peace Conference is at present preparing the replies to the various notes of the Austrian Delegation. It is considering, among others, territorial questions, and notably the claims of German Austria concerning the territory west of the present Hungary, between the Danube and the Drave, along the west frontier of Hungary, where three different nationalities are mingled (Slav, Magyar and German). This last question especially concerns the Czecho-Slovak State, and in general the question of the attribution of this mixed territory, either to Austria or to Hungary, is of very great importance to the Czecho-Slovak Republic.

As you know, Mr. President, the Czecho-Slovak Delegation has presented to the Peace Conference certain propositions concerning this territory. It has shown the great interest that the Czecho-Slovak Republic has in this territory, for it is not there [*sic*] that she wished to have access to the Adriatic Sea, accepting no matter what solution on the subject to the attribution of this territory, which would make it possible for her to communicate freely with the sea. We proposed first that this territory be assigned to the Czecho-Slovak Republic and to the Jugo-Slav State; but we made other suggestions also, notably that this territory may be neutralized or put under the administration of the League of Nations.

The reasons for this are numerous. The recent invasion of Slovakia by the Magyars has shown once more the danger to which the Czecho-Slovak Republic will always be exposed concerning her communications with her present Allies. In the Peace Treaty with Austria access to the Adriatic is assured to us by two railway lines, one of which passes through German Austria and the other exactly through the territory of which I have the honor to speak in this letter and which is now claimed by the Austrians. If the territory is attributed to German Austria, our inter-

¹²⁸ *S-H Bulletin*, No. 449 (II).

ests will be considerably threatened, for we will depend completely on the German Austrians for our access to the Adriatic Sea.

For us this is an extremely serious question. Now, German Austria has no better right than we to this territory from the ethnographic point of view, since this territory is one-third inhabited by Slavs, one-third by Magyars and one-third by Germans.

The Czecho-Slovak Delegation considers it therefore to be its duty to attract the attention of the Conference to this grave problem, begging it to consider once more the arguments that we have presented and which we repeat to-day.

We take the liberty of addressing the Conference very particularly, requesting it to call us before either the Commission considering the attribution of this territory or the Supreme Council itself, so that we can explain our point of view and present definite propositions on the matter. In fact, we believe that if the Conference does not wish to satisfy our first claims it is absolutely necessary in the general interest of Europe to find another solution on the subject of this territory than the assignment of it either to Hungary or to Austria. The functioning of the League of Nations and certain decisions of the Conference taken in regard to certain territories which are in a situation analogous to that of west Hungary, lead us to hope that the Conference will heed our intervention.

The Czecho-Slovak Delegation is ready to furnish all necessary explanations, either to the territorial commission or to the Supreme Council itself.

(Signed) EDWARD BENES
KAROL KRAMARCZ

148. ANNOTATIONS ON THE DISCUSSIONS OF THE COUNCIL
OF HEADS OF DELEGATIONS OF THE AUSTRIAN
FRONTIER WITH HUNGARY¹²⁹

TREATY WITH AUSTRIA, ARTICLE 27 (5)
FRONTIER WITH HUNGARY

(Annotations by P. W. Slosson)

. . . . On July 7 the Heads of Delegations (H.D. 1) considered the drafting of Article 27 (frontiers of Austria) in the Austrian Treaty. Mr. Balfour remarked that "he observed that the old frontier between Austria and Hungary was maintained." The Commission which was studying the question had not yet reported.

¹²⁹ Miller, *My Diary*, XIX, 510-11. Reproduced with the permission of Hunter Miller, Esq.

All Commissions examining Austrian frontiers were asked to report by July 9.

The Report of the Commission charged with preparing the Reply to the Austrian notes on territorial questions is given (in French) in Appendix A to H.D. 4.

The American, British, French and Japanese Delegates agreed to assign to Austria the Hungarian territory west of a blue line on an accompanying map (not given in the minutes), comprising a German-speaking population of 250,000. Hungary retained the railroad from Pressburg to Agram by way of Szentjanos, Csorna and Nagy-Kanisza. Certain changes in the Czecho-Slovak frontier were also recommended as part of the settlement. The Italian Delegate did not agree as to the frontier changes recommended by the majority of the Commission.

The Report was discussed on July 10 (H.D. 4), M. Tardieu presented the Report. The discussion related wholly to the proposed changes in the Czecho-Slovak frontier.

The discussion continued on July 11 (H.D. 5), again centering around the proposed alteration of the Czecho-Slovak frontier at Pressburg, Feldsberg and Gmund. The Commission was asked to define the new frontier line and forward it to the Drafting Committee.

On June 16 the Austrian Government presented its memorandum on territorial questions.¹³⁰ It claimed an area of 5000 square kilometers with about 300,000 inhabitants in western Hungary and gave a catalogue of the communes lying within the scope of its claim.

In the terms of peace presented on July 20 these claims were granted in part, following the recommendations of the Commission Report above referred to. The Austrian Delegation was not content, and complained on August 1 that the Hungarian authorities were stirring up trouble in the western counties and asked for a plebiscite in western Hungary, although they had been assigned part of their claims without a plebiscite. On August 15 the Austrians announced that they had sent "police and customs officials into western Hungary up to the the frontier line laid down by the Conference." It was decided on August 18 not to send any answer to these Austrian notes (H.D. 32).

The general reply of the Allied and Associated Powers as to territorial clauses, approved on August 25 (H.D. 38 and Appendix F), defined the line communicated to Austria on July 20. It said that the Austro-Hungarian frontier followed the ethnic boundary closely, while leaving the Czerna-Szentjanos-Hegyeshalem railroad to Hungary and denying the Austrian claim to the district of Wieselburg. The idea of a plebiscite was rejected as needless in view of the clearly-defined ethnic frontier.

¹³⁰ Reproduced as Document 94, *supra*.

On September 17 the Austrian Delegation again protested against the disturbances in the counties of western Hungary (H.D. 65, Appendix G), and on October 2 it was agreed to send an Interallied Military Commission "to assist in the maintenance of order in the territories granted to Austria by the Treaty of Saint Germain" (H.D. 65).

149. COMMUNICATION, DATED JULY 19, 1919, TO THE CHAIRMAN OF THE DRAFTING COMMITTEE REPORTING A DECISION OF THE COUNCIL OF HEADS OF DELEGATIONS RELATIVE TO THE AUSTRO-HUNGARIAN FRONTIER¹³¹

2. *Frontier of Austria with Hungary*

The description of this frontier as it is given in the peace conditions with Austria, Part 2, Art. I, from the 18th line of page 3,¹³² shall read as follows:

From the point above defined to the north-east as far as cote 353, about 6 kilometers north-north-east of Szentgotthard;

a line to be determined on the spot, passing over cote 353 (Janke B), then west of the Redkersburg-Szentgotthard road and east of the villages of Nagyfalva, Nemetlak and Rabakeresztur;

thence in a general north-east direction to cote 234, about 7 kilometers north-north-east of Pinkamindszent;

a line to be determined on the spot, passing by cote 323 (Hochkogel) then south of the villages of Zsamand, Nemetbükkös, Karacsfa and between Nagysaroslak and Pinka-Mindszent;

thence north as far as cote 883 (Trott Kö), about 9 kilometers south-west of Köszeg;

a line to be determined on the spot, passing by cotes 241, 260, and 273, then east of Nagynarda and of Rohoncz and west of Dozmat and of Butsching;

thence north-east as far as cote 265 (Kamenje), about 2 kilometers south-east of Nikitsch;

a line to be determined on the spot, passing south-east of Liebing, Olmod, and of Locsmand and north-west of Köszeg and of the road going from the latter to Salamonfa;

thence north to a point to be chosen on the south bank of the Neusiedler See, between Holling and Hidegseg;

a line to be determined on the spot, passing east of Nikitsch and Zinkendorf and west of Kövesd and of Nemet Peresztég;

¹³¹ *S-H Bulletin*, No. 513. Communication from the Secretariat General of the Peace Conference.

¹³² Document 60, Part II, Article 1, Section 5.

thence to the east to cote 115, situated about 8 kilometers south-west of St. Johann;

a line to be determined on the spot, crossing the Neuseidler See, passing south of the island 117, leaving to Hungary the secondary railway line going to the northwest from the station of Mexiko, as well as all the Einser canal, and passing south of Pamhagen;

thence to the north and as far as a point to be chosen, about 1 kilometer west of Antonienhof (east of Kittsee), this point being common to the three frontiers of Austria, Hungary and the Czecho-Slovak State; a line to be determined on the spot, leaving entirely in Hungarian territory the railway line from Csorna to Karlburg, and passing west of the Villages of Wüst-Sommerein and of Kr. Jahrndorf and east of the villages of Andau, Nickelsdorf, D. Jahrndorf and Kittsee.

150. LETTER FROM RENNER TO CLEMENCEAU REGARDING
HUNGARIAN ACTIVITIES IN WEST HUNGARY¹⁸⁸

(Translation)

No. 906

ST. GERMAIN-EN-LAYE
August 1, 1919

Confidential

FROM: *Renner*

TO: *President Clemenceau*

In several preceding communications I had the honor to expose to your Excellence the imminent importance which would result, in favor of German Austria and especially at Vienna, of a rational exploitation of the agriculture and of the inauguration of a systematic administration in the German districts of Western Hungary. The Supreme Council of the Allied and Associated Powers has, it appears, taken the aforesaid condition of affairs into consideration, by projecting in the "Peace Conditions with Austria," which were presented to us on July 20th, the reunion of the districts in question with German Austria.

According to recent news, which has just reached me, the projection mentioned by the Peace Conference seems to have created the execution of most brutal reprisals in Hungary. Animals and agricultural implements belonging to the country people are taken by force, and nearly every man available is forced to enlist in the red army, while others are arrested as hostages. Furthermore, the entire crop has been seized, and measures of compulsion are exercised against the population, forcing them to collect all cut grain—*before* being threshed—into large stacks. The inhabitants of the country have grave apprehensions that these ex-

¹⁸⁸ *S-H Bulletin*, No. 626.

traordinary measures are intended to facilitate—the moment the Soviet government collapses—the burning of the entire harvest. It is clear that these rumors, and there is every reason to believe that they are not without foundation, provoke great anxiety and ardent indignation. It even appears that plans are warmly discussed—without reflection and exaggerated—with an aim to obtaining justice by acts such as burning the depots, rather than abandon them to the imposters in power. Unless immediate ending of these acts of violence on the part of the communist leaders is forced, the country will be, in a very short time, ravaged and extenuated to such an extent that German Austria would have to undertake the reconstruction of these new provinces, instead of finding resources there.

It is my duty to call the attention of the Supreme Council to the sad events mentioned, and to ask them to immediately put in movement their authority and power in order that our future compatriots may be protected from the cruel injuries inflicted by the present governments. The Plenipotentiaries at the present time commissioned to effect certain negotiations with Hungary could make good use of their influence in this direction. However, it would be of the greatest importance that the authorities and military commanders of the Power chosen among the Great Powers which—according to their intentions—is supposed to direct and superintend the plebiscite to which the country shall be submitted, proceed to the districts in question, transporting with them the posts of control established by the Allied and Associated Powers at the present time on the frontier between German Austria and Hungary. The mere initiative of such measures taken by competent factors of the world power would inevitably exercise a favorable effect, and any efforts made by the Power designated by the Supreme Council would cause the greatest sympathy and most sincere gratitude among these peoples whose sufferings would be thus alleviated.

Accept, etc.

151. NOTE FROM THE AUSTRIAN DELEGATION (NO. 996, AUGUST 11, 1919) RELATIVE TO THE IMPORTANCE OF THE EASTERN PART OF THE WIESELBURG COMITAT IN THE PROVISIONING OF VIENNA¹³⁴

(Translation)

VERBAL NOTE

ST. GERMAIN-EN-LAYE

August 11, 1919

FROM: *German-Austrian Delegation*

TO: *General Secretariat of the Peace Conference*

Following the observations and counter propositions presented under date of August 6th, No. 914,¹³⁵ relative to the Peace Conditions, the German-Austrian Delegation takes the liberty of annexing hereto statistical facts which bring out the importance of the Eastern part of the Wieselburg Comitatus in the provisioning of Vienna and, particularly, in the delivery of milk to establishments of public assistance.

These statistics complete the expose contained in the "observations," Part II, Section 1st, page 8,¹³⁶ with a view to not having a part of the population of the Wieselburg Comitatus excluded from the right of designating, by means of plebiscite, the State which they wish to claim as their native soil.

Two hundred printed circulars of this notice will be forwarded to the General Secretariat of the Peace Conference as soon as possible.

EASTERN PART OF THE WIESELBURG COMITAT

The Wieselburg Comitatus was, in peace times, of great importance in the provisioning of Austria, and particularly of Vienna. The separation of this territory, which forms an economic unity, by the new frontier between German Austria and Hungary would not only develop a situation in which Vienna and German Austria would be, in major part, deprived of the products of the said region, but such measures would reduce, necessarily, the general productivity of the region. This serious economic loss, the extent of which could not be ignored in time of want, is explained by the fact that the agriculture could not be exploited with the same intensity if the important establishments effected to this end could not be operated in their entire capacity and upon all the surrounding territory. All the agricultural exploitation system would be deranged, and a reorganization, taking into account the new frontiers, could not, even after its completion, obtain the result produced by the collabora-

¹³⁴ *S-H Bulletin*, No. 712; for French and German texts, see *Bericht*, II, 304.

¹³⁵ Reproduced as Document 66(a).

¹³⁶ Document 99, Part II, Section I, *supra*.

tion of all the collective agricultural productivity of the said arrondissement.

The productions of the Wieselburg Comitatus, and available in times of peace for consumption in Vienna and Austria, have been estimated by the following figures:

Products	Inside	Outside
	the frontier projected in the "conditions" of June 20th	
Grain (metric quintals)	241,000	214,000
Wheat (metric quintals)	100,400	79,000
Barley (metric quintals)	75,000	60,000
Oats (metric quintals)	30,000	4,800
Corn (metric quintals)	103,800	49,400
Potatoes (metric quintals)	150,000	150,000
Beeves (head)	3,700	3,500
Fowl (head)	3,800	3,400
Hogs (head)	10,350	9,900

The domain of Ungarisch-Altenburg (up to the present time the property of the Arch Duke Frederic of Austria) was, in peace times, one of the most important sources of supplies for the city of Vienna. The administration, as well as nine-tenths of the cultivated area of this domain, are *outside* of the projected frontier.

The delivery of milk for Vienna amounted in peace times to about 30,000 litres per day, or about 4 per cent of the total consumption of the city. The frightful penury under which the population of Vienna is suffering, especially regarding milk, has reduced, for the moment, the daily consumption to 60,000 litres. The agricultural establishment of Ungarisch-Altenburg would be able therefore to furnish milk to increase by one-half the present consumption, and therefore very greatly ameliorate the misery of which, especially, the sick, pregnant women and children are victims.

152. TELEGRAM FROM FRENCH REPRESENTATIVE AT VIENNA RELATIVE TO OCCUPATION BY AUSTRIAN AND CZECHOSLOVAK FORCES, RESPECTIVELY, OF THOSE PARTS OF HUNGARY CEDED TO THEM BY AUSTRIAN TREATY DRAFT¹³⁷

(Translation)

I

TELEGRAM FROM THE FRENCH REPRESENTATIVE AT VIENNA

VIENNA, August 12, 1919

I am informed that the Austrian Delegation has received from Chancellor Renner the order to request from the Peace Conference the

¹³⁷ *S-H Bulletin*, No. 707 (I).

authorization to occupy with Austrian troops the territories of West Hungary accorded to Austria by the Treaty draft.

On its part, the Czecho-Slovak Government is supposed to have the intention of asking the Peace Conference to be allowed to occupy at once the territory which is to be attributed to it on the right bank of the Danube south of Presburg.

As, according to information in my possession, the Rumanian army is on the point of occupying the territories destined to Austria, there might be an advantage in granting to the Czecho-Slovaks and the Austrians the authorization they request.

153. DECISION OF THE COUNCIL OF HEADS OF DELEGATIONS OF AUGUST 18, 1919, TO RETURN NO ANSWER TO THE AUSTRIAN NOTES REGARDING THE OCCUPATION OF WEST HUNGARY¹³⁸

It was decided that no answer should be sent to the various communications of the Austrian Delegation regarding the occupation of Western Hungary.¹³⁹

154. REPLY OF THE ALLIED AND ASSOCIATED POWERS OF SEPTEMBER 2, 1919, TO THE OBSERVATIONS OF THE AUSTRIAN DELEGATION ON THE FRONTIER BETWEEN AUSTRIA AND HUNGARY¹⁴⁰

(Translation)

II. FRONTIER BETWEEN AUSTRIA AND HUNGARY

The Allied and Associated Powers have deemed it just to affect to Austria the districts of western Hungary inhabited by a German population and whose agricultural products form an important element of the food supply of Vienna and other centers. The line that they have established and communicated to the Austrian Delegation on the 20th of July, follows very nearly the ethnographic limits, notably in the region of the St. Gothard. However there remains outside of this (ethnographic) limit the neighborhood of Pressburg. In this case the Powers have been preoccupied with guaranteeing to the Czecho-Slovaks access to the sea.

¹³⁸ H.D. Resolution 32.

¹³⁹ Austrian Notes Nos. 982, 1021, 1030, 1143, 1200 (not reproduced) deal with Hungarian activities in West Hungary.

¹⁴⁰ United States, 66th Congress, 1st Session, *Senate Documents*, Vol. 15, No. 121, p. 9. For covering letter and list of accompanying documents, see Document 73(a, b), *supra*.

They have desired, consequently, that the great market of Moravia, Pressburg, should have its communication with the Adriatic assured through Hungarian as well as Austrian territory.

They have, therefore, left in Hungarian territory the Cserna-Szentjanos-Hegyeshalem railroads and judged it impossible to cut it in order to validate the Austrian claims to the District of Weiselburg. Within the frontier so fixed, the ethnic character and the national sentiment of the populations indicate too positively their attachment to Austria for the Allied and Associated Powers to believe it necessary to have recourse to a plebiscite, or, in any case, to participate in the organization and the surveillance of this consultation if Austria should proceed to one.

155. NOTE FROM THE ITALIAN DELEGATION ON THE
QUESTION OF AUSTRIAN OCCUPATION OF
WESTERN HUNGARY¹⁴¹

(Translation)

II

ITALIAN DELEGATION
No. 03213

PARIS, September 7, 1919

FROM: *President Tittoni*
TO: *President Clemenceau*

In its session of August 18, the Supreme Council decided to make no reply to the note of August 15, No. 1030,¹⁴² in which the Austrian Delegation brought to the knowledge of Your Excellency the decision taken by the Government of Vienna to adopt measures of protection and safety in the districts of West Hungary assigned to Austria by the Peace Treaty.

By a new note dated August 30, No. 1143,¹⁴³ the Austrian Delegation calls the attention of Your Excellency to the resistance that the Hungarian military commands have made to every move of the Austrian gendarmerie in the districts in question, and requests the Supreme Council to confer on Austria a formal mandate of occupation, and to request the Hungarian commands to evacuate the Zone which from now on, according to the Treaty which is about to be signed, no longer belongs to Hungary.

The Italian Delegation being convinced of the justice of the Austrian demand, and anxious as to the danger which the Hungarian resistance

¹⁴¹ *S-H Bulletin*, No. 868.

¹⁴² See Document 153, *supra*.

¹⁴³ See footnote 139, *supra*.

presents for the maintenance of peace in these regions, I have the honor to request Your Excellency to submit the question, once more and as soon as possible, to the consideration of the Supreme Council of the Conference.

(Signed) TITTONI

156. ANTI-AUSTRIAN ACTIVITIES ON THE PART OF HUNGARY WITH PARTICULAR REFERENCE TO THE REGION OF OEDENBURG AS REPORTED TO THE CHIEF OF THE FRENCH MISSION AT VIENNA BY THE AUSTRIAN DEPARTMENT OF FOREIGN AFFAIRS¹⁴⁴

(Translation)

II

DEPARTMENT OF FOREIGN AFFAIRS
OF GERMAN-AUSTRIA

VIENNA, September 9, 1919

FROM: *Herr Ippen*

TO: *Mr. Henri Allizé, Chief of the French Mission at Vienna*

It is brought to our knowledge that the Hungarian authorities of Oedenburg have for unknown reasons arrested and imprisoned one Rudolph Wagner, an Austrian subject and the editor of the paper *Oedenburg Grenzbote*, published in German.

I would be very grateful if you would interest yourself in this case and, after having discovered the reason for the above measure, if you would intervene if necessary to get the above mentioned subject out of prison as soon as possible.

I should be obliged if you would let me know the result of your intervention.

II

VIENNA, September 11, 1919

FROM: *Herr Ippen*

TO: *Mr. Henri Allizé, Chief of the French Mission, Vienna*

Pursuant to our conversation of yesterday, I have the honor to send you herewith the information received from a reliable source at the Department of Foreign Affairs regarding the persecutions exercised by the Hungarian soldiers on the inhabitants of German nationality, and especially on the socialist laborers of the city of Oedenburg.

In view of the fact that the Austro-German Government cannot remain indifferent to the fate of the inhabitants of a city which the Treaty

¹⁴⁴ *S-H Bulletin*, No. 941 (II).

has assigned to Austria, I should be grateful if you would call the immediate attention of the French Government to this information.

In the opinion of the Department of Foreign Affairs nothing but a decision of the Entente Powers to send an investigating Commission to Oedenburg can put an end to this state of affairs. The Missions of the Allied and Associated Powers at Budapest might each delegate an Officer to Oedenburg to form an inter-Allied Supervising Committee, whose functions would cover the city and the surrounding country. Also the Powers should first use their influence at Budapest to compel the immediate withdrawal of the Hungarian military detachments now garrisoned at Oedenburg and in the surrounding villages.

VIENNA, September 11, 1919

For some time there has been a reign of terror at Oedenburg.

It is in fact the Hungarian soldiers garrisoned there under the orders of Colonel Paul Bozo who, in place of legitimate authority, exercises public power, after having set up an arbitrary regime directed against the socialist laborers of the city and the coal mines of Brennbürg. Acting in this way they take no account of the fact that during the Soviet reign in Hungary these laborers did not support the communist ideas, but endeavored to maintain as far as possible peace and order at Oedenburg. They are being arrested en masse sometimes on the basis of ill founded suspicions, usually as the result of underhanded animosity working through slander or anonymous denunciations. The prisons being full they have turned the barracks into penitentiaries. The present treatment to which these unfortunates is subjected is contrary to the most elementary principles of humanity. And while they are overwhelmed with suffering, to which many of them are succumbing, their families, deprived of their support, are left to starve.

On the other hand these soldiers have begun recruiting among the inhabitants of the districts of West Hungary which have been assigned to German-Austria by the Peace Conference.

The conscripts generally preferring flight to this enforced enlistment, they are imprisoning and mistreating their [*sic*] parents in order to exercise pressure on the sons. At the same time military detachments scouring the country to seize the fugitives are committing acts of violence on the innocent population.

157. NOTE FROM THE SECRETARIAT - GENERAL OF THE PEACE CONFERENCE GIVING A REPORT FROM ALLIZÉ ON THE RECTIFICATION OF THE FRONTIER BETWEEN AUSTRIA AND HUNGARY¹⁴⁵

(Translation)

IV

NOTE ON THE COMITATS OF WEST HUNGARY

RECTIFICATION OF THE FRONTIER

Monsieur Allizé, Minister of France on mission extraordinary at Vienna, states that on September 9 a delegation of Hungarian peasants of German blood, headed by Herr Wohl, presented itself at the Embassy. They came to present the grievances of the following communes of West Hungary: Raba Tuges (Rabfidisch)—Jakab Haza (Jacob Hof) [Jakobsdorf]—Felső Ronok (Oberradling)—Also Ronok (Unterradling) and Nimes Medves (Ginisdorf) [Jennersdorf]. These communes protest against their exclusion from the territory united to Austria by the Peace Treaty of St. Germain. They claim that their population is entirely of German blood and language, and that it is in their immediate neighborhood that the original movement in favor of union with Austria began. They ask whether this question could not be revised in their favor when the Peace Treaty with Hungary is concluded. They suggest the possibility of a rectification of frontiers by means of an exchange with some purely Magyar communes of the region south of Roholcz which have been included in Austrian territory.

I think it my duty to inform you of this step, that you may take whatever action you see fit.

Moreover, the delegation called attention to the requisitions imposed by the Hungarians contrary to the Treaty, throughout the attached territory, and against the prolongation of the imprisonment of the persons arrested on August 17, 1919, during the manifestations in favor of union with Austria.

The Austrian press from day to day is calling attention to these excesses, but since the return of Dr. Renner the Austrian Government proclaims its intention of settling the question of the Hungarian comitats by an amicable negotiation with the government at Budapest. It denies that it wishes to have recourse to force to gain possession of the territories assigned to the Austrian republic by the Treaty of St. Germain.

¹⁴⁵ *S-H Bulletin*, No. 965 (IV).

158. NOTE FROM THE FRENCH DELEGATION ON THE SITUATION IN THE COMITATS OF WESTERN HUNGARY¹⁴⁶

(Translation)

At the request of the Austrian Delegation, and in order to protect the population in the Comitats of Western Hungary ceded to Austria by virtue of the Treaty of Saint-Germain from the violences of Magyar troops, the Supreme Council, on October 2, decided:

“that an Interallied Military Mission, formed of officers chosen from among the members of the Vienna and Budapest Military Missions, would be sent into the Comitats of Western Hungary to cooperate in the maintenance of order in the territories transferred to Austria, by virtue of the Treaty of Saint-Germain;

“that this Mission would be placed under the orders of the Allied Generals at Budapest;

“that the outline of the frontier between Austria and Hungary, such as it is fixed by the Treaty of Saint-Germain, would be officially communicated to the Allied Generals at Budapest.”

According to information received from the French representative at Vienna, and despite the fact that the Allied Generals at Budapest were notified of the resolution of the Supreme Council, the Mission whose formation was decided upon has never been constituted, and the Magyar authorities have continued to exercise uncontrolled authority in the Comitats attributed to Austria by the Treaty of Saint-Germain.

A continuation of this situation may entail serious drawbacks, as it favors the spreading of false news in the Hungarian Press tending to pretend that the Entente has not made a final decision in the matter. This situation also encourages the development of a propaganda in Hungary in favor of maintaining these Comitats under Magyar sovereignty, and it has been announced in Budapest that a “League of Western Hungary” to organize this propaganda has been formed. There are even reasons to indicate that the Hungarian Delegation may attempt to present a proposal to the Peace Conference asking for a revision of the Saint-Germain Treaty. If, on the contrary, the Inter-allied Military Mission were sent to the territories in question it would show that the Allied and Associated Powers do not intend to have the provisions of a Treaty, signed scarcely three months, brought up again for discussion.

Under these circumstances, it would be desirable to invite the Allied Generals at Budapest to immediately send the Military Mission, decided upon on October 2, to the Comitats attributed to Austria.¹⁴⁷

¹⁴⁶ H.D. 120, Appendix K.

¹⁴⁷ Approved by the Council of Heads of Delegations, December 31, 1919. H.D. 120(9).

159. MEMORANDUM FROM THE HUNGARIAN DELEGATION
CONCERNING WEST HUNGARY¹⁴⁸

NOTE XV. CONCERNING WESTERN HUNGARY

NEULLY, on the 26th of January, 1920

SIR,

The Peace Delegation of the Austrian Republic by their note No. 311¹⁴⁹ of June 16, 1919, demanded the annexation to the Austrian Republic of the regions more densely inhabited by Germans of Western Hungary. This demand was supported by three lines of arguments. They formulate historic rights on the basis of such facts of actual possession of which we shall show farther below the exclusively private character. They affirm that it is this region which approvisions Vienna, the industrial areas of Lower Austria and Graz; which is an error, since this territory does not produce, but only trades with, the food forwarded towards Austria, while it shows a decided shortage in the production of the principal food-stuffs. Their third argument is that the population of the region is German and itself wishes the union with Austria. This, again, was true only while Hungary was ruled by Bolshevism; previously, for centuries, the people has been loyal to Hungary; and since Bolshevism has ceased in Hungary and is threatening in Austria, all desire for secession has disappeared.

The historic arguments put forward by the Austrians are of two classes:

- (1) that the Magyars conquering the country had found Germans in this region; and
- (2) that part of these territories was, at a later date, pledged to the Dukes of Austria.

At the time of the Conquest this region was very thinly populated; mostly by Slavs, but there may have been scattered among them also Germans—and more particularly Goths—as well as remnants of Avars. There was no state formation in this territory; and the population was in some degree dependent on the Franks. With the fact of the Magyar conquest this dependence was dissolved without serious struggles; neither did border-fights occur up to the 13th century. This also goes to prove that no claims to this territory were put forward by any one of the German princes. The border of actual settlement was much farther inland, and the border districts of to-day formed at that time the thinly popu-

¹⁴⁸ *The Hungarian Peace Negotiations; an Account of the Work of the Hungarian Peace Delegation at Neuilly S/S, from January to March 1920* Published by the Royal Hungarian Ministry of Foreign Affairs (Budapest, 1921), I, 516-19.

¹⁴⁹ Reproduced as Document 94(a), *supra*.

lated broad belt of frontier defence (the Marches) generally employed in the Middle Ages. It was in these regions, originally uninhabited, that large grants of estates were made by our first kings; and here the frontier castles were built. In the thirteenth century the region is already more densely populated; the organisation of county and church extends to the frontier of to-day, and even beyond it. In the course of the border-fights ensuing, Hungarians and Germans mutually often cross the frontier, taking castles or territories. In this region lacking a well-defined natural border-line like that in other parts of Hungary, and where the population continually increased, such recurrent fighting is nothing out of the common. The princes of the Ostmark were little loth to take advantage, for the sake of territorial extension, of any difficulty arising in the course of Hungarian history. Thus it happened that the Emperor Henry obtained the renunciation of the king Samuel Aba to the territories west of the Leitha; thus it was that Henry IV sought to obtain a claim to the county of Moson by way of the dethroned king Solomon who had fled to Moson; in this way also the Prince Babenberg, not disdaining to rob his guest, the King Béla IV in flight before the Mongols, obtained a lien upon the counties of Sopron, Locsmánd and Moson. But it was the Habsburgs who made really systematic endeavours to obtain possession of Western Hungary. It was the traditional dynastic policy of the House of Habsburg to obtain lands under the most various titles. Their aspirations to the throne of Hungary began with the accession of the very first of the Habsburgs, the Emperor Rudolf, the same who was indebted to Hungarian help for the founding of his own power, by the defeat of Ottokar II. Rudolf made a grant of Hungary to his son, Albrecht, to which he had no title whatever. His successors made attempts, with the valid help of Austrian nobles, to obtain liens upon border estates and castles. At times of good relations between the neighbours even donations were made; at other times again, when some quarrel ensued, towns or castles were taken by force. The donations and liens in the course of time often changed hands, as did also towns and castles, which were regularly reconquered by the Hungarians. They likewise made inroads on the other side of the border: at one time the basin of Graz also belonged to Hungary; our frontier was far beyond the Leitha at the time of the Conquest; and King Matthias was lord of Vienna. But neither party can claim to construe historic titles from such episodes. The historic claims of the Austrians chiefly regard the pledges effected by King Sigismund. A number of large estates and castles along the western frontier were pledged to Austrian nobles and among them to Albrecht, Duke of Austria, by this King who was perpetually in financial troubles. But the character of these pledges were strictly defined by the stipulations of the peace treaty concluded in 1463 between King Matthias and Frederick III, which clearly stated, with regard to

the estates respecting which the lien subsisted, that Frederick holds possession of them in his quality of Hungarian landlord. He undertakes the obligation of paying taxes towards the expenses of the Turkish war; his estates must deliver the tithe to the diocese of Győr; and his local judges have to administer justice according to the Hungarian laws. On the other hand the King undertakes to protect Frederick in the possession of his estates against the claims of the original proprietors. And Frederick, in the copy of the treaty issued by him at Wiener-Neustadt, literally states that the places covered by the treaty are situated within the borders of Hungary. The texts published of the treaty of 1463 did not regulate the position of the estates of Borostyánkő, Kőszeg, Kismarton and Szarvkö. This is one of the cardinal points upon which the whole Austrian argumentation hinges. But apart from the circumstance that this could surely not suffice for a general claim to the whole of Western Hungary, the question of these estates was also regulated, simultaneously with the rest, between Frederick and Matthias, however, through the secret documents and the agreement put into writing also by the Papal legate acting as mediator. From both these documents it is quite clear that Frederick did not take possession of the lands on behalf of Austria but on his own behalf, and on that of his direct descendants, in their quality of presumptive heirs to the throne of Hungary. Simultaneously, and by the same peace treaty, Matthias, against the restitution of the Hungarian Sacred Crown which through King Ladislaus V of Hungary of the House of Habsburg had come into the possession of Frederick, recognised the right of succession of Frederick to the throne of Hungary. One of the arguments of the Austrians is that the sums loaned were never repaid to Austria, but to the Habsburgs; and on the Habsburgs' succeeding to the throne of Hungary this matter was ipso facto settled. Besides the estates did not pass to Hungarian hands at a later date quite free of charge. The Hungarian nobles, especially the Eszterházys, paid large sums for the title deeds, or rather for the redemption of these estates.

But at the same time Austria overlooks the fact that Hungary would be just as well qualified as Austria to claim historic rights, or rather the payment of debts, to the amount of those 400,000 florins which the peace of Olmütz of 1478 guaranteed to Hungary, and which should have been paid by the King of Bohemia if he wanted to redeem *the annexed provinces of the crown of Bohemia* after the death of Matthias. And the title of Hungary would be the stronger because based on an international treaty, and not upon an agreement in civil law like the one concluded between Matthias and the House of Habsburg (not Austria).

Thus Austria has no valid claim; on the contrary, Hungary has a valid territorial claim, in so far that there is still a sufficiently large territory this side the Leitha, which up to 1491 always belonged to

Hungary, which was occupied by Maximilian *but awarded* to Hungary in the treaty of 1491, however only on paper, but in reality kept under Austrian administration ever since. There are similar Hungarian claims on the Styrian frontier, dealt with for the last time by frontier commissions in the second quarter of last century, whose work, however, was always frustrated by Austria.

Now let us consider the second argument of Austria, the economic one. In their note the Austrian Delegation say that Western Hungary is the vegetable garden of Vienna. There is no denying that this region greatly contributed to supply Vienna with vegetables. But we beg leave to put the question: what about the vegetable supply of Budapest? That city was provided with early vegetables by Újvidék, with vegetables in large quantities by the district along the lower Vág, the environs of Tótmegyer and Tardoskedd. What about the egg supply, furnished by Transylvania: the meat supply, coming from the eastern districts, while the best class of Hungarian cattle for slaughter went to Vienna and to other western markets?

A quantity of fruit, amounting to some 300 or 350 waggonloads, was in fact exported from Western Hungary; the rest was only mediated. Wine was exported by the counties of Sopron and Moson: some 900,000 hectoliters (abt. 20 million gals.); while the county of Vas depended upon an importation of some 25,000 hectoliters (abt. 550,000 gals.).

The milk supply of Vienna was indeed in a great measure provided by these counties. However the 800,000 liters (abt. 180,000 gals.) of milk contributed yearly to the supply of Vienna by the county of Vas came exclusively from the Magyar parts of that county. The export of the county of Moson comes from the intensively cultivated dairy farms of the enormous estates of Archduke Frederick, which cannot be counted upon after the agrarian reform is carried out. As to the meat supply, the bulk of the cattle for slaughter going to Vienna was not produced in the counties of Moson, Sopron and Vas, and especially not in their German districts. Thus, for example, the export of Sopron to Vienna may be estimated at 7,000 head of cattle, 3,000 sheep, 12,000 pigs yearly, in the average. The Hungarian cattle went to Vienna from more distant regions, including the whole western and central part of the country; and the staple towns of this exportation since immemorial times have been Vásárhely and Győr.

In 1221 Vienna was granted the privilege of stopping the merchandise; and this to an extent which rendered all direct commercial intercourse of Germany and the Austrian provinces with Hungary impossible. This induced King Stephen V in 1271 to endow Győr, which lay at the only practicable ford between the flood areas of the Danube and of the Rába, with a similar right of stopping the traffic, in order to counterbalance in this way the influence amounting to a monopoly exerted by

Vienna upon the western trade of Hungary. This was the reason why the castle of Győr became a city. Under the Habsburgs the importance of Vienna still further increased. In the time of Emperor Leopold I there was founded there the Eastern Trading Company, which against its undertaking to supply the Imperial Court with meat at the price of 3 kreuzers a pound was given the privilege of precedence in the purchase of the Hungarian cattle. The cattle markets later on were transferred to Győr, as the spot lying nearer the producing districts; this raised Győr to the rank of chief cattle market of Hungary. This clearly shows that the cattle going to Vienna was not produced by Western Hungary, but the regions east of Győr.

This much will suffice to prove that shifting the frontier to the German lingual border would not convey a gain respecting the food supply of Austria; but, on the contrary, would only mean a new charge for Austria, as would any similar new border unless traced far inland, say including the whole Balaton lake, the absurdity of which it is needless to point out.

Quite on the contrary: if the factors of economic geography alone are considered, if the task is to link together areas economically dependent upon each other, then the frontier should be displaced to the west, and not to the east. Notably the exits of the basin of Graz are not towards the lofty hills of the Alps or over the Semmering, but towards the low hills of Western Hungary; and here the historic title, in many cases sought out and respected by the Supreme Council in various questions connected with the Peace, also exists. Under our kings of the House of Arpád the basin of Graz for a long time belonged to Hungary; besides which there are Austrian communities, not even belonging to these of whom we have stated farther above that they had been detached from Hungary, as e.g. Aspang and Kirschs Schlag, the latter belonging to Styria, which explicitly desire being annexed to Hungary. Is not this a plain indication of the real direction towards which these extreme fringes of the Alps are economically gravitating?

As regards the argument that the Austrian manufacturing district (Industrie Bezirk) was supplied with food-stuffs from these regions, which, on the other hand, were the best buyers of its manufactures: we can only reply, that we can see no reason why Hungary should again be made to pay for the circumstance that her industry had been oppressed by that of Austria to an extent which prevented any industries of equal strength from arising in this Hungarian region; and why those industries which nevertheless succeeded in taking root should be exposed to an increased competition and—owing to their less favourable location as regards Austrian business relations—ruin, and this at a time when Hungary is at last recovering her independence and these undertakings would have a chance of prospering.

By the annexation of the debated districts Austria will strangle the competition of the absorbed manufacturies with those existing in Austria; or destroy the last vestiges of Hungarian industry, and thus reduce this country to the rank of a tributary of the manufacturing industry of the contiguous Austria. This is the goal kept in view by Austria since four centuries; her insatiable rapacity desirous of carrying this exploiting system on the point of the bayonet into the small lands of the Balkans was one of the causes of the war of 1914. Her endeavour to sell more easily her manufactures of inferior quality; and to buy more cheaply the foodstuffs, thus enabling her to pay lower wages to her workmen: this was the reason for her pressing the occupation of Bosnia and Herzegovina; and for her cutting off Serbia from direct access to the sea, thus compelling her to sell her provisions at ruinously low prices. It was industrial Austria which profited by this isolation of Serbia, to the detriment not only of that country, but also of Hungary, since the Serbian importation perceptibly lowered the prices of her own agricultural produce.

And, generally, we would put the question: in deciding the fate of Western Hungary whose interests ought to be considered first: those of Austria, or those of Western Hungary itself? The answer to-day, in the epoch of the right of self-determination, can be but one.

I remain, Sir, your obedient servant

APPONYI m.p.

160. DISCUSSION BY THE COUNCIL OF AMBASSADORS OF
THE INCORPORATION IN AUSTRIA OF THE WESTERN
COMITATS OF HUNGARY¹⁵⁰

. . . . The Conference had before it four memoranda from the Austrian Legation dated November 13, 27, and December 1 and 8, 1920 (Appendices M, N, O, P).¹⁵¹

Mr. Cambon: The Austrian Legation asks that the Hungarian territories attributed to Austria by the Treaties of St. Germain and the Trianon should first be transferred to the Principal Allied and Associated Powers to then be handed over by them to Austria. This is a procedure that has been adopted several times in diplomatic history and is calculated to humor their self-respect. It is acceptable on condition that the transfer of these territories to the Principal Powers and from the Principal Powers to Austria is completed in a very short time, say twenty-four hours at the most. When Venetia was transferred by Austria to Emperor Napoleon III, who then handed it over to Italy, in 1866, the

¹⁵⁰ C.A. 97(16), December 15, 1920.

¹⁵¹ Appendix O only reproduced, as Document 161, *infra*.

period consisted of one hour or even half an hour if my memory is correct. It is hoped that this time will be very short so that the Great Powers will not be obliged to administer the territory. Such a thing would embarrass them exceedingly.

Lord Hardinge: The transfer will be carried out, it is understood, by an Interallied Commission under the supervision of the Allies.

Mr. Cambon: There will be supervision but there must not be administration.

Lord Hardinge: Would it not be a good thing to inform the Austrians of this Commission?

Count Bonin Longare: We could entrust this job to the International Commission at Oedenburg, reinforcing it for this purpose with several officers. (Approval.)

Lord Hardinge: I wish for the Hungarians to be informed of this as soon as possible. (Approval.)

Count Bonin Longare: As regards the formal request made by the Austrian Legation in its Note of December 8th,¹⁵² I propose that it should be rejected in its entirety. It seems sufficient to me that the Commission should be reinforced by a number of officers as we have decided. It would thus have sufficient authority to carry out the transfer of the territories in question without it being necessary to send troops.

IT WAS DECIDED:

(1) that the Hungarian territories attributed to Austria by the Treaties of St. Germain and the Trianon should be handed over to the Principal Allied Powers who will immediately transfer them to Austria through the intermediary of the International Commission of Oedenburg, reinforced for this purpose by a number of Allied officers;

(2) to instruct the aforesaid Commission to study at once the conditions in which this transfer could take place, it being clearly understood that it could not be invested with powers of administration;

(3) to inform the Austrian and Hungarian Governments of the present arrangement.

¹⁵² Not reproduced. The note requested that a few battalions of Inter-Allied troops be put at the disposal of the Commission for Oedenburg. C.A. 97, Appendix P.

161. NOTE FROM THE AUSTRIAN LEGATION, PARIS, NO. 5147,
DECEMBER 1, 1920, ON THE SITUATION IN
WESTERN HUNGARY¹⁵³

(Translation)

AUSTRIAN LEGATION AT PARIS
No. 5147

PARIS, December 1, 1920

FROM: *Baron Eichhoff*

TO: *His Excellency Mr. Jules Cambon, President of the Council of Ambassadors, Paris*

MR. PRESIDENT:

Pursuant to my Note of November 27, No. 4092,¹⁵⁴ I have the honor to inform Your Excellency that according to news which has reached my Government, the Magyar elements in Western Hungary are, with the tacit consent of the Hungarian Government, preparing in the Hungarian territory attributed by the Peace Treaties to Austria, a coup de main with the object of placing the Allied and Associated Powers in the presence of a fait accompli.¹⁵⁵

Colonel Lehar who, in his capacity as Commander of Military Formations, had some time ago terrorized the German population of the regions in question, has, according to a news item published by the *Posti [Pesti] Naplo*, been appointed Military Commander of all Western Hungary. Further, Captain Hejas, Cavalry Captain, who is known to have organized groups of officers carrying out their own policy against the Hungarian Government, has sworn himself to prepare an armed resistance in West Hungary. In circles frequented by Magyar officers on detached service, in these regions, the intention is openly expressed of

¹⁵³ C.A. 97, Appendix O.

¹⁵⁴ Not reproduced. The document contains a request that the Council of Ambassadors hasten the investiture of the International Commission of Ödenburg with all the powers necessary for the administration of the territory assigned to Austria. C.A. 97, Appendix N.

¹⁵⁵ Owing to Hungarian opposition the transfer did not take place as planned. On October 27, 1921, the Council of Ambassadors decided that a plebiscite should be held in Ödenburg (Sopron) and eight surrounding communes. On December 4, 1921, the Austrian occupation of West Hungary, outside the plebiscite zone, was completed. The plebiscite was held December 14 and 15, 1921, and gave a majority for Hungary in Sopron. Austria appealed against the verdict claiming unfair activities on the part of the Hungarians, but the Council of Ambassadors recognized the decision on December 23 and persuaded Austria to do likewise on February 29, 1922. On January 1, 1922, Sopron was handed over to Hungary. Cf. Arnold J. Toynbee, *Survey of International Affairs, 1920-1923* (London, 1925), 304-307. For documents on the Sopron plebiscite, see Sarah Wambaugh, *Plebiscites since the World War* (Washington, 1933), II, 261-68.

not evacuating, under any circumstances, the territories attributed to Austria without a desperate fight.

To all those who are acquainted with the events which have occurred lately in Budapest, it is very evident that the Hungarian Government, obliged to exert all its strength in preventing acts of violence on the part of the undisciplined troops in the capital itself, is absolutely incapable of exercising, should occasion arise, sufficient authority over the troops stationed in Western Hungary.

In view of these circumstances, everything points to the danger that exalted elements and adventurers, forced by the energetic action of the Hungarian police to abandon their evil doings in the capital itself, may take refuge by hundreds in Western Hungary. In this region they will hope to find a favorable field for their activity which, *whilst being detrimental to the interests of their own country as well as to that of Austria*, seems to them, nevertheless, susceptible of allowing them to recover a halo of patriotism.

The Austrian Government believes it its duty to draw the attention of the Allied and Associated Powers to this state of things. It is certain that, failing energetic and prompt action taken by the Powers in conformity with the proposals set forth in my Memorandum of November 13,¹⁵⁶ and in my aforesaid Note, the most serious complications must result from the question of Western Hungary, complications as serious for Austria as for the Allied Powers, for, failing such action, the exalted elements will organize, in defiance of the orders of the Allied Powers, a régime of terror in Western Hungary; they will refuse, at the crucial moment, under guise of uncompromising patriotism, to obey the orders of their own Government. In bringing the preceding to the knowledge of Your Excellency, I take the liberty of once more soliciting the High Conference of Ambassadors to send to these regions a considerable number of officers of the Allied and Associated Powers and also beg them to grant to the International Commission of Oedenburg, the powers necessary for the administration of the country.

Please accept

(Signed) EICHHOFF

¹⁵⁶ Not reproduced. The note requested that an important detachment of Allied troops be sent to Ödenburg and that the International Commission of Ödenburg be invested directly with the powers necessary to administer the country and to install the Austrian authorities in the territory attributed to Austria. C.A. 97, Appendix M.

"6. WITH CZECHOSLOVAKIA"¹⁵⁷162. COMMITTEE ON TCHECHO-SLOVAK QUESTIONS¹⁵⁸(a) RESOLUTION OF THE COUNCIL OF TEN SETTING UP THIS COMMISSION¹⁵⁹

The following resolution was then adopted :

That the questions raised in the statement by M. Beneš on the Czecho-Slovak territorial interests in the Peace Settlement shall be referred for examination in the first instance to an expert Committee composed of two representatives each of the United States of America, the British Empire, France and Italy.

It shall be the duty of this Committee to reduce the questions for decision within the narrowest possible limits and make recommendations for a just settlement.

The Committee is authorized to consult representatives of the peoples concerned.

162. (b) ORGANIZATION AND PROCEDURE OF THE COMMITTEE AS AGREED UPON AT ITS MEETING ON FEBRUARY 27, 1919¹⁶⁰*A. Organization*

The Commission was organised with M. Jules Cambon as president, and Marquis Salvago Raggi as vice-president. Its composition is as follows :

United States : Dr. C. Seymour, Mr. A. W. Dulles

British Empire : Right Hon. Sir Joseph Cook, G.C.M.G., Hon. H. Nicholson

France : M. Jules Cambon, M. Laroche

Italy : Marquis Salvago Raggi, M. A. Stranieri

B. Procedure

It was decided that each Delegation present its views in general in order that questions regarding which there was a consensus of opinion should be eliminated from discussion, and that the Czecho-Slovak Delegates be called in only for the purpose of answering specific questions. The president requested each Delegation to bring a résumé of its opinions to the next meeting.

¹⁵⁷ Cf. Document 207, *infra*.

¹⁵⁸ This Committee is usually called the Commission on Czechoslovak Affairs.

¹⁵⁹ B.C. 23, p. 15, February 5, 1919.

¹⁶⁰ *S-H Bulletin*, No. 48(I).

C. German Question

The question of including the Germans now living in the territory which was formerly Austrian Bohemia, Moravia, and Silesia was presented. It was finally agreed that the frontier as defined by the political boundaries of Bohemia and Moravia of 1914 should be accepted in principle as the frontier of the new Czecho-Slovak Republic, subject to such minor rectifications, additions or subtractions of territory, as may be found desirable on the further investigation of particular points.

163. REPORTS OF THE COMMITTEE ON TCHECHO-SLOVAK QUESTIONS

(a) REPORT ON THE AUSTRO-CZECHOSLOVAK BOUNDARY¹⁶¹

(e) FRONTIER WITH AUSTRIA

The Committee were unanimous in recognizing that the frontier of Tchecho-Slovakia in this region should in principle coincide with the administrative boundaries which formerly separated Bohemia and Moravia from the Austrian provinces.

With respect to various rectifications asked for by the Tchecho-Slovaks in this frontier, the Committee were of opinion that for the most part these demands could only be decided by a Boundary Commission on the spot. The Committee considered, however, that the following questions could form the subject of definite recommendations to the Conference:

(i) THE QUESTION OF GMUND

*Proposed Frontier*¹⁶²

.

(ii) THE QUESTION OF FELDSBERG

*Proposed Frontier*¹⁶³

.

(iii) THE QUESTION OF THE MORAVA (MARCH)

*Proposed Frontier*¹⁶⁴

.

¹⁶¹ Committee on Tchecho-Slovak Questions, *Report*, March 12, 1919, pp. 10-11. From the Edward M. House Collection in Yale University Library. Reprinted with the permission of Professor Charles Seymour, Curator of the House Collection, and of the Librarian and Library Committee of Yale University Library.

¹⁶² For proposed frontier, see Document 163(b), Article 2(a).

¹⁶³ For proposed frontier, see Document 163(b), Article 2(b).

¹⁶⁴ For proposed frontier, see Document 163(b), Article 2(c), Paragraph 1.

Explanation

The Committee considered that it was of great importance to Tchecho-Slovakia to be able to control the entire course of the Morava River in order to be in a position to construct a canal to serve the province of Moravia. It is recommended, therefore, that the frontier should be drawn so as to leave the Morava entirely within Tchecho-Slovak territory, it being understood, on the other hand, that the railway, which follows the Morava at varying distances, must be left entirely within Austrian territory.

It was further decided that the frontier so drawn should follow the eventual alterations of the course of the river, without, however, allowing such alterations to affect the line of the railway. Finally, it was recognized that the task of accurately tracing this frontier must be left to a Boundary Commission on the spot.

163. (b) DRAFT CLAUSES CONCERNING CZECHOSLOVAKIA
TO BE INSERTED IN A PRELIMINARY TREATY
OF PEACE WITH AUSTRIA¹⁶⁵

ARTICLE 1

The Austrian Government recognize the entire independence of the State of Tchecho-Slovakia, which will include the autonomous territory of the Ruthenians to the south of the Carpathians. The Austrian Government hereby recognize the frontiers of this State as determined by the Allied and Associated Powers and the other interested States.

ARTICLE 2

The frontier between Austria and the State of Tchecho-Slovakia will be determined in principle by the old administrative boundary separating Bohemia and Moravia from the provinces of Upper and Lower Austria, subject to the following modifications:

(a) Starting from the salient 7 kilom. south-south-east of Gratzen, a line in a general east-north-easterly direction, meeting the Lainsitz stream above Gmünd and following it towards the north-east.

Passing between the town of Gmünd (to Austria) and the junction of the Gmünd-Budweis and Gmünd-Wittingau railways (to Tchecho-Slovakia).

¹⁶⁵ Committee on Tchecho-Slovak Questions. *Report*, March 12, 1919, Annex II, pp. 18-19. From the Edward M. House Collection in Yale University Library. Reprinted with the permission of Professor Charles Seymour, Curator of the House Collection, and of the Librarian and Library Committee of Yale University Library.

Following a north-easterly direction, passing west of Schrems and Heidenreichstein, to rejoin the old boundary between Bohemia and Austria at the salient $9\frac{1}{2}$ kilom. south-south-east of Neubistritz.

(b) Starting from the point where the old boundary between Austria and Moravia is cut by the Laa-Grusbach railway, a line generally east-south-east running parallel to and north of the Laa-Hohenau railway, cutting the Hohenau-Dürnkrot railway between Hohenau station and the bifurcation of the line to Wilfersdorf.

Meeting the River March (Morava) below its confluence with the Thaya so as to permit of the construction of the Thaya Canal.

(c) A line following the right bank of the March (Morava) down to its confluence with the Danube in such a manner as to enable the Tchecho-Slovaks to have complete possession of the waterway, while leaving the Vienna-Dürnkrot-Hohenau railway entirely in Austrian territory.

A Commission composed of seven members, five nominated by the five Allied and Associated Powers, one by the State of Tchecho-Slovakia and one by Austria, will be constituted 15 days after the coming into force of the present Treaty, to trace on the spot the frontier line above described.

ARTICLE 3

The Austrian Government renounce in favor of the State of Tchecho-Slovakia all rights and titles over the territories to the north and east of the boundaries indicated above.

ARTICLE 4

Austrian nationals habitually resident in any of the territories recognized as forming part of the State of Tchecho-Slovakia will obtain Tchecho-Slovak nationality *ipso facto* and lose their Hungarian nationality.

ARTICLE 5

Within a period of two years from the coming into effect of the present Treaty, Austrian nationals habitually resident in any of the territories recognized as forming part of the State of Tchecho-Slovakia will be entitled to opt for Austrian nationality. Tchecho-Slovaks who are Austrian nationals and are habitually resident in Austria will have a similar right to opt for Tchecho-Slovak nationality.

Option by a husband will cover his wife, and option by parents will cover that of their children less than 18 years old.

All persons who have exercised the above right to opt must, within the succeeding 12 months, transfer their place of residence to the State for which they have opted.

They will be entitled to retain their landed property in the territory of the other State where they had their place of residence before exercising the right to opt.

They may carry with them their movable property of every description. No export or import duties or charges may be imposed upon them in connection with the removal of such property.

Within the same period Tchecho-Slovaks, who are Austrian nationals and are in a foreign country, will be entitled, in the absence of any provisions to the contrary in the foreign law, and if they have not acquired the foreign nationality, to obtain Tchecho-Slovak nationality and to lose their Austrian nationality by complying with the requirements laid down by the State of Tchecho-Slovakia.

ARTICLE 6

The Treaty of Peace will determine the proportion and nature of the financial obligations which are to be assumed by the State of Tchecho-Slovakia and all other questions arising from the transfer of the territories dealt with in the present stipulations.

164. CERTAIN CORRESPONDENCE BEARING ON RELATIONS BETWEEN GERMAN AUSTRIA AND CZECHOSLOVAKIA AS EMANATING FROM THE GERMAN-AUSTRIAN GOVERNMENT AND TRANSMITTED TO THE PEACE CONFERENCE THROUGH THE SWISS LEGATION AT PARIS¹⁶⁶

(Translation)

PARIS, 2nd April, 1919

FROM: *The Swiss Legation*

TO: *The Ministry of Foreign Affairs, Paris*

Upon the request of the Government of Germanic-Austria, the Swiss Legation has the honor of transmitting herewith to the Ministry of Foreign Affairs, a copy of a note from the Department of Foreign Affairs in Vienna, No. 11—1698/W, dated 10th March, 1919, containing a protest against various measures of the Government of the Czecho-Slovak State.

The Swiss Legation would be grateful to the Ministry, if, for its assistance, they would kindly acknowledge receipt of the present communication.

Annex, copy of a note.

FOREIGN OFFICE OF GERMAN-AUSTRIA
11—1698 W

¹⁶⁶ *S-H Bulletin*, No. 193.

NOTE VERBAL

When last autumn the peoples forming the old Austro-Hungarian monarchy proceeded, in accordance with the principles proclaimed by the President of the United States, to the constitution of national states, the Republic of German-Austria abode strictly by the text and the spirit of the said maxims, whereas the Czecho-Slovak State more than once dared to trespass upon these rules.

Thus the Czecho-Slovak troops occupied not only the German enclaves in the country of the Suditians, but also the coherent domains of the German race in Bohemia and Moravia; and they there took all administrative measures which a legitimate government might have exercised therein. The Czecho-Slovak authorities went even so far as to force the officials who had sworn fealty to the German-Austrian State to take the oath of the Czecho-Slovak Republic and to submit to the higher authorities recently created by the Government of Prague.

This matter of proceeding which is in flagrant violation of the principles formulated by Mr. Wilson constitutes moreover the subject of a declaration promulgated under the Presidency of Mr. Wilson 24 Jan. '19¹⁹¹⁷ and after the intervention of British, French, Italian and Japanese statesmen. By this declaration the Czecho-Slovak State as well as the other national States which had taken similar arbitrary steps were warned that acts of violence could only injure the interests of parties who had recourse thereto; and that such acts gave proof of distrust in the Peace Conference and gave occasion for the assumption that their authors doubted the justice and validity of their claims; and that they intended to substitute possession for the proof of their rectitude, and to base their sovereignty rather on force than on the natural ties of national community and race.

From the sense of this manifesto and after the warning pronounced therein it was to be expected that the Czecho-Slovaks would at least reestablish the administrative *status quo*, and would refrain from any further infraction and make it possible again for the Germans to resume official correspondence with Vienna. On the contrary, the reign of violence continues in the occupied territories and threatens especially the existence of the German officials.

By a decree of the Czecho-Slovak Minister of Justice on the date of January 30, 1919, the German senates were abolished (jurisdiction in personnel and disciplinary matters); and the German group of councilors and the Prague Court of Appeal, institutions which upon the basis of an agreement concluded between the representatives of the German and Czech nations had been created for the German district of Bohemia

¹⁹¹⁷ Reproduced as Document 1.

by an ordinance of the Austrian Minister of Justice on February 3, 1890, were likewise done away with. On the same day, January 30, 1919, a collective ordinance of the Czecho-Slovak Council of Ministers provided that all state functionaries and other government employees should have to take an oath of the following tenor :

"I swear and promise upon my honor and my conscience to remain ever faithful to the Czecho-Slovak Republic, to obey its government, to observe all the laws of the State, diligently, conscientiously and impartially to fulfill all the duties of service according to the laws and ordinances in force, and in my every attitude to keep in view the welfare and interest of the service."

A few days later the law of February 7, 1919, was promulgated ; by it all officials created by a state other than the Czecho-Slovak Republic, therefore including the sworn officials of German-Austria in the German territories occupied by the Czecho-Slovaks, were forbidden to keep their posts unless within one month they took the oath of fealty to the Czecho-Slovak Republic. At the end of this month they were to lose their positions and their rights to the stipend and the pension for themselves and their families. Furthermore, this law reserved the right of the Government to dismiss officials within a period of a year, also for other reasons than those fixed by the service regulations.

Upon a basis of the provisions of this law, the Czecho-Slovak Government in fact has proceeded to dismiss a number of officials in aforesaid territories. It even went so far as to cause the arrest of others for nothing more than the fact that they had conformed to the orders of the German-Austrian authorities.

Although German-Austria under the present circumstances is not in a position to oppose force to the violence brought to bear by the Czecho-Slovaks, the government of the republic trusts nevertheless in its rights, in the principles generally recognized and lately confirmed by the representatives of the five Great Powers and in the justice of the Peace Conference. It energetically repudiates the tendency of the Czecho-Slovaks to derive their rights from a situation created by force in the German territories of Bohemia, Moravia and Silesia, as well as a method of procedure which is absolutely incompatible with the aforesaid principles, friendly relations, neighborliness, and the idea of the League of Nations.

As to the arbitrary provisions of the legislative and executive power of the Czecho-Slovak State tending to transform temporary tenure into a permanent possession menacing the existence of the German officials, the Government of the German-Austrian Republic finds itself obliged to submit through the protecting powers to the Governments of the five Great Powers represented at the Versailles Conference a formal protest against the aforesaid measures of the Government of Prague.

In bringing the preceding facts to the knowledge of the Swiss Legation, the Foreign Office requests it to transmit this communication by the kind offices of its Government to the Cabinet of Paris.

VIENNA, 10 March, 1919

165. DISCUSSION BY COUNCIL OF FIVE OF THE FRONTIERS BETWEEN AUSTRIA AND CZECHOSLOVAKIA¹⁶⁸

. . . . At the Meeting held on the previous day, M. Pichon said that the Council of Foreign Ministers would, in the first place, complete the examination of the remaining territorial frontiers of Austria, as presented in the reports of the Commissions appointed by the Conference. Questions had been left over from the meeting held on the previous day (I.C. 182), and he would ask the Council to commence with the examination of the frontiers between Austria and Czecho-Slovakia.

Mr. Lansing enquired whether the members of the Committee on Czecho-Slovak questions had reached unanimous conclusion on this question.

M. Laroche said the Committee were unanimous in recognizing that the frontier between Czecho-Slovakia and Austria should, in principle, coincide with the administrative boundaries, which formerly separated Bohemia and Moravia from the Austrian provinces. With respect to various rectifications asked for by Czecho-Slovakia in this frontier, the Committee were of opinion that for the most part, these demands could only be decided by a boundary Commission on the spot. The Committee had, however, unanimously recommended that the town of Gmund should be given to Austria, whilst the railway station of Gmund should go to Czecho-Slovakia, for the reason that the railway station formed an important junction. The distance between the railway station and the town was about two miles, so that the inconvenience caused by this arrangement would not be very great. Furthermore, the Committee considered it to be of great importance that Czecho-Slovakia should be able to control the course of the Morava river in order to be in a position to construct canals to serve the provinces of Moravia. It had been recommended, therefore, that the frontier should be drawn so as to leave the Morava entirely within Czecho-Slovak territory, it being understood, on the other hand, that the railway which followed the Morava at varying distances would be left entirely within Austrian territory.

One important question, however, remained to be provided for in the Austrian Treaty, namely, the renunciation by Austria of the northern provinces of Galicia and Teschen, whose boundaries had not yet been delimited.

¹⁶⁸ F.M. 13(1), May 9, 1919.

(It was agreed to accept the recommendations of the Committee on Czecho-Slovak questions in regard to the frontier between Czecho-Slovakia and Austria.)

166. DISCUSSION BY THE COUNCIL OF TEN OF THE
AUSTRO-CZECHOSLOVAK FRONTIER¹⁶⁹

M. Cambon made a statement explaining the findings of the Committee on Czecho-Slovak affairs. He pointed out that the administrative boundary between Austria and Bohemia had been followed almost throughout. There were two small deviations. Firstly, at Gmund, the railway junction of which was to be left within Czecho-Slovakia. This junction was situated at some 4 kilometres from the town and was the junction of the two main lines serving Bohemia. The second deviation was near Feldsberg, at the join of the rivers Thaya and Morava. These two streams were the main arteries of Moravia and gave access to the Danube. The line had therefore been drawn in such a way as to give the stream to Czecho-Slovakia, while the railway parallel with the stream which was necessary to Vienna, was left within Austria.

M. Clemenceau asked whether any objections were raised to the solution proposed by the Committee.

(No objections were raised, and the frontier proposed by the Committee was adopted.)

167. MEMORANDUM FROM THE CZECHOSLOVAK DELEGA-
TION REGARDING THE EXPLOITATION OF CERTAIN
BORDER RAILWAY LINES¹⁷⁰

(Translation)

PARIS, May 12, 1919

His Excellency M. Dutasta
Secretary General of the Peace Conference, Paris

SIR:

I have the honor to transmit herewith the clauses upon Railways, the insertion of which in the Peace Treaty with Austria-Hungary is claimed by the Czecho-Slovak delegation.

Please accept, etc.,

(Signed) EDWARD BENES

¹⁶⁹ B.C. 61(B), May 12, 1919.

¹⁷⁰ F.M. 15, Annexure B. At head of title, "Annexure B to I.C. 186."

SPECIAL CLAIMS OF THE CZECHO-SLOVAK REPUBLIC FOR INSERTION
IN THE PEACE TREATY WITH AUSTRIA-HUNGARY

RAILWAY CLAUSES

The clause provided in Article 52 of the draft of the clauses presented by the Commission on the International Régime of Ports, Waterways and Railways relative to the arrangement of the Exploitation of the lines connecting two parts of a country and crossing another, was voted for in so general a manner inasmuch as the Commission had not learned of the new frontiers. Now that this delimitation is known, the vital interest of the Czecho-Slovak Republic requires that in the Treaty with Austria and Hungary the said clause stipulate as follows:

"A Commission of experts designated by the Allied and Associated States in which Austria shall be represented shall determine the conditions of exploitation of the line Breclava—(Ludenberg)—Ganserndorf—Larchegge Devin (Devenujfalu).

"A Commission of experts designated by the Allied and Associated States in which Hungary shall be represented shall determine the condition of exploitation of the following lines:

"1. Cata (Osata)—Lecenac (Losoncz).

"2. Banriev (Banreve)—Sajoecseg—Miskoloz—Zsolcza—Szerencs—Satoraljaujhelj.

"3. Zsolcza—Hidasnemeti—Kosice—(Kassa).

"4. Sajoecsag—Torna."¹⁷¹

168. PROPOSED AMENDMENT TO THE CZECHOSLOVAK SECTION OF THE FRONTIER CLAUSES OF THE AUSTRIAN TREATY BY THE CZECHOSLOVAK DELEGATION¹⁷²

(Translation)

FRONTIERS OF AUSTRIA

ARTICLE 1

5, with Czecho-Slovak State

Cote 226, between Poysdorf and Herrenbaumgartent, indicated for the delimitation of the frontier North of the Hohenau-Laa Railroad, is not to be found on the 75,000 staff map: one should insert cote 218 as delimitation of the frontier.

¹⁷¹ The Council of Five agreed to tell Beneš to ask the railway administrations concerned to work out a solution. If they failed to come to an agreement, the matter was then to be referred to the commission of experts, presumably the Commission on Ports, Waterways, and Railways. F.M. 15(5).

¹⁷² *S-H Bulletin*, No. 337(II), June 4, 1919.

In the delimitation of the frontier from cote 611 up to a point (1 km. 500) above railroad bridge of Gmund on the Lainsitz, one should indicate cote 622 before cote 583.

In order to avoid all possible doubts in the delimitation of the frontier on the spot between the city of Gmund and the branching of the railroad of Gmund and Budweis and Gmund-Wittingau, part of a sentence should be inserted so that the paragraph in question should read as follows:

"A line to be determined on the spot passing West of Meidenreichstein and Schrems, through the cotes 622 and 583, and between the city of Gmund to Austria and the railroad branching of Gmund-Budweis and Gmund-Wittingau *through the extreme Southeastern limit of the railroad bridge to the Czecho-Slovak State.*"

(Signed) DR. EDVARD BENES

169. NOTE FROM AUSTRIAN DELEGATION, JUNE 15, TRANSMITTING A MEMORANDUM¹⁷³ BY THE REPRESENTATIVES OF THE GERMAN PARTS OF BOHEMIA, MORAVIA, AND AUSTRIAN SILESIA¹⁷⁴

(Translation)

DELEGATION OF THE
REPUBLIC OF GERMAN AUSTRIA
No. 304

ST. GERMAIN-EN-LAYE
June 15th, 1919

SIR,

I have the honour to submit to Your Excellency herewith a Memorandum (Annex A) addressed to the Peace Conference and drawn up by the representatives of the German parts of Bohemia, Moravia and Austrian Silesia, with a view to prove the injustice with which 3½ millions of German Austrians are threatened by the Conditions of Peace presented to German Austria.

In view of the extraordinary importance of settling satisfactorily who is to exercise public authorities in the mining basin of Austrian Silesia, I annex an additional draft Convention with this object in view (Annex B).¹⁷⁵

As regards the future of the Germans in Bohemia and in the Sudetian

¹⁷³ The Memorandum consists of Annexes A, A: I, A: II, A: III, A: IV. Annex A only is reproduced.

¹⁷⁴ *S-H Bulletin*, No. 380; for French and German texts see *Bericht*, I, 88-102.

¹⁷⁵ Not reproduced.

districts, I venture to summarise the general impression caused by the Conditions of Peace all over German Austria which the under-signed Delegation is called upon to interpret.

The Allied and Associated Powers are in the course of committing a flagrant injustice towards the population of the above-mentioned territories and towards all German Austrians and to drag the Czecho-Slovak people itself into an adventurous and disastrous policy. The collapse of the Austro-Hungarian Monarchy affords an opportunity of putting an end to this unfortunate struggle between the German and Czech peoples by guaranteeing to each one of them the right to live freely its own national life. By stopping at the frontiers of the districts which really constitute the domicile of the Czechs and Slovaks, the Czecho-Slovak Republic could in every respect enjoy the satisfactory development of its economic as well as of its social prosperity. It would, if it contented itself with the domain of its own peoples, be one of the richest countries in Europe, in view of the fact that it would always have at its disposal most important agricultural resources in the plains of Bohemia and of Moravia, vast forests on the hills lying between the countries in question as well as in Slovakia, coal mines near Kladno and Pilsen, treasures of the Slovak soil, which it has hitherto not been possible to extract or to exploit to their full value, considerable machinery workshops at Prague, Pilsen and Königgratz, textile industries in the Czech speaking districts of Moravia and Eastern Bohemia, distilleries, sugar and beer produced by the industrial establishments scattered all over the country. Now if German Bohemia, the Böhmerwaldgau, the Sudetian country and the district of Znaim are incorporated in this happy and fertile state, if these German regions are united to Czecho-Slovak territory against the wishes of their inhabitants, the former Austria would be replaced, in so far as the Germans and the Czecho-Slovaks are concerned, by two small states continually struggling with one another; and it must be remembered that the former Austria, however problematical its existence may have been, always assured more or less the material existence of its peoples. The Powers would thereby create in the middle of Europe a centre of civil war which might become much more dangerous for the world and its social life even than the continual ferment in the Balkans. This judgment may seem hard but it is based on the firm conviction of the German Austrian people. This conviction is unanimous and may be summed up in the following watchword "Let us leave this house which is burning, and let us join our country of origin."

The wrong which is being done to German Austria is painfully apparent to all eyes. The extent of territory and the number of inhabitants concerned are more than double the territory and population of Alsace-Lorraine. Whilst wishing to repair the wrong done to France in 1870-71, the Allied and Associated Powers are about to create a double Alsace.

Whilst proclaiming the right of peoples to dispose freely of themselves they at the same time pass a sentence of political death on a population more numerous than the whole of that of Norway or of Denmark. Alsace-Lorraine was annexed to Germany after a war; that was a basis for an annexation which is now with reason set aside by the conviction inspiring international morality; it was, however, recognised for thousands of years by international law as a title of legitimate acquisition. Now the Germans of Bohemia and of Moravia and of Silesia are enslaved without ever having been in a state of war with the Czecho-Slovaks at the very moment when the German Austrians, relying on the Armistice Treaty, thought themselves in safety; as they were quite unable to defend themselves, they felt all the more bitterly the violence which was done to them. How can a people ever forget such cruel and unheard of procedure? Alsace-Lorraine passed from the dominion of a great and highly civilised nation to that of another great Power. This change was nevertheless felt to be an intolerable affront. German Bohemia on her part is however, although it formed part of a great and ancient nation, to be delivered over to a less numerous people, younger than it is as regards civilisation, and forming only a small State. $3\frac{1}{2}$ millions of Germans are to be handed over to the sovereignty of $6\frac{1}{2}$ millions of Czechs! The subject nation can never tolerate such domination. The dominating nation will never be able to accomplish the task set before it! Both are condemned to fight with one another in a disastrous struggle which is far more tragic than were the misfortunes which beset the former Austria, who at least was supported by the equilibrium of mutual hate caused by the different aspirations of eight different nationalities. This disastrous attempt means that after the most appalling carnage of all time the newly established state of things will be far worse and more threatening for European peace than before the war. It is impossible to estimate the disillusion and bitterness of the German Austrians in question, unless it be remembered that they were just on the point of spontaneously adopting the victorious ideas of liberty and democracy proclaimed by the Associated Powers, and that they thought that the moment had just come to establish freely with their brothers inhabiting the Alps a new German-Austrian Republic, and that at that very moment their liberty was snatched from them again and impounded by military occupation on the part of the Czecho-Slovaks; the draft Conditions of Peace ratify after the event these acts of violence; but the German people will never understand how, in view of the humanitarian declarations of the great Powers, a parliament at Prague in which there is not a single German can dispose of the fate of a German country whilst the representatives elected in that country by the free votes of the people are gagged by police measures. The people will never get over that. It will always feel the effects of such proceedings and will

never be able to admit the idea that it was handed over without being consulted, by foreigners to foreigners!

A peace based on such principles can, still less than the peace of Frankfurt did for Alsace, form the basis of lasting right. The circumstances which have caused the birth of the Czecho-Slovak State are sufficient proofs of this.

The same procedure whereby violence has been done to the Germans in Bohemia, Moravia and Silesia has placed the Germans in the Alps in a state of distress and want for the German regions occupied by the Czechs contain our most important industries and constitute our most indispensable resources so far as natural products are concerned. This procedure has brought about the blockade of food supplies and fuel imposed on the town of Vienna which was only relieved by the judicious intervention of the Great Powers. This blockade can only have excited hatred and has moreover clearly shown that the German Austria is incapable of existing by herself and that she cannot expect to attain prosperity in her former political community.

The German-Austrian Peace Delegation therefore unreservedly unite with the writers of the annexed Memorandum in requesting that liberty may be restored to the said German countries, by means of elections on a basis of the free votes of the populations of German Bohemia on the one hand, and the Sudetian districts on the other, in order that in each of those provinces a constituent assembly may be called upon to dispose absolutely of the people which it represents.

The German-Austrian Delegation think that they may expect that the Peace Conference will again discuss the question of the German districts of Bohemia and in the Sudetian regions, for on this question depends our fate and our future.

The régime to be set up in regard to the mining basin of Ostrau which formed part of the former Austria constitutes a special problem for the Peace Conference. The members of three different nationalities are domiciled in this Basin, that is to say: Germans, Poles and Czechs. All these inhabitants are so scattered and mingled that it is impossible to separate them. This territory, richly endowed by nature, has for all time sent its products, towards the south to the German-Austrians, towards the west to the Czechs, towards the east to the Poles, as well as partly to the Germans in the north. It is one of the rare points of the surface of the world where three nationalities can lay equal claim, and with equal reason, to be the natural consumers as well as to be members of a native race. If ever a neutral and internationalised territory is to be set up, it is in the Basin in question that such a régime should be established. Each one of the three nationalities must of course be guaranteed a proportional participation in public life, and a supervision of the administration, and a control of the working of mines would have to be set up under the aegis

of the Council of the League of Nations. The German-Austrian Delegation venture to submit to the kind and careful consideration of the Peace Conference a draft International Treaty drawn up with this object in view.

I have the honour, etc.

(Signed) RENNER

ANNEX "A": MEMORANDUM SUBMITTED BY THE REPRESENTATIVES OF THE GERMAN DISTRICTS OF THE SUDETIAN IN REPLY TO THE CONDITIONS OF PEACE OF THE ALLIED AND ASSOCIATED POWERS

I

FUNDAMENTAL PRINCIPLES OF PEACE

According to Part II, Article 6 of the Draft Treaty of Peace and Article 82 of the Conditions of Peace proposed to Germany, the German-Austrian territories of German Bohemia and of the districts of the Sudetians, as well as the "Böhmerwaldgau," southern German Moravia, parts of Lower Austria, the district of Neubistritz and the enclave of Iglau-Stecken are to be separated from the German-Austrian State and incorporated in the Czech State.

The German-Austrian Peace Delegation considers that one of its first tasks is to examine this part of the Conditions of Peace in accordance with the principles which have been proclaimed on many occasions by the President of the United States of America, Mr. Woodrow Wilson, principles which have become the political creed of the democracies of the Universe, have been expressly approved by the belligerent Powers, and have presided over the creation and the development of the German-Austrian Republic.

The principles in question are, in the first instance, as follows:

1) Point Ten of the message delivered to the Congress of the United States of America on January 8th 1918:

"The peoples of Austria-Hungary should be accorded the freest opportunity of autonomous development The day of territorial conquests and aggrandizement is gone by; as is also the day of secret covenants Every peace-loving nation which wishes to live its own life and determine its own institutions should be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression."

2) The speech delivered at Washington's Tomb on July 4th, 1918:

"The settlement of every question, whether of territory or of national sovereignty, of economic arrangement or of political relationship, must be made upon the basis of the free acceptance of that settlement of the material interest or advantage of any other nation or people which may

desire a different settlement for the sake of its own exterior influence or mastery.

"What we seek is the reign of law based upon the consent of the governed, and sustained by the organized opinion of mankind."¹⁷⁶

3) The speech to Congress on February 12th 1918:¹⁷⁷

(a) Peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game.

(b) Every territorial settlement involved in this war must be made in the interest and form a benefit of the populations concerned, and not as a part of any mere adjustment or compromise of claims amongst rival States.

(c) All well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new, or perpetuating old, elements of discord and antagonism that would be likely in time to break the peace of Europe and consequently of the world.

4) "The impartial justice meted out must involve no discrimination between those to whom we wish to be just and those to whom we do not wish to be just. It must be justice that plays no favourites and knows no standards but the equal rights of the several peoples concerned."¹⁷⁸

II

ORIGIN OF THE GERMAN-AUSTRIAN STATE

The essence of these principles and proclamations can be resumed in the theory that the sovereign will of the "governed" should be considered, both now and in the future, as the most decisive and most important force in the constitution of a State. In this way the formation of the German-Austrian State and its provinces was, in fact, accomplished. The representatives of the former Austrian Parliament from the German electoral districts, elected in 1911 on the basis of universal, equal, and direct suffrage, strengthened by the general approval of the population, united themselves in a provisional national assembly of German-Austria; they proclaimed solemnly and unanimously the union of the districts inhabited by German-speaking populations in a single State and assumed the executive power. Similarly, the members of that assembly, deputies of the homogeneous districts of Northern Bohemia, Moravia and Silesia, inhabited by German-speaking populations, proclaimed the creation of the provinces of Bohemia and of the country of

¹⁷⁶ The quotations from Wilson's speeches, as given here, are inaccurate translations of the French text of the Austrian note. Compared with the original texts, both versions show changes in sentence order, interpolated words, etc. See *Public Papers of Woodrow Wilson*, (VI), 155-62, 177-84, 231-35.

¹⁷⁷ Speech of February 11, 1918.

¹⁷⁸ See footnote 176, *supra*.

the Sudetians, declared those provinces to be part of German-Austria, subjected them to the laws of that State and instituted provincial governments. Furthermore, German "Böhmerwaldgau" united itself with Upper Austria with which it has a common frontier, while Southern Moravia, which established itself as an independent district, as well as the district of Neubistritz and the German sections of the district of Neuhaus, united with Lower Austria which likewise shares a frontier with them and, moreover, the enclave of Iglau-Stecken joined Lower Austria.

These developments were formally sanctioned by the laws of German-Austria of November 12th and 22nd, 1918, regarding the extent of German-Austrian territory and also by the executive orders of January 3rd 1919. In accordance with these enactments, these parts of German-Austria consist of the districts enumerated in Annex I.

III

ETHNOGRAPHIC CONDITIONS

In all matters concerning these districts we have to do with territories inhabited since their origin by homogeneous German-speaking populations which, except in the enclave of Iglau-Stecken, are directly connected with the regions of Europe where German peoples are domiciled and where the population of another nationality, particularly the Czech population, represents only a small percentage.

According to the census of 1910 (the only official source) the numbers of the population are as follows:

Districts	Sq. Km.	Germans	Czechs
German Bohemia	14,496	2,070,438	116,275
Country of the Sudetians.....	6,534	643,804	25,028
Böhmerwald	3,281	176,237	6,131
Southern Moravia	2,226	180,944	12,477
Iglau-Stecken	374	38,402	9,769
	<hr/>	<hr/>	<hr/>
	26,911	3,109,825	162,674

The effect of the measures of violence now proposed is shewn still more clearly by the following comparisons than by the above figures:

The territory in Bohemia, Moravia and Silesia, inhabited by a homogeneous German population, which is nearly twice as large in area as Alsace-Lorraine and almost equal to Belgium, has a German population about twice as numerous as that of Alsace-Lorraine in 1871. This population is greater than that of Norway, Denmark or Venezuela, is nearly equal to that of Finland or Chile, and is almost as great as that of inhabitants of Switzerland.

The delimitation follows everywhere the clearly recognizable natural

and ethnographic lines established by common agreement in 1907 by the representatives of the two nations, at the time when the Czech and German electoral districts for Parliament were determined. These ethnographic lines are exceptionally clear and this fact has also been recognized again and again by French scientists; they are consequently specially appropriate as a basis for the delimitation of States formed by virtue of the national idea of free determination. The clearness and precision of these natural ethnographic lines prove moreover that the Germans of Bohemia, Moravia and Silesia are not of Czech race, as the Czechs allege. For in that case how could one explain the fact that the alleged process of Germanization has been so completely successful within the ethnographic frontier and has remained without any result outside that same frontier?

Czech politicians naturally could not deny that the territories in question are inhabited for the most part by a German population: they deny, however, that the results of the official census have any value whatever by asserting that those results refer not to the nationality but to the ordinary language and that they were falsified by German influences at the time when the census was made. We, for our part, feel bound to affirm the following:

Numerous international statistical Congresses, particularly that held at St. Petersburg in 1873, rejected the application of such distinctions as national feeling or ethnical origin (which is often uncertain) and pronounced in favour of adopting as a standard the "spoken language," a characteristic of a purely objective nature. Further, the errors which might result from applying these different systems are very small and produce an equally small effect on the total result in regard to the two nationalities.

The assertion that the census was carried out under German influence can be disproved by the fact that the Austrian Government was not at all inclined, as the Czechs allege, to favour German influence, but, on the contrary, was often composed of persons hostile to the Germans. Moreover, it is clearly established that the censuses carried out subsequently by the Czechs in order to check the official figures did not produce a result appreciably different from that of the official census. Besides, the policy of German-Austria is solely directed to establishing the ethnical conditions in an indisputable manner by a plebiscite.

Czech politicians further allege that the German territories of Bohemia, Moravia and Silesia have in the course of centuries lost their original Slav character by Germanization. This assertion is false, seeing that the Germans came into this country as successors of the Celts, long before the Slavs, and that the territories which we now claim were occupied peaceably several centuries ago by the German populations which established themselves there.

There is, therefore, no question of a violent process of Germanization, particularly at the time of the Counter Reformation, seeing that in accordance with the conditions of Public Law at the time the policy of the Hapsburgs was to devote their attention altogether to the nobility and the clergy without taking into account the mass of the people.

The territories where German populations are settled today have, in fact, been an ancient German domain for centuries: the insignificant Czech minorities living therein are scattered (Annex III) and only came recently to the country in consequence of the rapid industrial development of these districts.

IV

THE TREATY OF PEACE REGARDED AS AN ACT CREATING A NEW RÉGIME OF PUBLIC LAW

The German Austrian National Assembly, and also Provincial Assemblies, were moreover well aware that the establishment of definite frontiers as regards the other successor States was not completed by the fundamental laws mentioned above, although these laws were entirely based on the principles of democracy and nationality; they realised that the determination of these frontiers still had to form the subject of negotiations regarding the liquidation of the former Monarchy. But these laws were chiefly designed to create a situation in harmony with the decisions of the Congress; German Austria, having full confidence in the solemnly proclaimed principles of self-determination, believed she could expect from these decisions a solution of the problems such as would guarantee firm foundations for a social and economic order and prepare the way, in concert with the peoples, for an equitable constitutional settlement.

The German Austrian State certainly cannot be held responsible for the fact that it has hitherto been impossible to carry out the intention of guaranteeing a well arranged liquidation of the former Monarchy first and foremost as regards territorial questions. It was the Czech Government which, at the time when the Czech State was formed and developed, allowed itself to be guided by principles altogether different from those advocated by the Entente. Without resorting to General Elections, without establishing up to the present day any legitimate Authority, the Czech Government continued the war even after the Great Powers had put an end to it by the conclusion of the Armistice. The Czechs have, in fact, subjugated the German districts by force of arms. The German Austrian Government for its part, has devoted itself to the re-establishment of order in the interior, and, inspired by the formal and constantly repeated declarations of the Entente, has regarded the occupation of the

German districts of the Sudetians by the Czechs as a purely provisional measure which would only remain in force until the Peace Conference had reached a decision.

V

ATTITUDE OF THE SUDETIAN GERMANS

The Resolutions whereby the German Districts of the Sudetians were declared to be a part of German Austria were voted by Deputies elected on the basis of direct, universal and equal suffrage, who remained the sole rightful representatives of the people at the time when the Monarchy collapsed. These Resolutions met with unanimous and enthusiastic welcome and approval. The Czecho-Slovak Government represents at the Congress at Paris districts in regard to which it cannot in any way, either now or later, boast of having the free assent or the sovereign will of the population. Despite unheard of military oppression, which even went as far as to re-establishing corporal punishment and apply it to free men and even to women, all political parties, as well as Communes and Corporations, have constantly organised demonstrations to protest against these proceedings. They have succeeded as far as was possible, in spite of the difficulties of communication and the constant efforts to gag the Press and impede the freedom of meeting, in causing their protests to be transmitted to the representatives of the Entente. These demonstrations preclude any doubt whatever regarding the feelings of the population in the German districts of Bohemia. Moreover, repeated demands have been made, although without success, that neutral Commissions should be sent to these districts so that they might be convinced on the spot of the true state of affairs; these demands furnish a further proof of the fact that the German Sudetians have only endured the Czech occupation with repugnance and under stress of military compulsion and that they are sustained by the hope that an impartial enquiry conducted by representatives of the Entente Powers would put an end to their sufferings.

There would be a terrible and disastrous disappointment if the Peace instead of putting an end to this slavery, made it permanent.

The creation of the German Austrian Republic can, therefore, be considered the purest and (from the historical point of view) the clearest application of the democratic principles governing the modern formation of States. The most that could be done would be to submit this organic act to fresh tests by a plebiscite.

The German Austrian Delegation declares itself ready to consent forthwith to this plebiscite and reserves to itself the right to present to the Peace Congress certain proposals which would guarantee impartiality to the voting.

VI

PROCEEDINGS OF THE CZECH GOVERNMENT

No doubt can remain that the proceedings of the Czech Government in the German districts of the Sudetians are in no wise in harmony with the views advocated by the Entente in regard to the new order of affairs. These proceedings are irreconcilable either with the maxims of democracy, or with the principles of nationality, or with a lasting peace of justice. It is likewise certain that if the Peace Conference confirms this foreign domination, it will create new elements of discord for the future, elements which, according to the ideas of President Wilson, should be banished by the Peace for all time.

We affirm that the Czech government, disregarding the right of self-determination, has invaded the territories of the Sudetians, upset the peaceful development and the regulation by arbitration of conditions in those countries, and made the German Sudetians the object of a policy based solely on the force of arms and having in view nothing but the material advantage of the Czech nation.

We place it on record that the Czech Government has, under cover of the Armistice, occupied German territory and subjected to its sovereignty, contrary to the principles of the Law of Nations, the German district of the Sudetians; that after overturning the existing legal authorities, it has instituted new authorities and compelled the public officials by threatening their physical existence to take the oath to the occupying State or else has driven them out or thrown them into prison. It has suppressed the free expression of the people's will.

We place it on record that the Czech government has poisoned in an intolerable way the relations between the two nations and destroyed all hope of a peaceful agreement between them. Such wounds cannot be cured. The history of the Czech people is the best proof of this.

VII

FUNDAMENTAL BASES OF THE CZECH STATE

In any State thus organised a united political will would from the outset be lacking in a great part of the population; and this [*sic*] will constitute the sole basis for its peaceful development. A State incorporating not only territory inhabited by homogeneous Slovak, Polish Ruthenian and Magyar population but also extensive districts inhabited by a German population would not be a national Czech State; it would simply be a bad copy of the old Austria, that is to say an organism characterised by the recrudescence of an evil which was thought to be finally stamped out, but on a much less extensive territory, under much less favourable economic conditions and without the historical traditions of

centuries. It is to be hoped that the wisdom of the Allied and Associated Powers will pay heed while there is still time to the warnings set forth above.

The proportion of nationalities inhabiting the Czech State, after deducting the Polish districts which will eventually be incorporated therein, is as follows:

Czechs	6,291,237	or 48%
Germans	3,719,147	or 28%
Slovaks	1,770,614	or 14%
Magyars	878,643	or 7%
Ruthenes	437,000	or 3%

The projected incorporation in the Czech state of districts of Lower Austria and Prussian Silesia would modify still further the proportion indicated above to the detriment of the Czech nation. If the old Austria was destined to perish because she lacked any unifying political idea common to her various races, both these lessons taught by this experience and also the magnetic force of the democratic and national idea make us foresee that the Czech State, as it is delimited by the draft conditions of Peace, will be unable in the long run to withstand the tendencies of its component parts to settle their own fate freely.

VIII

CONCLUSIONS

On the other hand, German Austria deprived of the districts which are the most important from the economic and cultural point of view would be unable to exist as an independent State and for that reason alone would find it impossible to fulfil the obligations imposed on her. But the Czech State, on the contrary, has no need of other people's possessions in order to be assured of the means of livelihood. If this assertion be called in question during the course of the negotiations, the Delegation will be ready to submit to the Peace Conference statistical and economic data which would offer all the means available for forming judgment on the question in dispute. Moreover the international regulation of economic relations offers many means of paying good heed in future also to all desirable economic relations.

The German Austrian Delegation, convinced that the Peace Conference has the task of satisfying within the territory of the former Monarchy "all well defined national aspirations without introducing new or perpetuating old elements of discord and antagonism that would be likely any time to break the Peace," solemnly places it on record that the Draft Treaty communicated to it is in absolute contradiction with the sovereign will of the German Sudetians and is resented by them as the worst injustice.

The German Austrian Delegation abides by the sublime words of one of the members of the Peace Conference: "that the Great Powers have assumed in full consciousness of their act the entire responsibility for the peace and for the establishment of the reign of justice." Confiding in this promise, the Delegation ventures to submit to the Principal Allied and Associated Powers the following proposal:

"The question as to which State the German population wishes to belong shall be decided by a Plebiscite to take place in the German Districts of the Sudetians by Communes under neutral control, in the absence of Czech troops and in accordance with a procedure to be settled."

(Signed)

DR. RUDOLF LODGMAN-AUEN m.p.
*Provincial Captain of German
Bohemia*

DR. ROBERT FREISSLER m.p.
*Provincial Captain of the
District of the Sudetians*

ANTON [sic] SELIGER m.p.
*Assistant Provincial Captain of
German Bohemia*

JÉROME OLDOLFREDI m.p.
*Representative of the Dis-
trict of Southern German
Moravia, and of the Dis-
trict of Neubistritz*

ANTON KLÉMENT m.p.
*Representative of the Böhmer-
waldgau*

170. NOTE FROM MR. BENEŠ, RELATIVE TO THE
GERMAN AUSTRIANS IN BOHEMIA¹⁷⁹

(Translation)

MINISTRY FOR FOREIGN AFFAIRS
CZECHO-SLOVAK REPUBLIC

PARIS, 19th June 1919

SIR:

The Commission on Czecho-Slovak Affairs is going to study Mr. Renner's answer, on the subject of the Germans of Bohemia. I take the liberty to send you a few documents which will give to the Commission evidences of the actual situation in the Czecho-Slovak countries. They will, at the same time, throw light on the past policy of Germanic-Austria with us and the present and future policy of the Czecho-Slovak State with the Germans.

I take the liberty to particularly call your attention to the declarations of the agrarian German party of Bohemia, to the nationalist papers of Prague which are the most important of all German papers in Bohemia.

¹⁷⁹ *S-H Bulletin*, No. 432.

and finally to the results of the elections for the Municipal Councils in the Czecho-Slovak State. The elections are a particularly striking evidence of all I had the honor to say, either before the Conference, or before the Commissions, with regard to the German regions of Bohemia.

They demonstrate that the regions, purely German, do not exist, that, besides, at the very center of these regions, that is around the city of Duchs, in the mining region, the majority is Czech and that there does not exist in Bohemia any purely German continuous territory, as the Germans tried to prove by establishing maps where, from Reichenberg to Eger, they demonstrated that the whole territory was German.

I am particularly glad to be able to see this now, since before possessing the public evidences, I tried to demonstrate it in defending our claims before the Peace Conference.

I take the liberty to send these documents to you, for what use you may deem advisable.

Please accept

(Signed) EDWARD BENES

(Translation)

THE GERMANS OF BOHEMIA

DECLARATIONS OF PRESIDENT MASARYK AND THOSE OF THE GERMANS OF BOHEMIA

In an interview with Czech journalists which took place at the beginning of this month, the President of the Czecho-Slovak Republic explained his point of view on the relations between the Republic and its German Citizens.

"The importance of this problem is derived from the number of these Germans, their intellectual value, as well as the high degree of their economic evolution, not less than from the proximity of the German Empire. We concede to them everything which rightly reverts to them; in no instance are we to fall back upon the Austrian methods of concessions imposed by the necessities of the moment. It therefore appears indispensable to make veritable citizens of them, ready to consecrate their efforts to creative labor, to collaborate in the edification of a State common to all, as well as in its administration and economic activities."

"My keenest desire would be to see the question of languages settled in Bohemia in such a way as to eliminate it from parliamentary discussions and from public life. In all this, it is not merely a question of schools and of public administration, but of relations in general and their external forms. We have ourselves experienced what the systematic humiliation of the mother tongue signifies. These constant quarrels are to disappear in the future. The fact that the bank-notes did not bear an inscription in Czech, for example, greatly irritated us. Our notes

will therefore also have a text in German. We have let ourselves be guided in the choice of military uniforms by the regard due to German sensitiveness."

"We cannot ask the Germans to become enthusiastic over the Slovak hymn, although our 'Kde domov muj?' with certain modifications might be appropriate for them. What we need is a new national hymn which will be suitable for all the citizens. I know only too well, in this case, what the sentimental moment signifies, which, in general, could not be neglected with regard to the symbols of the State. I can only repeat that it is my sincere wish to live in peace with the Germans.

"Our mutual relations should be judged and settled from this point of view."

The Ideas expressed on the subject by the President met with unanimous approval in the Czech Press.

Also, in the German Press no voice was raised in disapproval; on the contrary, the principal German newspapers of Bohemia expressed their complete approval of the conclusion of the President. They hope that the solution of the national problem will satisfy both parts of the Czecho-Slovak republics. Thus, the German newspaper *Bohemia*, known for its aggressive attitude with regard to anything Czecho-Slovak, writes in its edition of June 7:

"The Germans have adhered to the idea of a common State, not only the Germans at Prague, but also those of Cheb, of Liberec (Reichenberg), of Opava, and of Lanskroun, etc. . . ."

The *Bohemia* writes further, in connection with Czecho-German relations: "We are absolutely convinced of the honorable intentions of the President; for this reason we believe that he desires to live in Peace with the Germans. The Germans desire, just as sincerely, to conclude Peace with the Czechs and to maintain it honestly. But the realization of this reciprocal desire still requires a few formalities; above all, knowledge of the conditions of this Peace."

The principal organ of the Germans of Bohemia, the *Prager Tagblatt*, devotes a long editorial full of praise to the speech of the President. We make an extract of the final passage, which appeared to us worthy of attention.

"The Universal policy of these recent years, in which he himself has played an important role, has taught him the importance of national sentiments; for this reason, he wishes to take them into account in the settlement of the Czecho-German relations. In citing two small examples, he uttered words which, if they had been mentioned earlier, would have been able to soften the bitterness felt by the Germans during these recent months. He said: 'The Germans are now in a situation similar to that of the Czechs at the time when their national sentiments were subjected to such great humiliation.'

"At this period, Czechs saw an insult in the fact that the Czech text was lacking on the banknotes (they appeared there however in very small characters)."

Today, the Germans can find no peace of mind in the song which is also to be their national hymn; a new text must therefore be found for this hymn. It would be unjust to take these words as a joke and there would be no important amelioration if on solemn occasions they were to sing a hymn, the text of which did not suit them better than the present text.

The speeches and works of Mazaryk are known; it is known that after the fashion of philosophers, who, like pedagogues, wish to exercise their influence over the people, he likes to cite examples which occur to him at random to support his theses. He follows the same procedure in this case. As he explains, subsequently, he does not wish to express this idea only in the choice of the symbols of the state; it should be apparent that one does not wish to offend the Germans. Also, would one have been deceived if President Mazaryk, who has not yet lost the confidence of people with moral and humanitarian ideas, had accepted a point of view different from that which he proclaimed in his most recent statement and if he had not menaced the Germans of his country with the sword of a victor. He, who has himself suffered the violation of sentiments, will take care not to violate the sentiments of others.

He who wishes to transform a policy of hyperbolic phrases into a steady and consistent policy cannot seriously believe that the millions of Germans who are to live in this state can be content with a reply such as this: "It will be a Czech State," upon requesting what position they would occupy in this state.

If it seems impossible to name a State otherwise than in conformity with the population, the name given should not be a symbol of oppression for several million citizens of a different nationality.

President Mazaryk announces the principles for the settlement of the relations of the Germans with the other nations which, although for the moment they are more symbolical, may be approved. He presents to us the frame of a picture in which, although if it were completed according to his will it would be of value, the colors and figures are lacking. Everything depends upon the inter-relationship of the latter with the whole of the picture and on the manner in which the frame might influence the artist charged with completing the picture, in order to complete it in the way indicated.

The speech of the President found an echo in the Czech and German Press of the Republic. The following may be deduced therefrom:

1. The Czech Government is seriously and with great loyalty attempting to fully satisfy the German minority in its national aspirations.
2. The Czech public realizes perfectly the range of the efforts. It sus-

tains and will continue to sustain the government in its efforts towards satisfying the minority of the other language, so long as its claims are justified.

3. The German public is aware of these efforts and is entirely disposed to collaborate in the social life of the State.

Information to the effect that the Germans of Bohemia are oppressed and are not satisfied to be recognized as citizens of the Czecho-Slovak Republic is therefore without any basis whatsoever.

PARIS, June 19th, 1919

RESULTS OF THE MUNICIPAL ELECTIONS IN THE MIXED TERRITORIES
OF BOHEMIA

The municipal elections proved the insincerity of the German theory of a purely compact German territory in the Czech countries. It is but a mixed territory with large Czech minorities, several of which have even come out as majorities.

Here are some results:

Most (Brux) and Duchcov (Duchs) always played a great part in the German increases during several attempts towards a Czecho-German agreement (of Stugh, for instance, Thun). Professor Bachmann did not wish to admit that there were more than 20% Czechs in these districts and did not wish to concede rights of languages to the Czech minorities of these districts.

The electoral results in these districts are as follows:

These elections prove the proportion of the national forces and are the best answer to the pretensions of Mr. Renner. For the first time, the Czechs in the mixed districts voted without constraint from the owners of the mines and the great factories. The results prove the mixed nature of the German territory, which they call compact.

These results are as follows:

Most (Brux) 29 Germans, 1 Jew, 12 Czechs.

Duchcov (Duchs) 19 Germans, 17 Czechs.

The towns and villages of these districts which, thus far, were considered as German, obtained a Czech majority as follows:

Dolni Jiretin (Niedergeorghenthal)	13 Germans	17 Czechs
Dolni Litvinov (Niederleutensdorf)	15 Germans	15 Czechs
Kopistry (Kopitz)	12 Germans	24 Czechs
Cous (Tachausch)	5 Germans	25 Czechs
Zaluzi (Maltheuern)	8 Germans	22 Czechs
Louka (Wieska)	16 Germans	14 Czechs
Lom (Bruch)	12 Germans	24 Czechs

Liberec (Reichenberg) and vicinity:

Liberec (Reichenberg) is considered as the capital of the German territory, designated by them as compact. This city has just elected 35 Germans and 5 Czechs, but the suburbs of Liberec, the city of Horni Ruzodol (Obberosenthal) elected 18 Germans and 18 Czechs. In the Great Reichenberg, there are in all 55 German votes and 23 Czech votes.

The city of Terezin (TheresinStadt) considered for a long time as a German town elected 30 Czechs and 6 Germans only.

A few striking results need only be reported to prove the national character of this territory:

Number of people elected:

Lovocice (Lobositz)	20 Germans	10 Czechs
TanWald (Tanwald)	20 Germans	10 Czechs
Ledvice (Ladowitz)	17 Germans	19 Czechs
Litomerece (Leitmerits)	28 Germans	7 Czechs
Teplice (Teplitz)	37 Germans	5 Czechs
(But in the communities of that district 26 Czechs were elected)		
Brezina (Briesen)	8 Germans	16 Czechs
Hostonnice	11 Germans	19 Czechs
Bilina (Bielin)	25 Germans	11 Czechs
Ploskovice (all those elected are Czech)		
Krzemusch	19 Germans	12 Czechs
Kutterschitz	7 Germans	8 Czechs
Schelchowitz	5 Germans	7 Czechs
Schirschowitz	3 Germans	9 Czechs
Schwaz	17 Germans	13 Czechs
Cizkovice (Tschischkowitz)	10 Germans	8 Czechs

At Trutnov (Trautenau) 6 Czechs were elected, at Chuderin near Most 13 Czechs, at Ervenice 9 Czechs, at Jablonec (Glabonz) 6 Czechs, at Podmokli (Bodenbasch) 5 Czechs, at Hroby (Klostergrab) 7 Czechs, etc.

South of Bohemia, in the city of Ceske (Budejovice) (Budweis) the results are very interesting. In this city which for a long time had the very false name of being a city of German majority the Germans obtained 3,500 votes; the Czechs 17,387. The Germans obtained 8 mandates, the Czechs 34. The city of Vimperk obtained a Czech majority. At Prachatice 20 Germans and 10 Czechs were elected. Those are but the first results. The final results will prove that it is not possible to construct in Bohemia a compact territory and that all German arguments and old statistics are entirely false. The election in Moravia showed a great success of the Czechs especially in the largest cities of Moravia, Brno (Brunn), Clomouce (Olmütz), Moravska Ostrava (Mahrische

Ostrau) where the Germans always held the administration in their hands. To-day the Czechs triumphed at Brno: 59 against 29 Germans (111,000 Czech votes against 37,000 German votes); (before the war 89,000 German votes against 41,000 Czech votes). At Olomouce 38 Czechs against 22 Germans.

The general results of the election in Moravia have not yet been received, but the partial returns are already satisfactory and prove that there is no purely German territory in Moravia and that several places inhabited by the Germans, where the latter held the power by unequal means, obtained a Czech majority.

It must be added that the elections took place by equal secret vote, *scrutin de liste*, with proportional representation.

THE GERMAN PEASANTS OF BOHEMIA AND THE CZECHO-SLOVAK STATE

The *Prager Tagblatt* of June 1st published an article in which, among other things, may be read the following declarations:

From Leitmoritz we hear: Recently the first session of the Congress of the "Union of Farmers" has taken place. During this *meeting the Secretary of the German agrarian party, Deputy Krepek*, presented a detailed statement of the political situation. He declared among other things:

"In the political domain, we must, among other things, try to *obtain as soon as possible a legal representation of the German rural population in the legislation of this country*. It is our duty to raise our voice in the legislation of the country. The stamping of the bank notes and the census of fortunes have taken place without our consent. Now the real estate is to be taxed. We hope that the Czecho-Slovak Government has postponed this later operation *with the sole aim of awaiting the coming of representatives of the German people, in order that they may . . .*

"A decision must not be taken on this matter without our being present, we wave on high our German nationalist program. But these gentlemen of the city who, with high sounding words, have traced a program for their personal use, these gentlemen of our German cities have no lessons to give us. We desire to liberate ourselves from despotism and its misery, and we *wish to place ourselves in relation with the present population of other nations*. We have resisted the influence of the aristocratic great land owners. We would lose whole districts if we fell again under the influence of the nobility. And as our attitude is hostile to everything that comes from above, it holds a welcome for those of our comrades coming from below. It does not matter whether they possess two or twenty acres. The blacksmith, the wheelwright, the saddler, all those who live and suffer with the peasant, are with us, as well as the school teacher and the German priest."

171. RESOLUTION OF JULY 11, 1919, OF THE COUNCIL OF HEADS OF DELEGATIONS CONCERNING THE AUSTRO-CZECHOSLOVAK FRONTIER¹⁸⁰

. . . . It is agreed to accept for the Austrian frontier the compromise proposed by Mr. Tardieu, subject to a slight modification proposed by Mr. Lansing.

The portions of territory attributed to Czecho-Slovakia in excess of the former administrative frontier should be reduced to the regions of Gmund and Feldsberg to a minimum by way of compensation for the suburb of Pressburg situated on the right bank of the Danube.

Mr. Tardieu's Commission is requested to define the new frontier line and to forward it to the Drafting Committee.

It is further agreed that the courses of the Morawa and of the Thaya inasmuch as they are frontier lines, should be internationalized.

It is also agreed to modify Article 313 of the Treaty with Austria by the addition, after the first railway mentioned, of a second "from Bratislava (Pressburg) towards Fiume via Hegyeshalom-Osorna-Hegyfalu-Zalsaber-Zala Szt Ivan-Mura Keresztur and the branch line from Hegyfalu-Szombathely and from Mura Keresztur to Pragerhof."

The second railway mentioned should become the third.

It is agreed to insert a similar provision to Article 313 in the Treaty with Hungary.

172. COMMUNICATION TO THE CHAIRMAN OF THE DRAFTING COMMITTEE REPORTING DECISIONS OF THE SUPREME COUNCIL RELATIVE TO THE FRONTIER BETWEEN AUSTRIA AND CZECHOSLOVAKIA¹⁸¹

(Translation)

PARIS, July 16, 1919

To: *The Chairman of the Drafting Committee of the Conference*

The Secretariat General of the Peace Conference has the honor to inform the Chairman of the Drafting Committee that in its session of July 11th, the Supreme Council of the Allied and Associated Powers decided that the Czecho-Slovak State could erect no military work in the territory attributed to it on the right bank of the Danube south of Presburg.

¹⁸⁰ H.D. Resolution IVa. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

¹⁸¹ *S-H Bulletin*, No. 513.

(Translation)

PARIS, July 16, 1919

To: *The Chairman of the Drafting Committee*

The Secretariat General of the Peace Conference has the honor to inform the Chairman of the Drafting Committee of the Conference, that, in its sessions of July 10th and 11th, the Supreme Council of the Allied and Associated Powers took the following decisions regarding the frontiers of Austria.

3. Frontier of Austria with the Czecho-Slovak State

The description of this frontier as it is given in the peace conditions with Austria, Part 2, Art. 1, from line 26 of page 3, shall read as follows:

6. With the Czecho-Slovak State

From the point above-defined and as far as the bend in the former frontier of 1867 between Austria and Hungary, about 2 kilometers north-east of Berg;

a line to be determined on the spot, cutting the Kittsee-Presburg road about 2 kilometers north of Kittsee;

thence to the north and as far as a point to be chosen on the principal navigation channel, of the Danube, about 4.5 kilometers upstream from the Presburg bridge;

a line to be determined on the spot, following as far as possible the former frontier of 1867 between Austria and Hungary;

thence to the west and as far as the junction of the Morava with the Danube;

the principal navigation channel of the Danube;

thence up the Morava, then up to Thaya, as far as a point to be chosen about 2 kilometers south-east of the spot where the Rabensburg-Themenau road crosses the Rabensburg-Lunderburg railway;

thence west-north-west as far as a point in the former administrative boundary between Lower Austria and Moravia about 400 meters south of the point where it cuts the Nikolsburg-Feldsberg railway;

a line to be determined on the spot, passing by cotes 187 (Dlouhyvrch), 221 (Rosenbergen), 223 (Wolfsberg), 291 (Raistenberg), 249 and 279 (Kallerhaide);

thence west-north-west, this administrative limit;

then west as far as a point situated 3 kilometers east of the village of Franzenthal;

the former boundary between Lower Austria and Bohemia;

thence south as far as cote 498 (Gelsenberg), about 5 kilometers north-north-west of Gmünd;

a line to be determined on the spot, passing east of the Rottersbacher-Zuggers road, passing by cotes 537 and 522 (G. Nagel B);

thence south, thence west-north-west as far as the former boundary between Lower Austria and Bohemia at a point situated about 200 meters north-east of the point where it crosses the Gratzen-Weifra road;

a line to be determined on the spot, passing between Zuggers and Breitense at the extreme south-east point of the railway bridge over the Lainsitz, leaving to Austria the city of Gmünd and to the Czecho-Slovak State, the station and railway shops of Gmünd (Wolfshof) and the fork of the Gmünd-Wittigau and Gmünd-Budweis railways, then passing by cotes 524 (Groundbuchel), 557 (North of Hohenberg) and 681 (Layerberg);

thence south-west, this administrative boundary; then northwest, the former boundary between Bohemia and Upper Austria as far as its junction with the frontier of Germany.

173. ANNOTATIONS ON THE DISCUSSIONS BY THE COUNCIL OF HEADS OF DELEGATIONS OF THE AUSTRO-CZECHOSLOVAK FRONTIER¹⁸²

Meanwhile the Austrian Delegation had submitted their observations on the proposed boundary . . . ; and on July 10, the report of the Commission entrusted with the reply to their remarks on the Territorial Clauses was considered (H.D. 4, App. A). The sections of their report which here concern us deal (a) with the Kitsee-Pressburg line and (b) with the district of Feldsberg and Gmünd. As regards the first, the Italian Delegates opposed any change in the line already drawn, whereas the British, French, and Japanese Delegates favored giving Czecho-Slovakia the suburb and station of Pressburg, as well as the junction of the Pressburg-Zagreb and Pressburg-Wiener Neustadt railways; the American Delegates would approve this cession on condition that modifications were made in the Feldsberg district. The American view on the latter was that the historical frontier should be adopted, with consideration of the courses of the Thaya and Morava; the Italian Delegates would consent to modifications of detail, but not as compensation for Pressburg; the French and Japanese Delegates desired the frontier as already drawn; and the British Delegates, though preferring the original line, would agree to the American proposal on condition that Czecho-Slovakia received the land south of Pressburg on the right bank of the Danube, as well as guarantees for free use of the Thaya and of the Feldsberg railway, holding also that the frontier should follow the median channel of the Thaya and Morava, both of which should be internationalized in this portion of their course, the latter opinion being likewise that of the Italian Delegates. In the discussion of this report, M. Tardieu expressed the opinion that Czecho-Slovakia stood in little

¹⁸² Gray, *op. cit.*, pp. 28-30.

need either of what had been conceded to her at Gmünd or of the bulk of the territory attributed to her at Pressburg. With a very slight alteration, to safeguard the economic situation, the historic frontier of Bohemia would be maintained, and as compensation Czecho-Slovakia might receive the Pressburg bridgehead. Mr. Lansing requested M. Tardieu to formulate his proposal and illustrate it by a map on the following day (H.D. 4(10)). Accordingly, M. Tardieu showed that his compromise returned to the Austrians half the ground given the Czecho-Slovaks in the neighborhood of Gmünd, leaving only the junction of the railways in Czecho-Slovakia; while in the Feldsberg region, two-thirds of the territory was restored to Austria, only the railway and river remaining in Czecho-Slovakia, who received, as compensation, the Pressburg bridgehead and the railway junction. After considerable discussion, it was decided to accept M. Tardieu's proposal, modified by Mr. Lansing's amendment that the suburb of Pressburg on the right bank of the Danube should also be attributed to Czecho-Slovakia; and M. Tardieu's Commission was requested to define the new frontier, forwarding it to the Drafting Committee (H.D. 5(1)).

The question came before the Conference for the last time on August 25, in connection with the Reply to the Observations of the Austrian Delegation. The Austrian objections were rejected, the only dissentients being the British and American Delegates, who desired to give Gmünd to Austria. After a long discussion, in which Mr. Headlam Morley and Mr. Balfour defended their point of view, Mr. Balfour and Mr. Polk, seeing that Gmünd had been attributed to Czecho-Slovakia as part of a compromise whose other portions were not questioned, withdrew their objections, and the reply prepared concerning the frontier between Austria and Czecho-Slovakia was accepted (H.D. 38(6a) and Appen. F; Réponse, pp. 1-2),¹⁸³ this decision being confirmed on the following day (H.D. 39(3a)).

174. REPLY OF THE ALLIED AND ASSOCIATED POWERS OF
SEPTEMBER 2, 1919, TO THE OBSERVATIONS OF THE
AUSTRIAN DELEGATION ON THE FRONTIER BETWEEN
AUSTRIA AND CZECHOSLOVAKIA¹⁸⁴

(Translation)

I. FRONTIER BETWEEN AUSTRIA AND THE CZECHO-SLOVAK STATE

In the course of the last hundred years, the Czech nation had been gradually dispossessed of the rights that a long series of formal acts,

¹⁸³ Reproduced as Document 174, *infra*.

¹⁸⁴ United States, 66th Congress, 1st Session, *Senate Documents*, Vol. 15, No. 121, pp. 8-9. For covering letter and list of accompanying documents, see Document 73(a, b), *supra*.

imperial rescripts, and decisions of sovereign diets had granted them while its independence was restricted by a regime of subservience, its moral integrity had to resist the Germanizing process which had spread from the territories of the German race.

The Czech nation, wronged and threatened, has appealed to the Allied and Associated Powers to restore to that nation all its rights in full. They have therefore thought proper to preserve as far as practical their historic frontiers to the old Czech provinces of the crown of Bohemia. They have deemed that the German speaking people living on the borders of these provinces ought to remain connected with the Czech peoples in order to cooperate with them in the development of the national unity in which history has associated them. The Allied and Associated Powers have deemed that this national unity would be best insured through an economic unity which the imperial and royal administration had failed to realize. They have endeavored, therefore, to insure to the Czecho-Slovak State a complete system of ways of communication. In doing so, they had to overstep slightly the historic frontier in two points; namely, in the region of the Thaya, in order to include in the Czecho-Slovak territory the line Ludenburg-Feldsberg-Znain, necessary for the west to east communications of southern Moravia, and in the region of Gmünd, in order to effect in Bohemia the junction of two trunk lines which run almost wholly through the said province, namely, the line of Prag through Tabor, and that of Pilsen through Budweiss.

"7. WITH GERMANY"

175. SUMMARY REPORT ON THE AUSTRO-GERMAN BOUNDARY BY THE CENTRAL COMMITTEE ON TERRITORIAL QUESTIONS AT ITS MEETING ON MARCH 15, 1919¹⁸⁵

The Central Committee met at eleven o'clock on March 15th, 1919

The Central Committee also prepared a report to the Supreme Council of the Allies recommending the maintenance of the frontier of August 1, 1914, as between German-Austria and Germany, subject to such modifications as may ensue from the creation of the Czecho-Slovak Republic.¹⁸⁶

¹⁸⁵ *S-H Bulletin*, No. 86(1). For further discussion of the Austro-German Frontier, see Document 244(a-p), *infra*.

¹⁸⁶ This recommendation was apparently accepted by the Supreme Council without discussion.

ARTICLES 28-35, DELIMITATION OF FRONTIERS AND
THE BOUNDARY COMMISSIONS ENTRUSTED
WITH SUCH DELIMITATION

EXPLANATORY NOTE

These articles, as they appear in the Treaty, differ from the corresponding articles in the Conditions only by the addition of the final paragraph in Article 29. No discussion of these articles is recorded in the minutes of the Supreme Council.

Articles 28 and 30 correspond to Articles 29 and 30 of the Treaty of Versailles.

176. NOTE FROM THE COMMITTEE ON THE EXECUTION OF
THE TREATY OF PEACE WITH GERMANY ON THE SUB-
JECT OF THE COMPOSITION OF THE COMMISSIONS ON
THE DELIMITATION OF GERMAN AND AUSTRIAN FRON-
TIERS, WITH A DRAFT OF THE INSTRUCTIONS TO THE
COMMISSIONS OF DELIMITATION¹⁸⁷

PEACE CONFERENCE

NOTE TO THE SUPREME COUNCIL ON THE SUBJECT OF THE COM-
POSITION OF THE COMMISSIONS ON DELIMITATION OF
THE FRONTIERS BETWEEN [*sic*] GERMANY
AND AUSTRIA

(Delegations of the non-concerned Powers)

I. PRELIMINARY MEASURES

The Committee of Execution asks that a decision be immediately arrived at by the Supreme Council on the following points:

1st. Designation by the Council of the League of Nations of the three Powers, outside of France and Germany, charged with the appointment of the members of the Commission on the delimitation of the Saar Basin frontiers.

(Article 48, Part III) of the Peace Treaty with Germany.

2nd. Designation of the three Principal Allied and Associated Powers charged with the nomination of the High Commissioner and of

¹⁸⁷ *S-H Bulletin*, No. 1065. This note and draft instructions were approved by the Council of Heads of Delegations on October 15, 1919, with a minor reservation concerning the payment of the members of the commissions on delimitation. H.D. 70(5).

the two members of the Commission on the Delimitation of the frontiers of the Danzig territory.¹⁸⁸

(Article 101, Part III) of the Peace Treaty with Germany.

3rd. Designation of the three Principal Allied and Associated Powers, outside of Italy, charged with the appointment of the members of the Commission on the delimitation of the frontier between Italy and Austria.

(Article 36, Part III) of the Peace Treaty with Austria.

4th. The Committee calls the attention of the Supreme Council to the advisability of having the Commissioners of the various Commissions on the Delimitations of the frontiers of Germany and Austria, those of the Powers concerned included, meet *very soon* in Paris. The first meeting could have only an unofficial character if certain Powers consider that it will be better to postpone the official nominations of their Commissioners; in any case, it would allow the latter to study together the material preparation of their commissions and to study in particular the organization of their means of transportation.

II. COMPOSITION OF THE COMMISSIONS

The Committee on the Execution proposes that the Delegations of the Principal Allied and Associated Powers be composed as follows, the Commissioners being chosen as far as possible among the technical officers:¹⁸⁹

B. PEACE TREATY WITH AUSTRIA

1st. Commission on the Delimitation of the frontier between Italy and Austria.

(Article 27, Part III.)

The three Principal Allied and Associated Powers, besides Italy, who shall be designated to furnish the Commissioners to the Commission shall appoint each one:

One Commissioner.

Eventually a technician shall be appointed¹⁹⁰ upon the request of the President of the Commission.

(Commission to be constituted within the fortnight following the going into force of the Treaty.)

2nd. Commission on the delimitation of the frontier between Austria and the Serb-Croat-Slovene State.

(Article 48, Part III.)

One American Commissioner

One British Commissioner

¹⁸⁸ [Original note omitted.]

¹⁸⁹ "A. Peace Treaty with Germany" not reproduced.

¹⁹⁰ [Original note.] Intended to act as Secretary of the Commission.

One French Commissioner
 One Italian Commissioner
 One Japanese Commissioner

Eventually a technician shall be appointed¹⁹¹ upon the request of the President of the Commission.

(Commission to be constituted within the fortnight following the going into force of the Treaty.)

3rd. Commission on the delimitation of the frontier between Austria and the Czecho-Slovak State.

(Article 55, Part II.)
 One American Commissioner
 One British Commissioner
 One French Commissioner
 One Italian Commissioner
 One Japanese Commissioner

Eventually a technician shall be appointed¹⁹¹ upon the request of the President of the Commission.

(Commission to be constituted within the fortnight following the going into force of the Treaty.)

INSTRUCTIONS RELATIVE TO COMMISSIONS OF DELIMITATION

I. GENERALITIES

1. The Delimitation Commissions have as a mission to determine on the ground:

- a) Primarily the frontiers described in the Peace Treaty;
- b) Ulteriorly the frontiers which shall be determined after the execution of the several plebiscites provided for by the said Treaties.

They shall have full powers not only in the determination of the fractions defined under the heading of "line to be determined on the ground," but, further, if one of the States concerned makes such request, and if the Commission approves the opportunity, for the revision of the fraction defined by the administrative boundaries, except concerning the international frontiers existing in August 1914, where the role of the Commissions shall be limited to a verification of the stakes on boundary markers.

They will make every effort, in both cases, to closely follow the definitions given in the Treaties by taking into account, insofar as possible, the administrative boundaries and the local economic interests.

A central agency, instituted by the Peace Conference, shall proceed with the constitution and organization of the Delimitation Commissions and shall follow their operations.

¹⁹¹ [Original note.] Intended to act as Secretary of the Commission.

II. ORGANIZATION

A. COMPOSITION

For the fixing of each frontier, the Peace Treaties established in principle the composition of a Commission and the number of the Commissioners.

In cases of frontiers of great extent or of difficult delimitation, assistant Commissioners may be named with a view to sub-dividing the Commission into sub-commissions.

A technical personnel (technical assistants) is attached to each Commission with a view to determining on the ground the survey labors which may be judged necessary, to supervise the erection of the frontier markers in accordance with the rules established and to assure their correct placing.

An auxiliary personnel is also attached to the Commission (topographical assistants, secretaries, interpreters, draftsmen, etc.).

The combined personnel furnished by each State constitutes the *delegation* from that State.

The Delegations of the Allied and Associated Powers to the Commissions to be created for the fixing of the frontiers in Europe are limited, in principle, to the following composition:

1 Commissioner; 1 interpreter; 1 topographer, and one secretary, and, in exceptional cases, an assistant Commissioner.

The Delegations of the Powers concerned (on whom shall be incumbent in principle the duty of operating the technical labors) may have a surplus Commissioner and shall include the technical assistants (officers) and the personnel for the labors on the ground. If the countries concerned cannot furnish the technical assistants they shall be furnished by the non-interested Powers.

With a view to general economy these same commissioners may operate on several commissions. To this end, the central agency shall study the organization and the plan of action of the several commissions and shall make all useful proposals to the Supreme Council.

In each commission the commissioners of the Principal Allied and Associated Powers shall elect a President from among the commissioners of the Principal Allied and Associated Powers which are not directly interested. The President shall have the right to attach, as assistant, a technical expert of his choice, from among the technical assistants of the commission. The personnel of the Delimitation Commission must be military; the commissioners and, insofar as possible, the assistant commissioners should be superior or acting officers; the technical assistants should be subaltern or acting officers; the secretaries, topographical assistants, etc., shall be, in principle, acting non-commissioned officers or soldiers. The personnel of the commissions shall be in uniform and may, in principle, be supplied with a revolver.

B. NOMINATION OF THE PERSONNEL

In conformity with what is established by the Peace Treaties, the Commissions should be in a position to operate at a date fixed by the said treaties or following a decision of the Supreme Council.

The central agency shall conduct the nominations in due time and it shall take due dispositions to insure the first convocation of each commission.

By the competency of this same central agency, each commissioner shall be accredited to the different States concerned.

All replacements of personnel, for whatever cause, shall be proposed by the President to the central agency, in the name of the commission, except concerning the technical assistants and any enlisted personnel, whose replacement shall be demanded directly from the power to which they belong.

The central agency shall have full authority to decide if a commission can or not operate in the absence of one or more delegations of the non-interested Powers, and it shall decree the procedures governing the operation of the commission under these conditions.

C. CONSTITUTION

During their first meeting, the commissioners should proceed to the constitution of the commission by nominating the President, and, if need be, the sub-commissions.

The commission, thus constituted, shall establish a preliminary plan of the labors to be executed, and shall determine the number of technical assistants and settle the question of instruments. It shall examine the question of large scale maps and documentation in general, shall determine the place and date for a first meeting on the ground in proximity to a center of frontiers in common to a same series of members.

D. OPERATIONS

The Commissions have full authority to establish their own operations. They must, however, operate on the following basis of a general order :

Each Commission shall provide for the creation of a courier service every 15 days to insure liaison with the central agency and for the transmission of all necessary information.

Each Commission or sub-commission, before proceeding to the ground, and after having assembled and taken cognizance of the documentation placed at its disposition, should draw up a plan of action and specify :

1st. If it is advisable to divide the frontier into several sections or sub-sections, into clearly determined parts, into parts to be determined locally, configuration of the ground, etc. . . . ;

2d. The nature of the labors to be conducted in each section or sub-section concerning the "lines to be determined on the ground" they shall make every effort and in particular by the use of the large scale maps and from information obtained from the interested Commissioners, to specify and outline beforehand;

3d. The best order to adopt for the execution of the labors;

4th. A uniform type of frontier posts (bornes) to be adopted for each section or sub-Section, and the numbering of these posts;

5th. Directives for the technical labors to be operated.

Practically it seems advantageous to proceed as follows: after the preliminary conferences, the commission shall confide to the assistant commissioners interested or technical assistants interested the task of proceeding to the delimitation.

In principle, they shall leave litigious questions aside; in cases where it cannot reach a solution by agreement in common the commission shall settle the difference.

Only in cases of bitter conflict between the commissioners of interested nationalities should members of noninterested nationalities be designated by the commission for the preliminary labors.

Concerning territory of which no maps have been made, the sketch executed by the technical assistants shall be submitted to the commission which shall determine the outline on the map; the delimitation shall be made by the commissioners or assistant commissioners of the States concerned.

If there are members who belong to several commissions, they shall thus have time to accomplish their duties in connection with the different groups to which they belong.

The delimitation established, the commission shall verify the outline as adopted, decide at the same time the text of the general description and the rough draft of the map and shall assemble the documents furnished in connection with the establishing of the land marks. In the course of this general examination the commission may be accompanied by local authorities, to whom they shall furnish the indications which might be useful to them regarding the outline of the frontier.

The decisions of the commissions shall be adopted on a majority of votes and shall be obligatory for the parties concerned.

The final delimitation reports, maps and documents annexed, shall be drawn up in triplicate, two of which shall be submitted to the Governments of each of the bordering States and the third shall be transmitted to the central agency which shall deliver an authentic copy of it to the Powers signatory to the Treaty.

THE TREATY OF ST. GERMAIN

III. ADMINISTRATIVE QUESTIONS

A. INDEMNITIES

In addition to the salary or allowance received normally by each member from his own government,¹⁹² the commissioners and the personnel of each commission shall receive the following indemnities:

<i>Officers</i>		Lbs. Sterling
Clothing indemnity (paid at their departure).....	80.00	
Extra duty indemnity (monthly).....	75.00	
Monthly operation indemnity {	President of the Commission. 40.00	
	Per Commissioner 30.00	
	Per Assistant Commissioner. 10.00	
 <i>Non-Commissioned Officers and Soldiers</i> (topographers, chauffeurs, secretaries, etc.)		
		Lbs. Sterling
Non-commissioned topographers	40.00	
.....	35.00	
Soldiers	30.00	

Each Government should advance to its own Delegation, in addition to the indemnities above mentioned, a sum sufficient to cover travelling expenses.

Before leaving for duty the officers shall be paid a sum corresponding to the clothing indemnity and also a month's extra duty indemnity; the non-commissioned officers and soldiers shall receive 15 days indemnity in advance.

B. EXPENSES, MEANS OF TRANSPORTATION, AND BILLETING

1. *Expenses.* In accordance with what was established by the Supreme Council in its session of August 18th, all the expenses of the delimitation commissions shall be distributed equally between the two States concerned. There shall be, consequently, charged to the countries concerned:

- a) The indemnities of the personnel of the delegation;
- b) all transportation expenses;
- c) the billeting expenses of the entire personnel of the commissions in the renting of all necessary buildings (meeting hall, garage, offices, etc.);
- d) office expenses and miscellaneous expenses incurred in the operations of the Commission.

¹⁹² Four delegations esteem that the members of the delimitation commissions should receive the salary and the allowances which are due them from their Governments. The British delegation withholds its opinion until after consultation with its Government [Original note].

The several states interested agree to furnish to the delimitation commissions, either directly, or through the intermediary of the local authorities, the means of transportation, billeting, manual labor, material (posts, markers) necessary in the accomplishment of the mission.

Each power represented in the delimitation commissions shall place at the disposition of its commissioners the necessary funds for the payment of all the expenses falling on its delegation and every three months shall submit a statement to the central agency on whom shall be incumbent the duty of effecting the reimbursement of expenses incurred in connection with the Powers interested. If, on account of local circumstances, a commission deems it advisable to furnish means of transportation, the expenses pertaining thereto shall be charged to the account of the Powers concerned.

During its first meeting, each Commission shall arrange the category and the extent of these means which should be at the disposition of each delegation, by taking the nature and the extent of their territories where it is to operate into account.

The Delegations (personnel, material, vehicles, etc.) shall be transported without charge on all the rail and waterways of the powers interested.

The personal baggage as well as the courier of all the members of the Allied Delegations shall be exempt of all duty rights and of all other similar taxes. The couriers between the central agency and the commissions shall enjoy full diplomatic franchise.

The escort over all materials transported for the commissions shall be insured by the power over whose territory the transportation shall be effected.

2. *Billeting.* The various buildings necessary for the billeting of the personnel and of the material of the delegations (rooms for officers and soldiers, offices, storehouses, garages, etc.) shall be placed at the disposition of the commissions by the Power concerned upon the territory of which these commissions shall sojourn.

The custody of these buildings shall be assured by the said Power.

IV. TECHNICAL OPERATIONS

A. ELEMENTS SERVING AS A BASE FOR THE EXECUTION OF THE LABORS

The frontiers described in the various Treaties are outlined, in their definite parts, on 1-1,000,000 scale maps annexed to the Treaties. In cases of differences between the text and the maps, the text shall supercede.

In each Commission, the Delegations shall receive, for the execution of the labors, from their respective Governments:

1st. True copies of the Articles of the Peace Treaty referring thereto, with their translations.

2nd. True copies of the original maps attached to the Treaties.

3rd. Copies of the maps which were used in the elaboration of the frontier outline.

4th. Copies of the reports made by the Territorial Commissions, or of the extracts of these reports.

The various States interested agree to furnish the Commissions with all documents necessary in their labors, in particular, authentic copies of the minutes of the delimitation of present or former frontiers, all the large scale maps existing, geodetic data, sketches made and not published, information on the deviations of the frontier water courses.

They agree, furthermore, to order the local authorities to communicate to the Commissions all documents, notably plans, land surveys and registrations, and to furnish them, at their request, with all information concerning the property, economic tendencies and any other information necessary.

In case of differences found in the maps, the Commission shall execute rectifications by referring to the geodetic data at its disposition.

It shall decide in each case the solution to be taken by following as nearly as possible the line determined by the text of the Treaty.

The various States interested agree to respect the trigonometrical land marks, signs, posts or frontier markers set up by the commission.

B. DEMARKATION OF FRONTIERS

1. *On land*

The frontier shall be marked by landmarks of durable materials, clearly visible and of a uniform type in a same section or sub-section.

They shall be constructed in such a way as to indicate:

1. The serial number and the distinctive letter of the section or sub-section;

2. The direction of the adjacent landmarks;

3. The two countries which they separate.

The landmarks common to three countries and those which terminate a section or sub-section shall be of a special model and shall bear the date of the Treaties.

The placing of each landmark shall be noted in such a way that in case it should disappear, it could be replaced without difficulty.

The Commission shall decide the method of laying to be chosen among the means hereafter enumerated:

a) By junction with natural objects;

b) By geographical coordination (Latitude and longitude and eventually altitude);

c) By rectangular coordination (X and Y for a known projection);

d) By relation to neighboring landmarks;

- e) By simple reference to the map ;
- f) By photographs taken in the known directions.

The landmarks shall be placed within sight of each other, closer if the trace be winding and, as much as possible, at each change in direction.

A landmark shall indicate the point of passage over ways of communication (routes, important trails, railroads, rivers, canals).

For the former frontiers, the verification of landmarks shall be effected and the inscriptions on the existing landmarks shall be changed in conformity with the above indications.

The emplacement and the number of the landmarks shall be carried on a cartographic document.

2. *On Water*

Concerning the frontiers determined by a water course, the terms "course" or "channel" employed in the descriptions of the Treaties mean: on the one hand for unnavigable rivers, the median line of the watercourse or of its principal arm or branch, and on the other, for the navigable rivers, the median line of the channel of principal navigation. However, it shall devolve upon the Commissions on delimitation, provided for by the Treaties, to specify if the frontier line shall follow in its eventual changes the course or the channel thus defined, or if it shall be determined in a definitive way by the position of the course or channel, at the moment of the putting into force of the Treaty.

Ordinarily it shall not be possible to lay landmarks along frontiers which follow water courses; but in certain cases it shall be possible and desirable to demark the frontier with the aid of alignments realized by landmarks placed on the banks or by the aid of floating buoys or stationary beacons.

Such cases may present themselves in lakes, at confluents or on the shores.

The Commission shall examine and decide upon the spot the solution to be employed to rejoin on sea the limits of the territorial waters, either in following the prolongation of the last part of the frontiers, or in following one normal to the coast.

Navigable and unnavigable water courses:

In the case of navigable water courses, the frontier is formed by the axis of the channel of navigation; in the case of unnavigable water courses, the Commission shall have to decide on the spot the interpretation to give to the term "course" or "principal course" adopted in the Treaty.

For the water courses, the Commission on delimitation should examine:

1. If there does not exist on a bank enclaves coming from former rectified meanders which might be reclaimed by one of the bordering countries. It would settle the question on the spot ;

2. In the case where the course of the river is not established, if new changes are to be anticipated, it will call these points to the attention of those interested and propose a solution basing itself on the history of the river and of its deviations, and on the possible result of new derogations as to the interests of the riparian inhabitants ;

3. In case of several navigable channels, it shall decide which should be considered as the principal channel ;

4. If there is reason to adopt a method of demarkation at least in certain places (very large parts, confluents, points common to three frontiers, etc.,) it shall decide the method of staking out (floating and stationary beacons, alignments, resections) by inspiring itself on the principles admitted for the establishment of markers on land, pools, lakes, lagoons, etc.,

The Commission should decide on the spot and according to the large scale maps or the interpretation to be given to the term "median line" adopted in the Treaty.

It shall not lose sight of the attribution of the islands.

It shall have to decide in the case of a gulf or a lagoon on the method of marking the frontier and its necessity.

3. *Lines to Be Determined on the Terrain*

a) In the case where a regular sketch exists.—The Commission should try beforehand to determine the line with the aid of large scale maps guiding themselves :

1. by the existing administrative limits ;
2. by the limits established by survey ;
3. by the natural lines of the soil or straight alignments.

In the undetermined parts, it shall decide on the spot being inspired as much as possible by the proposals made by the Commissioners of the interested countries.

b) In the case where no regular sketch exists.—The Commission will then have to see that the sketches are made by the technical experts ; they will be given for that purpose instructions under the form of directions.

The aim of this work shall be to obtain on a topographical scale to be fixed by the Commission a strip of territory where the frontier could be traced. It could be defined as follows : a strip having for axis the trace such as it exists on the map 1-1,000,000 attached to the Treaty, and sufficiently large to show the details cited for the definition of this frontier in the Treaty, villages, crests, rivers, railways, lines, roads. The minimum breadth could also be defined.

This map should comprise: the planimetry, the configuration of the land contours.

It shall also contain in a special manner the natural or artificial landmarks which might facilitate the laying out of landmarks (high peaks, steeples, minarets, etc.).

The method of sketching should evidently be influenced by the terrain. However, in cases where it shall be possible, one should have recourse to a rapid triangulation with numerous intercalary points and numerous resections, marked on the terrain by permanent signals made of the materials at hand (wooden buoys, stone pyramids, etc.). The points shall be figured by latitude, longitude and altitude. The verifications shall be done by measures of bases, latitudes, and azimuths. The sketch of the details shall be executed with a plane table according to the desired scale. In a wooded country one must proceed by polygonals, theodolite, tachometer, completed by itineraries supported by numerous points of latitude and azimuths.

The landmarks shall be bound to these permanent signals.

c) Documents to be furnished by the Commission for the work on delimitation.

1. An ensemble map of a large scale bearing in a fine and continuous line the trace of the frontier and the emplacements of the international landmarks with their numbers and letters, accompanied by a complete description of the frontier, from landmark to landmark.

2. The documents assuring the locating of the landmarks, emplacements.

3. The protocols established by the Commission for all the decisions taken by common accord to complete or determine the terms of the Treaty;

4. Eventually, a general report on the subject of the progress of the work and the various points on which the Commission would like to call attention.

These documents shall be made in triplicate. (See II D.)

CHAPTER VI

“PART III, POLITICAL CLAUSES FOR EUROPE” (ARTICLES 36–94)

GENERAL

177. OBSERVATIONS OF THE AUSTRIAN DELEGATION, OF AUGUST 9, 1919, ON “PART III, POLITICAL CLAUSES FOR EUROPE,” IN THE ALLIED CONDITIONS OF JULY 20¹

(Translation)

The drafts proposed for Part III² on the subject of “European Political Clauses” are based, for the major part, upon the motives exposed above. They are above all a consequence of the fact that German-Austria cannot renounce rights and titles which have never fallen to her (Art. 36, 53, 62, 68, 73 to 78 and 90 of the “Conditions”), as well as of the data and considerations established in Part II, Section II,³ regarding the question of nationality (Art. 37, 38, 57, 58, 65, 86 and 90).

There remains only Section VI concerning the protection of minorities which gives rise to more detailed explanations.

“SECTION I, ITALY” (ARTICLES 36–45)

EXPLANATORY NOTE

“Part III, Section I: Italy” is reserved in the June 2 draft of the Treaty. Articles 37–42 of the July 20 draft have not been carried over into the corresponding part of the Treaty but appear, in different form, in Part III, Section VI, “Clauses Relating to Nationality.”

¹ *S-H Bulletin*, No. 668, Part II: Observations . . . Part III: European Political Clauses. For covering letter and list of accompanying documents, see Document 66(a-c), *supra*.

² Reproduced as Document 62, Part III, *supra*.

³ Reproduced as Document 62, Part II, Section II, *supra*.

178. REPLY OF THE ALLIED AND ASSOCIATED POWERS OF SEPTEMBER 2, 1919, TO THE DRAFT CLAUSES PROPOSED BY THE AUSTRIAN DELEGATION FOR THE POLITICAL CLAUSES FOR ITALY⁴

(Translation)

PART III. POLITICAL CLAUSES

SECTION I. ITALY

In the "redaction" which follows the observation presented by the Austrian Delegation, modifications are proposed to article 40 (46)⁵ and 44 (50) without any argument being presented to their support. It is out of the question to touch article 40 (46). One could not impose upon the Italian government the obligation of paying for a palace that it has claimed by perfect right as property of the old republic of Venice. The transfer of this palace should have taken place when Venice was incorporated in the Kingdom of Italy. Particular circumstances of an exclusively political character alone have prevented until now the carrying out of this claim. As to article 44 (50), the disposition of the last paragraph relative to Lake Raibl, has no other end than of guaranteeing to Italy the full enjoyment of the use of the waters of this lake to the exclusion of every contrary protection, either of Austria or of its nationals.

In these conditions, the proposition of the Austrian Delegation, which is otherwise not justified, appears unfounded.

179. ANNOTATIONS ON THE DISCUSSIONS BY THE SUPREME COUNCIL OF THE POLITICAL CLAUSES FOR ITALY⁶

ITALY (ARTICLES 36 TO 45) AND RELEVANT PARAGRAPHS OF PART II, FRONTIERS OF AUSTRIA

(Annotations by H. C. Nixon)

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GENERAL NOTE ON ARTICLES 36 TO 45

On May 28th (C.F. 37 B) President Wilson said he had received the draft articles prepared by the Italian Delegation with regard to

⁴ United States, 66th Congress, 1st Session, *Senate Documents*, Vol. 15, No. 121; p. 11. For covering letter and list of accompanying documents, see Document 73(a, b), *supra*.

⁵ The first of the article numbers refers to the Treaty text, the other, in parentheses, to the July 20 draft.

⁶ Miller, *My Diary*, XIX, 512, 517-23. Reprinted with the permission of Hunter Miller, Esq.

former Austro-Hungarian territory to be transferred to Italy, together with some remarks by Mr. Lansing. Among other things, Mr. Lansing had proposed that several of the articles should be referred to the appropriate Commissions. President Wilson thought this would involve some delay in handing these clauses to the Austrians.

Mr. Lloyd George said they could be sent subsequently. He insisted strongly that the Czecho-Slovak, Yugo-Slav and Polish Delegations should see these articles.

It was agreed: (1) To approve the suggestion of the American Delegation that certain of the articles should be referred to the appropriate Commissions of the Conference; (2) that the draft articles should be communicated to the Czecho-Slovak, Yugo-Slav and Polish Delegations, and any other Delegations concerned, for their remarks.

On June 6th, the Council of Four (C.F. 50) had before them a revised draft of Political Clauses for inclusion in the Treaty with Austria. The only expert recorded as being present at the meeting was Mr. Norman Davis.

Mr. Norman Davis explained that originally there had been thirty-five articles in the first draft.⁷ These had been referred to an economic group consisting of members of the Economic Commission and the Reparation Commission. They had found that the first eleven clauses were entirely political in character, and had concerned themselves with the last twenty-four, which as a result of their discussion, had been reduced to thirteen.

The Council of Four approved the articles here referred to by Mr. Davis as having been revised and reduced to thirteen in number, subject to an alteration, noted below in note on Article 42 of the Treaty. The resolution refers to them as Articles 12-24. They were initialled by the Four for sending to the Drafting Committee on June 16th (C.F. 73).

The following clauses of the draft were shifted from Part III of the Treaty to Part X, Economic Clauses: Draft Articles 12, 15 and 17, corresponding respectively to Treaty Articles 272, 273 and 274 respectively. The first eleven Draft Articles, which Mr. Davis said the economic group did not consider, were referred to a Committee on which the following were to serve or appoint a representative respectively: Mr. Lansing, M. Pichon, and M. Sonnino. Articles revised and reported

⁷ [Original note.] These clauses are referred to in the marginal headings of the Minutes, C.F. 50, as Political Clauses affecting Italy. The original draft here referred to has reference to the draft mentioned as cited above, on May 28th, and recorded under the marginal headings, Italian Claims. On May 27th (C.F. 35), it is stated in the Minutes, the Council of Four agreed that the Draft of Political Clauses relating to the territory acquired by Italy from Austria, for inclusion in the Austrian Treaty, should be circulated immediately by the Italian Delegation for consideration that afternoon.

as a result of this action were approved and initialled by the Heads of Governments, Council of Four, June 16th (C.F. 73). These dealt chiefly with nationality. (See: Section VI of Part III.)⁸ However, the first Article of the Draft dealt with territorial renunciation in favor of Italy as laid down in Article 36, first paragraph (annotated below).

• The Austrian counter proposals, "Redactions," offered certain substitute provisions for this section, in conformity with the territorial counter proposals for Tyrol, which were rejected.

ARTICLE 36⁹

The first paragraph of Article 36 is identical in substance with the first Article of the Draft of Political Clauses as submitted by the Committee of Foreign Ministers or their representatives and approved by the Council of Four on June 16th (C.F. 73), with the following exception: The Draft Article contained the words "recognized by the present Treaty as forming part of Italy" instead of the words in the Treaty "lying between these frontiers, the former Austro-Hungarian frontier, the Adriatic Sea, and the eastern frontier of Italy as subsequently determined." On May 8th (C.F. 1) the Council of Four substantially agreed, without formal resolution, to accept President Wilson's suggestion that the Treaties of Peace with Austria and Hungary should contain provision for recognition of frontiers of States formed out of former Austro-Hungarian territory, where possible, within fixed frontiers; but in cases where it was impossible to fix them in time for the Treaties, provision should be for recognition within frontiers as might be decided by the Allied and Associated Powers. The Heads of Delegations took a decision to this effect from a suggestion made by M. Tardieu, July 2nd (I.C. 201).¹⁰ At this meeting, M. Tittoni remarked that he assumed this left decision of frontiers to the Peace Conference; that he wished to make the same reservation, as in the case of the German Treaty, against allowing frontier settlements to go over from the Peace Conference to the League of Nations.

The Draft of Political Clauses approved by the Council of Four on June 16th contained nothing for the paragraphs of this Article subsequent to the first. The Draft of Articles reported by the Economic group and approved by the Council of Four on June 6th did not contain a Draft for this Article; though Article 24 of this Draft stated that all other questions concerning former Austro-Hungarian territories transferred to Italy, so far as not regulated by the present Treaty, would form the object of subsequent conventions.

The last two paragraphs are accounted for by minutes of meeting of the Heads of Delegations on July 7th (H.D. 1). M. Fromageot, of the

⁸ Final draft of Treaty.

⁹ See also Documents 91-92, 176, *supra*.

¹⁰ Reproduced as Document 97, *supra*.

Drafting Committee, pointed out that no provision had been made for a Boundary Commission to delimit the frontier between Austria and Italy. M. Tittoni said if the Article were left in its present form inference would be for settlement between the Italians and the Austrians; he would prefer a small commission, for instance, one Italian, one Austrian and one other. It was agreed, after some further discussion, to insert in the Austrian Treaty a provision for a Commission of five members to draw the frontier between Austria and Italy.

ARTICLES 37, 38, 39

Articles 37, 38 and 39 are identical in substance, respectively, with Articles 13, 14 and 16 of the Draft reported by the Economic Group and adopted by the Council of Four on June 6th (C.F. 50), with the exception that Draft Article 16 used the date of November 1, 1918, instead of the date of November 3, 1918, as used in Treaty Article 39. No special comment on these clauses is recorded in the Council Minutes.

ARTICLE 40

Article 40 is identical in substance with Article 18 of Draft reported by the Economic Group and adopted by the Council of Four on June the 6th. In connection with this Article, see Article 208, last paragraph, for provision that certain buildings of historical value "may, subject to the approval of the Reparation Commission, be transferred to the Government entitled thereto without payment." While the Reparation Clauses for the Austrian Treaty were under consideration by the Council of Four, June 4th (C.F. 44-1), M. Crespi drew attention to provision for allowing requisition without payment by the new States of buildings of historical value in ceded territories. He put forward some general claims of a similar kind on behalf of Italy in Trentino and Trieste and more particularly referred to the Palazzo Venezia in Rome.

Lord Sumner supported the Italian claim to the Palazzo Venezia; it was not the Austrian Embassy but had been used for the representation of the Venetian Republic in Rome and had passed into the possession of Austria at the end of the eighteenth century. It had since been used for the representation of Austria at the Vatican, for which other arrangements had been made by the Italian Government. Mr. Lloyd George agreed to the claim as regards this building but considered the proposed claims to be too large.

President Wilson suggested some modification, and it was agreed to change the phraseology "shall . . . be transferred" to "may . . . be transferred," the form used in Article 208 in compliance with this decision.

The Austrian Delegation offered modification, in their "Redactions," to the provisions of Article 40. The Reply to the Austrians stated that no modification was to be considered, that obligation to pay for the

building could not be placed on Italy, that the transfer should have been made when Venetia was incorporated in the realm of Italy. This disallowed the Austrian claim for a quota of credit, in connection with the liquidation of the Austro-Hungarian Monarchy, for this building.

ARTICLE 41

Article 41 corresponds to Article 19 of the Draft reported by the Economic Group and approved by the Council of Four on June 6th. The copy of the Draft accompanying the Minutes of this meeting of the Council (C.F. 50) shows a divergence in the second paragraph, having the words "chemins de fer et de tramways." No comment is recorded in connection with this Article in the Minutes of this meeting of the Council of Four.

ARTICLE 42

Article 42 was adopted by the Council of Four on June 6th (C.F. 50), as first part of Article 20 of the Draft reported by the Economic Group. The Draft Article as reported for consideration at this meeting contained the following additional sentence: "A défaut de wagons italiens ou si certains d'entre eux n'étaient plus en état de service, ils devront être remplacés par un nombre égal de wagons en bon état, aptes au transit sur les lignes italiens."

President Wilson, speaking with reference to this Article, said that he was informed by the United States experts that the subject of this clause had already been considered and rejected by the Reparation Commission. It had now reappeared in the present Draft. The effect would be to leave Austria-Hungary without sufficient rolling stock to carry on.

Mr. Lloyd George said this was either a reparation demand or armistice demand and ought not to appear in this section of the Treaty.

M. Orlando explained that restitution of this kind had been provided for in the case of Belgium and France in the terms of the Armistice. The Austrian Armistice had been drafted before the German Armistice, and this point had been overlooked. All that Italy asked was to be put in the same position as regards railway material as France and Belgium were put by the Armistice.

President Wilson pointed out that the German Armistice made demands for definite quantities of rolling stock, while this demand was without any limit.

Mr. Lloyd George pointed out that all the wagons would be taken from one nation of only nine million people, whereas the other States which had constituted the Austro-Hungarian Empire was [*sic*] equally concerned. He agreed that Italy ought to have restitution for the actual rolling stock taken. If the actual rolling stock could be traced, it should be returned, but this claim on the small Austrian Republic to return all the wagons taken by the Austro-Hungarian Empire was too much.

Mr. Davis agreed that they should get restitution of the article actually taken away from them. In this clause, however, they demanded the equivalent though the actual article could not be identified. This was the same question that had been fought out before the Reparation Committee and the same demand had been made by France, Belgium and Rumania. It had been found necessary for them to reclaim the actual article taken away, which could be identified and not to allow the equivalent to be taken.

M. Orlando accepted a proposal, suggested by Mr. Lloyd George, that the last half of the Article, commencing with the words "A défaut" should be omitted, subject to the right of M. Orlando to raise the question again if, after consultation with his experts, he found it necessary. (This was recorded as a decision of the Council.)

ARTICLE 43

Article 43 is identical in substance with Article 21 of the Draft reported by the Economic Group and adopted by the Council of Four on June 6th, except that the Draft Article used the date of November 1, 1918, instead of November 3, 1918. The Minutes of the Council meeting record no special comment on this Article.

ARTICLE 44

Article 44 is identical in substance with Article 22 of the Draft adopted by the Council of Four on June 6th (C.F. 50). This Draft Article was included in those reported by the Economic Group but accompanied with the statement that it was an Article agreed on between the British and the Italian Delegations.

The Austrian counter-proposals, "Redactions," offered an amendment to the second paragraph of this Article making the water-right concession to Italy subject to the reserve that Italy shall furnish to German Austria electric power in amount to correspond to the hydraulic power withdrawn from German Austria. The Reply to the Austrian Delegation stated (Part III, Section 1)¹¹ that this paragraph had no other purpose than to guarantee to Italy full right of usage of the waters of this lake to the exclusion of any contrary claim, whether by Austria or her nationals, that the Austrian proposition (for amendment) was not well-founded.

ARTICLE 45

Article 45 is identical in substance with Article 23 of the Draft reported by the Economic Group and adopted by the Council of Four on June 6th (C.F. 50). No special comment on the Article is recorded in the Minutes of the Council of Four.

¹¹ Reproduced as Document 178, *supra*.

"SECTION II, SERB-CROAT-SLOVENE STATE"
(ARTICLES 46-52)

EXPLANATORY NOTE

"Part III, Section II, Serb-Croat-Slovene State" is reserved in the June 2 draft of the Treaty; Articles 57 and 58 of the July 20 draft do not appear in the corresponding section of the Treaty but are transferred, in different form, to Part III, Section VI, "Clauses Relating to Nationality."

Article 46 corresponds to Article 81 of the Treaty of Versailles. See Document 82(a-c), *supra*. This article does not appear in the Report of the Commission on Rumanian and Yugoslav Affairs.

Article 47 is developed from Article 4 of the draft articles proposed by the Commission on Rumanian and Yugoslav Affairs, Document 126(b), *supra*. (See also the drafts of the Treaty in chapter III.)

Article 48 is repeated with slight changes from the Report of the Commission on Rumanian and Yugoslav Affairs. See Document 126(b), Article 3, *supra*.

For discussion of Articles 49-50, see Documents 182-97, *infra*.

180. ARTICLE 51: PROTECTION OF MINORITIES, FREEDOM OF
TRANSIT, AND EQUITABLE TREATMENT OF COM-
MERCE OF OTHER NATIONS¹²

(a) RECOMMENDATION OF THE COMMITTEE ON NEW STATES
OF CLAUSES TO BE INSERTED IN THE TREATY WITH
AUSTRIA CONCERNING THE PROTECTION OF MINORITIES
IN YUGOSLAVIA¹³

REPORT TO THE COUNCIL OF FOUR

The Committee on New States submits to the Council of Four a unanimous recommendation of the annexed clauses for insertion in the respective Treaties named.¹⁴

¹² See also Documents 205-22 under Section V, "Protection of Minorities," *infra*.

¹³ Miller, *My Diary*, XIII, 45-46: "The Seventh Meeting of the Committee on New States, May 13, Annex (A)." Reprinted with the permission of Hunter Miller, Esq. See also Document 126(b), Article 9, *supra*.

¹⁴ Clauses to be inserted in treaties with Hungary and Bulgaria not reproduced.

These clauses are identical, except for the necessary changes of names, with the clauses regarding Poland and Czecho-Slovakia inserted in the Treaty with Germany.

CLAUSE FOR INSERTION IN THE TREATY WITH AUSTRIA

The Kingdom of the Serbs, Croats, and Slovenes accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect the interests of inhabitants of Serbia who differ from the majority of the population in race, language, or religion.

The Kingdom of the Serbs, Croats, and Slovenes further accepts and agrees to embody in a Treaty with the said Powers such provisions as they may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations.

180. (b) COMMUNICATION FROM THE SERB-CROAT-SLOVENE DELEGATION RELATIVE TO ARTICLE 59 OF THE CONDITIONS OF PEACE WITH AUSTRIA¹⁵

(Translation)

PARIS, July 24, 1919

FROM: *Nik. P. Pachitch* (2782)

TO: *President Clemenceau, Peace Conference*

In the name of the Serb-Croat-Slovene Delegation I am taking the liberty of exposing our opinion on the subject of Article 59,¹⁶ inserted in the Peace Conditions with Austria, and handed to her without our having been given an opportunity to study or raise any objections to same.

Our Delegation finds it necessary to declare that the Article in question, as actually drawn up, cannot receive its assent; in the first place, because our state is requested to assume obligations which are neither formulated nor defined; secondly, because like obligations are not required from all the states to whom the Treaty attributes certain parts of the territories of the former Austro-Hungarian Monarchy; thirdly, because the dispositions in question seem to apply also to the territories of the Kingdom of Serbia and of Montenegro, which would imply for our state an anticipatory renunciation of certain incontestable rights of sovereignty. In a similar case, regarding Poland, a resolution was adopted applicable only to parts of Poland which the Treaty "with Germany is to transfer from Germany to Poland."

Finally, this same Article 59 imposes further obligations on our state, equally indefinite, concerning transit liberties and an equitable regime for the commerce of other nations, and that without stipulating the

¹⁵ *S-H Bulletin*, No. 580.

¹⁶ July 20 draft.

reciprocity of treatment for our country upon the territories of these nations.

These are the reasons briefly indicated, which make it incumbent on us to formulate reserves expressed relative to the dispositions of the said Article 59, and to request that their text be modified and completed to conform with the modifications indicated above, or to be reserved for special agreements to be concluded ulteriorly.

Annexed, we have the honor to transmit copies of the rights as enjoyed by the minorities in our country.

Accept, etc.

For the Serb-Croat-Slovene Delegation
(Signed) NIK. P. PACHITCH

180. (c) NOTE FROM THE YUGOSLAV DELEGATION, DATED AUGUST 1, 1919, RELATIVE TO THE PROTECTION OF MINORITIES AS PROVIDED FOR IN THE TREATY WITH AUSTRIA¹⁷

(Translation)

DELEGATION OF THE KINGDOM OF THE SERBS,
CROATS AND SLOVENES TO THE
PEACE CONFERENCE
No. 2906

PARIS, August 1, 1919

To: *The President of the Commission on New States and on the Protection of Minorities, Paris*

MR. PRESIDENT:

In a letter sent to the President of the Peace Conference on July 24, I had the honor of setting forth to him the point of view of the delegation of the Kingdom of the Serbs, Croats and Slovenes, on the stipulations of the Treaty with Austria which concern the protection of minorities. I hope that the contents of this letter has already been communicated to you and I take the liberty of submitting the following considerations on the same question:

The S.C.S. State, composed of a single people with three names, three religions and two alphabets, by its very nature, is called to practice the broadest tolerance. This State is not based upon a juridical and political inequality of nations as is the case with the Turkish Empire, or as was the case with the former Austro-Hungarian Monarchy. Consequently, the question concerning the protection of minorities, in this State, cannot have a practical scope.

The legislation of the Kingdom of Serbia, a legislation which, in this

¹⁷ *S-H Bulletin*, No. 647 (II).

connection, will also be adopted by the S.C.S. State, as early as at the Treaty of Berlin, recognized no difference from a point of view of religion. Serbian citizens of any religion enjoyed absolutely the same rights, private and public (art. 26 of the law of July 14, 1878, concerning the ratification of the Treaty of Berlin). The present constitution of the Kingdom of Serbia also prescribes unlimited freedom of conscience and grants to each religion the right to freely organize its internal affairs (Article 18 and 189).

The Commission on New States and on the Protection of the Rights of Minorities has particularly felt called upon to deal with the destiny of "certain ethnic minorities, such as: Albanians, Macedonians, as well as in a general way the Mussulman population."

The Delegation of the S.C.S. Kingdom feels obliged to state above all that there can be no question of a Macedonian ethnic minority in the S.C.S. State. The Macedonian Slavs have always been considered by the authorities of our States as Serbs; from now on, they are to enjoy the same rights as the other citizens of our State and are represented, with the same rights, in the Provisional Parliament. Forming part of the majority of our people and enjoying all civil and political rights, they have absolutely no need of being protected in a special manner.

In what concerns the Mussulman population in general, the Serbian Government has given sufficient proof of its spirit of tolerance, in the Peace Treaty concluded with Turkey on March 14, 1914. Article 8 of this Treaty stipulates, in fact:

"The Serbian Government recognizes to the Mussulmans of the ceded districts, the same civil and political rights which the other Serbian subjects enjoy in these districts.

"The Mussulmans of the ceded districts will continue to enjoy the broadest freedom in the exercise of their religion, and their customs shall be respected.

"The name of His Imperial Majesty, in his capacity as Calif of the Believers, shall continue to be recalled in the public prayers of the Mussulmans.

"The Mussulman religious communities in the ceded districts, or those which are created in the future, their juridical personalities, their hierarchic regulations and their patrimonies shall be recognized and respected. There shall be no hindrance of the relations between the communities and the individual Mussulmans and their spiritual leaders who will be dependent upon the Cheik-UI-Islamate at Constantinople, under the conditions fixed in the present Treaty.

"The principal Mufti will be appointed by His Majesty, the King of Serbia. He will be chosen from among the three candidates elected in the Assembly of all the Muftis of Serbia, specially convoked for this purpose.

"The Serbian Government, through the agency of its minister at Constantinople, will inform the Cheik-Ul-Islamate of the appointment of the Grand Mufti; the former will send him the Menhur and the Miracels by which the Grand Mufti is authorized to fulfil his functions and to grant, in turn, the right of jurisdiction and of rendering Fetvas to the other Muftis of Serbia.

"The Grand Mufti and the Muftis, as well as the personnel of their courts, shall have the same rights and duties as the other Serbian officials.

"In addition to purely religious jurisdiction, and the control of the administration, of the Vakouf property, the Muftis will also exercise jurisdiction, between parties exclusively Mussulman, in questions of marriage, divorce, and maintenance (Nefaks), guardianship, trusteeship, freeing of minors, of the Islamic testament and of nomination to the position of Moutevelis (Gevliet). (Art. 8.)"

Article 9 stipulates:

"All Mussulman private schools, existing on ceded territory—including the schools of Arts and Trades of Sckoplie and Bitolj—or those which are founded in the future by individuals or local commissions, composed of Mussulman notables, shall be recognized. Their patrimonies and the revenues at their disposal since their foundation, for meeting expenses, shall be respected.

"The right of instruction in the Turkish language shall be recognized to these Mussulman private schools, in conformity with the official program. Instruction in the Serbian language shall be compulsory.

"The Royal Government shall organize a special institute for the instruction of candidates for the position of Mufti.

"The Muftis shall have the right to inspect these schools in the same way as the Serbian Minister of Public Instruction."

Serbia concluded this Treaty with Turkey after a victorious war. It voluntarily granted all of the above mentioned privileges to the Mussulman elements and these privileges are much more extensive than those which the Mussulman elements could have requested in the name of freedom of conscience, since its spiritual leaders were granted jurisdiction in certain civil affairs. Moreover, it must be remarked that the great majority of the Mussulmans who inhabit our country are of Serbian nationality.

The Albanians on our territory are mainly Mussulmans, and, consequently, may profit fully by all the prescriptions provided for in our laws and treaties and concerning the Mussulman population. In addition, they may also profit by the numerous schools which our authorities have opened for the Mussulman children, in which the religious instruction is entrusted to the Muftis. Such schools exist at Bitolj, Chti, Motchane, Koumanovo, Kriva Palaka, Prizrene, Priepolj, Novi Pazar, Syenitsa, Skoplie, Veles, Doirane, Guevguelia, Bogdantzi, Niche. Besides these

general Mussulman schools, our State has the intention [to] found special schools for the Albanians as soon as circumstances have again become normal in the country. As for the Albanians of Catholic religion, their interests were completely guaranteed by the Concordate of 1914. In the S.C.S. State, their situation will be all the better since the constitution recognizes the complete equality of Catholics and Orthodox.

Our Delegation considers, consequently, that ethnic minorities, insofar as they exist, *are completely protected in our States*. None of their rights, either private or public, are threatened, and for this reason, the international guarantee which it is proposed to give to them would have no practical value, since it would in no way be able to improve their situation over what it is now. However, if the Commission on New States and on the Protection of the Rights of Minorities has any concrete proposals to make on this subject, our Delegation is disposed to give them the most careful attention, under the supposition, naturally, that these proposals contain nothing which might be interpreted as a violation of the indisputable sovereign rights of the Kingdom of Serbia, and of Montenegro, or which might represent a special juridical regime, to which the S.C.S. Kingdom would be exceptionally subjected, as a state which did not inspire sufficient confidence in the civilized world by its juridical institutions. Consequently, the Delegation of the S.C.S. Kingdom could take into consideration only the proposals which do not concern the former territory of the Kingdom of Serbia and of Montenegro, and which, furthermore, are of a general character, that is, which are to be applied equally to all territories of the former Austro-Hungarian Monarchy which are joined to bordering States or which are formed into New States.

Please accept, etc.

For the Delegation of the S.C.S. Kingdom

• NIK. P. PACHITCH

180. (d) NOTE FROM THE FRENCH DELEGATION REGARDING
THE MINORITIES TREATY WITH YUGOSLAVIA¹⁸

(Translation)

MINORITIES TREATY WITH SERBIA

PARIS, August 28, 1919

NOTE FROM THE FRENCH DELEGATION

M. Pachitch, in the name of the Delegation of the Kingdom of the Serbs, Croats and Slovenes, has sent the following letter to the President of the Peace Conference:

¹⁸ *S-H Bulletin*, No. 797.

"PARIS, August 26, 1919

"MR. PRESIDENT:

"In view of the eventuality of the imminent handing of the final draft of the Peace Treaty to the Austrian Delegation, our Delegation is obliged to reiterate its many times repeated declaration to the Supreme Council, that it will be unable to give its consent to this Treaty, if Article 59 is maintained in its present wording.

"Accept, etc.,

"(Signed) NIK PACHITCH"

Article 59 is the article which provides for the acceptance of a special treaty for the protection of minorities.

The objection of the Delegation and of the Serbian Government is explained by the fact that the treaty draft which they consent, in advance, to sign at the same time as the Treaty with Austria, has not yet been communicated to them.

It seems indispensable that this treaty draft proposed by the Commission on New States be examined and approved by the Supreme Council, then communicated to the Serbian Delegation in time for it to be able to study the same and be in a position to make its observations to the Supreme Council, which will decide, in the final analysis.

Because of the short length of time remaining until the signing of the Treaty with Austria, it is urgent that the treaty draft between the Powers and the Serbs, Croats and Slovenes be placed on the order of the day.

180. (e) RESOLUTION OF SEPTEMBER 9, 1919, OF THE COUNCIL OF HEADS OF DELEGATIONS AUTHORIZING THE DRAWING UP OF A SPECIAL PROTOCOL ALLOWING FOR THE SIGNING OF THE AUSTRIAN TREATY BY THE YUGOSLAVS WITHIN THREE DAYS¹⁹

"Yugo-Slavia: Objections to minorities clauses in Peace Treaty with Austria: special protocol allowing for signature within three days, to be drawn up. H.D. 50(3)."

¹⁹ "H.D. Index: Yugo-Slavia."

180. (f) NOTE FROM THE YUGOSLAV DELEGATION REPORTING RESIGNATION OF THE GOVERNMENT AND CONSEQUENT DELAY RELATIVE TO THE SIGNATURE OF THE AUSTRIAN TREATY²⁰

(Translation)

DELEGATION OF THE KINGDOM OF
THE SERBS, CROATS AND SLOVENES

PARIS, September 10, 1919

FROM: *Nik. P. Pachitch*
TO: *President Clemenceau*

Referring to my letter of this morning,²¹ I have the honor to inform your Excellency that the Royal Government has resigned, and that this Delegation is, consequently, obliged to await the authorization, before signing the Peace Treaty with the Austrian Republic, of the new Government.

Accept, etc.

180. (g) NOTE, DATED NOVEMBER 5TH, FROM THE SERB-CROAT-SLOVENE DELEGATION ON THE MINORITIES CONVENTION²²

(Translation)

THE MINORITIES CONVENTION

The Royal Government has never contested the general principle of this convention. In the last Note addressed to the Royal Government of Rumania it was stated, according to press information, that the Peace Conference, while preserving intact the general principle which is the basis of the Minorities Convention, is prepared to consider modifications available for application to the internal clauses of the Convention with Rumania. On this point we agree with the Conference and while respecting the general principle of the Convention which is the same in all Conventions of this kind—we beg the Supreme Council kindly to examine the following points which apply to internal conditions and which in accordance with the instructions of our Government, it is our duty to submit to it.

²⁰ *S-H Bulletin*, No. 890.

²¹ Not reproduced.

²² *S-H Bulletin*, No. 1238(2). The text of the Convention is not reproduced. This note of the Serb-Croat-Slovene Delegation on the Convention is given here because it throws light on the Yugoslav objections to Article 51 of the Austrian Treaty.

1) We ask that in the Preamble to the Convention it shall be added that Serbia loyally carried out the engagements accepted by her under the Treaty of Berlin.

This is a known fact. It is a matter of importance to us that it should be recognized in the Convention which creates the new clauses protecting Minorities at the moment in which it abolishes the engagements of the Treaty of Berlin. It would be a satisfaction equal to that most justly given to Greece by recognizing in the Preamble to her Convention that she intended equal rights irrespective of origin to all populations living within her territories.

2) The right reserved to the Principal Powers under Art. 51 of the Treaty with Austria originally embarrassed the Royal Government which feared lest the National Assembly would not ratify a blank cheque. But, in face of the Convention, it is obviously no longer a question of a blank cheque.

Nevertheless it must be pointed out that it does not transpire from the text of the Convention that the latter is connected with Art. 51 of the Treaty with Austria, nor that by the signature of the Convention the right reserved to the Principal Powers under Art. 51 becomes exhausted.

Consequently, we request that Art. 51 of the Treaty with Austria shall be brought into relation with the Minorities Convention in such a way that it is made clear thereby that the right of the Principal, provided for in Art. 51 is exhausted by the Convention. We beg to observe that satisfaction in this direction has already been given to Poland in the introduction of the letter of June 24, 1919, addressed by M. Clemenceau, in the name of the Conference, to M. Paderewski.²⁸

3) We demand that all territories of the Kingdom of Serbia, as constituted at the outbreak of the war, shall be excluded from the operation of the Minorities Convention.

We are obliged to return to this demand with insistence. Serbia enjoyed full sovereignty without any restriction when she entered this war. No power raised any objection against the Treaty of Bucharest in 1913, by which she acquired new territories, not even Austria-Hungary, who had at first tried to do so. The Treaty of Bucharest has been considered as *res inter alios acta*. The obligation imposed by the minorities regime upon the territories of the Kingdom of Serbia could not be justified even by the fact that the Convention formally frees Serbia from the obligations which resulted for her from the Treaty of Berlin. These obligations, which were loyally observed by Serbia, have indeed already lost their *raison d'être*.

The objection that no distinction can be drawn between territories

²⁸ Not reproduced. The text of the letter is given in Miller, *My Diary*, XIII, 215-22.

belonging to one and the same State is not justified, as this distinction entails no difficulty in the application of the Convention. Moreover, exceptions have been admitted under the actual Treaty, which recognizes that the provisions of Art. 9 should be applicable only to territories transferred to the Kingdom of the Serbs, Croats and Slovenes since January 1st, 1913. A second exception has been adopted in the Treaty with Poland. Indeed, Art. 9 of *her* convention stipulates that the rights accorded to minorities shall be applicable only to Polish subjects of German speech living in parts of Poland which prior to August 1st 1914 were German territory, to the exclusion of the rest of Poland's territories.

4) We request that in the French text the words "pourra prendre telles mesures" shall be replaced by the words "pourra proceder de telle facon" and that in the Italian text the words "possere predcre quei provvedimenti" shall be replaced by the words "possa procedere in tal maniera."

In none of the other Minorities Conventions nor yet in the original wording of the Convention with our State do the words "prendre Telles mesures" occur, but their place is taken by "proceder de tella facon"; which leads us to believe that this distinction is fortuitous, all the more as the English text is identical in all the Conventions. Special importance attaches to the French text in view of the fact that in case of divergence that is the one which will be appealed to.

Fundamentally there can be no doubt but that the obligation implied by the words "pourra prendre telles mesures" is certainly stronger and more serious than that implied by the phrase "proceder de telle facon."

5) We consider that it is necessary for the sake of greater clearness in Art. 11 of the Minorities Convention and therefore request that it shall not intervene in differences between our State and private individuals belonging to minorities and that these differences should bear a legal character. That is why a special court has been created to meet this exigency. (Permanent Court of Justice.)

As to the modifications provided by Art. 11 we request that it shall be recognized that it is merely a case of modifications which will facilitate the putting into effect of these clauses in the case that difficulties should arise; this has already been admitted in the reply of the Peace Conference to the observations of the Austrian Delegation (page 7,²⁴ and in M. Clemenceau's letter already referred to) (Part III).

6) It appears that Art. 3 of the Minorities Convention is in contradiction with Article 76 of the Treaty with Austria in so much as according to the latter, the acquisition of our nationality is subject to the authorization of our State for all persons habitually resident in the ter-

²⁴ Reproduced in Document 222, *infra*.

ritories transferred to the Kingdom of the Serbs, Croats and Slovenes and having acquired the right of citizenship (indigenat) *since January 1st 1910*; whereas according to Art. 3 of the Minorities Convention, these persons acquire our nationality ipso facto and without requirement of any formality *if at the date of the coming into force of the Minorities Treaty* they are habitually resident or possess the right of citizenship in these territories. If it is considered that there is no contradiction here, the wording of Art. 3 is nevertheless lacking in clearness, and for this reason it ought to be drawn up in such a way as to be made to agree with Art. 76 of the Treaty with Austria, which has already been signed.

As regards Art. 3, it remains for us to point out that the question of habitual residence and right of citizenship must be defined in such a way, that the question of right of citizenship (*Pertinenza, Heimatsrecht*) applies only to such of our territories as belonged formerly to Austria-Hungary, where this institution existed, whereas that of domicile must be applied exclusively to Bulgaria where the right of citizenship does not exist.

Consequently we propose that the text of Paragraph I of Art. 3 of the Minorities Convention should be re-worded in the following manner:

“The Serb-Croat-Slovene State admits and declares to be its nationals *ipso facto* and without the requirement of any formality Austrian and Hungarian nationals possessing rights of citizenship (*pertinenza, Heimatsrecht*) and Bulgarian nationals domiciled on January 1st 1910 in territory which is or may be recognized as forming part of the Serb-Croat and Slovene State under the Treaties with Austria, Hungary or Bulgaria respectively, or under any treaties which may be concluded for the purpose of completing the present settlement.”

7) It goes without saying that the clauses of this Convention must be applied in accordance with the *spirit* of it, which does not tend to create *privileges* for the benefit of minorities, but to protect their neutral right to their language and the profession of their religion. In view of the fact that owing to their intellectually and political backward condition, a large proportion of the minorities in our State might be prompted to misinterpret these clauses, it is necessary for the Conference to declare that it is not at all a case of privilege but of the protection of their rights. It is furthermore necessary to point out that persons belonging to minorities are bound loyally and completely to fulfil all duties towards the State incumbent upon them no less than upon all citizens. A declaration of this kind emanating from the Conference would be authoritative, and would undoubtedly have a beneficial effect which would greatly facilitate the normal application of the Convention.

8) In the case that ameliorations should eventually be accorded to Rumania or to Greece, over the question of the Minorities Convention, we request that it should be recognized that they shall be applicable *ipso*

facto also to the Kingdom of the Serbs, Croats and Slovenes. Such an assurance would permit us unhesitatingly to shorten the further discussion of the Convention.

Proposition. The Delegation insistently begs the Supreme Council kindly to examine the foregoing requests and to give it satisfaction by adopting them, taking into account the fact that as the Royal Government is animated by the desire to act always in perfect solidarity with the Conference, it hopes for a benevolent reception on the part of the latter.

[*His Excellency, Monsieur G. Clemenceau*
President of the Peace Conference
Paris]

180. (h) DISCUSSION BY THE COUNCIL OF HEADS OF DELEGATIONS ON NOVEMBER 25, 1919, OF THE DRAFT AGREEMENT OF ADHERENCE TO THE AUSTRIAN TREATY TO BE SIGNED BY THE SERB-CROAT-SLOVENE STATE²⁵

. . . . M. Berthelot pointed out that all indications were that the Roumanians were certainly going to sign. The Serb-Croat-Slovene Government was prepared to sign the Treaty with Austria as well as the Minorities Treaty and the financial arrangements. The Drafting Committee had prepared a draft agreement of adhesion to be signed by the Serb-Croat-Slovene Government which would be communicated to all the Powers signatory to the Treaty of Saint Germain

It was decided:

(3) to accept the draft agreement of adhesion, prepared by the Drafting Committee, to be signed by the Serb-Croat-Slovene Delegation;

(4) that the agreement of adhesion when signed by the Serb-Croat-Slovene Delegation be communicated to all the Powers signatory to the Treaty of Saint Germain.²⁶

DECLARATION OF ADHESION²⁷

The undersigned, plenipotentiary Delegates of His Majesty the King of the Serbs-Croats & Slovenes, acting by virtue of their full powers duly recognized as good and valid, declare that His Majesty the King

²⁵ H.D. 100(3).

²⁶ The Kingdom of the Serbs, Croats, and Slovenes signed the declaration of adherence on December 5, 1919. *British and Foreign State Papers*, 1919, CXII, 532-33.

²⁷ Appendix C to H.D. 100.

ARTICLES 49-50, THE KLAGENFURT PLEBISCITE²⁹182. REPORT OF THE COMMITTEE FOR THE STUDY OF TERRITORIAL QUESTIONS RELATING TO RUMANIA AND YUGOSLAVIA ON THE KLAGENFURT DISTRICT³⁰

(B) DISTRICT OF KLAGENFURT

1. PRINCIPLES

(a) The American, British, and French Delegates note that the basin of Klagenfurt is inhabited by a mixed population comprising important Slovene elements particularly dense to the east of Klagenfurt.

(b) They note that this basin constitutes a geographical entity separated from the south by the natural barrier of the Karawanken mountains.

(c) They note that, for this reason, the basin and, in particular, the town of Klagenfurt constitute at this moment an association of economic interests more closely connected with the districts situated to the north than with those situated to the south.

(d) The information at present in their possession does not appear to them sufficient to allow them to determine with certainty the national aspirations of the population of this district.

(e) The Italian Delegation considers that the Klagenfurt basin forms an integral part of the Austrian geographical and economic system, from which it cannot be separated without disturbing the life of the populations and compromising the general peace.

2. CONCLUSIONS

(a) The Committee proposes that the frontier between Yugoslavia and Austria should follow the crest of the Karawanken mountains from a point south-east of Eisenkappel as far as the Klagenfurt-Laibach road.

(b) At the same time, the American, British and French Delegations call the attention of the Allied and Associated Governments to the desirability of proceeding to a local enquiry or consultation (under conditions to be determined by the Allied and Associated Governments) in order to afford the inhabitants of the Klagenfurt basin an opportunity of protesting, should they wish to do so, against inclusion in Austria and of demanding union with Yugoslavia.

²⁹ See also Documents 125(b), 126(a, b), and 127(b), *supra*.

³⁰ Committee for the Study of Territorial Questions Relating to Rumania and Yugoslavia, *Report No. 2*, April 6, pp. 9-10. From the Edward M. House Collection in Yale University Library. Reprinted with the permission of Professor Charles Seymour, Curator of the House Collection and the Librarian and Library Committee of Yale University Library.

(c) They consider that as the basin of Klagenfurt constitutes a geographical entity, this enquiry or consultation should be carried out for the whole of that basin, delimited as follows:

On the south: By the range of the Karawanken.

On the east: The frontier previously defined, passing to the east of Eisenkappel and of Bleiburg as far as the crest-line to the north of the Drave, then the watershed between the Lavant and the Feistritz as far as the summit marked 2144.

On the north: A line leaving that point (2144) and proceeding to point 2081 between the Lavant and the valley of Hüttenberg, thence following the ridge to the east and to the north of Hüttenberg, passing to the south of the bifurcation formed by the railway line from Klagenfurt to Neumarkt and the branch line to Strassburg, following the secondary crest nearest to and to the south of Weitensfeld, then the crest-line between the valley of Weitensfeld and the valley ending at Feldkirchen, then the crest-line to the east of Paternion.

On the west: A boundary to be defined in the region of Villach.

(d) The Italian Delegation opposes to this proposal the reservation of principle formulated above. It wishes, moreover, to declare that in its opinion, any question of a consultation or enquiry as well as of a plebiscite bears an eminently political character which removes it from the competence of the territorial Committees.⁸¹

A. TARDIEU (*Chairman*)
 CLIVE DAY
 CHARLES SEYMOUR
 EYRE A. CROWE
 A. W. A. LEEPER
 J. LAROCHE
 G. DE MARTINO
 L. VANNUTELLI-REY

April 6, 1919

183. MEMORANDUM TO THE AMERICAN COMMISSIONERS TO NEGOTIATE PEACE⁸²

27 May 1919

MEMORANDUM

FROM: *Clive Day, Charles Seymour, Colonel Miles, Douglas Johnson.*
 TO: *The Commissioners.*

SUBJECT: *Klagenfurt Basin.*

In order that the President and Commissioners may have before them the precise status of the Klagenfurt problem, the undersigned,

⁸¹ For draft articles proposed by this Commission, see Document 126(b), *supra*.

⁸² From the Robert Lansing Papers in the Library of Congress.

representing the two divergent opinions submitted to the President, agree on the following statement of facts:

1. The American opinion has not consistently favored assigning the Klagenfurt basin to Austria. In an Inquiry report to the President made last November, Dr. Seymour, for geographic and economic reasons, recommended a frontier on the Karawanken Mountains, thus giving all the Klagenfurt basin to Austria; despite the fact that this involved a departure from the ethnographic line. Three months later, in the "Black Book" report to the President, Dr. Seymour recommended a frontier along the Drave River dividing the basin, and assigned the southern or Slovene part to Jugo-Slavia. It was after the receipt of Colonel Miles' reports,³³ and in part because of their contents, that Drs. Seymour and Johnson both decided to support in the Territorial Commission, the Karawanken frontier assigning the whole basin to Austria. Dr. Johnson, for reasons already presented in a separate memorandum, now favors the division of the basin on the line proposed by the Jugo-Slavs, and accepted by the French, British and Italian delegations. Dr. Seymour and Dr. Day adhere to the line recommended in the first report of the Territorial Commission.

2. The Territorial Commission, while unanimous in its final recommendation of the Austro-Jugo-Slav frontier as a whole was not in agreement as regards the best disposition of the Klagenfurt basin. The French representatives and experts from the first consistently opposed attributing the Jugo-Slav portion of the basin to Austria. The British representatives desired to assign a portion of the eastern end of the basin to Jugo-Slavia. The American delegates desired to assign to Austria, not only the Klagenfurt basin, but also the Marburg basin farther east (which the Commission later assigned to Jugo-Slavia). Agreement was secured by mutual concessions at different points along the northern Jugo-Slav frontier in order to reach a compromise line which all could accept. Unanimity of opinion applied to the compromise line as a whole, not to the Klagenfurt problem considered alone.

3. The Council of Foreign Ministers has made it a not uncommon

³³ Colonel Miles was a member of the "American Commission of Study" which in December 1918 was sent into Austria and neighboring countries to observe political conditions there and to report back its findings to the American Commission to Negotiate Peace in Paris. The personnel of the Commission was as follows: Professor Archibald Cary Coolidge, Director, Professor Philip M. Brown, Mr. W. A. Bundy, Lieutenant H. G. Carmagnoli, Captain Walter Davis, Captain F. Dellschaft, Lieutenant R. C. Foster, Lieutenant Philip Goodwin, Captain John Karmazin, Professor R. J. Kerner, Lieutenant F. R. King, Lieutenant Leroy King, Major Lawrence Martin, Lieutenant Colonel Sherman Miles, Lieutenant W. M. Osborn, Mr. F. E. Parker, Captain W. A. Pashkowski, Captain Nicholas Roosevelt, Mr. C. M. Storey. H. J. Coolidge and R. H. Lord, *Archibald Cary Coolidge: Life and Letters* (New York, 1932), pp. 195-98.

procedure to adopt the report of a Territorial Commission when that report is unanimous. Such was the action in the present case, the compromise line thus receiving the Ministers' approval. The Council of Ten took similar action, after discussing the area and conditions of the consultation or plebiscite to be held in the Klagenfurt basin. The question of dividing the basin on ethnographic lines did not come before either body on its merits nor were the principles on which the Territorial Commission based its recommendation discussed or approved by either body.

4. The most trustworthy evidence available as to the desires of the population of the Klagenfurt basin is that submitted by Colonel Miles. His investigation covered 10 days; was made by two automobile parties who orally interrogated the people; took place in winter when the ground was heavily covered with snow which delayed and hampered in some measure the movements of the party; was restricted for the most part to the towns and villages and main roads where dwell the largest part of the population, but which are likewise the centres of the greatest German population and influence; was primarily designed to determine a temporary line of demarcation in a region being contested by opposing armies; took place under the abnormal condition that the whole area was occupied by troops of one side or the other, although the mixed military and civilian commission was afforded unusual opportunities as to freedom of movement and freedom to make every inquiry they desired as to the will of the people. The investigation resulted in a divided report, three of the four reporting a preponderant pro-Austrian sentiment in the region now under discussion, the fourth reporting a preponderant pro-Jugo-Slav sentiment and stating that while Austrian "terrorism" was lacking, there was evidence that pro-Jugo-Slavs did not feel free to express their preference for Jugo-Slav control.

Colonel Miles considers that the evidence available on self-determination is that the majority of the people of the Klagenfurt basin desire to remain with Austria, and that, until this evidence is reversed by a free expression of the people of the whole basin, the admitted economic and geographic unity of the basin should not be destroyed by an arbitrary and artificial political frontier.

Dr. Day and Dr. Seymour are inclined to believe with Colonel Miles that a majority of the Slovene-speaking people in the Klagenfurt basin would prefer not to be separated from the historic Austrian province of Carinthia. They are convinced that a line like that now claimed by the Jugo-Slavs, which cuts the basin in two, would be detrimental to the interests of the population on both sides; dissatisfaction would result and causes of future trouble be multiplied. They are therefore opposed to a change in the report already submitted by the Territorial Commission.

Dr. Johnson, who according to a panel system, sat on the Commission with Dr. Seymour in place of Dr. Day, when the Austro-Jugo-Slav frontier was in discussion, is of the opinion that the military character of Colonel Miles' mission, the abnormal conditions under which it took place, and the inevitable limitations to which such a method of inquiry is necessarily subjected, deprive it of a value as a basis for disposing of the Slovene population of the Klagenfurt basin. The presumption that the Slovene majority has Slovene sentiments should be accepted, and the region left with an allied power rather than an enemy power. He recognizes that geographic and economic considerations favor assignment to Austria, but believes that in an agricultural region like the Klagenfurt basin, the economic ties are less strong and less important than they would be were it an industrial region. Ethnographic, strategic and political considerations all favor assignment of the area to Jugo-Slavia, and he therefore agrees with the British, French and Italian delegations in recommending this disposition of the area, with the understanding that the population shall have the right to protest after a period of years.

CLIVE DAY
CHARLES SEYMOUR
COLONEL MILES
DOUGLAS JOHNSON

184. ANNOTATIONS ON THE DISCUSSIONS OF THE COUNCIL OF FOUR OF THE KLAGENFURT AREA⁸⁴

On June 4, M. Vesnitch set forth the views of the Serb-Croat-Slovene Delegation regarding Klagenfurt. His conclusion was that the area south of the line of lakes in the valley should be attributed outright to the Serb-Croat-Slovene State, the population here being overwhelmingly Slovene, and a plebiscite entailing a period of confusion and unrest. President Wilson then turned to a map of the Klagenfurt area which showed two districts, one marked "A," in the south, claimed by Yugo-Slavia, and another marked "B," which Yugo-Slavia was willing to abandon. He suggested that at some early date, e.g. six months after the signature of peace, the inhabitants of "A" should vote by plebiscite as to whether they should be united to Yugo-Slavia or to Austria. If they voted for Austria, the whole district, "A" and "B," would be settled; but if they voted for Yugo-Slavia, the zone "B" should also vote as to whether it would go to Yugo-Slavia or to Austria. It would seem fair to the Serb-Croat-Slovene State that the inhabitants of zone "A," Slovene by race, should vote first; and that if they should vote for Yugo-Slavia,

⁸⁴ Gray, *op. cit.*, pp. 47-51.

the inhabitants of zone "B" should have the opportunity of remaining with the Klagenfurt basin. After further discussion, it was decided that the experts who had been studying the Klagenfurt problem should formulate a detailed plan on the basis that the population of the zone "A" should declare by plebiscite whether they wished to be attached to Yugo-Slavia or to Austria, and that the region should be administered by a local government under the League of Nations during the interval between the signing of peace and the plebiscite, the date of the latter to be fixed after hearing the views of the Serb-Croat-Slovene Delegation (C.F. 45).

On June 6, M. Vesnitch proposed two solutions of the question: (1) attachment of the zone "A" to the Serb-Croat-Slovene State, the Yugo-Slav authorities to open registers during the three or, at most, six months following entry into force of the Treaty, that the inhabitants might express in writing their wish to have the territory placed under Austrian sovereignty, and the zone "B" to be attributed to Austria, with similar powers reserved to the population in favor of the Serb-Croat-Slovene State; (2) attachment of zone "A" to the Serb-Croat-Slovene State with recognition of the right of the inhabitants to declare by plebiscite within two or, at most, six months their desire to be attached to Austria, zone "B" to be attributed to Austria, with similar rights of plebiscite in favor of Yugo-Slavia (C.F. 51, App. A). On this same day, the Committee on Rumanian and Yugo-Slav Affairs had concluded that it would be best for the Principal Allied and Associated Powers to appoint a Commission of five members to prepare in both zones, under the authority of the League of Nations, for a free expression of the wishes of the population by securing impartiality of local administration through exercising rights of supervision and veto. Pending the actual plebiscite, the zones "A" and "B" should be entrusted provisionally to Serb-Croat-Slovene and Austrian authorities respectively in accordance with their general rules of legislation. The Italian Delegation, however, was of opinion that, in view of the geographical and economic conditions of the basin, the plebiscite zones should not be bounded from east to west, but from north to south, following a line running to the east of Klagenfurt, and also desired that the triangle containing the northern entrance to the Karawanken tunnel and comprising a section of railway about ten kilometres long essentially important for the port of Trieste should be excluded from the plebiscite (C.F. 52, App. C). In discussion, M. Orlando, maintaining that a plebiscite was needless, held that zone "A" might immediately be attributed to the Serb-Croat-Slovene State, and zone "B" to Austria; but Mr. Lloyd George, by no means sure that "A" was Yugo-Slav in sympathies, considered a plebiscite advisable. It was finally decided that the regime of local government should apply both to zone "A" and to zone "B," but that the actual procedure of the

plebiscite would vary according to the date fixed for it. If it were to take place in six months, arrangements should be made like those for Allenstein and Schleswig; if in three years, or more, like those for the Saar basin. The proposals of the Committee, formulated for the latter contingency, were noted, but were regarded as not in accord with the instructions given them (C.F. 52(5))

On June 21, the question came before the Council of Four. After a long discussion, based on the Report already mentioned, it was decided that the Committee on Rumanian and Yugo-Slav Affairs should draw up for the Austrian Treaty Articles relating to the plebiscite in the Klagenfurt area on the following bases:

“(a) With a view to the plebiscite, that Austrian troops in the “A” area, and troops of the Kingdom of the Serbs, Croats and Slovenes in the “B” area, should be reduced to the dimensions necessary for the observation of order, and should act to that end under Inter-Allied control. Both bodies of troops should be replaced as rapidly as possible by a police force locally recruited.

“(b) That the plebiscite should be held within three months of the coming into force of the Treaty of Peace with Austria, in the zone “A,” and, in the event of this vote being given in favor of union with the Kingdom of the Serbs, Croats and Slovenes, a plebiscite should be held within three weeks from that date in the “B” zone.

“(c) That the International Commission should consist of four permanent members representing respectively the United States of America, the British Empire, France and Italy. When dealing with matters affecting the “B” area, there should be added an Austrian representative, and when dealing with matters in the “A” area, there should be added a Jugo-Slav representative.

“(d) That persons should be qualified to vote who had resided in the district since January 1st, 1912. In other respects, the proposals of the Commission in their letter of June 18, 1919, were approved.”

The Committee were authorized to communicate their Draft directly to the Drafting Committee, who were empowered to prepare the necessary Clauses on these bases without further instructions from the Council (C.F. 71(1)). This was done accordingly, and Articles 49–50 received their present form without need of further discussion.

185. EVACUATION OF THE KLAGENFURT BASIN AND THE MEETING OF THE COUNCIL OF FIVE ON JUNE 18

(a) MINUTES OF THE COUNCIL MEETING⁸⁵

M. Pichon said that action was required of the Council as a consequence of the following letter :

18th June, 1919

“MY DEAR COLLEAGUE :

“The Council of the Principal Allied and Associated Powers, this afternoon, considered the situation which has arisen in regard to the armistice in Carinthia.

“The Council were informed that the forces of the Serbs, Croats, and Slovenes, in disregard of the demands of the Principal Allied and Associated Powers, have pressed forward and occupied Klagenfurt and have forced the Austrian to accept armistice conditions which include the abandonment by them of Klagenfurt.

“In these circumstances, the Council decided that a demand should be made for the evacuation of the entire district of Klagenfurt by the forces both of the Serbs, Croats, and Slovenes, and of the Austrians.

“It was agreed that the Council of Foreign Ministers should be asked to approve and send a telegraphic despatch to the Governments of the Kingdom of the Serbs, Croats, and Slovenes, and of the Austrian Republic demanding the evacuation of the Klagenfurt Basin by the forces of both contending parties. The boundaries behind which they were to withdraw will have to be defined in this despatch. A copy of this despatch should be sent to the Military Officers of the Allied and Associated Powers who are watching the armistice.

“Since the meeting, I have learned that the Commission which has been considering the question of Klagenfurt is holding a meeting tomorrow and I am therefore sending a copy of this letter to Monsieur Tardieu, the Chairman of the Commission, with the suggestion that the Commission should be asked to prepare the boundaries for the consideration of the Council of Foreign Ministers in the afternoon.

“I am directed to request that Your Excellency will confirm this action to M. Tardieu and will bring the matter before the Council of Foreign Ministers in the afternoon.

“At M. Sonnino’s request, I am sending copies of this letter to the five Foreign Ministers.

“Believe me,
“Yours very sincerely,
“M. P. A. HANKEY”

His Excellency, Monsieur Dutasta

⁸⁵ F.M. 25(3), June 18, 1919.

M. Tardieu said that the Committee on Jugo-Slav Affairs had received a copy of this letter on the previous day. The Committee had discussed the subject and three different opinions had been expressed. (See Annexure C.)³⁶

M. Sonnino said that in M. Orlando's absence he brought forward the question in the Council of Four. The following was the history of the matter. On May 31st the Council of Four had decided to send to Vienna and Belgrade an intimation to both parties to withdraw from the Basin of Klagenfurt. The Austrians were to withdraw beyond the northern limit and the Slavs beyond the southern limit. The telegram to Belgrade, it would seem, had been delayed in transmission, whereas that to Vienna had arrived in time. On June 5th, Jugo-Slav troops had advanced on Klagenfurt and had forced the Austrian troops on June 6th to accept an Armistice. When the Allied Generals on the spot had informed the Jugo-Slav Commanders of the orders of the Council, the latter said that they had received no such orders and would stand by the Armistice. The Allied Officers had not felt competent to order the troops to retire and asked for instructions from the Conference. He had therefore brought up the question in the Council of Four. The Council, on the previous day, had decided that a telegram be dispatched by the Council of Foreign Ministers requiring the evacuation of the Basin of Klagenfurt by both parties.

In his letter Sir Maurice Hankey added a further suggestion that the Commission on Jugo-Slav affairs should determine the frontiers behind which the opposing Forces should retire. Now these frontiers had been already settled on May 31st when the previous order had been given. The Council of Four had also decided that notice of the decision should be given to the military Officers of the Allied and Associated Powers, in order that they should watch the execution of the order and make any necessary proposals. As the result of Sir Maurice Hankey's intervention, the Commission now proposed something quite different from the intentions of the Council of Four, namely two zones for a plebiscite, the limits of which should be the lines for the withdrawal of the opposing Armies. This was quite a new feature. M. Tardieu's view was that military lines should as far as possible be the ultimate political frontiers but the limits in this case were not frontiers of this character but only the limits of plebiscite areas. He submitted that it was necessary to stand by the decision of the Council of Four, namely that both Armies must withdraw from the whole basin of Klagenfurt. M. Tardieu further suggested that the void created by evacuation must be occupied, presumably in the interests of order. He would suggest that a Police

³⁶ Reproduced as Document 185(b), *infra*.

Force should be evolved locally. In any case, this was not the business of the Council. All the Council was asked to do was to renew the order of May 31st, and adapt it to the new circumstances. There was no other Mandate binding on the Council and the suggestion made by the paragraph of Sir Maurice Hankey's letter beginning with the words "Since the Meeting I have learned" had no binding force.

M. Tardieu said that if Baron Sonnino was right, the Commission had been called upon to deliberate under a misunderstanding.

M. Pichon, reading the letter, said that there was evidently a contradiction. In the first part the instruction was that the whole basin was to be evacuated, in the second it was indicated that boundaries should be fixed.

M. Sonnino said that in the despatch of May 31st, no exact definition of the Klagenfurt area had been given. The Council of Foreign Ministers was asked to define the frontier but not to establish new ones. The Council was to repeat the previous order adapted to the present circumstances.

Mr. Lansing said that he could find no authorization by the Council of Four to Sir Maurice Hankey for submitting the question to the Commission. It would seem that the Council of Four had only directed the despatch to be sent.

M. Pichon said that all the Council itself had to do was to fix the outer limits of the Klagenfurt basin. This had been done.

M. Tardieu said that in his opinion this had not been done. A few days ago the Council of Four had asked the Commission to report on some communications made by the Jugo-Slav Delegation involving this very question. The Commission had not yet reported, but it might be inferred from this that the exact limits of the Klagenfurt basin had not yet been fixed by the Council of Four.

M. Pichon asked whether M. Tardieu could furnish his report to the Council of Five instead of the Council of Four.

M. Tardieu replied that the report was ready but had not yet been sent in.

Mr. Balfour said that he could not understand Sir Maurice Hankey's letter. Did it mean that the Council of Foreign Ministers was to "approve" without discussion what was suggested? He himself disapproved of leaving the Klagenfurt basin unoccupied. He would require a great deal of convincing argument before he approved of any such thing. Further, the Council of Foreign Ministers was asked to draft a telegram and in his view this was not their business.

M. Sonnino restated the case as previously explained by himself.

Mr. Balfour thought that if the Council of Four only intended that their previous telegram should be repeated they would not have asked the

Council of Foreign Ministers to meet to do it for them. They could presumably do this themselves.

M. Sonnino pointed out that the order would not be repeated in the same terms, as in the interval an Armistice had taken place and some notice of this fact was required.

M. Tardieu said that he entirely agreed with Mr. Balfour. If the question was merely one of repeating the previous telegram no discussion was required. If on the other hand a new definition of the Klagenfurt basin was under consideration, he would point out that two considerable modifications had been suggested. One by the Jugo-Slav Delegation, namely the addition to the Plebiscite zone of the Valley of Miesthal; the other by the Italian Delegation, namely, the exclusion of the triangle of Assling.

M. Sonnino said that it was clear that the Council of Five must take some action as the Heads of the Governments were away and the military situation was urgent.

Mr. Lansing suggested that the question be adjourned until the Commission had furnished material for a delimitation of the Klagenfurt basin.

(At this stage Mr. Balfour withdrew.)

M. Tardieu pointed out that nothing would be gained by delay as the findings of the Commission were not unanimous. He could only present on the following day the same divergences of opinion that he had already explained.

M. Sonnino further observed that the findings of the Commission, even if unanimous, could not assign final frontiers to the Klagenfurt basin until these had been accepted by the Council of the Heads of Governments.

(Mr. Lansing at this point withdrew.)

(The Meeting then dispersed.)

PARIS
19th June, 1919

185. (b) NOTE DRAFTED BY THE COMMISSION ON RUMANIAN
AND YUGOSLAV AFFAIRS³⁷

June 18th, 1919

The Commission has examined the question raised by Sir Maurice Hankey's letter to M. Dutasta, dated June 17th.

The following opinions have been expressed:

1. The American Delegation recommends that the boundaries should be drawn as indicated in the Commission's Report,³⁸ in answer to Sir

³⁷ F.M. 25, Annexure C. At head of title, "Appendix C to I.C. 197."

³⁸ Not reproduced.

Maurice Hankey's note dated June 11th,³⁹ but expresses no opinion as regards the military measures to be taken.

2. The British and French Delegations

recalling the fact that the Supreme Council has agreed, concerning Czecho-Slovakia, Roumania and Hungary, that it would be advisable not to assign to military occupation limits that would differ from the definitive boundaries,

recommend that the same solution should be adopted concerning the Klagenfurt Basin, i.e. to determine as quickly as possible the political boundaries in accordance with the above mentioned report, the Yugo-Slav being authorized to occupy Zone "A" and the Austrians Zone "B."

3. The Italian Delegation,

considering on the one hand that Sir Maurice Hankey's letter, dated June 17th, deals with the complete evacuation of the Klagenfurt Basin by both the Yugo-Slavs and the Austrians,

considering on the other hand that the lines proposed by the American, British and French Delegations as boundary lines, are, according to the Italian Delegation, only limits for the zones of plebiscite, which ought not to be considered as political boundaries,

is of opinion that the zone which ought to be evacuated by both the Austrians and the Yugo-Slavs, ought to include the whole basin (Zones "A" and "B") as previously defined by the Supreme Council.

186. EVACUATION OF THE KLAGENFURT BASIN AND THE MEETING OF THE COUNCIL OF FIVE ON JUNE 19

(a) NOTE OF THE COMMISSION ON RUMANIAN AND YUGO-SLAV AFFAIRS CIRCULATED BY THE AMERICAN COMMISSION AS THE AGENDA FOR THE COUNCIL MEETING⁴⁰

NOTE ADDRESSED TO THE SUPREME COUNCIL OF THE ALLIES
BY THE COMMISSION ON RUMANIAN AND YUGO-SLAV
AFFAIRS, JUNE 18, 1919⁴¹

The Commission has been requested by a letter from Sir Maurice Hankey to present its opinion regarding two letters from Mr. Vesnitch dated June 7th.⁴²

³⁹ Not reproduced.

⁴⁰ *S-H Bulletin*, No. 379.

⁴¹ This Note, with different phraseology and certain discrepancies in dates, was also issued as Annexure A to F.M. 26. For "6th June" in Point 1, paragraph 1 above, read "June 3rd"; for "paragraph 6" in Point 2, paragraph 3, read "paragraph B"; for "first of August 1914" in the same paragraph, read "August 1st, 1919."

⁴² Not reproduced.

The Commission was unable to meet before the 18th of June, as several of its members were on the Committee charged with the revision of the reply to the German Delegation.

The opinion of the Commission is as follows:

1. The two letters from Mr. Vesnitch dated June 7th (supplemented by a third dated June 9th)⁴³ suggest certain modifications which refer to a solution of "principe" set forth in a letter of the 6th June⁴⁴ reading as follows:

"Zone A to be attached to the Serb, Croat and Slovene State; the inhabitants to be accorded the right to declare by a plebiscite within a minimum of three months or a maximum of six months their wishes as to whether this territory should be placed under Austrian sovereignty.

"Zone B to be attached to Austria; reciprocally the same right to be reserved to the inhabitants of this territory as regards their desire to be attached to the Kingdom of the Serbs, Croats and Slovenes."

The Commission approves this suggestion in its general sense, it being understood that the two Zones shall be placed under the control of an International Commission.

2. As regards paragraph 1 of the letter of the 7th June, the Commission unanimously recommends that the time fixed in the first paragraph should begin as of January 1st, 1919, instead of "the going into force of the present Treaty."

The American, British and French Delegations recommend the approval of Mr. Vesnitch's proposals in paragraphs B and C.

The Italian Delegation accepts paragraph 6; it demands that in paragraph C, for the words "at a date prior to the first of January 1905," there should be substituted: "since first of August, 1914."

3. As regards paragraph 2 of Mr. Vesnitch's letter, the Commission proposes an International Commission of seven members, five to be named by the Principal Allied and Associated Powers, one by the Serb, Croat and Slovene State, and one by the Austrian Republic.

4. As regards paragraph 3 of Mr. Vesnitch's letter, the American, British and French Delegations propose that the plebiscite in Zone A shall take place three months after the going into force of the Treaty.

The Italian Delegation demand that the period should be fixed, as was the case in Upper Silesia, at six months at the earliest and eighteen months at the latest.

As regards the date of the plebiscite in Zone B, Mr. Vesnitch's proposals are unanimously approved.

5. As regards paragraph 4 of Mr. Vesnitch's letter, the Commission unanimously recommends the maintenance of the limits as shown in

⁴³ Not reproduced.

⁴⁴ Not reproduced.

President Wilson's map for Zone A, that is to say to exclude therefrom the region of Miesthal.

186. (b) MINUTES OF THE COUNCIL MEETING⁴⁵

... M. Pichon said that he thought it would be best to ask M. Tardieu to inform the Council of the conclusions of his Committee regarding the limits of the Basin of Klagenfurt for the purpose of the telegram which the Council was requested to send (see previous Minutes I.C. 197, Minute 3).

M. Tardieu said that the answer to this question was to be found in Minute 5 of a note addressed to the Supreme Council by the Commission for Roumanian and Jugo-Slav Affairs. (See Annexure A.)⁴⁶ The consequence was that no change was made in Zone A and none proposed in Zone B, and that the boundaries shown on what was known as President Wilson's map were maintained by the unanimous assent of the Committee.

M. Pichon said that if the Council approved the proposal sent to them from the Council of Four, it would follow that a telegram should be sent demanding the evacuation of the Klagenfurt Basin by both sides, the frontiers being those shown on President Wilson's map excluding the Miesthal region.

M. Sonnino said that as no alteration was proposed in the frontier, no specification need be made in the message. The telegram of May 31st should be repeated.

Mr. Balfour said he could not quite understand what it was proposed the Council should do. Was it to order that a large tract of country should be left with no troops in it either Austrian or Jugo-Slav?

M. Tardieu observed that the Commission had no remarks to make on this policy as the question had not been submitted to it.

M. Sonnino said that the Council of Heads of Governments wished the Military Representatives on the spot to be informed of the order given for the evacuation of the Klagenfurt Basin. These Officers would then make proposals in accordance with events for maintaining order in the evacuated area. This was the resolution adopted in the Council of Four.

Mr. Lansing said that he did not quite follow M. Sonnino. He read the letter written by Sir Maurice Hankey on June 17th (see I.C. 197, Minute 3) to mean that entire evacuation of the Klagenfurt Basin was to be ordered. At the same time the Council of Foreign Ministers were asked to determine certain limits. M. Sonnino said these limits had al-

⁴⁵ F.M. 26(1), June 19.

⁴⁶ See footnote 41, *supra*.

ready been laid down. If the outline of the Klagenfurt Basin had already been determined, the letter must mean lines behind which the occupying troops should retire.

M. Sonnino maintained that this was not the meaning of the resolution of the Council of Four. Seeing that the Commission proposed no change in the outer limits of the Klagenfurt Basin, all that remained to be done was to re-affirm the orders of May 31st.

Mr. Lansing pointed out that the Council of Foreign Ministers was asked to "approve"; for his part he did not.

Mr. Balfour also said that he did not approve.

M. Sonnino said that he had himself raised the question in the Council of Four and asked what was to happen

(a) if evacuation took place

(b) if it did not take place.

He asked whether the Council would authorise the military Representatives on the spot to take action. The Council had decided that these Officers should not take action but should make proposals to the Council.

M. Pichon observed that this matter was not within the terms of reference.

M. Sonnino said that if his Colleagues did not approve the evacuation of the Klagenfurt Basin, in spite of the fact that it had been decided on by the Council of Heads of Governments, he could do no more. In his view the proper thing to do was to send a telegram and ask the military authorities on the spot to make proposals for dealing with the consequences.

M. Pichon said that as Mr. Balfour could not approve of the telegram, it clearly could not be sent. The Council was, therefore, at the very start precluded from doing what M. Sonnino suggested.

Mr. Lansing proposed that a reply be sent on behalf of the Council of Foreign Ministers to the effect that having been asked to approve of the total evacuation of the Klagenfurt Basin, the Council returned the reply that it did not approve of this policy. It would, however, approve of the withdrawal of the opposing troops behind the line proposed by the Jugo-Slav Commission.

M. Sonnino said he could not agree to this. It appeared to him quite contrary to the decision of the Council of the Heads of Governments as understood by him.

M. Pichon said there was another proposal formulated by Mr. Lansing and supported by Mr. Balfour. He also concurred with it. All he could do was to put this to the vote. He thought it would be a wise decision as supplementary information just received reported disturbances in the Klagenfurt area. He quoted a telegram from the French General on the spot saying that Allied troops were urgently required to keep order.

Mr. Lansing said that he thought there must be some mistake in the account given of the matter by M. Sonnino. The more natural course would have been to consult the military men on the spot before asking the Foreign Ministers for their approval.

(At this stage Mr. Balfour withdrew.)

M. Sonnino said that the news quoted by M. Pichon showed the necessity of doing something. He referred again to the history of the telegram sent on May 31st and to the subsequent events.

M. Pichon said that, to sum up, as Mr. Balfour and he himself supported Mr. Lansing's views, all he could do was to report to the Council of Four that with the exception of M. Sonnino, all supported a withdrawal of the contending armies north and south of the line shown on the map known as "President Wilson's Map."

M. Sonnino said that his view was that a telegram should be sent renewing the order of May 31st for the total evacuation of the Klagenfurt Basin and that the Military authorities should be asked to make proposals for dealing with the consequences. The following resolution was then adopted:

"The Council of the Foreign Ministers decided to reply to the Council of the Heads of Governments that their interpretation of the letter addressed by Sir Maurice Hankey to the Secretary-General of the Peace Conference on June 17th, 1919, regarding the evacuation of the Klagenfurt Basin was that they were asked to approve the action suggested in paragraph 3:

"With the exception of Baron Sonnino, this interpretation was unanimous and, with the same exception, the answer was that the Council of Foreign Ministers could not approve of the total evacuation of the Klagenfurt Basin.

"It was further proposed by Mr. Lansing, and approved by the other Foreign Ministers, excepting Baron Sonnino, that the troops of the contending forces be ordered to withdraw north and south respectively of the purple line drawn on the map known as President Wilson's Map.

"Baron Sonnino maintained that the duty of the Council was to send a telegram ordering the total evacuation of the Basin and to ask the 4 Military Representatives of the Allied and Associated Powers on the spot what proposals they had to make to deal with the consequences of the evacuation."

(The Meeting then adjourned.)

PARIS
June 19th, 1919

187. TELEGRAM FROM THE INTER-ALLIED MILITARY REPRESENTATIVES AT KLAGENFURT RELATIVE TO THE EXECUTION OF THE DECISION OF THE CONFERENCE⁴⁷

(Translation)

TELEGRAM FROM THE MILITARY REPRESENTATIVES OF THE ALLIED AND ASSOCIATED POWERS AT KLAGENFURT

July 29, 1919

The Serbo-Croat-Slovene and Austrian Delegates signed, on July 28 at 16 o'clock, the convention regulating the evacuation of zone B of the Klagenfurt basin by the Serbo-Croat-Slovene troops.

The line of demarkation fixed by the Supreme Council on June 23⁴⁸ will be occupied on July 31 at 17 o'clock by the Serbo-Croat-Slovene posts on one side and the Austrian posts on the other, a neutral zone of 600 meters being maintained between the two parties.

The military representatives are of the opinion that the guarding of the war material left at Klagenfurt can not be safely entrusted to the Austrian gendarmes. They propose therefore that, until the Inter-allied detachment requested by the telegram of July 25 arrives, this guard be insured by Italian carabinieri.

As the Italian detachment now at Klagenfurt to insure the guarding of the city is only half a platoon, it should be reinforced by two platoons.

The Italian Supreme Command, from whom the military representatives have requested this reinforcement, has refused to send it without authorization from the Supreme Council of the Allies.

The military representatives have the honor to request instructions from the Supreme Council.⁴⁹

⁴⁷ *S-H Bulletin*, No. 607 (I).

⁴⁸ See Document 184, *supra*, for text of this decision.

⁴⁹ On August 1 the Council of Heads of Delegations decided to authorize the Italians to furnish two platoons of carabinieri as guard pending the constitution of the Inter-Allied guard. H.D. 21(4) and Appendix E.

188. COMMUNICATION FROM THE ADMINISTRATOR OF CARINTHIA TO THE INTER-ALLIED COMMISSION AT KLAGENFURT CONCERNING THE PLEBISCITE⁵⁰

(Translation)

ST. VEIT, September 7, 1919

FROM: *Administrator of the Province of Carinthia*

TO: *The Interallied Commission at Klagenfurt, Concerning the Plebiscite*

The Government of the Province of Carinthia is taking the liberty of addressing a request to the Delegates of the four High Allied and Associated Powers asking that they give special attention to the events which have taken place in zone A of the Klagenfurt basin, and to take at the present time all the measures necessary for the insurance of an entirely free and impartial plebiscite which would express the true wishes of the population.

As the Delegates already know, the Provincial Government of Carinthia has declared on several occasions that it is ready to submit to the restrictions which might be imposed concerning its rights in zone B of the Klagenfurt basin placed under its administration, insofar as these restrictions would be ordered and effectively carried out in zone A.

At the time of the question of removing the Volkswehr from zone B, and establishing a seat of Provincial Government outside of this zone, the wishes of the Delegates were satisfied without reservations.

On the other hand, the S.H.S. State instituted a veritable reign of tyranny in the territory of the Klagenfurt basin (zone A) submitted to its administration. The brutal violation of all German and Germanophile inhabitants and the utter contempt for the fundamental laws of all civilized States concerning personal and property liberties have created conditions which, from all appearances, remove all possibility for the population to express their true wishes by a plebiscite.

What little news has arrived from zone A, hermetically closed, informs us that the military and civil organs of the S.H.S. State intend; with the help of the Slav clergy, entirely foreign to the country and fanatical in the political struggle; with the help of political agitators deprived of all scruples; finally, by every physical and moral means of violence possible, to create a plebiscite result favorable to the S.H.S. State.

To this end they are using every effort to remove all the Germanophile elements or to intimidate them to such extent that they will not

⁵⁰ *S-H Bulletin*, No. 1055.

dare openly express their opinion of the serious private and economic prejudices with which they are menaced.

The tendency of the S.H.S. Government to prepare for a favorable plebiscite return is further evidenced by the fact that several thousands of people who had taken to flight from the territories of zone A at the time of the advance of the S.H.S. troops last May, have been unable to return to their country and to peacefully resume their occupations.

Aside from the serious economic prejudices which the Carinthian fugitives have suffered on account of their forced separation, the advisability of having these people repatriated, in order that they may protect their rights in the plebiscite vote which shall decide the dependency of the country, cannot be doubted for an instant.

This right should also be accorded to the persons who, on account of their political activity, rendered themselves particularly hostile to their adversaries, and have as a result been arrested and interned.

The Government of the Province of Carinthia has already declared on several occasions that it is ready to liberate immediately the few Jugoslav agitators which it had interned, in case the Carinthian subjects interned by the S.H.S. authorities would also be assured of their liberation.

Up to the present time the S.H.S. Government has not acted upon this demand, based on purely humane motives, and still holds in detention hundreds of persons of the occupied territories.

The greater part of these cases concerns very influential personalities who inhabited and possess property in the territory of zone B for many years, and to whom the right to vote in the plebiscite is unquestionably due. Even this cannot explain the reasons which led the S.H.S. Government to refuse the repatriation of certain persons and to violate individual liberty.

If in the preceding cases the S.H.S. authorities have made every effort, by removing the fugitives and the interned, to stem the influx of Germanophile elements who wish to re-enter their native country, they also employed every means to severely oppress, and especially by military and administrative measures, the partisans of an undivided Carinthia who were still in zone A and to render an impartial vote impossible.

The Jugoslav authorities have also recently commenced to force the public functionaries and private employees and their relatives and even private individuals who have been active for some time in zone A from the territory of this zone. With a particularly brutal lack of regard under the existing circumstances, they have fixed a very short period in which they are to effect their evacuation, and have threatened that in case this order was not obeyed they would be made to evacuate by force and their effects would be thrown in the streets.

It is not necessary to indicate the extent of the economic prejudices which these measures cause to a population already suffering severely

for other reasons. The Provincial Government believes it is authorized by the very laws of humanity to instantly request the Delegates to use their influence that the S.H.S. authorities absolutely cease in the future to create such measures and to withdraw the provisions adopted up to the present time.

As the Provincial Government has already communicated to the Delegates, the S.H.S. soldiers and gendarmerie are assembling in zone A to influence the vote for the attachment of this zone to the S.H.S. State. It is under pressure, and a result of every possible menace, in particular, the very serious economic injury with which they are threatened, that the population consents to give its vote. Furthermore, the population is left totally ignorant of the fact that under the protection of the Entente the plebiscite should represent the manifestation of their free will.

As is shown by the preceding facts the execution of a plebiscite under such conditions would be an absolute impossibility, and would resemble a comedy.

The Provincial Government of Carinthia takes the liberty in this matter to request the delegates to act immediately in conjunction with the Peace Conference at Paris, with a view to having the entire Klagenfurt Basin occupied by Entente troops with the least possible delay, but absolutely three weeks before the plebiscite if impossible sooner, and to have all the troops and organs of the S.H.S. State and German Austria evacuated.

If absolutely necessary, the Provincial Government declares itself ready to retire from the territory of the Klagenfurt Basin all the civil administrative authorities several weeks before the plebiscite, in case the same measures would be applied in the territory of zone A.

The Provincial Government of Carinthia addresses this appeal to the delegates with the belief that they represent the private rights of every Carinthian. The Provincial Government struggles for the liberty which must be guarded in the name of national right and in the name of civilization, and which the Allied Powers have assumed the duty to safeguard as the protectors of small nations.

189. MEMORANDUM FROM THE BRITISH EMBASSY TO
THE AMBASSADORS' COUNCIL REGARDING THE
KLAGENFURT QUESTION⁵¹

March 6, 1920

His Majesty's Government has been informed that the Austrian Government intends to proceed with the elections for the Carinthian

⁵¹ *E.S.H. Bulletin*, No. 240.

Diet, and that the Austrian Government is examining the question as to whether it is expedient to include zone B of the plebiscite region of Klagenfurt, which is under the regime of Austrian occupation, in the zone where the elections are to be held.

The British Ambassador has received instructions from his Government to make the following suggestion to the Ambassadors' Council:

The Austrian Government should be informed without delay that in no part of the zone which, by the terms of the Treaty of Saint-Germain, is to have its status determined by a plebiscite, are elections for an Austrian Representative Assembly to be proceeded with.

190. NOTE FROM THE BRITISH EMBASSY REGARDING A NOTE FROM THE PRESIDENT OF THE PLEBISCITE COMMISSION OF KLAGENFURT TO THE CONFERENCE OF AMBASSADORS⁵²

PARIS, April 20, 1920

BRITISH EMBASSY

FROM: *President of the Plebiscite Commission of Klagenfurt*
TO: *Mr. Jules Cambon, Council of Ambassadors, Paris*

As Your Excellency has been informed, the Governments of Great Britain and France are taking measures in view of the approaching ratification of the Peace Treaty with Austria signed at St. Germain-en-Laye on the 10th of September, 1919, and as a result of this it is probable that the Plebiscite Commission for the Klagenfurt Basin which is to be constituted in accordance with the Treaty will have to take up its duties before long.

In these circumstances, as President of this Commission, and in the name of my French and Italian colleagues, Count Charles de Chambrun and Prince Livio Borghese, I beg to lay before Your Excellency and the Council of Ambassadors the following observations. In submitting to the attention of the Council these questions which we deem to be of extreme importance, my colleagues and I desire to point out that, as it has been judged impossible for the Allied Governments to send troops into the Klagenfurt Basin during the period that it is under control of the Commission, the authority of the Commission and its power in applying its decrees will be greatly diminished. This is all the more important because the police forces which are to be recruited "on the spot" will be without any knowledge or experience in combatting riots or disorders of any kind. We consider, however, that if an immediate solution

⁵² *E.S.H. Bulletin*, No. 396.

is given to the points that we are going to bring forward, this would contribute greatly to the increase of authority and the prestige of the Commission and will help it to overcome some of the difficulties with which it is confronted. We would also ask the Council, as it is the agency charged by the Peace Conference with the execution of the Treaty, to give very careful attention to our views on the points in question and, if it approves of them, to act as soon as possible in accordance with the suggestions that we are taking the liberty of making.

1. LINE OF DEMARCATION BETWEEN ZONES A AND B OF THE TERRITORY SUBMITTED TO PLEBISCITE

Orders should be given by the Council for this line of demarcation to be free from the day when the Commission enters into full power with a view to the execution of the Treaty with regard to the plebiscite, and as a result for the free movement of all individuals between Zones A and B; for all the soldiers on guard to be removed from the line of demarcation on the day mentioned above, and for freedom of commerce and the free passage of foodstuffs and other products to be authorised between the zones.

2. INHABITANTS OF ZONES A AND B WHO HAVE LEFT THEIR HOMES

Persons who have responded to the electoral conditions specified in Article 50 of the Treaty of St. Germain should receive all facilities for returning with their families to their homes, whether in Zone A or in Zone B, and the Governments of the Republic of Austria and the Kingdom of the Serbs, Croats, and Slovenes, should realise clearly that the return of these persons and the exercise of their vote must be authorised entirely independently of the opinion that these Governments may have with regard to the fact that certain persons are desirable or not or with regard to the fact that they have left their homes of their own free will or not. A request should be addressed to the two Governments to guarantee to the Council that all individuals who have the right to vote and have been expelled since the 3rd of November, 1918, from Zone A or Zone B for whatever cause, will be authorised to come back immediately to their homes, provided with a document giving them all the necessary guarantees for their safety. The Governments should also undertake to have the local authorities furnish to the Commission, in the fortnight following the arrival of the Commissioners at Klagenfurt, a list of all persons who have been expelled since the date previously mentioned. Another list should be furnished in the same way and within the same time for all persons who have voluntarily left their homes and have not yet returned at this time, along with information regarding persons in this same category who have already returned.

3. PROPERTY PLACED UNDER SEQUESTRATION IN THE TWO ZONES

A guarantee should be given to the Council by the Austrian and Serb-Croat-Slovene Governments that all the decrees that have been published since the 3rd November, 1918, for confiscating or putting under sequestration, either temporarily or permanently, property situated in the two zones and belonging to persons who have the right to vote, shall be immediately annulled and that the owners of such property will be authorised to take possession of it again without delay.

4. AUSTRIAN AND SERB-CROAT-SLOVENE TROOPS ON THE TERRITORY SUBMITTED TO THE PLEBISCITE

The local military authorities should receive the order from their respective Governments to furnish to the Commission, in the three days which follow the arrival of the Commissioners at Klagenfurt, a clear statement as to the number of Austrian and Serb-Croat-Slovene troops in Zones A and B as well as detailed information about their composition and situation.

As it is understood that the recruitment of the police forces mentioned in Article 50 of the Treaty of St. Germain has already begun, the statement previously referred to regarding the strength of the Austrian and Serb-Croat-Slovene troops should also include information as to the number of men already recruited by the police of the two zones in the manner in which the men have been recruited, that is to say, whether they were "recruited on the spot," as is stipulated by Article 50 of the Treaty and, if this is the case, on what date. If the men who entered the police forces were not born in Zones A or B, information should be furnished as to their origin and the circumstances which led them to enter these forces.

These figures are considered necessary, since it is possible that amongst the recruits destined for the police forces there is a great number of persons born outside the two zones. If the figures show that such is the case, it is desirable to exclude from the police forces all persons not born in one zone or the other.

5. THE QUESTION OF THE POWERS OF THE AUSTRIAN AND SERB-CROAT-SLOVENE MEMBERS OF THE COMMISSIONS

In our opinion, the only functions of Members of the Commission designated by the Austrian and Serb-Croat-Slovene Governments (see Article 50 of the Treaty of St. Germain) should be "to take part in the deliberations of the Commission" and these should not have the right to vote at the meetings of the Commission.

We propose this procedure for the following reasons :

a) Because, amongst the questions arising, there are many which, whilst they are of interest to the zones directly and intimately, will only

affect the other zone indirectly and in a lesser degree, and because, in this case, it would be undesirable for the member of the Commission representing the zone which is not concerned to vote.

b) Because, if the Members designated by the Austrian and Serb-Croat-Slovene Governments have the right to vote, the question of the difficulty of obtaining a majority will arise immediately.

c) Because, since it cannot be expected that the Members designated by the Austrian and Serb-Croat-Slovene Governments will judge the questions relative to this territory in an unprejudiced manner, 25 per cent of the votes at the meetings of the Commission would not be the expression of an impartial opinion.

6. THE QUESTION OF THE ENTRY INTO FORCE OF THE DECREES OF THE COMMISSION

The Austrian and the Serb-Croat-Slovene Governments should be requested by the Council to furnish the members designated by them for the Commission with full powers to act in the name of their respective Governments without being obliged to refer to Vienna or Belgrade, or to the local governments of Carinthia or Laibach (Ljubljana), and at the same time, full authority to have the local authorities in Zones A and B, both military and civil, enforce the orders of the Commission.

This procedure is considered as absolutely indispensable in order to assure the immediate execution of the orders of the Commission and to avoid any delay caused under the pretext of requesting the necessary authority to enforce these orders from the High Military Command or the Vienna or Belgrade governments. From the same point of view, it must be remembered that, since at the present time it appears that the Commission will not have any Allied Military forces at its disposal to assure the immediate obedience of its orders, and if it be admitted that, under a pretext of any nature, delays be introduced in the execution of the orders of the Commission, all these orders could be rendered inoperative. This would be especially the case towards the end of the plebiscite.

7. QUESTION OF MUNITION DEPOTS IN ZONE B

We are led to believe that a Munitions Depot (or Depots) containing, aside from rifles and ammunition, damaged automobile trucks, etc., which were delivered at the time of the Armistice in November, 1918, still exists in Zone B, although it is thought that all the perishable articles in this depot (or depots) have already been sold at auction. It is proposed here that the Council order that the articles of this depot (or depots) be immediately inventoried, and that, afterwards, the depot, as it is situated in Zone B, be placed under the care of the Austrian Government which should be held responsible for its total contents and

effective guard, under the supervision of the Interallied Commission at Vienna, until the plebiscite has been held.

Such action would permit of the liberation of the Royal Carbineers which the Italian Government assigned for the temporary guard of this depot (or depots).

Accept, etc.

(Signed) S. PECK
*President of the Plebiscite Commission
 of Klagenfurt*

As no scale of salaries and allowances for the members of the Plebiscite Commission of Klagenfurt has yet been sanctioned by the Conference, the British Embassy proposes that the figures be calculated according to the scale which was approved by the Supreme Council for the Allenstein, Marienwerder, and Teschen Commissions.

April 23, 1920

191. NOTE FROM THE AUSTRIAN DELEGATION RELATIVE TO
 THE PROCEDURE TO BE ADOPTED FOR THE DELIBERATIONS
 OF THE KLAGENFURT COMMISSION⁵³

(Translation)

DELEGATION OF THE
 AUSTRIAN REPUBLIC
 No. 1757

PARIS, June 10th, 1920

MR. PRESIDENT:

By its note of the 8th of June, 1920, the Secretariat General of the Peace Conference notified me of a decision of the Conference of Ambassadors according to which representatives of the two interested States will take part, with a consultative vote only, in the sittings of the International Commission appointed to organise the plebiscite in the region of Klagenfurt.⁵⁴

According to the terms of the said note, this decision was adopted in view of the difficulty which might result with respect to decisions to be taken with a majority of the equal number of members of the Commission.

⁵³ *E.S.H. Bulletin*, No. 616.

⁵⁴ The personnel of the Commission was as follows: Lieutenant Colonel S. C. Peck (British Empire), President; Dr. Cvijić, later succeeded by J. Jovanović (Serb-Croat-Slovene State); Count Charles de Chambrun (France); Prince Livio Borghese (Italy); Captain A. Peter-Pirkham (Austria). The Commission held its first meeting on July 21, 1920.

Permit me, however, to point out to the High Conference of Ambassadors that the same result could be obtained if it decided that the two delegates of the Powers interested in the plebiscite were to take part, with the right of voting, in the deliberations concerning both the first and second zone. The Commission would be composed, in this case, in the two zones, of three representatives of the Great Powers as well as of the two representatives of the bordering States; it would, therefore, consist of an odd number of five members, the number indicated in the Peace Treaty.

As both representatives interested will vote, in all probability, in the questions in dispute in an opposite sense, it is clear that in practice the result of the vote will be, according to the system which I propose, identical with that obtained under the regime indicated by the High Conference of Ambassadors. This solution presents, however, the advantage that the populations in question would not have the feeling as if—in deciding their fate and future—the International Commission deprived their representative of a right which the Treaty grants to him. The said solution would deviate evidently *less* from the terms of the Treaty than the first, seeing that the Treaty only excludes from the deliberations the delegate of one of the bordering States for the sole purpose of obtaining an unequal number of votes, which—the number of the representatives of the Powers being four—was possible only by admitting one member more.

Now, as at this time the abstention of the United States necessitates a deviation from the application of the letter of the text of the Treaty, it would be, it seems to me, more in conformity with its intentions and with the “ratio legis” explained above—if instead of depriving the delegates of both parties of their vote, the High Council of Ambassadors would attribute to the one as to the other, a vote in the deliberations concerning both the first and second zone.

Requesting Your Excellency to take into your kind consideration the proposition above formulated, I take this opportunity of renewing the assurances of my highest regard.

(Signed) EICHHOFF

*To: His Excellency, Mr. A. Millerand
President of the Peace Conference
Paris*

192. TELEGRAM FROM COLONEL PECK TO LORD DERBY RELATIVE TO SITUATION AT KLAGENFURT⁵⁵

29-9-20—2:10 P.M.

No. 7

FROM: *The Klagenfurt Commission*TO: *The Conference of Ambassadors*

On Sunday, September 26th, at nightfall, an Italian officer in civilian dress, Colonel Navarini at the Interallied District Council of Bleiburg While he was trying to calm the excitement of the crowd assembled round his personal orderly, two secretaries and an orderly, he was struck by one of the Serb-Croat-Slovene gendarmes with the barrel of a rifle. This incident, which is very regrettable, should be taken into very serious consideration, in view of the early date of the plebiscite. It is too soon to form an opinion on the point as to whether the attachment of three Allied officers to the Serb-Croat-Slovene gendarmerie would be capable of changing this state of affairs before October 10th.

In the present circumstances our Commission, while doing every thing in its power to make it possible that the plebiscite take place on October 10th, as was already decided, is of the opinion that for the moment it cannot guarantee that this operation can take place before October 16th (the last day under the terms of the Treaty), unless Allied troops are sent immediately into the plebiscite zone. It recognizes that it is not judicious to send Italian troops only, and it, therefore, hopes that French and British troops may be sent also. Three hundred men of each nationality would doubtless be sufficient. Perhaps they can be sent from the Rhenish territories.

In view of the fact that the troops must be here by October 6th if they are to be of any use whatever, we request an immediate reply on this point. In the meantime Vienna has been asked to send officers to be present on the day of the plebiscite.

⁵⁵ *E.S.H. Bulletin*, No. 996.

193. TELEGRAM FROM COLONEL PECK TO LORD DERBY, KLAGENFURT, SEPTEMBER 30, 1920, CONCERNING EVENTS IN THE PLEBISCITE ZONE⁶⁶

TELEGRAM FROM COLONEL PECK TO LORD DERBY⁶⁷

KLAGENFURT, September 30, 1920

Your telegram of September 29 received.

For the Conference of Ambassadors:

1) General Meister [Majster] is still in the neighborhood of the plebiscite zone and is continuing his propaganda. The Commission suggests that he be recalled to Belgrade and that he remain there until after the plebiscite.

2) The Jugo-Slav troops have officially evacuated Zone A. It has been reported to us, however, that a certain number of soldiers dressed in civilian clothes have remained in the plebiscite zone.

Communicated to the Foreign Office.

194. TELEGRAM FROM COLONEL PECK TO LORD DERBY REGARDING THE RESULTS OF THE PLEBISCITE⁶⁸

KLAGENFURT, October 14, 1920, 8 P.M.

No. 17

Received October 15, 1920, at 4:30 P.M.

For the Conference of Ambassadors from Klagenfurt Plebiscite Commission

No. 5

As Conference has already been informed by this Commission, plebiscite which [*sic*] has gone in favour of Austria by substantial majority;⁶⁹ all passed off with calm which continued until to-day.

Jugo-Slav troops however began to reoccupy the area last night and as far as can be ascertained at present the number is at least two battalions, and at the same time gendarmerie has been reinforced and non-Carinthian gendarmes dismissed by order of the Commission have been brought back.

⁶⁶ *E.S.H. Bulletin*, No. 1038.

⁶⁷ Between May 22, 1919, and October 16, 1920, the Austrian Delegation sent at least forty-one separate notes to the Peace Conference protesting against Serb-Croat-Slovene activities in Carinthia and Styria, especially in Klagenfurt and the region of Radkersburg.

⁶⁸ C.A. No. 82, Appendix C.

⁶⁹ The voting took place on October 10, 1920. For other documents of the Inter-Allied Commission for the Klagenfurt Plebiscite, see Sarah Wambaugh, *Plebiscites since the World War* (Washington, 1933), II, 124-62.

The S.H.S. representative has officially informed the Commission of his instructions that the two battalions of troops withdrawn from the area return to their former quarters in a letter in which he states inter alia as follows: "In consequence of the feeling that the plebiscite is disadvantageous for us our administration has lost good deal of its authority by the fact that it begins to be regarded as being of no duration in this country.

"Under such circumstances our administration is not in a condition to afford the necessary protection and to calm in this way the alarmed minds."

Doctor Jovanovic has at the same time tendered his resignation to his Government and in consequence declined to attend meeting of Commission to-day or to take any further part in its proceedings until instructions are received from his Government.

In consequence of the above facts and with a view to handing over the zone won to the Austrian authorities at the earliest possible date the Commission have decided to order the immediate withdrawal of troops and to take over the administration of zone won [one] from October 18th through the medium of the Interallied District Councils established by the Commission in July.

Under the present conditions the taking over of the actual administration by the Commission will be very difficult and may prove beyond their powers. Therefore it is of paramount importance that Commission should have the full and immediate support of the Conference as otherwise the Austrians may get out of hand and it will be impossible for the Commission to control the situation.

195. DECIPHER OF TELEGRAM FROM COLONEL PECK, KLAGENFURT, TO LORD DERBY CONCERNING THE EVACUATION OF THE PLEBISCITE ZONE BY THE SERB-CROAT-SLOVENE TROOPS⁶⁰

Despatched from Klagenfurt 3 A.M. 20-10-20

Received in Paris 9:30 A.M. 20-10-20

No. 21 (Cypher D)

My telegram No. 20.

Following for Conference of Ambassadors from plebiscite Commission. (Begins.)

The S.H.S. representative stated at the meeting held this morning that while he had powers to hand over administration of area to plebiscite Commission he had not power to order S.H.S. troops to leave Zone 1.

⁶⁰ *E.S.H. Bulletin*, No. 1120.

Commission considers it of great importance that the troops leave immediately and requests Ambassadors Conference to (? take—omitted) necessary steps to ensure this. (Ends.)

Repeated Foreign Office and Belgrade.

196. COPY OF TELEGRAM DATED KLAGENFURT, OCTOBER 25, 1920, FROM COLONEL PECK TO LORD DERBY RELATIVE TO FORM OF PROCLAMATION FOR DELIVERY OF TERRITORY⁶¹

TELEGRAM FROM COLONEL PECK TO LORD DERBY

KLAGENFURT, 10 o'clock

October 25, 1920

The Commission proposes to deliver Zone 1 to Austria by a proclamation published throughout the plebiscite zone. If it is necessary for the Commission also to draw up an act for the delivery of the territory, I should be grateful to you if you would kindly let me know, by the next pouch, what form this document should take. Perhaps you could send me a copy of the analagous act which was used for Schleswig or for other plebiscites.

197. RESOLUTIONS OF THE COUNCIL OF AMBASSADORS CONCERNING THE TRANSFER OF THE KLAGENFURT TERRITORY TO AUSTRIA⁶²

IT WAS DECIDED :

(1) to telegraph to Colonel Peck :

- (a) that the Plebiscite Commission has full powers to ensure the handing over of the Klagenfurt territory to Austria ;
- (b) that it shall be left to the Commission to decide what documents shall be selected from the Plebiscite archives and only those documents shall be sent to Paris which will be necessary in case of claims arising.

(2) to inform the Austrian Government that the Conference of Ambassadors has requested the Plebiscite Commission to hand over the territory of Klagenfurt to Austria.

⁶¹ *E.S.H. Bulletin*, No. 1147.

⁶² C.A. 87(2), October 27, 1920.

"SECTION III, CZECHO-SLOVAK STATE"
(ARTICLES 53-58)⁶³

EXPLANATORY NOTE

This section of the Treaty, in modified form, appears in both the June 2 and July 20 drafts. However, Articles 4 and 5 in the June 2 draft and Article 65 in the draft of July 20 have not been included in this section of the Treaty but are transferred, in different form, to Part III, Section VI: Clauses Relating to Nationality.

Articles 53-54 agree, *mutatis mutandis*, with Articles 81 and 82 of the Treaty of Versailles. For discussion of Article 53 see Document 82(a, d, e), *supra*; for discussion of Article 54 see Documents 96-97, *supra*. Article 55 is modeled on the final paragraph of Article 48 of the Treaty of Versailles.

198. COUNTER PROPOSALS OF THE AUSTRIAN DELEGATION
OF JULY 10 TO "PART III, SECTION III, CZECHO-SLOVAK
STATE" IN THE ALLIED CONDITIONS OF JUNE 2⁶⁴

(Translation)

ARTICLE 1 (*integrally adopted*)

ARTICLE 2 (*to be suppressed*)

This article is replaced by the text proposed as Article 3 of "General Provisions" (Part III, Section VI).

ARTICLE 3 (*to be suppressed*)

As soon as the principle of the settling of territorial boundaries by plebiscite is adopted, there is no more reason to constitute a commission for the purpose of determining the trace of a frontier line.

The will of the people alone will decide, taking into consideration its own national and economic interest. The trace of frontiers will be determined by the territory of communes and other administrative units the union and existence of which are the results of the exigencies of

⁶³ For further discussion of these articles, see Document 163 (a, b), *supra*.

⁶⁴ *S-H Bulletin*, No. 516, Part II: Austrian Counter Proposals Part III, Political Clauses, Section III, Czecho-Slovak State. For covering letter, see Document 64(a), *supra*.

practical life and to which, with time, local habits, traffic and commerce have conformed.

ARTICLES 4 AND 5 (*to be suppressed*)

These articles are *in their entirety* replaced by the provisions on acquisitions and loss of nationality, as well as on the right of option, provisions proposed in articles IV, V and VI of Part II, the reasons for which are explained in Annex IIb.⁶⁵

ARTICLE 6 (*integrally adopted*)

In what concerns the first paragraph of this article, German Austria would observe that, according to the territorial claims made by the Czecho-Slovaks, vast territories inhabited by almost 4,000,000 Germans would become a part of this State.

To attenuate, as far as possible, such a blow to the principles of liberty and justice, as well as to lessen the dangers which such a regulation would necessarily entail for world peace, it would be of the highest importance to grant to the subjugated peoples the most extensive concessions in the matter of political rights.

Without desiring to depart from its confidence in the justice of the Powers and not being able, consequently, to admit the probability of such a solution, the German-Austrian Delegation nevertheless takes the liberty of putting, so that it may be used in this sad hypothesis, at the disposition of High Conference, the draft of a fundamental law establishing the cantonal regime in favor of our enthralled compatriots. (See Annex III-IIIa.)

The happy initiative projected in Paragraph 2 and aiming at the establishment of an equitable regime of international commerce, will offer in its execution the most precious guarantees for the existence of small nations, and consequently for the re-establishment of an organized life in the centre of Europe. One of the most urgent measures in this connection would evidently be to assure combustibles for the use of the indigent classes as well as for the operations of industries now idle. The German Austrian Delegation takes the liberty of recalling in this connection its projects concerning the mine basin of Ostrau submitted to the High Conference in its note of June 15. (See Annex III-IIIb.)

ARTICLE 7

The proportion and nature of the financial burdens of former Austria which the Czecho-Slovak State as well as the other States exercising sovereignty over parts of the disappeared States, will have to bear by reason of the territories and other rights and assets due them will be de-

⁶⁵ Reproduced as Document 225, *infra*.

terminated by special provisions concerning the liquidation of the former Austro-Hungarian Monarchy and the legal relations to be established between the assign States.

Ulterior conventions will settle all questions which may not have been settled by the present treaty and which the liquidation of said territory as well as of the assets and liabilities adhering to it might bring up.

The modifications of the text of the present article are made necessary for reasons of formal right. As has been clearly demonstrated in the notes of June 15 and July 2 (Annexes to preamble *a* and *b*),⁶⁶ it would be contrary to the law of nations and to all international justice to try to make a single one of the succeeding states responsible for all the financial obligations incumbent upon a collapsed state.

PART III, SECTION III, ANNEX *a*

CANTONAL REGIME IN THE CZECHO-SLOVAK STATE

I

In the countries of which the Czecho-Slovak State is composed, the cantonal regime will be established on the basis of the right of their populations to dispose freely of their national fate. The domain of each of the nationalities inhabiting the Czecho-Slovak State will be subdivided into cantons. The inhabitants of all the cantons forming the domain of the same nationality, may constitute themselves into corporate bodies called upon to represent them in all questions concerning their national interests.

II

Are reserved to the public powers of the Czecho-Slovak State the following prerogatives:

declaration of war and conclusion of peace;
conclusion of alliances, treaties and conventions, with foreign countries;

legislation on the following matters:
fundamental rights of citizens, organizations of the public powers of the states, election of its representatives, civil and commercial law, penal law, state finances, bank system, monetary and customs system, indirect taxes and monopolies;

besides, insofar as it is a question of measures affecting the entire territory of the State:

social providence, public hygiene, epizootics, commerce and industry, operation of hydraulic forces and electrical energy, mail and telegraph, railroads and long distance waterways, aeronautical service.

⁶⁶ Reproduced as Documents 80(c) and 80(d), *supra*.

In every other matter legislative and executive powers belong to the representatives of the national domains or cantons. Laws voted by autonomous legislatures of said domains and cantons will determine notably their own organizations, election of their members, nomination to civil and military office as well as the upkeep of a territorial militia for the purpose of maintaining public safety, good order and calm in their territories.

A quota of the product of the customs duties as well as indirect taxes, monopolies and other public assessments will accrue to the domains or cantons; the amount of the quota will be fixed in proportion to the number of the respective populations.

Conflicts of attribution between the legislative or executive powers of the state on the one hand, and those of the national domains or cantons on the other, will be judged by the Court of Conflicts in the matter of constitutional rights. The members of the court are elected by the canton by means of proportional election; the senates of the court called upon to judge cases which may come up, will be composed of judges chosen in equal numbers from among the members of the court designated by both the representations or authorities claiming or repelling the affair.

III

The equality of the three nationalities as well as of their members on the subject of the enjoyment of public and private rights will be expressly recognized.

The representations as well as the members of these nationalities may use if they wish their own language as well in their reciprocal relations as with organs of the state.

Every canton as well as every other public corporation will determine by a decision of its representative body or, such a decision lacking, by a provision of its organs, the language which it uses for the carrying on of its affairs as well as in its relations with the authorities and individuals.

IV

Primary and secondary schools will depend on the canton in the territory in which they are. The establishment of private schools to be used by members of one of the nationalities will be determined by identical legal provisions. Each of the nationalities may exact that the higher schools of its nationality be transferred into the territory of its cantons.

V

Every canton will enjoy administrative autonomy.

VI

Assurances in the matter of social providence will be separately organized by nationalities and by cantons.

VII

The nationalities will share in State legislation, each in the proportion of the number of its members having their domicile in the Czecho-Slavic State. Every nationality will have the privilege of forming, with effect to suspend, a protest against laws voted which may impair or prejudice its national interests. The Council of the League of Nations will have jurisdiction over said protest.

VIII

National minorities will enjoy in all cantons and in communes forming a part of them an identical protection. Independently of the claim rights of individuals, rights to be determined by law, each nationality will have the privilege of invoking, through the corporation representing it, the protection of the Council of the League of Nations.

IX

The city of Presburg will form with its environs, in case it is incorporated in the Czecho-Slovak State, a distinct canton in which the members of the Czech, Slovak, German and Magyar nations will enjoy, in what concerns the use of their language, a perfect equality.

The Danube port will be internationalized and declared a free port.

X

The national character of the communes as well as the cantons of which they desire to form a part will be determined by a plebiscite the independence of which will be guaranteed, by virtue of a special treaty, by the supervision and control of a neutral power.

If the cantonal regime was not adopted in the territories of the Czecho-Slovak States, the principles exposed above might still be taken into consideration, to guarantee a national autonomy to the inhabitants of the domain of each of the nationalities.

PART III, SECTION III, ANNEX b

NEUTRALIZATION OF THE OSTRAU BASIN

The Ostrau Mining District is in a particular situation, quite different from any other part of the former Austrian Empire.

The economic interests of many States whose populations would not be able to exist without the coal supplies which come from the Ostrau

coal pits; the national struggle, on the other hand, of which the said territory forms the Czecho-Slovak Polish contention; and which is further complicated by considerable German minorities, constituent industrial element; the base of commercial life; impose the absolute necessity of a special arrangement for the district in question. Every member of the human society, as an elementary right, is entitled to heat. It would be contrary to the principles of humanity, to deprive the populations of one of the most essential elements of their existence. Supplies from the Ostrau coal regions should, therefore, be assured to these people, who for centuries have been the natural and habitual consumers. But, the jealousy of the boundary States and their desire to possess the black gold of which the mines in question have an inexhaustible supply, will continually expose the whole of Europe to bloody conflagrations. For to reconcile all interests, thus complicated and contradictory, German Austria submits a clear and concise project for the examination of the Great Powers which conforms not only to the need of private individuals but the justified aspirations of nations.

ADDITIONAL CONVENTION ON THE REGIME TO BE APPLIED
TO THE OSTRAU BASIN

FIRST ARTICLE

The Ostrau Basin will be bounded by a line to be determined on the ground by a Commission of seven members, of which Poland and Czecho-Slovakia will each name one member, while the other members will be named by the Council of the Society of Nations which will choose one of them from among the inhabitants of the Basin.

The territory of the Basin of Ostrau, however, will in no case extend beyond a territory comprised between the frontiers of the former Oriental Austrian Silesia, the districts of Ostrau of Mistek, of Freiberg in Moravia, the districts of Konigsberg, Wagstadt and Troppau—with the exception of the city of this name—in Occidental Silesia.

ARTICLE II

The Ostrau district is recognized by the contracting States as a perpetually neutral territory. Such neutrality will be guaranteed in the same manner as the neutrality of the Helvetic Confederation.

ARTICLE III

The legislative and executive powers in the Ostrau basin are vested in the people; it will be responsible, by means of plebiscites or elections, for the organization of corporations and the designation of the functionaries by virtue of a constitutional law.

To insure good administration, and a safe and impartial justice, as well as maintaining the regular exploitation of the mines, the exportation

of their products and equitable distribution among the populations who are the natural and habitual consumers, the Principal Allied and Associated Powers will assure their protection and will exercise a constant surveillance.

ARTICLE IV

The Principal Allied and Associated Powers will cause the functions mentioned in the preceding Article to be filled by a permanent Commission, named by the Council of the Society of Nations and composed of five members. The Council will designate ten persons of a recognized competence to regulate economic and administrative questions.

The administration of the Ostrau district will challenge five of the persons designated. If no challenge is made the names of those among the persons designated who will have to retire will be established by drawing lots.

The Council will fix the remuneration to which the members of the Commission will be entitled and which will be charged to the public funds of the Ostrau district.

Any member of the Commission may be revoked by the Council.

In case of decease, resignation, or revocation of a member of the Commission his replacement will be provided for according to the method fixed for his nomination.

ARTICLE V

The Council will designate, every six years, one of the contracting States which will fill for the same number of years the functions of "Protecting Power." This Power will furnish the personnel and material necessary to insure a service of Protection, the observation of the present Treaty and the execution of all measures taken by the permanent Commission.

It is at all times understood that the boundary States of the Ostrau district are excluded from the said functions.

ARTICLE VI

The exportation of mining products taken from the Ostrau basin to a boundary or non-boundary State will be subject to no hindrance; consequently, will be exempt of duty rights as well as any other contribution and not exposed to any restrictions; in the Ostrau district the exportation of the said products, into any other State contracting for their importation and transport.

ARTICLE VII

The importation of indispensable food-stuffs and articles of clothing coming from a boundary or non-boundary State into the Ostrau district

will be subject to no opposition; consequently, will be exempt of duty rights as well as any other contribution and not exposed to any restrictions; in the Ostrau district the importation of the said articles, into any other State contracting for their exportation and transport.

Indispensable foodstuffs and articles of clothing, referred to in the preceding alinea, will, from year to year, be fixed as to quantity by the permanent Commission and communicated to all the contracting States.

ARTICLE VIII

The present Treaty in no wise touches the exploitation of railways operating in the Ostrau basin. However, insofar as such exploitation may give rise to complaints or justified recriminations, the permanent Commission will have recourse to the Power controlling the railroads in question to arrange, by common accord, the difficulties which might affect the interests of communication.

ARTICLE IX

The armed troops that the administration of the Ostrau district shall maintain there, as well as the arms and ammunition in depot, should be limited as to number and quantity to what is strictly necessary for the local gendarmerie, in order to insure, in common accord with the protecting Power (Art. V) the security, the peace, and public order.

ARTICLE X

No armed troops of any foreign Power will be permitted to invade the Ostrau district, unless the permanent Commission, by a special authorization of the Council, sees fit to adopt a contrary decision.

ARTICLE XI

The right to appeal to the Permanent Arbitration Court at the Hague against decisions taken by the permanent Commission is reserved to each of the contracting States, as well as to the administration of the Ostrau district.

All States consuming the mining products of the Ostrau district may exercise the aforementioned right of appeal through a special resident agent, who will be admitted by virtue of consular prerogatives.

199. ARTICLE 56: PRESSBURG BRIDGEHEAD. ANNOTATIONS ON THE DISCUSSION BY THE COUNCIL OF HEADS OF DELEGATIONS OF THE PRESSBURG BRIDGEHEAD⁶⁷

This Article arose from the decision to attribute to Czecho-Slovakia the Pressburg bridgehead, the suburb of Pressburg on the right bank of

⁶⁷ Gray, *op. cit.*, p. 55. Article 56 of the Treaty does not appear in the June 2 draft.

the Danube, and the railway junction (see Commentary on Article 27 (6)),⁶⁸ M. Tardieu stating, on July 10, that all needful precautions might be taken against militarization of the ground on the right bank, which in any case was so shallow as to be indefensible by force of arms (H.D. 4(10)). No further discussion of the matter is recorded, but as the proposed change of boundary was to be forwarded by M. Tardieu's Commission to the Drafting Committee (H.D. 5(1)), it would appear that the Article was drafted by them in its present form.

200. ARTICLE 57: PROTECTION OF MINORITIES, FREEDOM OF TRANSIT, AND EQUITABLE TREATMENT OF COMMERCE OF OTHER NATIONS⁶⁹

(a) REPORT OF COMMITTEE ON NEW STATES TO THE SUPREME COUNCIL REGARDING THE PROTECTION OF MINORITIES IN CZECHOSLOVAKIA⁷⁰

FIRST REPORT TO THE COUNCIL OF THREE

. . . . In accordance with their instructions, the Committee started with their consideration of the Polish question. It is recognised that the same problems, though in a slightly different form, arise in the case of Czecho-Slovakia, and they are agreed that apart from any detailed modifications of form which may appear necessary, those clauses which have been drafted especially for the case of Poland should be applied also to Czecho-Slovakia.

ANNEX (A)

Recognition of Poland (and Czecho-Slovakia)

Article (substitute for Article 7 of chapter relating to Poland). Poland accepts and agrees to embody in a Treaty with the Five Allied and Associated Powers such provisions as may be deemed necessary by the Five Allied and Associated Powers to protect the interests of communities in Poland who differ from the majority of the population in race, language or religion.

Poland further accepts and agrees to embody in a Treaty with the Five Allied and Associated Powers such provisions as may be deemed necessary by the Five Allied and Associated Powers to protect freedom of transit and equitable treatment of the commerce of the Allied and Associated Powers.

⁶⁸ Reproduced as Document 173, *supra*. See also Document 172, *supra*.

⁶⁹ See also Section V: Protection of Minorities, *infra*.

⁷⁰ Miller, *My Diary*, XIII, 22-23: "The First Meeting of the Committee on New States, May 3, Annex (B)." Reprinted with the permission of Hunter Miller, Esq.

200. (b) RESOLUTIONS OF THE COUNCIL OF THREE, MAY 3,
REGARDING THE PROTECTION OF MINORITIES
IN CZECHOSLOVAKIA⁷¹

"Czecho-Slovakia: Clause requiring Czecho-Slovakia to accept provisions for protection of minorities and for freedom of transit, etc., to be inserted in Peace Treaty; 'Bill of Rights' (citizenship, liberty, languages, etc., general toleration) to be included in separate treaty with Czecho-Slovakia. 180 C."⁷²

200. (c) DISCUSSION BY COMMITTEE ON NEW STATES OF
MINORITIES QUESTION IN CZECHOSLOVAKIA⁷³

Present:

M. Berthelot	France	
Mr. Miller	} United States of America	
Mr. Hudson		
Mr. Headlam-Morley	British Empire	
M. Stranieri	Italy	
M. Kammerer	France	} Secretaries
Mr. Carr	British Empire	
Mr. Leeper	British Empire	(Adviser on Czecho-Slovak Questions)

M. Berthelot read a note (Annex (A)) which he had received from Mr. Benes regarding the privileges which the Czecho-Slovak State proposes to accord to minorities within its boundaries. It was observed that these facilities would be considerably more far-reaching than any obligations which would be imposed on Czecho-Slovakia by the Treaty.

The Committee then further considered the details of the Treaty, a draft of which, so far as the question of the protection of minorities is concerned, is attached. (Annex (B).)⁷⁴

Clauses were submitted whereby the Czecho-Slovak State would renounce rights outside its territory arising out of the former union between territories forming the former Austro-Hungarian Monarchy, but it was agreed that these questions would more appropriately form part of the Treaty with Austria, and it was agreed to make a suggestion to this effect to those responsible for drafting that Treaty.

The next meeting of the Committee was fixed for May 21 at 3:30 at the Quai d'Orsay.

⁷¹ "Index I.C.A.: Czecho-Slovakia, International Obligations of."

⁷² These requirements are not in the draft clauses drawn up by the Commission on Czechoslovak Affairs on March 12. See Document 163(b), *supra*.

⁷³ Miller, *My Diary*, XIII, 68-70: "The Tenth Meeting of the Committee on New States, May 20." Reprinted with the permission of Hunter Miller, Esq.

⁷⁴ Not reproduced.

ANNEX (A) TO TENTH MEETING
(Translation)

NOTE ON THE RÉGIME OF NATIONALITIES IN THE CZECHO-
SLOVAK REPUBLIC

1. It is the intention of the Czecho-Slovak Government to create the organisation of the State by accepting as a basis of national rights the principles applied in the constitution of the Swiss Republic, that is, to make of the Czecho-Slovak Republic a sort of Switzerland, taking into consideration, of course, the special conditions in Bohemia.

2. There will be universal suffrage under the proportional system which will assure to the various nationalities of the Republic proportional representation in all elective bodies.

3. The schools will be maintained by the State, throughout its territory, from the public funds, and *schools will be established for the various nationalities* in all the communes where the number of children, legally ascertained, proves the necessity of establishing such schools.

4. All public offices, in which in principle the two languages will have equal value, will be open to the various nationalities inhabiting the Republic.

5. The courts will be mixed, and Germans will have the right to plead before the highest courts in their own language.

6. The local administration (of communes and "circles") will be carried on in the language of the majority of the population.

7. There is no religious question in the Czecho-Slovak Republic, hence there will be no difficulties on this subject.

8. The official language will be Czech, and the State will be known abroad as the Czecho-Slovak State; but in practice the German language shall be the second language of the country, and shall be employed currently in administration before the courts and in the central Parliament on equal footing with Czech. It is the intention of the Czecho-Slovak Government to satisfy the population in practice and in daily use, but reserving a certain special position for the Czecho-Slovak language and element.

9. To express this in a different way we may say: the present State, in which the Germans had an overwhelming preponderance, will remain; only, the privileges that the Germans enjoyed will be reduced to their just proportion (for example, the German schools will be reduced in number, because they will be superfluous).

It will be an extremely liberal régime, which will very much resemble that of Switzerland.⁷⁵

Paris, May 20, 1919

⁷⁵ The Czechoslovaks, while objecting to the requirements of Article 57, nevertheless signed the Treaty on September 10. Gray, *op. cit.*, p. 55.

201. ARTICLE 58: THE PROPORTION AND NATURE OF THE FINANCIAL OBLIGATIONS OF THE FORMER AUSTRIAN EMPIRE TO BE ASSUMED BY THE CZECHOSLOVAK STATE. AGREEMENT CONCERNING CZECHOSLOVAKIA'S CONTRIBUTION TO THE COST OF LIBERATION OF TERRITORIES OF FORMER AUSTRO-HUNGARIAN EMPIRE ACCEPTED BY THE COUNCIL OF HEADS OF DELEGATIONS ON AUGUST 23, 1919⁷⁶

"Czecho-Slovakia: Agreement between Allied and Associated Powers and —, re contribution to cost of liberation of territories of former Austro-Hungarian Empire: discussion postponed. H.D. 37(11) and App. I." "Agreement accepted. H.D. 38(7) and App. G."⁷⁷

"SECTION IV, ROUMANIA"
(ARTICLES 59-61)

EXPLANATORY NOTE

In the June 2 draft of the Treaty the one article on Rumania appears as Article 5 in Part III, Section IV. Articles 69-70 of the July 20 draft are not included in the corresponding section of the Treaty but are transferred, in different form, to Part III, Section VI: Clauses Relating to Nationality.

202. ARTICLE 59: BUKOWINA

- (a) DECISION OF THE COUNCIL OF TEN SETTING UP THE COMMISSION FOR THE STUDY OF RUMANIAN AFFAIRS⁷⁸

It was agreed that the questions raised in M. Bratiano's statement on the Roumanian territorial interests in the Peace settlement should be referred for examination in the first instance by an expert committee, composed of two representatives each of the United States of America, the British Empire, France and Italy.

⁷⁶ "H.D. Index: Czecho-Slovakia."

⁷⁷ Cf. Article 6 in Document 163(b), *supra*.

⁷⁸ B.C. 20(7), February 1, 1919. This Commission later became the Committee for the Study of Territorial Questions Relating to Rumania and Yugoslavia. See Document 125(a), *supra*. For personnel of this Commission, see Document 182, *supra*.

It shall be the duty of this Committee to reduce the questions for decision within the narrowest possible limits, and to make recommendations for a just settlement.

The Committee is authorized to consult the representatives of the peoples concerned.

202. (b) REPORT OF M. BRATIANO TO THE COUNCIL OF TEN
ON RUMANIA'S CLAIMS TO THE BUKOWINA⁷⁹

(c) *Roumanian Claims to Bukovina*

As regards the Roumanian claims in the Bukovina, this was a Moldavian province, annexed 140 years ago by Austria. The policy of Austria with regard to this province was quite different to that of Hungary. Hungary tried to suppress the ethnical character of the populations by means of violence. The programme of Austria, on the contrary, was peaceful penetration. Thus, for example, she encouraged Ruthenian immigration. In the Bukovina there are about 200,000 inhabitants of various races who had rallied to the Roumanian rule. The Bukovina had constituted an autonomous government since Austria collapsed, thus annulling the annexation by Austria in 1775.

In 1916, Roumania had claimed the whole of the Bukovina, but Russia had not wished the Roumanians to cross the river.

The Bukovina, by its reunion with Bessarabia and Moldavia on the Dniester, had become once more what it originally was, and it would be inconsistent, both politically and geographically, not to leave to Roumania the Bukovina in its present form. 500,000 inhabitants out of 800,000 were represented at the proclamation of the union of the Bukovina with Roumania.

(e) *Present Constitutional arrangements in Transylvania, Bukovina and Bessarabia*

Mr. Lloyd George enquired whether the national assemblies formed in these three countries, Transylvania, the Bukovina and Bessarabia, had demanded their return to Roumania and whether they had laid down any conditions?

Mr. Bratiano said that the three countries had made different constitutional arrangements. In Transylvania, the Roumanian representatives formed themselves into a national Assembly, which the representatives of the Saxon population joined. But the Hungarian population had refused to do so.

For the Bukovina all nationalities, except the Ruthenians, elected a

⁷⁹ B.C. 20, February 1, 1919, Annexures c, e.

government, which had proclaimed the union of the Bukovina with Roumania.

In Bessarabia, elections had taken place under the Russian Republican Government, and the Assembly thus elected had proclaimed the union with Roumania, subject to certain reservations which the Assembly had since withdrawn, on condition that it should be granted a special Agrarian Law.

Transylvania had proclaimed complete union, but with provisional autonomy, in order to settle the legal conditions under which effect would finally be given to such union. Transylvania had, as a matter of fact, different laws from those in force in Roumania and her representatives wished to study these specially important questions and to refer the decision reached to the people before signing the final act of Union.

Mr. Lloyd George enquired whether Roumania was asking the representatives of the Powers purely and simply to proclaim the annexation of these different territories, or was she asking the Conference to declare that in these various regions regularly constituted assemblies shall have power definitely to declare for union and to settle the conditions? When the union of Scotland with England had taken place, that union was only effected after certain conditions imposed by Scotland had been carried out.

Mr. Bratiano said that Roumania asked for the recognition of the union of these provinces with Roumania, for that union had already been proclaimed and the latter had already sent three Ministers to the Roumanian Cabinet. A Statute had even been arranged. The same remarks applied to the Bukovina.

Mr. Lloyd George said that he had reason to believe that certain minorities had not taken part in the elections. It was important that the decision should be made by assemblies representing the whole population.

Mr. Bratiano said he could not quite follow the question put by the Prime Minister of England. Roumania had fought in order to impose her national will on the Hungarian minority in Transylvania. It was certain, therefore, that if the Hungarians were asked to vote in favour of union with Roumania, they could hardly be expected to do so. He did not think a fresh election should be held at the present time. As regards the situation created in Transylvania by the armistice, he considered that the question of principle had been decided by the war, and that these territories must be restored to Roumania. In their future political life, the rights of the minorities would assuredly be respected and they would be granted the greatest possible freedom. But the vanquished could not now be expected willingly to unite themselves to a country, which for a thousand years they had sought to dominate.

Mr. Lloyd George agreed that the majority must be the final arbiters; but it was essential that the wrongs which had been imposed under

Hungarian domination should not be perpetuated. It must not be possible for the minorities to be treated in future as were the Roumanians in the Hungarian State, who were deprived of their language, their traditions and their own life.

202. (c) REPORT ON THE FRONTIERS OF RUMANIA BY THE COMMISSION ON RUMANIAN AND YUGOSLAV AFFAIRS**

1. In accordance with the instructions given it on the 1st February by the Supreme Council of the Allies, the Committee has studied the territorial problems raised by the Rumanian claims.

After examining in succession the questions of Bessarabia, Bukovina, Transylvania, and the Banat, it has proposed the demarcation of the frontier of Rumania in these different regions. It has devoted to each question a short note explaining the principles and the facts on which the decisions taken have been based.

The description of the line adopted as a whole, according to the international map of 1-1,000,000; the detailed description of the frontiers of Rumania with Hungary, and Jugoslavia according to the Austrian map of 1-200,000; and statistical tables and maps, appear as Annexes to the report.

2. The Committee considered that it could not leave untouched certain questions which, though foreign to the territorial claims of Rumania, are still likely to present themselves in a critical aspect in the territories bordering on that kingdom, and might compromise the relations of Rumania with the neighboring States.

The questions of the Dobruja and of the Rumanians of the Timok Valley form the subject of special notes.

3. The Committee has on several occasions indicated the necessity of provisions guaranteeing the rights of the ethnical or religious minorities in Rumania. It has thought it well to draw the special attention of the Supreme Council to the Jewish question.

4. In conformity with the limited mandate entrusted to it, the Committee has been guided in its inquiries and conclusions by an examination of the facts and the justice of the case. It considered, in consequence, that it was not for it to pronounce on the juridical bases of the claims presented—bases the evaluation of which belongs to the Council of the Allies, and which in any case, are inapplicable in themselves to the sum of the demands at the present time submitted to the Conference.

** Committee for the Study of Territorial Questions Relating to Rumania and Jugoslavia, *Report No. 1*, April 6, pp. 5-6. From the Edward M. House Collection in Yale University Library. Reprinted with the permission of Professor Charles Seymour, Curator of the House Collection, and of the Librarian and Library Committee of Yale University Library.

I. FRONTIER OF BESSARABIA⁸¹

The Committee, after taking into consideration the general aspirations of the population of Bessarabia and the Moldavian character of that region from the geographical and ethnical point of view, as well as the historical and economic arguments, pronounces itself in favor of joining Bessarabia to Rumania.

It considers that this measure should be effected in a form which will safeguard the general interests of Bessarabia more especially as concerns its relations with the neighboring countries, and which will guarantee the rights of the minorities in conformity with the provisions of the League of Nations.

II. FRONTIER OF BUKOVINA

1. As regards *conclusions*, the Committee considers:

(a) That the national aspirations of the Rumanians of Bukovina must be taken into consideration;

(b) That the economic life of the greater part of Bukovina is intimately connected with that of Rumania.

(c) That it is to the advantage of the Ruthenes of Bukovina to be associated with the Rumanians, whose religion they share and whose co-operation is necessary to their development.

The Committee therefore recognizes it to be just that the whole of Bukovina should be joined to Rumania.

2. As regards *facts*, the Committee considers that it is nevertheless wise to modify the historical frontiers of Bukovina when ethnical and economic conditions unite in making this necessary. Thus:

(a) In the North, it has refrained from cutting the railway line connecting the two Galician towns of Kolomea and Zaleszczyki;

(b) In the west, it has detached from Bukovina the basin of the Czeremosz, a region the economic interests of which lie in the direction of Galicia.

These rectifications, which cut off from the portion of Bukovina which is to be joined to Rumania, territories inhabited by some 85,000 Ruthenes and 300 Rumanians, give the Rumanians a relative majority in the portion of Bukovina which is assigned to them. . . .

⁸¹ ([Original] Note: The acute-accented "a" and the "o" with an umlaut could not be printed with the facilities at our disposal. They are replaced, therefore, in all cases by the plain "a" and plain "o," respectively.)

202. (d) DRAFT ARTICLES PROPOSED BY THE COMMITTEE FOR THE STUDY OF TERRITORIAL QUESTIONS RELATING TO RUMANIA AND YUGOSLAVIA TO BE INSERTED IN THE PRELIMINARIES OF PEACE WITH AUSTRIA⁸²

ARTICLE 1

Austria renounces, in favor of Rumania, all rights and title over the portion of Bukovina situated to the east of a line fixed as follows:

A line leaving the *talweg* of the Dnyestr at a point 2.5 kilom. downstream from its confluence with the River Sereth north of Czernowitz.

A line running generally from northeast to southwest, reaching the narrow part of the lake west of Werenczanka, leaving the Zastawna railway south of the Dnyestr in Rumanian territory.

A line, the exact trace of which is to be fixed by the Boundary Commission provided for in Article 2 across the lake.

The *talweg* of the outflowing river of the lake to about 1 kilom. upstream from the point where it crosses the Kotzman-Draczynetz road.

A line reaching and following the crest-line of Draczynetz, running from north to south, turning to the west and passing through points 480 and 488.

Meeting the watershed between the basins of the River Czeremosz on the west and of the River Siretu on the east.

Following this watershed and meeting the old boundary between Hungary and Bukovina just east of the point where this boundary meets the present administrative boundary between Bukovina and Galicia.

This boundary will henceforward constitute the frontier of Rumania in these regions.

ARTICLE 2

A Commission of seven persons, five of whom will be appointed by the five Allied and Associated Powers, one by Rumania and one by the neighboring State concerned, will be set up within three months from the coming into force of the present Treaty to settle on the spot the frontier line described above.

The decisions of the Commission will be taken by a majority and will be binding on the parties concerned.

⁸² Committee for the Study of Territorial Questions Relating to Rumania and Yugoslavia, *Report No. 1*, April 6, Annex V, pp. 25-26. From the Edward M. House Collection in Yale University Library. Reprinted with the permission of Professor Charles Seymour, Curator of the House Collection, and of the Librarian and Library Committee of Yale University Library.

ARTICLE 3

On the coming into force of the present Treaty the inhabitants of the territories assigned to Rumania under the present Treaty which formerly belonged to Austria will *ipso facto* acquire Rumanian nationality and will lose their Austrian nationality.

Nevertheless Austrian nationals who may have become resident in these territories after 1st January, 1910, may not obtain Rumanian nationality without a permit from the State of Rumania.

ARTICLE 4

Within two years from the coming into force of the present Treaty, Austrian nationals over eighteen years of age habitually resident in the former territories of Austria which are assigned to Rumania under the present Treaty will be entitled to opt for their former nationality. They must within the ensuing twelve months transfer their place of residence to the State for which they have opted.

Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

All persons who have exercised the above right to opt will be entitled to retain their immovable property in the territories newly assigned to Rumania. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

ARTICLE 5

Further stipulations will determine, if necessary, the proportion and nature of the financial or other obligations of Austria which are to be assumed by Rumania and will decide all other questions arising from the transfer of sovereignty over the territories dealt with in the present stipulations, particularly in connection with archives and administrative public documents.

ARTICLE 6

(To be reserved in view of the decisions to be taken by the Committee on Responsibilities.)

No inhabitant of the Austrian territories assigned to Rumania under the present Treaty may be prosecuted or molested, in person or in property, on account of his political or military acts during the war.

202. (e) DISCUSSION ON MAY 14 BY COUNCIL OF FIVE OF
AUSTRIA'S RENUNCIATION OF RIGHTS IN GALICIA
AND BUKOWINA⁸³

6. *Renunciation of Austrian rights over Galicia*

M. Cambon explained that the Galician question was a very intricate one. The study of the matter had not been completed, and the Commission was not in a position to make a report. It was unlikely to be able to do so in time for the framing of the Treaty with Austria. As, however, it was desired that Poland should not have a common frontier with Austria or Hungary, it would appear sufficient to insert in the Treaty with Austria an Article to the following effect:

"Austria renounces in favour of the Principal Allied and Associated Powers all her rights and titles to those of the territories situated beyond the frontiers of Austria as defined in Article . . . which previously formed the Province of Galicia."

He would himself propose a slight alteration of this text. In spite of various efforts, the question of Teschen had not been solved, but, in any case, it was clear that Austria was not to have this region. He would therefore suggest that the last clause should read: "which previously formed the Austrian Provinces of Galicia and Silesia."

Mr. Balfour said that he entirely agreed, but his attention had been drawn to a slight omission. There was a strip of Ruthenia which should be provided for in the Article. This strip intervened between Galicia and the part of Bukovina ceded to Roumania. He would therefore suggest, in addition to the modification suggested by M. Cambon, the addition of the words "as well as that part of Bukovina which has not been ceded to Roumania."

(After some discussion, the following draft Article was accepted: "Austria renounces in favour of the Principal Allied and Associated Powers all her rights and titles to those of the territories situated beyond the frontiers of Austria as defined in Article . . . which previously formed the Austrian Provinces of Galicia and Silesia, as well as to that part of Bukovina which has not been ceded to Roumania.")

202. (f) DISCUSSION ON MAY 23 BY COUNCIL OF FIVE OF
RUMANIAN FRONTIERS IN BUKOWINA⁸⁴

1. *Frontier of Roumania in Bukovina*

M. Pichon asked M. Tardieu to make a statement on this subject.

M. Tardieu said he had nothing to add to the Report. The Committee had been unanimous and its award was shown by the blue line

⁸³ F.M. 15(6), May 14, 1919.

⁸⁴ F.M. 19(1), May 23, 1919.

on the map attached to the report. He was ready, however, to answer any question that might be put to him.

Mr. Balfour said that in the previous discussion regarding frontiers, the principle had been adopted that whenever the Committee had been unanimous, it was unnecessary for the Council to go over the ground again. He thought this was a good principle and that it should be adhered to. At the risk of breaking his own rule, however, he would enquire whether the Council was asked to consider the space between the red and blue lines.

M. Tardieu said that the red line indicated the claims of the Roumanians, the blue the limits adopted by the Committee. The Committee, therefore, had no concern with the space between the red and blue lines.

M. Sonnino said that it would seem that the space between these two lines had been attributed to no one.

Mr. Balfour asked whether according to a previous decision, such areas should not be formally assigned to the Allied and Associated Powers.

M. Laroche said that in discussing the Treaty with Austria, a formula had been accepted whereby all territories not immediately assigned to any new State were to be ceded by Austria to the Allied and Associated Powers for final disposal later on. At that time, the Rumanian frontiers had not been fixed. The territory alluded to by Mr. Balfour would seem automatically to fall under the principle and to be assignable to the Allied and Associated Powers. (See I.C. 186(6).)⁸⁵

(No objection having been raised to the frontier proposed by the Committee, the Roumanian frontier in Bukovina was adopted.)

202. (g) PROPOSALS OF THE RUMANIAN DELEGATION WITH REGARD TO BUKOWINA AND THE PROTECTION OF MINORITIES IN THE AUSTRIAN TREATY⁸⁶

(Translation)

RUMANIAN DELEGATION
TO THE PEACE CONFERENCE

PARIS, May 31, 1919

TO: *His Excellency, Monsieur Dutasta, Secretary General of the Peace Conference*

In reply to the suggestion of the President of the Peace Conference at the session of Thursday, May 29, I beg to forward herewith, on behalf of the Rumanian Delegation, the declarations and propositions

⁸⁵ Reproduced as Document 202(e), *supra*.

⁸⁶ *S-H Bulletin*, No. 332.

relative to the part of the Treaty with Austria which was communicated to us yesterday at 18 o'clock.

The Rumanian Delegation, having received the partial text of the Treaty with Austria yesterday May 30, at 6 o'clock in the evening, hastens to present herewith the declarations contained in Annexes A, B, C and D.

.

ANNEX A

The Roumanian Delegation is of the opinion that the conclusion of peace with Austria leaves no doubt as to the union of Bukovina with Rumania.

In fact Rumania, which by her treaty of alliance of August 17, 1916, became a belligerent power against Austria, saw Bukovina fall to her as a consequence of the dissolution of the Austrian Empire and in accord with the wishes of the population of Bukovina. Thus the totality of the territory stolen in 1775 is restored.

Accepting the act of union proclaimed by Bukovina, Rumania is proceeding to the reconstitution of the guarantees for its security, and is stopping on the eastern frontier the spread of anarchy that is threatening one entire part of Europe. At the price of military sacrifices that will not soon come to an end, Rumania wishes Bukovina to affirm at the same time the solidarity of its general interests with those of civilization.

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ANNEX B

Regarding Art. 5 of Part III, Section IV of the project of Treaty with Austria, concerning the treatment of the minorities by Rumania, the Rumanian Delegation has the honor to make the following declaration:

The first Delegate of Rumania, on May 27, addressed the following letter to Mr. Berthelot, Chairman of the Commission charged with determining the nature of the guarantees necessary to insure the protection of the minorities in the new states in the process of formation in Europe, as well as in the other states that will receive territorial increment:

“MR. CHAIRMAN:

“In reply to your letter addressed to me on May 23, I have the honor to tell you that Rumania has insured complete equality of political and religious rights and liberties to all her citizens, without distinction of race or religion. She considers as a Rumanian citizen every individual born in Rumania and not subject to any foreign power, as well as every inhabitant of the territories newly united to Rumania who was a subject of the states to which these territories belonged, except those who express the desire to opt for another nationality.

"In conformity with these principles, the Royal Government, in accord with the representatives of Transylvania, of Bessarabia and of Bukovina, has decided to insure, in the entire extent of the new kingdom, the rights and liberties of the minorities by a liberal administrative decentralization, of such a nature as to guarantee to the alien populations their free development as to language, instruction and worship.

"In general, Rumania is ready to accept any arrangement made by the League of Nations for the other states composing it, in this matter.

"Under any other conditions Rumania could not in any case admit the intervention of foreign governments in the application of her domestic laws.

"By this text, Rumania means to grant the widest liberty to the ethnic and religious minorities. Taking her stand on these principles, her delegates voted, when the constitution of the League of Nations was under consideration, in favor of the guarantees proposed for all the states signatory to this League. But aside from these general principles, Rumania could not subscribe to stipulations which would limit her sovereign rights, and in this connection she assumes that the rights of States are the same for all.

"It should be to the interest of the founders of the League of Nations to avoid any contradiction on the subject of the great principles by which it is inspired, and this interest demands that the members directing this institution should take an identical attitude toward all states. In this way a foreign intervention, while according no further liberty than that which the Rumanian state has decided to grant to all her citizens, might compromise the work of fraternization which the Rumanian Government has set itself to accomplish.

"On one hand, certain minorities would think that they were freed from any gratitude towards the state, which counts on precisely this sentiment to cement the fraternity of races. On the other hand it would give rise to a current which would tend to create two categories of citizens in the same kingdom, some confiding in the care of the state, the others hostile to it and seeking protection outside of its frontiers.

"History shows that, looked at from this point of view, the protection of minorities has contributed more to disrupt states than to consolidate them.

"At the present hour, the Allies should endeavor to build on the bases of fraternity the nations whose development is to insure the peace of central and southern Europe. And these same Allies, when discussing the project of the League of Nations, withdrew Article 21 which read as follows: 'The High Contracting Parties agree in declaring that no hindrance shall be put to the free exercise of all religious beliefs or opinions whose practice is not incompatible with public order and morals, and that in their respective situation no one shall be troubled in his life,

liberty or pursuit of happiness because of his adhesion to any belief, religion or opinion.' This article was withdrawn because it was considered that it might impinge on the sovereignty of states.

"In the interest of liberty and justice, as well as in that of her own interior development, Rumania has decided to insure the rights of the minorities.

"In the same interest she does not claim for herself any exceptional treatment as an independent state, but she can not submit to a special regime to which other sovereign states are not submitted.

"That is why she declares herself ready to insert the following text for Art. 5 in the draft of the Treaty, Part III, Section IV:

"Rumania grants to all minorities of language, race or religion, living within its new frontiers, rights equal to those of the other citizens of the kingdom."

.

ANNEX C

With regard to Paragraph 2 of Art. 5, Part III, Section IV of the draft of the Treaty with Austria, Rumania declares that she is disposed to take all measures of a nature to facilitate the interests and the common development with other nations.

She will accept on this subject all the arrangements of a general order that the League of Nations may indicate and which shall be applicable to all states signatory to this League, as well as those established in the various special commissions of the Peace Conference to which the Rumanian Delegates have consented.

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ANNEX D

In consenting to the stipulations contained in the draft of the treaty with Austria, with the exceptions contained in the declarations that I have just made, Rumania is inspired with the desire to maintain solidarity with the Allies. But while giving this assent she is obliged to declare that her acquiescence is not to be inferred for all similar principles which might figure in the treaties with the other enemy states, still to be made.

202. (h) DISCUSSION ON JULY 1 BY THE COUNCIL OF FIVE OF THE FRONTIERS OF BUKOWINA⁸⁷

Agenda for future meetings

M. Clemenceau said that the following subjects had been suggested:
Frontiers in the following areas:

⁸⁷ F.M. 28(5), July 1, 1919.

1. The Banat.
2. Bukovina.
3. Bessarabia.

M. Dutasta said that the frontiers in the Banat had been fixed and the decision had been communicated to the Jugo-Slavs and to the Roumanians. The frontiers in Bukovina had also been settled but not yet communicated.

It was decided that the communication should be made.

M. Tittoni enquired whether the frontiers had been only recommended by Commissions or whether they had been fixed by decisions of the Council?

M. Clemenceau said that they had been fixed by the Council. . . .

202. (i) DECISION OF THE COUNCIL OF HEADS OF DELEGATIONS REGARDING BUKOWINA, AUGUST 1, 1919⁸⁸

"Roumania, Frontiers of: Bukovina granted to Roumania with exception of railway area (Zaleszoyki and Kolomes) on condition of Roumanian goodwill. H.D. 21(9) and App. I."

202. (j) FINAL DECISION OF COUNCIL OF HEADS OF DELEGATIONS REGARDING THE RUMANIAN-CZECHOSLOVAK FRONTIERS, AUGUST 7, 1919⁸⁹

"Roumania, Committee: Frontiers between Czecho-Slovakia and Roumania, as drawn up by, accepted; Frontier as drawn by Roumania Committee (Report No. 1: 6.4.19) accepted; To be notified to the two delegations concerned. H.D. 26(3)."

203. ARTICLE 60: PROTECTION OF MINORITIES, FREEDOM OF TRANSIT, AND EQUITABLE TREATMENT FOR THE COMMERCE OF OTHER NATIONS

(a) QUERY OF COMMITTEE ON NEW STATES AS TO WHETHER THEIR MANDATE REGARDING PROTECTION OF MINORITIES APPLIED TO RUMANIA⁹⁰

M. Berthelot to Sir Maurice Hankey
(Translation)

The Committee, composed of Mr. Headlam-Morley, Dr. Miller, and myself, for the examination of the provisions to be submitted for

⁸⁸ "H.D. Index: Roumania, Frontiers of."

⁸⁹ "H.D. Index: Roumania, Committee."

⁹⁰ Miller, *My Diary*, XIII, 27-28: "The Second Meeting of the Committee on New States, May 5, Annex¹ (A)." Reprinted with the permission of Hunter Miller, Esq. See also Document 207, *infra*.

adoption by the new States, with a view to the protection of ethnic or racial minorities, met this morning at the Ministry of Foreign Affairs.

It ascertained that the problems for which we are seeking a solution exist for certain countries like Roumania and Greece, which will receive accessions of territory, under practically the same conditions as for the new States like Poland, Czecho-Slovakia, and the Kingdom of the Serbs, Croats, and Slovenes. The question is important because of the guarantees to be formulated for the Jews in Roumania and the Mussulmans in Thrace and Albania.

However, the Committee, considering that the mandate confided to it up to the present applies only to the new States, is of the opinion that it cannot extend its labours to Roumania and Greece without being formally empowered to do so.

Hence I have been instructed to request you to ask President Wilson and Mr. Lloyd George, in the name of the Committee, whether they are of the opinion that the mandate of the said Committee does in fact extend to Roumania and Greece.⁹¹

BERTHELOT

Paris, May 5, 1919

203. (b) REPLY OF THE COUNCIL OF THREE TO THE QUERY OF THE COMMITTEE ON NEW STATES⁹²

. . . . M. Kammerer read a letter received from Sir Maurice Hankey, stating that the Council of Three approved an extension of the terms of Reference of the Committee to include questions relating to Greece and Roumania. (Annex (A).)

ANNEX (A) TO THIRD MEETING

May 6, 1919

MY DEAR M. BERTHELOT,

I laid your letter of May 5 before M. Clemenceau, President Wilson, and Mr. Lloyd George this morning, and I have pleasure in informing you that they approved that the Committee composed of Mr. Headlam-Morley, Dr. Miller and yourself, which is examining the dispositions to be accepted by the new States in regard to the protection of ethnical and national minorities, and other matters should extend its enquiries so as

⁹¹ See Article 6, Document 202(d), *supra*, for the statement on the minorities question in Rumania by the Commission on Rumanian and Yugoslav Affairs. See also Point 3 in Document 202(c), *supra*.

⁹² Miller, *My Diary*, XIII, 31-32, 97-98: "The Third Meeting of the Committee on New States, May 7." Reprinted with the permission of Hunter Miller, Esq.

to include Greece and Roumania, which will receive large territorial increases.

Yours very sincerely,

M. P. A. HANKEY

M. Berthelot, Foreign Office, Quai d'Orsay

ANNEX (A) TO FOURTEENTH MEETING

May 28, 1919

MY DEAR COLLEAGUE,

At a meeting this morning the Council of the Principal Allied and Associated Powers considered a letter from M. Berthelot, dated May 27, on behalf of the Committee on New States, urging the insertion in the Treaty with Austria of a clause on Roumania, the insertion of which had been approved for the Treaty with Hungary.

As a result of the discussion the attached clause was initialled for insertion in the Treaty with Austria, and I am directed to request that your Excellency will communicate it at once to the Drafting Committee.

Believe me, &c.,

M. P. A. HANKEY

*His Excellency M. Dutasta
Secretary-General of the Peace Conference
Quai d'Orsay, Paris*

CLAUSE FOR INSERTION IN THE TREATY WITH AUSTRIA

Roumania accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect the interests of inhabitants of Roumania who differ from the majority of the population in race, language, or religion.

Roumania further accepts and agrees to embody in a Treaty with the said Powers such provisions as they may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations.

V. E. Or.

W. W.

G. C.

D. Ll. G.

203. (c) RUMANIAN PROTEST AGAINST ARTICLE 60, OF THE
AUSTRIAN TREATY, RELATING TO MINORITIES⁹³

(Translation)

RUMANIAN DELEGATION
TO THE PEACE CONFERENCE

PARIS, September 8, 1919

FROM: *Misu*TO: *President Clemenceau*

The Rumanian Delegation has the honor to bring to the knowledge of the Peace Conference that, desiring to evidence its entire solidarity with the Allies, it is ready to sign the text of the treaty presented to the Austrian Delegates, although many of the just demands of Rumania have been put aside in the text, but it cannot sign Article 60 of this Treaty, the present terms of which infringe on the sovereignty of the Rumanian State and on its political and economic independence which are directly at stake.

The Rumanian Delegation has therefore the honor to beg the Peace Conference to kindly admit that the following declaration be considered as incorporated in the said Treaty:

"The Rumanian Delegation, in signing the Peace Treaty with Austria, cannot give its adhesion to Article 60 of this Treaty, relative to minorities, to transit and to commerce."

Accept, etc.

203. (d) RESOLUTION OF THE COUNCIL OF HEADS OF DELE-
GATIONS, SEPTEMBER 8, 1919, AUTHORIZING MR.
BALFOUR TO DRAFT A REPLY TO THE RUMANIAN
PROTEST AGAINST THE MINORITIES ARTICLE⁹⁴

"Roumania: Note from Roumanian Delegation offering to sign Austrian treaty subject to amendment of Article 60 (minority clauses) : drafting committee consulted : no alteration to treaty : Mr. Balfour to draft reply to Roumanian Delegation pointing out acceptance of Article by other small states : draft to be submitted to Council at next meeting. H.D. 49(5) and App. F."

⁹³ *S-H Bulletin*, No. 831.⁹⁴ "H.D. Index: Roumania."

203. (e) ACCEPTANCE BY COUNCIL OF HEADS OF DELEGATIONS, SEPTEMBER 9, OF MR. BALFOUR'S DRAFT LETTER⁹⁵

"Roumania: Mr. Balfour's draft letter accepted. H.D. 50(2) and App. B."⁹⁶

204. ARTICLE 61: PROPORTION AND NATURE OF THE FINANCIAL OBLIGATIONS OF THE FORMER AUSTRIAN EMPIRE TO BE ASSUMED BY RUMANIA. RESOLUTIONS OF THE COUNCIL OF HEADS OF DELEGATIONS, AUGUST 23 AND 25, REGARDING RUMANIA'S CONTRIBUTION TO COST OF LIBERATION OF TERRITORIES OF FORMER AUSTRO-HUNGARIAN EMPIRE⁹⁷

"Roumania: Agreement between Allied and Associated Powers and —, re contribution to cost of liberation of territories of former Austro-Hungarian monarchy: discussion postponed. H.D. 37(11) and App. I." "Agreement accepted. H.D. 38(7) and App. G."⁹⁸

"SECTION V, PROTECTION OF MINORITIES"
(ARTICLES 62-69)⁹⁹

EXPLANATORY NOTE

This section does not appear in the Treaty of Versailles; it is based on the minority clauses of the Treaty between the Principal Allied and Associated Powers and Poland which was signed June 28, 1919. The so-called minorities treaties of 1919 and the minority clauses of the Austrian Treaty were drafted by the Committee on New States.

⁹⁵ "H.D. Index: Roumania."

⁹⁶ Rumania did not sign the Treaty of St. Germain on September 10, 1919, and it was not until December 9 that she signed the declaration of adherence to it. *British and Foreign State Papers*, 1920, CXIII, 464.

⁹⁷ "H.D. Index: Roumania."

⁹⁸ See Article 5, Document 202(d), *supra*, for draft article proposed by the Commission on Rumanian and Yugoslav Affairs.

⁹⁹ See also Documents 180(a-g), 200(a-c), and 203(a-e), *supra*.

Article 62 corresponds to Article 85 of the July 20 draft and is repeated from Article I of the Polish Treaty. It was not objected to by the Austrian Delegation and with certain changes to make it conform to the Polish Treaty it became Article 62 of the Austrian Treaty.

The Austrian Delegation proposed certain changes in Articles 63, 66-68 (Articles 80-84 of the July 20 draft), but they remained unchanged in the final Treaty.

Articles 64 and 65 did not appear in the early drafts. They are based on Articles 3 and 6 of the Polish Treaty.

Compare Articles 79 and 87 of the July 20 draft with Article 69 of the final draft.

205. RESOLUTION OF THE COUNCIL OF THREE, MAY 1, TO REFER THE QUESTION OF PROTECTION OF MINORITIES TO A SPECIAL COMMITTEE¹⁰⁰

"Powers, New: International obligations of (1) protection of minorities . . . (2) adhesion to general conventions. Both questions referred to special committee.¹⁰¹ 178 D(8) and App. I and II."

206. ANNOTATIONS ON THE DISCUSSIONS BY THE COUNCIL OF FOUR OF MINORITY CLAUSES FOR THE AUSTRIAN TREATY¹⁰²

On May 26, the Council of Four considered the Draft Articles prepared by the Committee on New States for inclusion in the Austrian and Hungarian Treaties (C.F. 34, Appendix I); and it was pointed out that these were the same as those already approved for Poland, except that the special Clauses relating to the Jews (Articles 10-11 of the final Polish Treaty) were omitted, since they were believed to be unnecessary in the

¹⁰⁰ "Index I.C.A.: Powers, New."

¹⁰¹ The Committee on New States. Members of this Committee, for varying periods, were: for France, M. Berthelot, M. Kammerer, M. de Celigny, M. Laroche; for the United States, Mr. Hunter Miller, Mr. Manley O. Hudson, Lieutenant L. B. Swift, Professor A. C. Coolidge, Mr. P. Slosson, Mr. Norris, Mr. Woolsey, Mr. A. W. Dulles; for the British Empire, Mr. Headlam-Morley, Mr. Carr, Mr. Nicolson, Mr. A. Leeper; for Italy, M. de Martino, M. Stranieri, M. Vannutelli-Rey, M. Castoldi, Dr. Moscheni, M. della Abbadessa; and for Japan, M. Adachi, M. S. Kato, M. Yamasaki.

¹⁰² Gray, *op. cit.*, pp. 63-64.

case of Austria, where the situation was unlike that in Poland. President Wilson raised the question whether, to avoid offending Poland, it would not be well to insert these Clauses, even though unessential, in the Austrian Treaty; but he did not press the point, and the Draft Clauses were approved and initialled (C.F. 34(1, 8)). At a Plenary Conference on May 31, some alterations were proposed for these Articles, but the Council of Four agreed that no changes should be made (C.F. 43(4)).

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207. STENOGRAPHIC REPORT OF THE EIGHTH PLENARY SESSION (SECRET) OF THE PEACE CONFERENCE AT THE QUAI D'ORSAY ON SATURDAY, MAY 31, 1919¹⁰⁸

M. Clemenceau speaks in French.

M. Bratiano speaks in French, suggesting certain amendments in the Austrian Treaty.

(Neither of the above statements were translated.)

M. Clemenceau speaks in French.

M. Mantoux interprets the foregoing:

M. Clemenceau said that he had just received the text of the Financial Clauses, and those would have to be referred back to the Drafting Committee. As to the other points, most of those questions have already come before us in one shape or another. We shall take the whole of these points and submit them to an immediate decision, for we must take our decision today.

As far as territories are concerned, we cannot possibly guarantee the integrity of territories except those the frontiers of which we shall have agreed to amongst ourselves.

As far as the protection of minorities is concerned, M. Clemenceau said he was very glad to see that M. Bratiano felt, like ourselves, on this point, that his intentions were ours. Only the past in certain cases and in certain countries makes it necessary to have, I will not call them guarantees, but at least to have very clear stipulations, so as to make sure that the general principle we all adhered to shall be applied in a certain way. There is no desire in this to make any discrimination against any nation. There is no desire to humiliate anyone. The control of the League of Nations—the supervisions of the League of Nations—has been accepted in different respects by all of us, and what we intend to do does not imply any infringement of sovereignty or any reflection upon the intentions of any Government.

¹⁰⁸ Mimeographed document in the Hoover War Library. For a discussion of the controversy aroused by this meeting, see *What Really Happened at Paris*, ed. by E. M. House and Charles Seymour (New York, 1921), pp. 452-53.

M. Klotz speaks in French.

M. Bratiano speaks in French.

M. Clemenceau speaks in French.

M. Mantoux interprets the foregoing:

Mr. Klotz has observed that M. Bratiano had made some observations on the financial clauses. As the reparation clauses will not be in the treaty as it is given to the Austrians on Monday, and as there is close connection between the financial clauses and the reparation clauses, it is better to have the financial clauses reserved as the reparation clauses have been, and to refer all the amendments proposed to the Committee. M. Bratiano said in answer to what M. Clemenceau had said to him, he made an allusion to the action of the League of Nations for the protection of minorities; but, as a matter of fact, if you look at the text itself, the League of Nations is not mentioned, but the principal Allied and Associated Powers. They are the guarantors of the state of things established by the Treaties as far as minorities are concerned. Therefore, it is not the League of Nations, but the principal Associated Powers who interfere in the internal affairs of Roumania in the interest of the minority. This is why we propose a different text, which would remove their objection. Roumania, before the war, was recognized by all the Powers as an independent country, and her attitude during the War doesn't justify the inferior situation in which she would be put by this. M. Clemenceau answered this: I think that there is no humiliation in the friendly advice which would be given by the Great Powers whose names are the United States, Great Britain, France and Italy, and there is among those Powers no desire to deprive of an inch of her independence as a free country like Roumania. Only in what I said before, I pointed out that certain historical traditions have lasted in certain countries, which it is very difficult to modify or eradicate. It has been shown by the past, it is that the stipulation of certain treaties were very difficult to enforce. Other states which will be submitted to the same system which is outlined in the Treaty here will not complain and are not complaining now of it; and I hope that with this explanation the Roumanian Government will find it possible to accept what has been intended only for its welfare.

Mr. Bratiano speaks in French.

Mr. Mantoux interprets the foregoing:

Mr. Bratiano answered that he would not enter into the whole history of the Roumanian policy in the last 40 or 50 years, though this might show that Roumania did not deserve some of the accusations made against her policy. But at any rate we are not [now] associated with powers who profess to fight for the great principle of equality between great and small nations, and if the result of a clause like this would be to

establish a different status, a different rank in sovereignty for great states and small states, this could not be admitted by the Roumanian government. Friendly advice from the great countries will always be received with the same friendly feeling by Roumania. But when such advices take the form of stipulation in a written treaty, it is something more than advice, and it assumes another appearance and substance.

The protection of minorities has been sought by other treaties; Russia has tried to protect the Christians in Turkey by stipulations imposed upon Turkey for the protection of minorities. The final result has been the gradual dissolution of Turkey.

It is impossible to do this in the interest of the state as well as in the interest of the minority. You wish to establish a new order. In that new order no state will be able to play its part, unless it has the support of all its citizens. If some of them know that their status is founded upon the support of foreign countries, this will be a danger, the very foundation of the state will be shaken, and dangerous ferments will be created.

It is not only on behalf of the independence of our state, but in the name of the eternal peace and order and mutual friendly feeling of the various populations inside of that state.

It is also in the name of the principle of equality between all states, great or small, that we are now putting forward this claim. We hope that Roumania will not be asked to agree to those stipulations, such as they are, because if they did admit them, they would admit curtailment of their own sovereignty.

M. Paderewski speaks in French.

M. Mantoux translates the foregoing:

As it has been decided to put together the financial clauses with the reparation clauses, I find it unnecessary to bring here the amendments which the Polish Delegation was prepared to present on these clauses. But on the question of protection of minorities, I express the desire of the Polish Government in declaring that that Government is ready to give to all ethnographic or religious minorities the same rights as to all Polish citizens, giving them all the liberties which are enjoyed by the citizens of the Western countries. If suggestions in this direction are made at any time to the nations concerned by the League of Nations, we shall gladly accept, and submit to them. The constitutional laws of Poland which are now being established by the Polish Diet will be in complete accordance with the noble and high principles which inspire the labours of this Conference.

M. Clemenceau speaks in French.

M. Kramash [Kramář] (Czecho-Slovak Delegate) speaks in French.

M. Mantoux translates the foregoing:

M. Kramash expresses his satisfaction to hear that the financial

clauses would be reserved and discussed together with the reparation clauses, but he had two other points to raise. One is the question of frontiers. Concerning the station of Gmünd some words ought to be added there, showing that the frontier will pass the extreme point of the railway bridge. It is just a question of drafting, but this insertion or omission will avoid or create difficulties in the future.

M. Clemenceau speaks in French.

M. Mantoux translates the foregoing :

M. Clemenceau thereupon instructed M. Cambon, who is the Chairman of the Committee, to look into this and report on it to the Heads of the Principal Allied and Associated Governments immediately after the present sitting.¹⁰⁴

M. Kramash speaks in French.

M. Mantoux translates the foregoing :

M. Kramash further observed on the minorities question that the Czecho-Slovak Government accepted that text and had no objection to it. He proposed only to eliminate three or four words which might create a disagreeable impression without adding anything really to the force of the text. The Czecho-Slovak Government were ready to do anything and everything to avoid trouble between the different elements of their population and they have no objection to having this done in full co-operation with the Principal Allied and Associated Powers. But instead of having the sentence written like this :

“Such disposition, Treaties, Conventions, shall be signed between the Czecho-Slovak State and the Principal Allied and Associated Powers, fixing such dispositions as those Powers will think necessary to attain.” and so on—instead of putting it, he would like to have these words taken out : “which those Powers will think necessary.” It would really change nothing. If you say such dispositions will be necessary or are necessary, in both cases the situation will be the same, since the Treaty will be negotiated with the Czecho-Slovak Government and the Principal Allied and Associated Powers. But it will remove the impression that the terms are dictated, as it were, by the Principal Allied and Associated Powers.

M. Trumbitch spoke in French.

M. Mantoux interprets the foregoing :

The representatives of the Serb-Croat-and-Slovene Government have the honor to bring here certain propositions asking for the alteration of various clauses on the question of minorities, on the freedom of transit and commerce, on the Northern frontiers of the Serb, Croat and Slovene State, and also on the financial and economic clauses. The latter can be

¹⁰⁴ Approved by the Council of Four on May 31. C.F. 43.

put aside since a decision has been taken to postpone the examination of those clauses. If we take the question of minorities, when Dr. Kramarash spoke on behalf of the Czecho-Slovak Government, our Government was just going to take the same attitude, which is that certain words implying that the principal Allied and Associated Powers shall impose certain conditions in the treaty between themselves and our state concerning minorities, should disappear from the Text, and the Text should be drafted as was suggested by the Prime Minister of the Czecho-Slovak Republic, simply saying that such conditions as will be found necessary to protect the interests of minorities shall be agreed upon as the basis of the Treaty between our State and the principal Allied and Associated Powers, so that our amendment is practically the same as that proposed by the Czecho-Slovaks.

The second point is that we ask that such disposition as shall be taken concerning the racial, religious minorities should be limited to the new territories,—the territories newly acquired by the Serbian, Croat and Slovene State, and not to the territory of the Kingdom of Serbia, as it was before the present war. The reason for this is a very evident one. Serbia was an independent State, not subject to any limitations, and with settled and acknowledged rights. It seems to be impossible to impose upon Serbia such clauses which would alter her political status and her sovereignty as recognized before the war.

As to the frontiers we find that our objection comes to this: That the present text is in some respects not clear enough. It doesn't show, for instance, on the disputed question of Radkersburg, whether that point shall be or shall not be within the frontier of Yugo-Slavia. But the principal question is the question of Carinthia. We put our views before the Committee on the 21st of May, and our views can be summarized in this document. In the Treaty of Peace with Austria, which has just been communicated to us, we read in Part II, frontiers of Austria, third proof, 29th of May, 1919, Article I, the Frontier between Austria and the State of the Serbs, Croats and Slovenes, as far as it shall be drawn between the extreme eastern end of the Austro-Italian frontier to be fixed later on, and point 1052, Stroina, shall be determined later on by the principal Allied and Associated Powers. From Stroina the frontier shall be represented by a line to be determined on the ground, cutting the river Drave just below its confluence with the Lavant, passing point 1522, etc.

Those dispositions raise some objections from the delegation of the Serbo-Croat and Slovene State. They declare that such dispositions do not take into account the original plans of their delegation, nor the minimum of their demands, reduced as they were in the sitting of the Territorial Commission on the 24th May 1919, and on the points concerning Stroina and Bleiburg go further, opening a perspective which would be in complete contradiction with such plans. The Serbo-Croat-

Slovene delegation have the regret to say that the principal Allied and Associated Powers have not taken their requests into consideration, not even within the limits in which the Germans themselves are prepared to accept, which can be shown by a recent publication, which was issued at Vienna "(name of German publication)," which was published this year.

The delegation of the Serbo-Croat-Slovene State feel obliged to call most urgently the attention of the great Powers on the untenable situation in which the Slovene people would find themselves if their sacrifices in the Adriatic were aggravated by the loss of the Slovene Carinthia; that the soul of the Slovene people will never be reconciled to such a blow and the constant ferment of the Irredentism, and constantly hampering and preventing the peaceful development of the Yugo-Slav State on one side and on the other side will be a perpetual cause of hostile feeling towards Austria.

The Serbo-Croat-Slovene delegation think, therefore, it is their duty to make a last appeal to the Great Powers so that their requests for a final arrangement of the territory situated south of the line determined by annex I, and shown on the geographic map of Styria, and should now be taken in Part II. The river Murs defined as forming the frontier up to the point where it meets the frontier between Austria and Hungary. In the opinion of the Yugo-Slav delegation, that formula excluding from the State of the Serbs, Croats and Slovenes the region of Radkersburg, which has been in the summary attributed most definitely to that state must be a mistake somewhere. Finally we call the attention of the Great Powers to the fact that in Section IV in regard to the frontiers of Hungary, the determination of a point where the frontier,—from which the frontier between Austria and Hungary starts is inaccurate, because it doesn't take into account the fact the Prekmurje must be a part of the Kingdom of the Serbs, Croats and Slovenes, the same appears in the résumé,—in the summary, page III.

M. Tardieu spoke in French.

M. Mantoux interprets the foregoing :

As far as Radkersburg is concerned, this is simply a mistake which has to be corrected, for the rest, the other parts,—part of Prekmurje, as part of Prekmurje was Hungarian territory, it is not in the Treaty with Austria, but in the Treaty with Hungary that the situation will be settled and the point decided.

President Wilson speaks in English.

Mr. President, I should be very sorry to see this meeting adjourn with permanent impressions such as it is possible have been created by some of the remarks that our friends have made. I should be very

sorry to have the impression lodged in your minds that the Great Powers desire to assume or play any arbitrary role in these great matters, or assume, because of any pride of authority, to exercise an undue influence in these matters, and therefore I want to call your attention to one aspect of these questions which has not been dwelt upon.

We are trying to make a peaceful settlement, that is to say, to eliminate those elements of disturbance, so far as possible, which may interfere with the peace of the world, and we are trying to make an equitable distribution of territories according to the race, the ethnographical character of the people inhabiting those territories.

And back of that lies this fundamentally important fact that when the decisions are made, the Allied and Associated Powers guarantee to maintain them. It is perfectly evident, upon a moment's reflection, that the chief burden of their maintenance will fall upon the greater powers. The chief burden of the war fell upon the greater powers, and if it had not been for their action, their military action, we would not be here to settle these questions. And therefore, we must not close our eyes to the fact that in the last analysis the military and naval strength of the great powers will be the final guarantee of the peace of the world.

In those circumstances is it unreasonable and unjust that not as dictators but as friends the great powers should say to their associates: "We cannot afford to guarantee territorial settlements which we do not believe to be right, and we cannot agree to leave elements of disturbance unremoved, which we believe will disturb the peace of the world."

Take the rights of minorities. Nothing, I venture to say, is more likely to disturb the peace of the world than the treatment which might in certain circumstances be meted out to minorities. And therefore if the great powers are to guarantee the peace of the world in any sense is it unjust that they should be satisfied that the proper and necessary guarantees have been given?

I beg our friends from Roumania and from Serbia to remember that while Roumania and Serbia are ancient sovereignties the settlements of this Conference are greatly adding to their territories. You cannot in one part of our transactions treat Serbia alone and in all of the other parts treat the Kingdom of the Serbs, Croats and Slovenes as a different entity, for they are seeking the recognition of this Conference as a single entity, and if this Conference is going to recognize these various powers as new sovereignties within definite territories, the chief guarantors are entitled to be satisfied that the territorial settlements are of a character to be permanent, and that the guarantees given are of a character to ensure the peace of the world.

It is not, therefore, the intervention of those who would interfere, but the action of those who would help. I beg that our friends will take that view of it, because I see no escape from that view of it.

How can a power like the United States, for example—for I can speak for no other—after signing this treaty, if it contains elements which they do not believe will be permanent, go three thousand miles away across the sea and report to its people that it has made a settlement of the peace of the world? It cannot do so. And yet there underlies all of these transactions the expectation on the part, for example, of Roumania, and of Tchecho-Slovakia, and of Serbia, that if any covenants of this settlement are not observed, the United States will send her armies and her navies to see that they are observed.

In those circumstances is it unreasonable that the United States should insist upon being satisfied that the settlements are correct? Mr. Bratiano—and I speak of his suggestions with the utmost respect—suggested that we could not, so to say, invade the sovereignty of Roumania, an ancient sovereignty, and make certain proscriptions with regard to the rights of minorities. But I beg him to observe that he is overlooking the fact that he is asking the sanction of the Allied and Associated Powers for great additions of territory which come to Roumania by the common victory of arms, and that, therefore, we are entitled to say: "If we agree to these additions of territory we have the right to insist upon certain guarantees of peace."

I beg my friend, Mr. Kramash, and my friend, Mr. Trumbitch, and my friend, Mr. Bratiano, to believe that if we should feel that it is best to leave the words which they have wished to omit, in the treaty, it is not because we want to insist upon unreasonable conditions, but that we want the treaty to accord to us the right of judgment as to whether those are things which we can afford to guarantee.

Therefore the impressions with which we should dispense ought to be these, that we are all friends—of course that goes without saying—but that we must all be associates in a common effort, and there can be no frank and earnest association in the common effort unless there is a common agreement as to what the rights and settlements are.

Now if the agreement is a separate agreement among groups of us, that does not meet the object. If you should adopt the language suggested by the Czecho-Slovakian delegation and the Serbian delegation—the Yugo-Slovak delegation—that it should be left to negotiation between the principal Allied and Associated Powers and their several delegates that would mean that after this whole Conference is adjourned groups of them would determine what is to be the basis of the peace of the world. It seems to me that that would be a most dangerous idea to entertain, and therefore I beg that we may part with a sense, not of interference with each other, but of hearty and friendly co-operation upon the only possible basis of guarantee. Where the great force lies there must be the sanction of peace. I sometimes wish, in hearing an argument like this, that I were the representative of a small power so that what I said

might be robbed of any mistaken significance, but I think you will agree with me that the United States has never shown any temper of aggression anywhere, and it lies in the heart of the people of the United States, as I am sure it lies in the hearts of the peoples of the other great powers, to form a common partnership of right, and to do service to our associates, and no kind of dis-service.

M. Bratiano speaks in French.

M. Mantoux translates the foregoing :

The great nation represented by President Wilson and his high personal authority give a special force to what was said by him, but will you allow me, in the name of the great principles which he represents, to call, in a friendly way, his attention to our fear that the application of the best principles may, in certain conditions, bring about results which would be contrary to those which are sought. We must recognize willingly that the Conference has done, and is performing great work, and that the Conference has re-established the idea of the equality of rights between all nations. If the very principles embodied in the Treaty with Austria had been written down in the Covenant of the League of Nations, we not only should not have opposed these but we must remind you that the Roumanian Delegate voted for the application of such principles. But if the clause we objected to was maintained as it is, this would really imply there are rather different classes of sovereignty. In spite of the friendly feeling we do not for one moment doubt, in spite of our admiration for the great ideals which have been supported so constantly by President Wilson, we do not see why there should be a different treatment for States like Serbia and Roumania on the one side and a State like Italy on the other side. We may add that a friendly and brotherly love must be established between the various populations which history and geography have brought together within the frontiers of one State, but we think that it would be dangerous, to have this dependent upon the intervention of a third party, whoever that party may be. We must not forget, there also, that the men now at the head of the Allied and Associated Powers are men whom we know, and on whose high principles we trust, but is it impossible that in some near or distant future circumstances and interests may alter the attitude of this or that Government. Then, the right of interference in the affairs of any State might be transformed into the intervention in the interest of some particular cause. It is true, we admit, that by their great efforts and sacrifices, the Principal Allied and Associated Powers had assured a common victory and we thank them, we thank President Wilson in the name of all the small States represented here for the guarantees which they promise to us. Nevertheless, we cannot forget that each of us retains full responsibility for his own defence, and, at the present time, Roumania is obliged, not

only to defend her frontiers, but has to play an important part in the disturbed area of Central Europe. We beg the representatives of the Great Powers, and particularly President Wilson, not to let the great principles to which we are sincerely devoted fall in abeyance or be endangered by an application which would be a perilous one. There is no effort too great in order to have the right of minorities recognised and cared for by us, but our Governments are convinced that this ought to be one of our first and foremost tasks. The important thing is to create within each of our States an atmosphere that the guarantees given to the minorities will be lasting and sincere. It is with a feeling of respect and gratitude towards the Great Powers that we ask them to consider the propositions made by the Roumanian Government. Otherwise, if no alteration were made in the present wording of the clauses upon which we have taken reservations, it would mean that our internal independence would be, in some way, impaired.

M. Venizelos speaks in French.

M. Mantoux translates the foregoing :

The clauses which are the subject of observation at the moment are not necessarily an integral part of the Treaty with Austria. Is it necessary, at any rate, that they should be given to the Austrian Delegation on Monday? If they could be taken aside, for the time being, it would be possible to put them before a small Conference, where the Heads of the Principal Allied and Associated Powers would be present together with the representatives of the Powers practically interested in these questions. That would be a meeting between ten persons and, I have no doubt, that a formula could be found equally satisfactory to all parties concerned, which would remove any apprehensions such as have been expressed in several speeches we have heard today. It would be possible for the Powers after this to have this Clause added to the Austrian Treaty, at the same time as the Financial and Economic Clauses, if it is thought desirable that they should be inserted.

M. Clemenceau speaks in French.

M. Mantoux interprets the foregoing :

After this had been examined by the persons suggested, and if they found a formula which he had no doubt they could find, the Clauses might be inserted in the Treaty with Austria, at the same time as the Financial and Economic Clauses. If there were no other observations, this meeting would be adjourned, and the draft Treaty would be handed over to the Austrians at St. Germain-on-Laye on Monday next, June 2nd, at 12 noon.

(The meeting adjourned at 4:55 P.M.)

208. REPORT OF JUNE 5 BY THE COMMITTEE ON NEW STATES ON THE METHOD OF APPEAL TO THE LEAGUE OF NATIONS IN THE MATTER OF VIOLATIONS BY NEW STATES OF THEIR MINORITY OBLIGATIONS¹⁰⁵

The Committee have given careful consideration to the question of the reference to the League of Nations dealt with in Article 14 of the original draft clauses concerning Poland. As was explained in the former report this draft was tentative, and the Committee asked for permission to send in further proposals dealing with this matter.

It was generally felt by the Committee that it was necessary to make the guarantee of these articles really effective, but there was great difficulty in determining as to the method in which this should be done.

It was unanimously agreed that a definite provision should be inserted in the Treaty empowering the Council of the League of Nations to deal with any infraction of the obligations undertaken by Poland for the protection of racial, religious or linguistic minorities, and the following clause was drafted embodying this decision:

ARTICLE 14

Poland agrees that the stipulations of the foregoing articles so far as they affect persons belonging to racial, religious or linguistic minorities constitute obligations of international concern and that any member (of the Council) of the League of Nations shall have the right to bring to the attention of the Council of the League of Nations 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.

In this clause there is however one difference of opinion, indicated by the brackets, which it was decided must be referred to the Supreme Council.

It is the opinion of the American and Italian Delegations that any member of the League of Nations should have the right to bring to the attention of the Council of the League the question of the observance of these guarantees, while the French, British and Japanese Delegations think that this right should be limited to the members of the League of Nations who are represented in the Council. The question at issue seems to involve different conceptions of the place of the Council in the League of Nations and the relation to be borne to the Council by mem-

¹⁰⁵ Miller, *My Diary*, XIII, 138-40: "The Seventeenth Meeting of the Committee on New States, June 5, Annex (A)." Reprinted with the permission of Hunter Miller, Esq.

bers of the League not represented on the Council. For this reason the difference has been referred to the Council of Four.

The Committee had the advantage of the advice of Lord Robert Cecil, who pointed out that it would be desirable that so far as possible the execution of the guarantees should be dealt with not by the Council of the League of Nations, but by the Permanent Court of International Justice to be established. The members of the Committee are agreed that provisions for resort to the Permanent Court should be included in the Treaty, but they were unable to agree upon the text of the clause embodying these provisions.

The French, British and Japanese Delegations propose a text which will have the effect of limiting the jurisdiction of the Permanent Court of the League of Nations to disputes which may arise in the execution of these guarantees between two States. If the decision is that any member of the League may raise the matter at the Council, then it would naturally follow that any member of the League might also bring the matter before the court. Whichever of these views is adopted the essential thing is, according to this version, that the jurisdiction of the court could only be invoked by States on the ground that there had been an infraction of a Treaty. According to this view, the possibility would be definitely excluded of the minorities themselves, or individuals belonging to minorities, appearing before the court as principals.

The American and Italian Delegations favour a more general provision conferring jurisdiction upon the Permanent Court of International Justice to be exercised by the court under such conditions and such procedure as it may from time to time prescribe by general regulations. This would leave it open to the Permanent Court to provide means by which its jurisdiction could be invoked in disputes in which States are not necessarily engaged on the two sides. It would be possible for the Court to determine that minorities, whether as organised groups or as individuals, should be able to bring before it complaints as to the violations of these clauses. In advance of the determination of the character and functions of the Permanent Court provided for by Article 14 of the Covenant, the American and Italian Delegations were unwilling to adopt any provision which would to any degree prejudge its nature, and the conditions upon which its jurisdiction might be exercised. This difference of opinion was not resolved by the Commission and is therefore referred to the Council of Four.

The alternative Articles embodying these different views are appended.

All members of the Committee are agreed upon the last sentence which is identical in each of these drafts, and which would give to the decision of the court the same force and effect as an award under Article 13 of the Covenant.

June 5, 1919

209. REPORT OF JUNE 18 OF THE COMMITTEE ON NEW STATES ON THE METHOD OF APPEAL TO THE LEAGUE OF NATIONS FOR VIOLATIONS OF MINORITY RIGHTS¹⁰⁶

June 16, 1919

MY DEAR COLLEAGUE,

The Committee on New States recently referred to the Council of the Principal Allied and Associated Powers the question whether the right to call attention to infractions of the Articles relating to Minorities should be permitted to members of the League of Nations, or members of the Council of the League of Nations only.

As I have already notified your Excellency, the Council postponed their decision pending consultation with the representatives of the States affected, namely, Poland, Roumania, Czecho-Slovakia, Jugo-Slavia, and Greece.

The Council to-day decided that the power of calling attention to these infractions should be limited to States members of the Council of the League of Nations.

I am directed to request that your Excellency will communicate this decision to the Committee on New States.

Believe me, &c.,

M. P. A. HANKEY

*His Excellency M. Dutasta
Secretary-General of the Peace Conference
Quai d'Orsay, Paris*

ANNEX (C) TO TWENTY-THIRD MEETING

June 17, 1919

MY DEAR COLLEAGUE,

The Council of the Principal Allied and Associated Powers considered this afternoon Article 13 of the Draft Treaty with Poland submitted by the Committee on New States.

They decided that States only, and not individuals, should have the right of appeal to the Permanent Court of International Justice, and consequently that the draft proposed by the French, British, and Japanese Delegations should be adopted.

I am directed to request that your Excellency will communicate this decision at once to the Committee on New States.

Believe me, &c.,

M. P. A. HANKEY

*His Excellency M. Dutasta
Secretary-General of the Peace Conference
Quai d'Orsay, Paris*

¹⁰⁶ Miller, *My Diary*, XIII, 169-70: "The Twenty-third Meeting of the Committee on New States, June 18, Annexes (B and C)." Reprinted with the permission of Hunter Miller, Esq.

210. LETTER FROM COMMITTEE ON NEW STATES ASKING THAT THE PROVISIONS IN THE AUSTRIAN TREATY CONCERNING THE PROTECTION OF MINORITIES BE REVISED TO CORRESPOND TO THE FINAL VERSION IN THE POLISH TREATY¹⁰⁷

(Translation)

PARIS, July 4, 1919

M. Fromageot, French Member of the Drafting Committee

SIR,

As Chairman of the Committee on New States, I have been requested by the Committee to remind you that, as regards Austria, it had asked for the insertion of provisions concerning the protection of minorities similar to those provided for Poland. The text submitted to the Austrian Delegation reproduces a version of the Polish Treaty which does not agree with the final Polish text.

The Committee on New States is of opinion that the final version of the Polish Treaty should be presented to Austria for signature, and begs the Drafting Committee to substitute the correct text and add a note to the effect that the articles concerning the protection of Jews have been voluntarily omitted with regard to Austria.

The Committee on New States will be glad to receive copies of the draft text on this subject to be submitted by the Drafting Committee.

I remain, &c.

211. NOTES OF THE DRAFTING COMMITTEE ON THE SECTION OF THE TREATY OF PEACE WITH AUSTRIA RELATIVE TO PROTECTION OF MINORITIES¹⁰⁸

(Translation)

PARIS, July 8, 1919

A.S.

Treaty with Austria

NOTES FOR THE SUPREME COUNCIL

The Drafting Committee has the honor to ask the Supreme Council for instructions on the following questions:

1. Section VI, Part III, Protection of Minorities, was delivered to the Austrian Delegation on June 2, last.

¹⁰⁷ Miller, *My Diary*, XIII, 257: "The Thirtieth Meeting of the Committee on New States, July 4, Annex (D)." Reprinted with the permission of Hunter Miller, Esq.

¹⁰⁸ *S-H Bulletin*, No. 497, Annex A.

On June 28, provisions on the same subject were decided upon and inserted in the treaty with Poland, signed on June 28. In many ways they differ from the Austrian provisions above mentioned, making them worse.

The Commission on the New States asks today, July 7, that the said Austrian provisions already delivered to the Austrian Delegation, be modified and made similar to the Polish Treaty.

The Drafting Committee does not believe it can modify, to aggravate them, peace conditions already delivered unless the Supreme Council orders it expressly.

212. COUNTER PROPOSALS OF THE AUSTRIAN DELEGATION,
JULY 10, 1919, TO "PART III, POLITICAL CLAUSES, SEC-
TION V, PROTECTION OF MINORITIES" IN THE ALLIED
CONDITIONS OF JUNE 2¹⁰⁰

(Translation)

The provisions contained in the present section are in absolute conformity with the ideas which served as a basis for the constitution of the German Austrian Republic. There is then no reason to object to the establishment of international guarantees created in favor of said principles. One cannot, however, fail to recognize that, in what concerns German Austria, the proclamations of such principles in an international treaty is inopportune, considering that particularly in the case of this State, to impair said fundamental rules would be contrary to the reason at the basis of its existence. In what concerns especially linguistic minorities, German Austria, in contrast to other states issued from the former Monarchy, has been constituted as an ethnic community the members of which are of a single race and language.

The German Austrian Republic can then accept with a few amendments the proposed protective measures, which for that matter, for states including vast coherent regions inhabited by a population of several millions of various races and languages, cannot satisfy the exigencies of humanity and justice.

German Austria therefore consents to the insertion of certain provisions on the rights of minorities in the fundamental laws of the newly constituted states, with so much the greater satisfaction as she thinks it possible to conclude from these provisions of the Treaty that said duty, exacted from us in favor of a very small minority, will be a fortiori and

¹⁰⁰ *S-H Bulletin*, No. 516, Part II: Austrian Counter Proposals . . . Part III, Political Clauses, Section V, Protection of Minorities. For covering letter, see Document 64(a), *supra*.

more extensively, imposed upon other states in which our co-nationals are domiciled in very considerable proportions.

To offer, in conformity with the exigencies of practical life and justice, the desired guarantees of every considerable minority which exists and which needs them, it would probably correspond to the intention of the Great Powers to incorporate the provisions necessary for a minimum of protection, either in the Pact of the League of Nations, or in other general regulations governing all the respective States.

In particular the wording of the articles of the present section gives rise to the following observations.

ARTICLE 1

German Austria engages to maintain her institutions in conformity with the principles of liberty and justice and to give a sure guarantee of this to all the inhabitants of her territory.

Institutions which in practice do not give full satisfaction to said principles will be put in conformity with them by appropriate measures of a legislative and administrative nature.

The contracting powers are in agreement to recognize that the application of the principles considered in the present section constitutes an obligation of international interest, submitted to the jurisdiction of the League of Nations.

The laws enforced in the German Austrian Republic are among the most democratic in the world and are inspired, in the first place, by ideas of liberty and justice. A supreme court of constitutional law handles every infraction by a public authority of one of the fundamental laws recognized by the constitution. Every authority which has taken a step contrary to the above mentioned laws must reconsider the matter by giving out a new decision based upon the principle adopted in the sentence of the court. It can then only be a question of *maintaining* our institutions in conformity with said principles, a duty which cannot, however, be confined to a single state, and which is incumbent, on the contrary, on all public powers of the civilized world. An obligation of conformity to said principles cannot for that matter be imposed in vague terms and unprecise generalities.

German Austria spontaneously recognizes the international interests attaching to democratic institutions. As she herself aspires only to realization of the principles of liberty and justice, she flatters herself with the belief that the principles which are to be proclaimed in our little state will in the same way be explicitly recognized by all civilized nations, as well conquerors as conquered.

The undersigned Delegation abstains however from every suggestion on the subject of such clauses to be inserted in the fundamental laws and does not in any way oppose, insofar as such provisions are not yet in

force in its (German Austrian's?) legislation, their being inserted in this by legislative means, nor does it oppose the effective guarantee of their observation.

The German Austrian Delegation is decided to accept, besides, the idea of reserving to the League of Nations the safeguard and protection of said humanitarian principles. The jurisdiction belonging, according to Article 1, to the League of Nations and the protection which it is to exercise by virtue of Article 9 should however, in our opinion, be understood in the sense that its attributions are confined in this matter to the domain of international law. There will be then, as final appeal, only the above mentioned court of constitutional law as well as the other national tribunals which might be called upon to handle every complaint lodged by an inhabitant or by a national of German Austria for offenses against one of the rights in question. The Council of the League of Nations might be called upon, for its part, to enforce upon the state the duty of the latter to promulgate the necessary laws in order that fundamental rights may be guaranteed as well as to provide for the execution of these laws. It will not then be within the attribution of the League of Nations to intervene in a litigious question between the state and an individual; such an intervention would be contrary to national sovereignty. While insisting on these notions, which seems to be in conformity with the intentions of the Powers, the German Austrian Government consents without restriction to the text determining the respective powers of the League of Nations. It must, however, be observed that the difference between the wording of Article 1 and that of Article 9 might give rise to doubts in the sense that the "protection" should extend only to the application of Articles 4 and 5, Paragraph 2.

ARTICLE 2

German Austria engages to maintain in force the laws and other provisions assuring to all the inhabitants full and entire protection of their life and liberty, without distinction of birth, nationality, language, race or religion.

All the inhabitants of German Austria will have right to the free exercise, as well public as private, of every faith, religion or belief, the practice of which will not be incompatible with public order and morality.

The protection of the life and liberty of the inhabitants (Article 2, Paragraph 1) forms in all civilized states the subject of special laws, regulating all branches of public life, as well as the penal code, laws on social providence, on individual liberty, etc. It is evident that these laws should be applied in conformity with their spirit, and that they cannot be distinguished according to birth, nationality, language, race or religion between different categories of protected individuals. The provision of the second paragraph is identical with the principles established in our

fundamental laws, with the single exception that the public practice of religions not recognized has not up to this time been permitted in our country.

ARTICLE 3

All German Austrian nationals will be equal before the law and will enjoy the same political and civil rights without distinction of race, language or religion.

The difference of religion, belief or confession, will not be permitted to injure any German Austrian national in what concerns the enjoyment of civil and political rights, especially in public employment, public office and honors, or in the practice of the various professions and industries.

These two paragraphs are in conformity with constitutional principles in force in German Austria.

There will be enacted no restriction on the free use by every German Austrian of any language, in private or commercial relations, in matters of religion, of the press or of publications of every sort, in public assemblies, unless the maintenance of public safety as well as the rules of an assembly exact the employment of a language comprehensible to the authorities, to the members of the assembly in question, as well as to the interested populations.

Restrictions as to the free use of any language exist, indeed, only with a view to publications necessary to assure public safety. A railroad or navigation corporation or any person operating such industries or others are required to draw up, post or publish in whatever way, the desired information in a language comprehensible to the public. One will not besides infringe upon the liberty of every public assembly to draw up its rules and to come to an understanding on the language the use of which seems in conformity with its designs.

Notwithstanding the establishment by the German Austrian Government of an official language, reasonable facilities will be given to German Austrian nationals of a language other than German for the use of their language, either oral or in writing, before the court.

Reasonable facilities should never be refused to anyone, in the opinion of the German Austrian Delegation, insofar as they are not in contradiction with common sense.

Now as has been said above, such a provision cannot, in a state of a single language, offer any special interest for the population.

ARTICLE 4

All German Austrian nationals will enjoy the same treatment and the same guarantees in right and in fact, without distinction of birth, race, language or religion.

They will have notably, irrespective of their religion or language, an

equal right to create, direct and control at their own expense, charitable, religious or social institutions, schools and other educational establishments, with the right of making free use therein of their own language and of freely exercising therein their religion, without however being able to lay claim to the rights and prerogatives accruing to public institutions, schools or establishments.

It is evident that *all* German Austrian nationals enjoy and will enjoy the same treatment and the same guarantees in right and fact. It is therefore not necessary to confine the present article to nationals who are members of ethnic minorities and to take up the question under what conditions it would be necessary to recognize to a certain number of nationals the position of a minority of said kind.

By suppressing the restriction to ethnic minorities, the tenor of the first sentence of the present article is reduced to the provision laid down in Article 3, paragraph 1. The sentence in question might consequently be omitted, or, in the definite version, included in the mentioned paragraph.

ARTICLE 5

German Austria will grant to public education establishments in cities and in districts in which a considerable proportion of the residents are nationals of a language other than the German language reasonable facilities to insure that instructions will be given, in their own language, to children of these German Austrian nationals.

It will appertain to the jurisdiction called upon to put in execution Article 5, paragraph 1, to determine what proportion should be considered as "considerable" and what facilities recognized as "reasonable."

In cities and in districts in which a considerable proportion of the residents are German Austrian nationals belonging to ethnic, religious or linguistic minorities, these minorities will have, on the basis of the legal provisions regarding their organization, the right of determining and levying special taxes imposed upon their members in conformity with the assessment and the distribution of public taxes in force.

The competent authorities will have to determine whether a considerable proportion of nationals constitutes or not an ethnic minority. The modification proposed appears justified in order to protect the humanitarian interests of the majority of the populations. It is evident that in German Austria the public funds will be, from now on, quite insufficient to provide in an effective fashion for the necessities of education, religion and charity. By reserving a part of said funds for analogous institutions of minorities, the remainder available could not suffice for the most elementary needs, for one cannot fail to recognize, in this connection, that never, by dividing up a fund affected to the

upkeep of an institution, will one succeed, with the sums divided, in running institutions the value and importance of each of which are in proportion to the quota employed for its upkeep.

ARTICLE 6 (*integrally adopted*)

ARTICLE 7 (*integrally adopted*)

In what concerns the tenor of Article 7, the German Austrian Delegation confines itself to recalling the reasons and motives of the position it took in connection with Article 1.

ARTICLE 8 (*to be suppressed*)

With whatever earnestness the German Austrian Delegation might strive to acquiesce in the intentions of the Great Powers, it could not adopt the present article in the version which we have before us.

The propositions of German Austria on the acquisitions and loss of nationality are defined in Articles IV, V, and VI of Part II above.

Annex *b* to Part II¹¹⁰ contains an exposition of the detailed reasons on the one hand in support of said proposition and on the other hand to prove that the various provisions scattered through the parts of the Peace Conditions will not establish, on the subject of naturalization and denaturalization, a satisfactory regulation in conformity with the intentions of the Powers themselves.

ARTICLE 9

The provisions of the present section will be submitted to the jurisdiction of the Council of the League of Nations whose consent will be required for every modification made thereto.

The contradiction found between the wording of Article 9 of the "Conditions" and that of Article 1 has been pointed out above.

213. MODIFICATION OF THE SECTION ON PROTECTION OF MINORITIES IN THE JUNE 2D DRAFT OF THE TREATY

(a) RESOLUTION OF THE COUNCIL OF HEADS OF DELEGATIONS OF JULY 16¹¹¹

It is agreed not to comply with the request of the Commission on New States and not to modify Section VI of Part III (protection of minorities) submitted to the Austrian Delegation on June 2d.

¹¹⁰ Reproduced as Document 225, *infra*.

¹¹¹ H.D. Resolution 8.

213. (b) DISCUSSION, ON JULY 18, BY THE COMMITTEE ON NEW STATES OF THE RESOLUTION OF THE COUNCIL¹¹²

. . . . M. de Celigny brought before the notice of the Committee the decision of the Council of Five that no alteration should be made in the Minority Clauses which, at the request of the Committee, had been inserted in the Austrian Treaty. This decision of the Council of Five had been taken in consequence of the statement made by the Drafting Committee that the alterations made in the original draft of these clauses were of the nature of an aggravation, and that therefore these modifications could not be now imposed upon Austria.

It was pointed out that there appeared to be some misapprehension on the matter, for some of the changes made in the original draft of these Articles were rather in the nature of drafting amendments introduced partly by the Drafting Committee themselves. It was also pointed out that the alterations made in the nature of the appeal to the League of Nations were not entirely aggravations, inasmuch as in the original form a unanimous vote of the Council would be required for any alteration, while in the corrected form a majority of the Council would be able to introduce modifications.

It was unanimously agreed that it would be desirable for the Committee to send a communication to the Council of Five drawing their attention to this matter.

During the meeting the draft of a letter was prepared by the American Delegation, which was read at the end of the meeting. It was agreed that Mr. Hudson should produce a fresh draft which should be circulated among members of the Committee. If all of them expressed their agreement in writing to the Chairman the letter would then be sent. If not, a fresh meeting would be called to consider the draft. . . .

213. (c) DISCUSSION ON JULY 22 BY THE COMMITTEE ON NEW STATES OF THE COUNCIL'S RESOLUTION¹¹³

Austrian Treaty.—Mr. Headlam-Morley brought forward the draft of a letter (Annex (A))¹¹⁴ to be communicated to the Council of Five, dealing with the clauses of the Austrian Treaty and pointing out that the Committee could not completely accept the view of the Drafting Committee that an alteration of the clauses in the Austrian Treaty, to

¹¹² Miller, *My Diary*, XIII, 289-90: "The Thirty-fifth Meeting of the Committee on New States, July 18." Reprinted with the permission of Hunter Miller, Esq.

¹¹³ *Ibid.*, pp. 297-98: "The Thirty-sixth Meeting of the Committee on New States, July 22." Reprinted with the permission of Hunter Miller, Esq.

¹¹⁴ Not reproduced. For text of Annex A, see Miller, *op. cit.*, XIII, 298-305.

conform with those in the Polish Treaty, would be entirely in the nature of an "aggravation." It was explained that the draft embodied the essential parts of a draft already prepared by the American Delegation. The draft was read, and certain modifications and excisions agreed on. Apart from this, it was approved in substance.

It was, however, pointed out that there had just been received a Note from the Austrian Delegation, dealing with the Minority clauses inserted in the Austrian Treaty, and the criticisms made by the Austrian Delegation to some extent supported the criticisms of the Articles as they now appeared in the Austrian Treaty, which the Committee themselves were putting forward. It was decided, therefore, not to send any communication to the Council of Five on the matter until it was known which Committee the answer to this Note would be referred to; it was agreed that if, as might be expected, it was referred to the Committee on New States, the form of the draft communication could be altered so as to meet the changed circumstances.

214. DISCUSSION BY THE COMMITTEE ON NEW STATES OF THE REPLY TO THE AUSTRIAN NOTE ON MINORITY CLAUSES¹¹⁵

. . . . The Committee was informed that the Supreme Council had referred to them the consideration of the Austrian note dealing with the minority clauses (Annex (A)).¹¹⁶ Mr. Hudson had prepared a draft reply which was read and considered by the Committee. It was adopted, with a few minor alterations, and it was agreed that as soon as the final text of the draft in French and English had been arranged by Mr. Hudson and M. de Celigny, it should be communicated to the Council of Five (Annex (B)).¹¹⁷

215. LETTER TO THE SUPREME COUNCIL FROM THE COMMITTEE ON NEW STATES ON THE REPLY TO THE AUSTRIAN OBSERVATION ON THE MINORITY CLAUSES¹¹⁸

. . . . Complying with the direction of the Supreme Council, under date July 31, 1919, the Committee on New States has studied the com-

¹¹⁵ Miller, *My Diary*, XIII, 322: "The Thirty-ninth Meeting of the Committee on New States, July 30." Reprinted with the permission of Hunter Miller, Esq.

¹¹⁶ Reproduced as Document 212, *supra*.

¹¹⁷ Reproduced as Document 215, *infra*.

¹¹⁸ Miller, *My Diary*, XIII, 331-32: "The Thirty-ninth Meeting of the Committee on New States, July 30, Annex (B)." Reprinted with the permission of Hunter Miller, Esq.

ments of the Austrians on the clauses concerning the Protection of Minorities, as included in the Conditions of Peace, and the Committee has the honour to submit to the Supreme Council the attached draft of a reply to the Austrian counter-proposals.

The Committee favours the revision of Articles 79 and 87 of the Conditions of Peace to which the Austrians' comment has taken particular exception. This revision would have the effect of bringing the Austrian Treaty into conformity with the Treaty already signed with Poland and the Treaties to be signed with Czecho-Slovakia, Roumania, Jugo-Slavia, Greece and Bulgaria, in that which concerns the League of Nations enforcement of the guarantees to minorities. The Committee on New States had previously made an informal suggestion that this course should be adopted. The Austrians, in their comment, have started the objections which the Committee anticipated. As originally presented to Austria, Articles 79 and 87 are far from clear and are perhaps not altogether consistent. In the opinion of the Committee, the suggested revision will in some points constitute a distinct mitigation of Austria's terms, for the following reasons:

1. Whereas the former Article 79 conferred jurisdiction on the League of Nations over all obligations in this part of the Treaty, the revision would limit the jurisdiction of the League of Nations to the provisions regarding racial, religious and linguistic minorities.

2. Whereas the former draft outlined no definite procedure for the League of Nations and made it possible that appeals might be prosecuted by interested minorities, or even individuals, the revised draft would limit the League of Nations jurisdiction to disputes between States, and would prescribe a definite procedure to be followed. By recognising the jurisdiction of the International Court, the judicial feature of disputes is emphasised and the possibility of political interference to which the Austrians object is greatly diminished.

3. Whereas the former Article 87 required the consent of the Council of the League of Nations for any modification of these clauses, meaning the unanimous consent of the Council, the revised draft would allow a modification to be made if it receives the assent of a majority of the Council of the League of Nations.

The Committee on New States is convinced that the suggested revision will more effectively serve the purpose of the Allied and Associated Powers in including these clauses in the Austrian Treaty, at the same time it more nearly meets the views of the Austrians, as expressed in their counter-proposals.

216. OBSERVATIONS OF THE AUSTRIAN DELEGATION ON
"PART III, SECTION VI, PROTECTION OF MINORITIES"
IN THE ALLIED CONDITIONS OF JULY 20¹¹⁹

(Translation)

SECTION VI

PROTECTION OF MINORITIES

The provisions to be imposed on German Austria on the subject of the Protection of Minorities are absolutely in accord with the ideas having served as a base for the Constitution of our young Republic.

There is, therefore, no objection to be raised against the establishment of international guarantees to be created in favor of the said principles. It would be impossible, however, to not recognize that in so far as German-Austria is concerned, the proclamation of such principles in an international treaty would be untimely, considering that specifically in our State, any prejudice to the said fundamental rules would be contrary to its reason for existence. Particularly considering the minority of languages, German-Austria, contrary to the other States, issues of the former Monarchy, is an ethical [*sic*] community constituted of members of a same race and language.

The German-Austrian Republic can, therefore, as far as it is concerned, accept, with a few amendments, the proposed measures of protection, measures which, moreover, for States comprising vast coherent regions inhabited by many millions of people, different races and languages, could not give satisfaction to the exigencies of humanity and justice.

German-Austria consents, therefore, to the insertion of certain provisions covering the rights of minorities in the fundamental laws of the newly constituted States, and with a more favorable satisfaction in that she believes that the provisions of the Treaty requiring protection, apply in her case in favor of a minimum minority, which shall be, in a more extended manner and for better reasons, imposed on other States in which our co-nationals are domiciled in very considerable proportions.

In order to offer, in conformity with the requirements of practical life and justice, the necessary guarantees for all minorities requiring such protection, it would be in accord, doubtless, with the intentions of the Great Powers to incorporate the necessary provisions to a minimum

¹¹⁹ *S-H Bulletin*, No. 668, Part II: Observations Part III, Section VI, Protection of Minorities. For covering letter and list of accompanying documents, see Document 66 (*a-c*), *supra*. This document, while covered by the letter of August 9, is almost identical, *mutatis mutandis*, with the Delegation's Observations on the June 2 draft. Cf. Document 212, *supra*.

of protection, whether in the Pact of the League of Nations, or in other general regulations, and obligating all the respective States alike.

In particular the draft of the articles of the present Section necessitates the following observations:

ad Article 79.

The laws in force in the German-Austrian Republic are the most democratic in the world, and are inspired, in the first place, by ideas of liberty and justice. The Supreme Court of Constitutional law has jurisdiction over all detriment brought by a public authority against the fundamental laws recognized by the Constitution. Any authority which shall have taken a measure contrary to the rights mentioned shall amend the matter by emitting a new decision based upon the principle adopted in the decree of the Court. It is therefore only a question of *maintaining* consistent our institutions to the said principles, a duty, however, which should not be limited to a single State but, on the contrary, be incumbent on all the public Powers of the civilized world. An obligation to conform to the said principles could not, furthermore, be imposed in vague terms or in undefined generalities.

German-Austria spontaneously recognizes the international interest which effects democratic institutions. Being inspired herself with a hope for the realization of the principles of liberty and justice, she is pleased to believe that the principles which should be proclaimed in our little State shall in the same manner be explicitly recognized by all the civilized nations, whether victors or vanquished.

The undersigned Delegation abstains however from any suggestion on the subject of the clauses to be inserted in the fundamental laws, and in no wise opposes, "if such provisions are not already in force in her legislation," their insertion legislatively, as well as a guarantee as to their effective observation.

The German Austrian Delegation unites, furthermore, with the idea of reserving for the League of Nations the safeguard and protection of the said humanitarian principles. The jurisdiction, which, according to Article 79, is vested in the League of Nations, and by virtue of Article 87, the protection to be exercised by them [*sic*] should be, in our opinion,—understood in the sense that these attributions be limited to the domain of international law. In that way there would be, as a last resort, only the Constitutional Court of Law, heretofore mentioned, or other national courts, which would be called to judge any complaint preferred by an inhabitant or national of German-Austria for a violation of any of the rights in question. The Council of the League of Nations would be, on its side, called to indicate to the State its obligation to promulgate the necessary laws to guarantee the fundamental rights as well as conferring the power to put them into execution. It would therefore not enter the attributions of the League of Nations to intervene in

any question of litigation between the State and an individual; such intervention would be contrary to the national sovereignty. While insisting upon this order of ideas, in accordance, doubtless, with the intentions of the Powers, the German Austrian Government agrees without restriction to the text concerning the respective Powers in the League of Nations. However, it feels obliged to observe that the difference between the draft of Article 79 and that of Article 87 could give rise to doubts in the sense that the "protection" should extend only to the application of Articles 82 and 83, par. 2.

ad Article 80.

The protection of the life and liberty of the inhabitants (Article 80, Par. 1) requires in all the civilized States the enactment of special laws, regulating all branches of public life, as well as the penal code, laws on social security and individual liberty, etc. It is evident that these laws should be applied in conformity with their inception and imply no distinction as to birth, nationality, language, race, or religion between the different classes of protected individuals. The provisions in the 2nd Par. are identical with the principles established in our fundamental laws, with the exception that unrecognized religions have, up to the present time, not been publicly practiced in our country.

ad Article 81.

The first two paragraphs are in accordance with the Constitutional Principles in force in German Austria.

The restrictions on the free use of a language, referred to in the third paragraph, exist, in fact, only with a view to publications necessary to assure public security. A railroad or navigation company, or any party exploiting any industry, are obliged to draw up, publish, and placard all desired public information in a comprehensible language. However, liberty to conduct public meetings with a view to deciding on regulations and discussing in a language the usage of which appears more in conformity with the design, shall not be contested.

The public administrations should not—in the opinion of the German Austrian Delegation—at any time and in any connection refuse to whomsoever it might be, accommodations appropriate to any measure effectively considered within the range of good sense.

Thus, as has been stated heretofore, any provision referring to liberties on the subject of the use of languages could not offer any particular interest to the population of a State speaking but one language.

ad Article 82.

It is evident that *all* German Austrian nationals enjoy and shall continue to enjoy the same treatment under the same guarantees *de jure* and *de facto*. It is therefore not necessary to limit the provision in Art. 82 to nationals constituting a part of the "ethnic minorities" and to open up the question under conditions in which it would be necessary to

recognize, for a certain number of nationals, the position of a minority of the above nature.

By suppressing the restriction in the case of ethnical minorities, the intent of the first phrase of the present Article would be reduced to the provision decreed in Article 81, Par. 1. The phrase in question could be, consequently, either omitted, or, in the final draft, included in the paragraph mentioned.

ad Article 83.

It would devolve upon the court appointed to insure the execution of Article 83, Par. 1, to discern what portion should be considered as "considerable" and what liberties and facilities should be recognized as "appropriate."

Concerning the last paragraph of the present Article, competent authorities would have to discern if a considerable proportion of nationals did or did not constitute an ethnical minority. The modification proposed in the German Austrian draft appears justified as a protection for the humanitarian interests for the majority of the population. It is evident that in German Austria public funds are, at the present time, insufficient to provide efficaciously for the necessities of education, religion and charity. By reserving a part of these funds for analogous institutions among the minorities, the balance available would be insufficient for the most elementary needs, because we cannot fail to recognize, on such matters, that a proportioning of funds appropriated for the upkeep of an institution cannot achieve the same value of importance proportionate to the quota for each institution founded as could be obtained in the maintenance of a single institution.

ad Article 86.

The German Austrian Delegation therefore requests that Article 86 be completely omitted. Whatever might be the eagerness with which the German Austrian Delegation hastens to acquiesce with the intentions of the Great Powers, it is unable to adopt this Article in the draft of "Conditions."

The propositions of German Austria upon the acquisition and the loss of nationality are defined in Part II, Section II, of the "Drafts."

The motives detailed to support the said proposition, on one hand, and to prove on the other, that the different propositions appearing in the different parts of the Peace Conditions, do not sufficiently establish, on the subject of naturalization and denaturalization, an adjustment which gives entire satisfaction and is in accordance with the intentions of the Powers themselves, are enumerated below.

217. DRAFT OF A NOTE PREPARED BY THE COMMITTEE ON NEW STATES IN RESPONSE TO THE AUSTRIAN NOTE ON THE PROTECTION OF MINORITIES, WITH A DRAFT OF REVISED CLAUSES¹²⁰

(Translation)

DRAFT OF REPLY TO THE AUSTRIAN COUNTER-PROPOSALS CONCERNING THE PROTECTION OF MINORITIES¹²¹

The Allied and Associated Powers have received the observations of Austria concerning Section 6 of Part III of the Peace Conditions, containing the articles for the protection of Minorities. They note that the Austrian Delegation seems to agree with the Allied and Associated Powers in thinking that the stipulation of these guarantees in favor of the minorities of race, language and religion, will aid greatly in establishing harmony in relations between the peoples of Europe. The Austrian commentary testifies to the desire to co-operate in the solution of one of the most difficult and complex problems in Europe.

The amendments suggested by the Austrian Delegation concerning these clauses have been carefully examined by the Allied and Associated Powers. The observations made pertain especially to the two clauses which treated with the putting into force, by the League of Nations, of the guarantees given to the minorities. The Austrian Delegation recognizes that this right of the League of Nations constitutes a question of International interest and it agrees with the Allied and Associated Powers in recognizing the necessity of conferring upon the League of Nations the authority and jurisdiction needed, with a view to safeguarding the guarantees stipulated.

The Austrian Delegation criticized the wording of Articles 79 and 87, which concern the League of Nations and it drew attention to the doubts which might arise on the subject of the application of these articles.

The desires of the Austrian Delegation will be satisfied to a large extent if these clauses are made to conform with the analogous clauses already introduced in the treaty between the Allied and Associated Powers and Poland. It seems that this delegation also desires that the duties imposed upon the Austrian State be as nearly as possible the same as those assumed by other States which formed part of the former Austro-Hungarian Empire.

The Allied and Associated Powers have, therefore, modified these articles with a view to making them agree with the clauses inserted in the Treaty with Poland.

¹²⁰ *S-H Bulletin*, No. 638, August 5, 1919.

¹²¹ This document is the latter part of Annex B to the Minutes of the Thirtieth Meeting of the Committee on New States of July 30, 1919. Cf. Miller, *My Diary*, XIII, 333-37.

As revised, these clauses define, in a more precise manner, the jurisdiction of the League of Nations and the procedure to be used in exercising it. The old draft was criticized because it permitted the League of Nations to intervene in a difference between the Austrian State and an individual. It will now clearly be seen that the Council of the League of Nations will take action only upon the request of a State which is a member of the Council, and that the permanent court of international justice, established under the auspices of the League of Nations, will have jurisdiction only as regards differences arising between Austria and a State which is a member of the League of Nations. The act of conferring jurisdiction upon this court emphasizes the juridical character of the differences which may arise and fully responds to the desire of Austria to limit the possibilities of political intervention in this matter.

Thus, every sign of contradiction disappears between the old Article 87, which limited the protection of the League of Nations "to the clauses pertaining to the minorities of race, language and religion" and the old Article 79, which conferred jurisdiction over all "the obligations contained in the present section."

If any difficulties should arise in the execution of these clauses, their modification would be facilitated by the stipulation which states that it may be effected with the assent of the majority of the Council of the League of Nations, and the Allied and Associated Powers today promise not to refuse their assent to any modification of this nature. . . .

(Translation)

III

ANNEX TO REPORT

REVISED CLAUSES

Article 79

Austria engages to recognize as a fundamental law the stipulations contained in Articles 80 to 84, and to permit no law or regulation or any official act to conflict or to enter into opposition with these stipulations, and to permit no law or regulation or any official act to prevail over them.

Article 80

Article 81

Article 82

PREVIOUS DRAFT

Former Article 85 was similar

Austria engages to incorporate the Stipulations of Articles 79 to 84 in her fundamental laws as a declaration of rights, with which no law or regulation or any official act may conflict or enter into opposition, and over which no law or regulation or any official act may prevail.

(Former Article 79 is included below.)

No change

No change

No change

Article 83

Austria shall accord to institutions of public instruction in cities or districts in which there is a considerable proportion of Austrian nationals speaking a tongue other than German, the appropriate facilities for instructing the children of these Austrian nationals in their own language.

This provision will not prevent the Austrian Government from making the teaching of German obligatory in the said schools. In cities or districts in which there is a considerable proportion of Austrian nationals belonging to ethnic, religious or linguistic minorities, these minorities shall be assured a fair share of the benefits and distribution of the sums assigned by the State, municipal or other budget from the public funds for the purposes of education, religion or charity.

Article 84

Austria agrees that the provisions of the preceding articles concerning persons belonging to ethnic, religious or linguistic minorities must constitute obligations of an international character and that they shall be placed under the guaranty of the League of Nations. These provisions shall not be modified without the consent of the majority of the Council of the League of Nations. The Allied and Associated Powers agree by the present instrument to give their

This article merges former Articles 83 and 84, which were drafted as follows:

Article 83

Austria shall accord to institutions of public instruction in cities or districts in which there is a considerable proportion of Austrian nationals speaking a tongue other than German, appropriate facilities for instructing the children of these Austrian nationals in their own language.

In cities or districts in which there is a considerable proportion of Austrian nationals belonging to ethnic, religious or linguistic minorities, these minorities shall be assured a fair share of the benefits and distribution of the sums assigned by the State municipal or other Budget from the public funds for the purposes of education, religion or charity.

Article 84

The above provisions concerning public or private instruction in a language other than German do not prevent the Austrian Government from making the teaching of German obligatory.

Former Article 79

Austria engages to make her institutions conform to the principle of liberty and justice and to give a solid guaranty to all the inhabitants of her territory. To this end she declares herself to be in accord

consent to any modification of these articles to which the majority of the Council of the League of Nations may have consented in regular form.

Austria agrees that any member of the Council of the League of Nations shall have the right to draw the attention of the Council to the infringement, or any threat of infringement, of any one whatever of these obligations, and she also agrees that the Council shall have the power consequently to take such measures and to give such instructions as it may deem fit and efficacious in the circumstances. Austria agrees moreover that all difference of opinion on questions *de jure* or *de facto* arising over these articles between the Austrian Government and any one whatever of the principal Allied and Associated Powers or any other Power that is a member of the Council of the League of Nations, shall be held to be a dispute of an international character by the terms of Article 14 of the Covenant of the League of Nations. The Austrian Government agrees by the present instrument that any dispute of this nature shall be, if the other party demands it, submitted to the Permanent International Court of Justice. The decision of the Permanent Court shall be without appeal and shall have the same bearing and the same effect as a sentence by the terms of Article 13 of the Covenant.

Article 85

with the Allied and Associated Powers in recognizing that the obligations contained in the present section constitute obligations of an international nature, submitted to the jurisdiction of the League of Nations.

Former Article 87

The provisions of the present section concerning the protection of ethnical, religious or linguistic minorities, shall be under the protection of the League of Nations and the consent of the Council of the League of Nations shall be necessary for any modification of these provisions.

*Same draft as former
Article 86*

218. RESOLUTION OF THE COUNCIL OF HEADS OF DELEGATIONS, AUGUST 6, 1919, ACCEPTING THE DRAFT REPLY TO THE AUSTRIAN COUNTER PROPOSALS ON THE PROTECTION OF MINORITIES¹²²

IT WAS AGREED :

1. To accept the draft reply to the Austrian counter proposals on the protection of minorities submitted by the Commission on New States.
2. To forward the same to the Editing Committee for incorporation in the general reply to the Austrian counter proposals.

219. NOTE FROM THE COMMISSION ON POLITICAL CLAUSES WITH REFERENCE TO RECONCILIATION OF THE CLAUSES OF THE TREATY OF PEACE WITH AUSTRIA WITH THOSE OF THE TREATIES TO BE CONCLUDED WITH THE ALLIED STATES FORMED OUT OF THE AUSTRO-HUNGARIAN EMPIRE¹²³

(Translation)

NOTE TO THE SUPREME COUNCIL

In conformity with the mission intrusted it by the Supreme Council of the principal Allied and Associated Powers following the resolution dated July 11, 1919, the Commission on the Political Clauses of the Treaty with Austria has examined "M. Sonnino's proposal tending to apply to all the countries of the former Austro-Hungarian Monarchy, certain political clauses of the Peace Treaty with Austria."

Its works have resulted in the elaboration of a first draft of treaty to be concluded between the Allied States issues of the former Austria-Hungarian Monarchy, or receiving territories which belonged to the said Monarchy, with the participation of the principal Allied and Associated Powers.

A treaty of that kind, to which only *Allied States* are parties, must necessarily be *freely consented* to by all parties concerned. For that reason, the stipulations contained therein could not be of the same nature as analogous stipulations which were drafted in view of a Peace Treaty *imposed* upon Austria, an *enemy State*.

The draft made by the Commission, and upon which it consults in

¹²² H.D. Resolution 25. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

¹²³ *S-H Bulletin*, No. 645, August 8.

this moment the Allied States concerned, therefore does not reproduce textually the articles of the Treaty with Austria, dealing with subjects of a similar nature.

In the opinion of the Commission, it would, nevertheless, be necessary that questions of this nature be regulated according to a general scheme in all the States, heirs to the former Austro-Hungarian Monarchy, New Austria and New Hungary included.

Therefore it seems opportune to harmonize as far as possible the analogous clauses of the Peace Treaty with Austria (as well as those of the future treaty with Hungary) with the Treaty studied by the Commission.

It does not seem, moreover, that these eventual modifications of the Treaty with Austria will give rise to serious objections on the part of the Austrian Delegation since they do not aggravate the conditions already presented to that Delegation.

It goes without saying that it would be necessary, should this eventuality come to realization, that the Treaty between the Allied States be drafted and approved by the Supreme Council, in due time, so that modifications which it might develop, be inscribed in the conditions which shall be delivered to the Austrian Delegation in answer to the remarks which it is about to send on the conditions communicated to it.

In this eventuality, the Commission has taken the necessary measures in order to be in a position to submit, as soon as possible to the Supreme Council a text approved by those concerned.

However, the Commission would like to know, at the present time, if the Supreme Council approves its suggestion and considers that it would be well to make the clauses of the Treaty with Austria, analogous to those of the proposed treaty between the Allied States, conform with the latter. In case the Supreme Council is willing to give its consent to this way of thinking, the Commission, in order to avoid all causes of delay, would take measures to prepare as soon as possible and in accord with the Drafting Committee and the Commissions concerned, the new text of the clauses of the treaty with Austria which might have to be modified.

220. RESOLUTION OF THE COUNCIL OF HEADS OF DELEGATIONS ON AUGUST 6 ACCEPTING THE PROPOSALS CONTAINED IN THE NOTE FROM THE COMMISSION ON POLITICAL CLAUSES¹²⁴

It was agreed to accept the proposals contained in the note submitted by the Committee on political clauses and to authorise the Committee on

¹²⁴ H.D. Resolution 25.

political clauses to prepare as soon as possible in conjunction with the drafting committee and the commissions concerned the new text of the clauses of the treaty with Austria therein referred to.

221. MODIFICATION MADE BY THE COMMITTEE ON NEW STATES IN THE REPLY TO THE AUSTRIAN NOTE REGARDING MINORITIES¹²⁵

. . . . Mr. Headlam-Morley reported that the Co-ordinating Committee for the reply to the Austrian note had left it to the Committee on New States to make the small modification required in the section of the reply relating to the minority clauses. This was necessary in order to avoid conveying the impression that the Allied and Associated Powers were by these clauses placing a limitation on the competence of the League of Nations. This modification was made and communicated to the Secretariat-General (Annex (A)). . . .

ANNEX (A) TO FORTY-EIGHTH MEETING

Part of the second paragraph on the second page of the draft reply to the Austrian counter-proposals on the protection of minorities was worded as follows:

"It is now made clear that the Council of the League of Nations will act only at the instance of a state which is a member of the Council, and that the Permanent Court of International Justice to be established under the League of Nations will have jurisdiction only of disputes between Austria and a state which is a member of the Council of the League of Nations. The conferring of jurisdiction on this Court emphasises the judicial nature of disputes which may arise, and fully meets the Austrian desire to restrict the possibility of political interference in her affairs."

The modification agreed upon at the forty-eighth meeting of the Committee, and forwarded to the Secretariat-General, changes the text to read as follows:

"It is now made clear that under the present Treaty the Council of the League of Nations will act only at the instance of a state which is a member of the Council. The conferring of jurisdiction on the Permanent Court of International Justice to be established under the League of Nations emphasises the judicial nature of disputes which may arise, and fully meets the Austrian desire to restrict the possibility of political interference in her affairs."

¹²⁵ Miller, *My Diary*, XIII, 438-40: "The Forty-eighth Meeting of the Committee on New States, August 30." Reprinted with the permission of Hunter Miller, Esq.

222. REPLY OF THE ALLIED AND ASSOCIATED POWERS OF SEPTEMBER 2, 1919, TO THE OBSERVATIONS OF THE AUSTRIAN DELEGATION ON THE PROTECTION OF MINORITIES¹²⁶

(Translation)

SECTION V (I). PROTECTION OF THE MINORITIES

The Allied and Associated Powers have received the observations of Austria concerning Section 5 of Part III of the Peace terms containing articles for the protection of minorities. They remark that the Austrian Delegation appears to be in accord with the Allied and Associated Powers in deeming that the stipulation of these guarantees in favor of race minorities, of language and of religion, will very much aid in establishing relations between the peoples of Europe. The Austrian commentary evidences a desire to cooperate in the solution of one of the most difficult and most complex problems of Europe. The amendments suggested by the Austrian Delegation concerning these clauses have been carefully examined by the Allied and Associated Powers. The observations bear especially upon the two clauses which have relation to the enforcement by the League of nations of the guarantees given to the minorities. The Austrian Delegation recognizes that this right for the League of nations constitutes a question of international interest and it is in accord with the Allied and Associated Powers in recognizing the necessity of conferring upon the League of nations the necessary power to safeguard the stipulated guarantees. The Austrian Delegation has criticized the wording of article 62 (79)¹²⁷ and 69 (87) relating to the League of nations and has directed attention to some doubts which might arise in the application of these articles. The desires of the Austrian Delegation will be in a large measure satisfied if these clauses are conformed to the analogous clauses already introduced in the Treaty between the Principal Allies and Associates and Poland. It seems that this Delegation may also desire the duties imposed upon the Austrian State, in so far as possible, identical with those undertaken by the other states composing the old Austro-Hungarian empire.

The Allied and Associated Powers have, therefore, modified these articles to make them agree with the clauses inserted in the Treaty with Poland. As revised, these clauses define more precisely the jurisdiction

¹²⁶ United States, 66th Congress, 1st Session, *Senate Documents*, Vol. 15, No. 121, p. 12. For covering letter and list of accompanying documents, see Document 73(a, b), *supra*.

¹²⁷ The first of the article numbers refers to the Treaty text, the other, in parentheses, to the July 20 draft.

of the League of nations and the procedure in its exercise. The old wording has been criticized because it allowed the League of nations to intervene in a difference between the Austrian state and a particular [one of its members]. From the present Treaty, it will now clearly appear that the Council of the League of nations will only act upon the request of a state which is a member of the Council. The conferring of jurisdiction upon the Permanent Court of international justice established under the League of nations underlies the juridical character of the differences which can be raised and fully responds to the desire of Austria of restraining the possibilities of political intervention in this case. Thus disappear appearances of contradiction between the old article 87 which limited the protection of the League of nations "to the clauses which have to do with racial, religious, and linguistic 'minorities' and the old article 79 which conferred jurisdiction upon all the obligations contained in the present Section."

If difficulties ensued in the execution of these clauses their modification would be facilitated by a stipulation indicating that it can be effected with the assent of the majority of the Council of the League of nations and that the Allied and Associated Powers now do not refuse their assent to any modification of this nature.

"SECTION VI, CLAUSES RELATING TO NATIONALITY"
(ARTICLES 70-82)¹²⁸

EXPLANATORY NOTE

This section does not appear in the preliminary drafts of the Treaty; in response to the Observations of the Austrian Delegation it was formed from articles previously contained in other portions of these drafts. (See Articles 37-42, 57-58, 65, 69-70, 86 of the July 20 draft.)

Articles 74 and 77 do not appear in any other Treaty except the Hungarian. There seems to have been no discussion of them by the Supreme Council.

Article 76 is based on Draft Article No. 6 proposed by the Commission on Rumanian and Yugoslav Affairs. See Document 126(b).

¹²⁸ See also Documents 126(b), 163(b), 179, and 202(d), *supra*. The nationality clauses in Part X of the Treaty are covered in the documents reproduced here only in so far as they are included in the discussions of Articles 70-82.

Articles 78 and 82 are based on Articles 85, 91, 106 and 113 of the Versailles Treaty. In compliance with the proposal in the Austrian counter proposals the period of option was changed from two years in the German Treaty to one year in the Austrian Treaty. See Document 126(b), Article 7.

Articles 79–80 are based on the articles proposed by the Austrian Delegation in their re-editing of the Treaty: "Section II, Nationality, Article I" (Document 62, *supra*).

Article 81 is based on Article 5 of the Polish Treaty. It appears in differing forms as Article 8, Section V, Part III of the June 2 draft and Article 86 in the July 20 draft of the Austrian Treaty. In compliance with the protests of the Austrian Delegation it was modified to its final form.

223. ANNOTATIONS ON THE DISCUSSIONS BY THE COUNCIL OF FOUR AND THE COUNCIL OF HEADS OF DELEGATIONS ON THE NATIONALITY CLAUSES OF THE TREATY¹²⁹

ARTICLES 70 TO 82 (NATIONALITY) RELATING SPECIALLY TO TERRITORY TRANSFERRED TO ITALY

Clauses relating to nationality and applying to territory transferred by Austria to Italy were originally included in Section of Political Clauses affecting Italy. On May 27th (C.F. 35), the Council of Four decided that the draft of political clauses relating to territory acquired by Italy from Austria should be circulated at once by the Italian Delegation. On the following day (C.F. 37 B), it was decided to refer certain of the Articles to appropriate Commissions. On June 6th (C.F. 50), the Council of Four decided to refer the first eleven of the Articles, which dealt principally with nationality, to a Committee consisting of the following or representatives appointed by them: Mr. Lansing, Mr. Balfour, M. Pichon, M. Sonnino. (For draft of the Articles referred to this Committee, see Appendix I of the Minutes of C.F. 50.) On June 16th the Council of Four adopted and initialled the draft submitted by this Committee; no discussion by the Four is recorded in the Minutes (C.F. 73). In preparing the draft, the Committee had two meetings, Mr. F. K. Neilson and Sir Eyre Crowe serving for Mr. Lansing and Mr. Balfour, respectively. M. Berthelot represented M. Pichon

¹²⁹ Miller, *My Diary*, XIX, 524–26. Reprinted with the permission of Hunter Miller, Esq.

at the second meeting. Italy was represented by M. de Martino and M. Crespi at the first and second meetings respectively. The Committee reported seven Articles for insertion in the European Political Clauses of the Treaty under the title "Italy."¹³⁰ The last six of these Articles concerned nationality with reference to territory transferred to Italy. Allowing for minor changes and transpositions, these six Articles on nationality corresponded to the provisions of Articles 37-43, inclusive, of Section I (Italy), of Political Clauses for Europe, as they appeared in the Conditions of Peace with Austria, presented to the Austrian Delegation on July 20th. This Section was reserved when portions of the Conditions of Peace were presented to the Austrians at an earlier date.

The Austrian Delegation offered criticisms of the nationality clauses occurring under the various Sections: "Italy," "Serb-Croat-Slovene State," etc., of the European Political Clauses. One of the criticisms was based on the lack of a consolidated treatment of the subject of nationality. (See Observations accompanying note from Austrian Delegation under date of August 6th.) The Austrian Delegation proposed a section of five articles on Nationality, in the Redactions, accompanying the Observations of the Austrian Delegation.

Mr. Headlam-Morley, before the Council of Heads of Delegations on August 26th (H.D. 39), said the question of nationality was extremely complicated. The Drafting Committee had completely revised the Nationality Clauses of the Peace Treaty (with Austria). Through principle accepted by the Council for Political Clauses, the Editing Committee was committed *ipso facto* to the Clauses on Nationality as drafted by the Drafting Committee. But for purposes of conformity, the Editing Committee were compelled to introduce a few amendments in the replies to the Austrian notes.

The Council agreed that the reply to Austrian notes on Nationality Clauses should be subject to such modifications of form as the Editing Committee might introduce, in order to bring them into agreement with the Clauses drawn by the Drafting Committee.

Part III, Section VI¹³¹ of the Reply to the Austrians stated that the provisions dealing with nationality had been assembled into a special section, and that the changes from the text formerly presented took account, so far as possible, of the Austrian Observations which con-

¹³⁰ [Original note.] The Committee submitted another Article, which was approved at the same time by the Council of Four. This was for incorporation in the General Provisions of the European Political Clauses; it corresponded to Article 92, with the date of August 1st, 1914, instead of the date in the Treaty Article of July 28, 1914.

¹³¹ Reproduced as Document 228, *infra*.

cerned possible contradictions between certain provisions applying to territories transferred.

Changes are to be noted in connection with Articles 70, 78 and 82, of the final Treaty, from the standpoint of form. So far as territory transferred to Italy is concerned, these correspond to the following Articles respectively of European Political Clauses, Section on Italy, of the terms presented July 20th: Article 37, first paragraph; Article 38 (with last three paragraphs of Art. 39); Article 40, first paragraph.

The following Articles or paragraphs of the final Treaty with Austria relate particularly to nationality in the case of territory transferred to Italy: 71(1); 71(2); 72(a); 72(b); 73; 75. These correspond in substance to the following paragraphs, respectively, of Section on Italy of the terms presented on July 20th: Article 39(1); Article 37, second paragraph; Article 39(2); Article 39(3); Article 39, second paragraph; Article 41.

224. ANNOTATIONS ON THE COUNCIL OF FOUR'S DISCUSSION OF ARTICLES 70-73, 75, RELATING TO THE STATUS OF PERSONS IN THE TERRITORY OF THE FORMER AUSTRO-HUNGARIAN EMPIRE TRANSFERRED TO ITALY¹²²

ARTICLES 70-73, 75

. . . they represent five Articles reduced, by a Committee consisting of Mr. Lansing, Mr. Balfour, M. Pichon, and Baron Sonnino (or their representatives), from nine Political Articles of a Draft prepared by the Italian Delegation regarding ex-Austro-Hungarian territory to be transferred to Italy. The text of these five Articles, initialled by the Council of Four on June 16, is given in C.F. 73, App. I, the basis of the Articles under consideration being found in Articles 2, 4, and 6 of this Draft:

"Austrian nationals born and having their right of domicile (*pertinenza*) in accordance with the local administrative laws in the territories of the former Austro-Hungarian Monarchy transferred to Italy, will acquire Italian nationality *ipso facto*, and will lose their Austrian nationality.

"The above-mentioned Austrian nationals, however, who have only acquired domicile (*pertinenza*) in the said territories after May 24th, 1915, or who have only acquired it in consequence of their functions, will only be able to acquire Italian nationality by special permission of the Italian State.

"Within the year which follows the coming into force of the present Treaty, persons belonging to one of the following classes may claim Italian nationality:

¹²² Gray, *op. cit.*, pp. 73-74. See also Document 179, *supra*.

"(1) Austrian nationals who have the right of domicile in the aforesaid territories, but who were not born there;

"(2) Austrian nationals who previously had the right of domicile in the said territories, or, whose fathers, or, if their fathers are unknown, mothers, had the right of domicile in that territory;

"(3) Austrian nationals who have served in the Italian Army during the present war, and their decendants.

"The claim to nationality of the said persons may be rejected by the competent Italian authorities in individual cases.

"Juridical persons existing in the territories transferred to Italy, who have been recognized as such by the Italian Administrative Authorities or by an Italian judicial decision, shall be considered Italian."

The subsequent modifications of these Articles into their present form was doubtless, in the main, if not entirely, the work of the Drafting Committee.

225. COUNTER PROPOSALS OF THE AUSTRIAN DELEGATION OF JULY 25, 1919, TO THE NATIONALITY CLAUSES IN THE ALLIED CONDITIONS OF JUNE 2¹³³

(Translation)

NATIONALITY OF THE FORMER AUSTRIAN NATIONALS

The Peace Conditions presented to the German Austrian Delegation contain in different places various provisions for the manner of acquiring and losing German Austrian nationality. The importance of these provisions is all the greater since, according to the plans, German Austrian nationality will entail serious disadvantages, while very considerable advantages will be attached to the acquisition of another nationality, by option or in any other manner.

In laying before the Conference the consequences which necessarily will result from the application of the clauses on nationality, the German Austrian Delegation takes it for granted that in the draft of the "Conditions," by "Austrian nationality" is meant the nationality of the new German Austrian Republic, since otherwise the provisions in question would have no more importance for German Austria than for the other succeeding states, and since, moreover, a nationality of the former Austria no longer exists since the disappearance of this state.

The provisions in question are the following:

¹³³ *S-H Bulletin* No. 516, Part IV: Austrian Counter-Proposals, Part II, Annex b. This Memorandum is given in full in *Bericht*, I, 355-60; in *Notes*, however (pp. 261-64), the text has been cut. For covering letter, see Document 64(a), *supra*. It is listed not in Document 64(c), however, but in Document 66(c), *supra*.

“Part III, Section III—Article 4:

“Czecho-Slovak nationality shall be fully acquired, to the exclusion of Austrian nationality, by Austrian nationals established in the territories recognized as forming part of the Czecho-Slovak state.

“Article 5:

“§1. Within two years from the time the present Treaty comes into force, Austrian nationals¹⁸⁴ above the age of eighteen and established in territories recognized as forming part of the Czecho-Slovak State shall have the right to opt for Austrian nationality. Czecho-Slovaks who are Austrian nationals, above the age of eighteen and established in the territories of the former Austro-Hungarian monarchy, shall have the same right to opt for Czecho-Slovak nationality.

“Part III, Section V—Article 8:

“Austria engages to offer no hindrance to the exercise of the right of option provided for by the present Treaty or by the Treaties concluded by the Allied and Associated Powers with Germany, Hungary, Russia, or between the said Powers themselves, allowing those concerned to acquire or not to acquire Austrian nationality.

“Part III, Section VI—Article 3:

“§2. Austria engages to recognize the provisions that the Principal Allied and Associated Powers may make concerning these territories, notably in so far as they concern the nationality of the inhabitants.

“Part X, Section I, Chapter VI—Article 13:

“Austria engages to recognize the new nationality that may have been or that may be acquired by her nationals according to the laws of the Allied or Associated Powers and in conformity with the decisions of the competent authorities of these Powers, either by the way of nationalization, or by the effect of a clause of a treaty, and to release these nationals in every way, by reason of this acquisition of new nationality, from all allegiance to their original state.”

In examining the bearing of the said articles in their application, it is necessary clearly to distinguish the consequences entailed on the one hand by the *loss*, and on the other by the *acquisition*, of German Austrian nationality. Both of them may, according to the texts mentioned, be operated without the intervention and contrary to the will as well as the interests of German Austria.

Every German Austrian citizen loses, by virtue of Article 4 (Part III, Section III), his nationality as soon as he “establishes himself” on

¹⁸⁴ [Original note.] An Austrian national cannot opt for Austrian nationality; the above text can be explained only by admitting that it is a question of the right of option of a Czecho-Slovak national having acquired his right of option by the establishment mentioned in Art. 4.

Czecho-Slovak territory. He also loses his nationality by declaring—without the peace conditions exacting a definite form for this declaration—that he is, although a German Austrian national, at the same time Czecho-Slovak, and that consequently he avails himself of his right to opt for this latter nationality (Article 5, paragraph 1—Part III, Section III). “Establishment” in a foreign country, even a simple declaration claiming, if necessary, a knowledge of the Czech language or a genealogy going back to an ancestor inhabiting a region either Czech or German or Magyar and at present forming part of the Czecho-Slovak state, would be sufficient therefore to rid oneself of German Austrian nationality. It is by one of these simple means that any German Austrian would be authorized to escape military service, and especially that any capitalist might exact, in the measure of the scope of Article 48 (Part X),¹³⁵ the exemption of his property, rights and interests from any charge or tax created or increased since November 1, 1918. In the same way too the said individual may enforce reimbursement by the German Austrian State for property, at a rate of exchange insuring him a very considerable profit. He can obtain, according to Article 50, to the detriment of his former compatriots, the annulment of certain contracts disadvantageous to himself, and he will enjoy, by virtue of Article 54, formidable advantages of exchange, when it comes to the payment of certain debts. He can, moreover, according to the text that we have at hand, secure all these advantages not only to the detriment of German Austria, but even without the authorities of the country of his choice having the right to raise an objection.

Let us add that such acquisitions of nationality might be entailed by the application of Article 3 (Part III, Section VI—paragraph 2), in consequence of measures taken relative to the nationality of a German Austrian, let us say a Viennese, inhabiting a territory outside of German Austria and one which has never formed part of it, the city of Trieste, for example. Supposing that analogous provisions are stipulated for the acquisition of the nationality of the rest of our neighbor states, it is evident that such a system of naturalization and denaturalization would necessarily give rise to all sorts of subterfuges by which German Austria would shortly be deprived of her most important tax-payers and would in consequence be unable to meet the obligations imposed on her, or to provide for her material and social reconstruction even in the most modest degree.

The loss of German Austrian nationality would be entailed also, by virtue of Article 13 of Part X (Economic clauses),¹³⁶ by the mere fact of the acquisition of another. As it is inadmissible that a subject of any

¹³⁵ Not reproduced.

¹³⁶ Not reproduced.

state whatever, so long as he retains this quality, should ever be "released in every way from all allegiance to his original state," it follows that the acquisition of another nationality would imply fully the loss of that of German Austria. Any law or any other ruling, concerning the acquisition of nationality, promulgated in *another* state, as well as honorary citizenship, would therefore modify German Austrian nationality. It would be quite as impossible for German Austria to put in force a legislation on this subject as it would be to make known, through its authorities, the rights or obligations resulting from this nationality. An authority would never know whether an individual, up to then a German Austrian national, was still enjoying this right or whether by virtue of the place of his birth, of his origin, of his residence, or for any other reason whatever, he had been deprived of it by a new ruling promulgated, or by a decision taken, in one of the Allied or Associated states. This system would incontestably render any organized administration illusory; it would be, to cite only isolated examples, impossible to make a preliminary estimate of the revenue from taxes to be created, seeing that the number of tax-payers might suddenly be reduced by some legislative or administrative act abroad; not being able to count on any definite number of citizens, it can not initiate measures before hand, or organize public works, not knowing how many of the nationals will be interested and how many may be taxed; eligibility to public office may also be undertaken [*sic*]¹⁸⁷ since any official might at any time lose his nationality by reason of measures over which the state of which he had been a national up to then has no control. Thus the possibility of the loss of nationality entailed by unforeseen measures in other states would necessarily paralyze the functioning of the public powers in an independent state.

If the consequences set forth above, entailed by the provisions on the loss of nationality, are obviously contrary to the intentions of the Allied and Associated Powers, the effects of the clauses on the acquisition of the said right cause their own authority to suffer detriment. On this subject the German Austrian Delegation confines itself to calling attention to the effects that the application of Article 8 (Part III, Section V) would have. By virtue of this article, third powers would have only to conclude conventions among themselves, allowing those "interested" to acquire German Austrian nationality. Without insisting on the fact that up to the present a ruling by virtue of which certain states would for an indefinite time have a free hand to enter charges against a single state would have been considered to be contrary to international law, it is necessary to weigh the practical results of such a provision. First of all, it might be that on the legal basis of the aforesaid treaties between third Powers, the same maneuvers would be attempted as at the recent elec-

¹⁸⁷ The original French reads "*mise en doute.*"

tions in Vienna; by granting German Austrian citizenship to a great number of immigrants, and then withdrawing it the day after election there would be created an effective means of exercising in an independent state an influence contrary to all constitutional principles.

Another consequence of such international engagements concerns the pensions of retired Austro-Hungarian officers, as well as of the employees of former Austria. It is incontestably a matter of the most elementary justice to put the maintenance of all such persons and their families to the charge of all the states formed from the monarchy or former Austria. To recognize to certain states the right to rid themselves of these duties by a Treaty, would not only be unjust to the poorest of the succeeding states, but even contrary to ordinary humanity, for thus these indigent creditors would be referred to the only one of their debtors that is absolutely unable to satisfy their claims, however well justified they may be.

The most serious consequences of this arrangement would however be produced in the realm of humanitarian relief in general. No state will consent to lose the energy of able-bodied workmen or industrials representing an economic force either in capital or in spirit of organization. On the other hand, the indigent and infirm might be put, without restriction, to the charge of German Austria. Incapable of providing by its own means for the most elementary needs of its population, overwhelmed by the war, this young republic would be appointed by the Peace Treaty as that one of the states which should form in a way the refuge of the idle, the incurable, the lepers and the epileptic. It is only with the greatest difficulty that German Austria can at present fulfil, in a measure more than modest, her duty of giving charitable aid to the indigent, to the sick and the incurable. Now, the conventions to be concluded according to the Peace Treaty would necessarily prevent aid being given either to her own nationals or to foreigners. The constraint imposed on German Austria on the subject of the granting of her nationality would therefore have no other result than to increase poverty and to create in the center of Europe a hotbed of fermentation of the worst dangers for civilization and social order. These consequences would seriously affect the prestige of the Great Powers and would compromise the responsibility that they have assumed. It would be, consequently, indispensable to omit from the Peace Treaty clauses by virtue of which material duties might be imposed by third states on any state, however feeble, without her knowledge. In this connection, it would be to the incontestable interest of all the Concert of Powers to omit the clauses mentioned, in order to restore order to the international relations in the matter of the acquisition of nationality. The German Austrian Delegation proposed to replace all these provisions by the texts set down in the counter-proposition, which confine themselves to the clear and precise rule that every person belongs

to the state in which he finds his legal domicile, but that on the one hand the inhabitants of the territories contested and subject to the plebiscite, and on the other the persons of foreign race and tongue, may choose by option, as country, the state to which they belong by race and tongue.

226. OBSERVATIONS OF THE AUSTRIAN DELEGATION ON THE
NATIONALITY CLAUSES IN THE ALLIED CON-
DITIONS OF JULY 20¹³⁸

(Translation)

The Peace Conditions presented to the German Austrian Delegation contain in different places various provisions for the manner of acquiring and losing German Austrian nationality. The importance of these provisions is all the greater since, according to the plans, German Austrian nationality will entail serious disadvantages, while very considerable material advantages will be attached to the acquisition of another nationality, whether by way of option or any other manner.

In laying before the Conference the consequences which would necessarily result from the application of the clauses on nationality, the German Austrian takes it for granted that, in the draft of the "Conditions," by "Austrian nationality" is meant in general the nationality of the new German Austrian republic, since otherwise the provisions in question would have no more importance for German Austrians than for the other succeeding states and since, moreover, a nationality of the former Austria no longer exists since the disappearance of this State. There are, however, in the text of the treaty some articles in which the term "Austrian nationals" obviously means the former nationals of former Austria (Articles 38, 58, 65, alinea 2 and 70).

The provisions of the "Conditions" presented to the undersigned Delegation dealing with nationality are the following: Articles 37, 38, 39, 42, 57, 58, 65, 69, 70, 86, 90 and 225.

Let us note first that the provisions enumerated are, in part, in absolute contradiction with each other, since, according to them, certain persons would belong to *several* states at the same time, while others, on the basis of the Peace Treaty, could claim *no* nationality.

Thus, to cite only examples: a person born at Trieste, and having denizenship there, and established at Laibach (Ljubljana) would be, whether he be of Italian or Yugoslav race, Italian by virtue of Article 37, and Yugoslav, by virtue of Article 57.

On the other hand, a person having denizenship in a territory trans-

¹³⁸ *S-H Bulletin*, No. 668, Part II: Observations Part II, Section II, Nationality. For covering letter and list of accompanying documents, see Document 66(a-c), *supra*.

ferred to Italy, but who was not born there or who has acquired denizenship after a certain date or by reason of his functions, would not be an Italian according to Article 37, but neither could he be considered as a national of German Austria or of any other succeeding state, whether he be of Italian or Polish race or of Czech origin or of that of any other part of former Austria.

A similar state of affairs results from the provisions of Article 57, alinea 2, which offers nothing to establish the nationality of a person originating in Trente, in Cracow, in Prague or in Vienna, and established in Jugoslav territory later than January 1, 1910.

As it is inconceivable that a person living, let us say, at Trieste, and born at Cracow in Poland, or a person born at Prague in Czecho-Slovakia and established for some time at Laibach, should be considered as a subject of the new German Austrian republic, the said person would be, according to the Peace Treaty, without a country, for it is understood that persons not having been German Austrian subjects could not "remain" so, and that, consequently, the engagement imposed on German Austria by Article 42 obliging her "to receive on her territory persons remaining Austrians" could not be extended to persons who had not been Austrians.

Having called attention to these discrepancies in the texts, we proceed to the examination of the bearing of the said articles in their application. To this end it is necessary clearly to distinguish the consequences entailed on the one hand by the *loss*, and on the other by the *acquisition*, of German Austrian nationality. Both of them may, according to the texts mentioned, be operated without the intervention and contrary to the will as well as the interests of German Austria.

Every German Austrian citizen *loses*, by virtue of Articles 65 and 69, his nationality as soon as he "establishes himself" on Czecho-Slovak or Rumanian territory. An analogous consequence would be entailed with a restriction without importance in our case—by establishment on Jugoslav territories (Article 57). A German Austrian would also lose his nationality by declaring—without the Peace Conditions exacting a definite form for this declaration—that he is, although a German-Austrian National, at the same time Italian, Jugo-slav, Czecho-Slovak, or Rumanian and that consequently, he avails himself of his right to opt for the latter nationality (Art. 38, 58, 65, par. 2, 70). Establishment in a foreign country, even a simple declaration claiming, if necessary, a knowledge of the language of the country in question or a genealogy going back to an ancestor inhabiting a region, either Slav or German or Magyar or Rumanian, and at present forming part of one of the states mentioned, would therefore be sufficient to rid himself of German-Austrian nationality. It is by one of these simple means that not only any German Austrian would be authorized to escape legal obligations incumbent on

the nationals, but especially that any capitalist might exact, under Art. 260, the exemption of his property, rights and interests from any tax created or increased since November 3, 1918. In the same way the said individual may enforce reimbursement by the German-Austrian state for property, at a rate of exchange which would insure him a very considerable profit. He can obtain, according to Art. 262, to the detriment of his former compatriots, the annulment of certain contracts disadvantageous to himself, and he can enjoy, by virtue of Art. 266, formidable advantages of exchange when it comes to the payment of certain debts. He may, moreover, to judge from the text that we have at hand, insure to himself all these advantages not only to the *detriment* of German-Austria, but also,—with the exception of persons established in Jugo-Slavia, later than January 1, 1910—without the authorities of the country of his choice having any right to raise an objection. It is obvious that such a regulation of naturalization and denaturalization would necessarily give rise to all sorts of subterfuges by which German-Austria would shortly be deprived of her most important tax-payers, and consequently, would be unable to meet the obligations imposed on her, or to provide for her material and social reconstruction even in the most modest degree. The loss of German-Austrian nationality would be entailed also, by virtue of Art. 225, by the mere fact of the acquisition of another. As it is inadmissible that a subject of any state whatever, so long as he retains this quality, should ever be “released in every way from all allegiance to his original state,” it follows that the acquisition of another nationality would imply, fully the loss of that of German-Austria. Any law or any other ruling, concerning the acquisition of nationality, promulgated in another State, as well as honorary citizenship, would therefore modify German-Austrian nationality. It would be quite as impossible for German-Austria to put in force a legislation on this subject as it would be to make known, through its authorities, the rights or obligations resulting from this nationality. An authority would never know whether an individual, up to then a German national, was still enjoying this right or whether by virtue of the place of his birth, of his origin, of his residence, or for any other reason whatever, he had been deprived of it by a new ruling promulgated, or by a decision taken, in one of the Allied or Associated States. This system would inconceivably render any organized administration illusory; it would be, to cite only isolated examples, impossible to make a preliminary estimate of the revenue from taxes to be created, seeing that the number of tax-payers might suddenly be reduced by some legislative or administrative act abroad; not being able to count on any definite number of citizens, it cannot initiate measures beforehand, or organize public works, not knowing how many of the nationals will be interested and how many may be taxed; eligibility to public office may also be uncertain, since any

official might at any time lose his nationality, by reason of measures over which the state of which [he] had been a national up to then has no control. Thus the possibility of the loss of nationality entailed by unforeseen measures in other states would necessarily paralyze the functioning of the public powers in an independent state.

If the consequences set forth above, entailed by the provisions on the loss of nationality, are obviously contrary to the intentions of the Allied and Associated Powers, the effects of the clauses on the acquisition of the said right cause their own authority to suffer detriment.

It would be, in the first place, the right of option whose exercise might entail impossible consequences. It is just that the right of option in favor of any other state be, in the text of the treaty, subject to the condition that the person opting be Italian (Art. 38), Yugoslav (Art. 58), Czecho-Slovak (Art. 65, alinea 2), or Rumanian (Art. 70); he must therefore obviously belong to the race and use in his everyday relations with his family, the dominant language of the state to which he wishes to belong. An exception to this fair principle is however made to the disadvantage of German-Austria. The right of option for this state is recognized to any "Austrian National," which means, it is clear, "any former national of former Austria." The consequence would be that any Rumanian, any Czecho-Slovak, any Yugoslav, having been a subject of former Austria, might—without having the slightest relations with German-Austria,—declare himself German-Austrian. The economic obligations and the expenses occasioned by such provisions in the realm of public aid would be insupportable for German-Austria.

It is important, therefore, to fix clearly for all the states in question the conditions to which will be submitted the right of option, as well as to make known the said conditions to the competent jurisdictions of the state to which the person opting wishes to belong.

The German Austrian Delegation takes the liberty finally of calling attention to the effects that the application of Art. 86 would have. By virtue of this Article, third powers would have only to conclude conventions among themselves, allowing those "interested" to "recover" Austrian nationality, that is, to acquire the nationality of the new German-Austrian Republic. German-Austria will be obliged, moreover, to recognize, by virtue of Art. 90, all the provisions made by the Great Powers concerning nationality.

Without insisting on the fact that up to the present a ruling by virtue of which certain states would for an indefinite period have a free hand to enter charges against a single state would have been considered to be contrary to international law, it is necessary to weigh the practical consequence of such a provision. First of all, it might be that on the legal basis of the aforesaid treaties between third Powers, the same maneuvers would be attempted as at the recent elections in Vienna; by

granting German-Austria citizenship to a great number of immigrants, and then withdrawing it the day after election there would be created an effective means of exercising in an independent state an influence contrary to all constitutional principles.

Another consequence of such international engagements concerns the pensions of retired Austro-Hungarian officers, as well as of the employees of former Austria. It is incontestably a matter of the most elementary justice to put the maintenance of all such persons and their families to the charge of all the States formed from the monarchy of former Austria. To recognize to certain states the right to rid themselves of these duties by a Treaty, would not only be unjust to the poorest of the succeeding states, but even contrary to ordinary humanity, for thus these indigent creditors would be referred to the only one of their debtors that is absolutely unable to satisfy their claims, however well justified they may be.

The most serious consequences of this arrangement would however be produced in the realm of humanitarian relief in general. No state will consent to lose the energy of able-bodied workmen or industrials representing an economic force either in capital or in spirit of organization. On the other hand, the indigent and infirm might be put, without restriction, to the charge of German-Austria. Incapable of providing by its own means for the most elementary needs of its population, overwhelmed by war, this young republic would be appointed by the Peace Treaty as that one of the states which should form in some way the refuge of the idle, the incurable, the lepers, and the epileptic. It is only with greatest difficulty that German-Austria can at present fulfil, in a measure more than modest, her duty of giving charitable aid to the indigent, the sick and the incurable. Now, the conventions to be concluded according to the Peace Treaty would necessarily prevent aid being given to her own nationals or to foreigners. The constraint imposed on German-Austria on the subject of the granting of her nationality would therefore have no other result than to increase poverty and to create in the center of Europe a hotbed of fermentation of the worst dangers for civilization and social disorder. These consequences would seriously affect the prestige of the Great Powers and would compromise the responsibility that they have assumed.

It would be, consequently, indispensable to omit from the Peace Treaty, clauses by virtue of which material duties might be imposed by third states on any state, however feeble, without her knowledge.

In this connection, it would be to the incontestable interest of all the Concert of Powers to omit the clauses mentioned in order to restore order to the international relations in the matter of the acquisition of nationality. The German-Austrian Delegation proposes to replace all these provisions by the texts set down in the "Drafts" which confine

themselves to the clear and precise rule that every person belongs to the state in which he holds his legal domicile, but that :

- (1) The persons native of another state,
- (2) The inhabitants of territories contested and subject to the plebiscite,
- (3) Persons of foreign race and tongue,

may choose, by option, as country the state to which they owe their origin, or to which they belong by race or tongue.

In order to hasten the re-establishment of a stable and orderly state of affairs, it would be well to shorten as much as possible the time limits for option and emigration.

227. RESOLUTION OF THE COUNCIL OF HEADS OF DELEGATIONS OF AUGUST 22 REFERRING TO THE ECONOMIC COMMISSION AND THE DRAFTING COMMITTEE THE AUSTRIAN COUNTER PROPOSALS ON THE NATIONALITY CLAUSES¹³⁹

IT WAS DECIDED :

.
 (b) That the Austrian counter-proposals on the subject of Articles 225 and 226 (Nationality Clauses) in the Peace Treaty with Austria, which counter-proposals also affected Articles 57, 65 and 69 of the afore-said Peace Treaty, should be referred to the Economic Commission and the Drafting Committee for examination and report.

228. REPLY OF THE ALLIED AND ASSOCIATED POWERS OF SEPTEMBER 2 TO THE OBSERVATIONS OF THE AUSTRIAN DELEGATION ON THE NATIONALITY CLAUSES OF THE CONDITIONS¹⁴⁰

(Translation)

SECTION VI. NATIONALITIES

The Allied and Associated Powers do not refuse to give satisfaction in so far as possible to the observations by the Austrian Delegation upon the subject of nationalities. The dispositions relative to these questions

¹³⁹ H.D. Resolution 36 C. For later resolutions of the Council regarding the Nationality Clauses, see Documents 67 and 68, *supra*.

¹⁴⁰ United States, 66th Congress, 1st Session, *Senate Documents*, Vol. 15, No. 121, p. 13. For covering letter and list of accompanying documents, see Document 73(a, b), *supra*.

are brought together in a special section; the Allied and Associated Powers, further remark that the words "Austrian citizens" in the Treaty designate the citizens of the Austrian State beginning when the Treaty is put into effect; the words "citizens of the old Austro-Hungarian monarchy before the Treaty goes into effect." The modifications made in the first text take account in the measure possible of those observations of the Austrian Delegation which have appeared justified, as regards the possible contradiction between certain dispositions applied to the transferred territories. This is so that save certain clearly defined exceptions all having citizenship in a territory previously forming part of the territories of the Austro-Hungarian monarchy, will acquire complete right, and to the exclusion of Austrian nationality, the nationality of the State exercising the condition under which persons will be able to use the right of option, are precisely stated. On the other hand the Austrian Delegation has signalized the possibility offered to Austrian subjects of avoiding legal obligation incumbent upon Austrian citizens. It is observed here that option is granted only on condition that the persons who make use of it transport their domicile out of Austrian territory.

This is already a check to the attempts which some Austrians would make to continue benefiting by a sojourn in Austria without bearing the resultant burdens. Moreover, the Austrian Delegation itself recognized that the interested States will entertain demands of option only when they are based upon serious indications permitting of determining that the claimant is justified in claiming the nationality that he solicits. To consider as without value a demand based upon community of language or of origin is to contest all the essential principles upon which nationality is established. The new States have otherwise no interest in augmenting the number of those of their citizens who neither by race or by true sentiments belong to their nationality. In short, there is no cause to fear persons desirous of avoiding obligations resulting from the Treaty which affect alone the Austrian citizens, can escape them by option, for the dispositions of the Treaty in excluding from its burdens the Austrian citizens having acquired new nationality, have carefully and distinctly required that they must have acquired this nationality in "full legality." The fears expressed by the Austrian Delegation regarding this rest upon a misunderstanding. The observation concerning article 90 (86)¹⁴¹ attribute to the Allied and Associated Powers reserves and intentions which they have not and could not have. It is also not very likely that the circumstances raised by the Austrian Delegation should be of a nature to exercise any influence whatever upon the determination of an individual to change or not to change his nationality; this could happen only

¹⁴¹ The first of the article numbers refers to the Treaty text, the other, in parentheses, to the July 20 draft.

in extremely rare cases. The wording of the article has been, however, modified to take account of these observations.

“SECTION VII, POLITICAL CLAUSES RELATING TO
CERTAIN EUROPEAN STATES” (ARTICLES 83-87)

GENERAL

229. AUSTRIAN COMMENTS ON THE POLITICAL CLAUSES OF
THE TREATY WITH AUSTRIA CONCERNING CERTAIN
STATES OF EUROPE (ADDRESSED TO THE ALLIED AND
ASSOCIATED POWERS AS NOTE NO. 707, JULY 12)¹⁴²

(Translation)

PART III. POLITICAL CLAUSES

SECTION IV. POLITICAL CLAUSES CONCERNING CERTAIN STATES OF EUROPE

The stipulations of Articles 1, 2 and 3 give so much the less rise to an objection on the part of the German Austrian Delegation as German Austria has had nothing to do with the treaties which are mentioned therein, to which she is not a contracting party.

Article 4 imposes upon German Austria the obligation of recognizing, in advance and unreservedly, all the provisions which the Allied and Associated Powers may make in regard to any rights, interests and privileges, to which German Austria or her nationals might, in the future, lay claim in Turkey and in Bulgaria. This obligation does not appear to be in harmony with the ideas of equity which exact that, in order to be able to understand exactly the scope of this unconditional pledge, German Austria should, at least, be previously informed of the fundamental principles according to which said Powers propose to regulate the situation of German Austria and of her nationals in Turkey and in Bulgaria. The Delegation takes the liberty, consequently, of proposing that Article 4 be eliminated.

Article 5 gives rise to no remark.

The two first alineas of Article 6 might, without detriment, be suppressed; German Austria has never impaired the independence of Russian territory, it has never intermixed in the internal affairs of Russia, and has, of course, not the slightest intention of so doing. The treaties which the Austro-Hungarian Monarchy concluded at Brest-Litovsk with the Russian Republic of the Soviets and with the Ukraine as well as the

¹⁴² *S-H Bulletin*, No. 543. For French and German texts, see *Bericht*, I, 368-69, and *Notes*, pp. 230-31. For covering letter, see Document 64(a), *supra*.

Austro-Hungarian-Finnish Treaty are considered by German Austria, as far as she is concerned, as being void, as German Austria did not participate in them as a contracting party.

On the contrary, German Austria cannot recognize any right to Russia which might oblige German Austria to restitutions and reparations.

As for the engagement stipulated in Article 7, German Austria assumes it without objection, insofar as it concerns the recognition of the future frontiers of the states constituted on the territory of the former Empire of Russia.

It would, on the contrary, be little equitable to impose upon German Austria the obligation of recognizing the full validity of all treaties or arrangements which the Allied and Associated Powers might make, in the future, with said states, considering that these treaties and arrangements which will intervene without the participation of German Austria might seriously compromise her interests.

In conformity with what has just been explained, Articles 1, 2, 3 and 5 would undergo no modifications. Article 4 would however be suppressed. In Article 6, the two first alineas might integrally be maintained, if the Allied and Associated Powers so desire, while the third alinea should be eliminated. Article 7 would be worded as follows:

"German Austria engages to recognize the full validity of all treaties or arrangements which the Allied and Associated Powers may make with states which have been constituted or will be constituted on all or a part of the former territory of the Empire of Russia, such as it existed on August 1, 1914, insofar as these treaties or arrangements have for object the determination of the frontiers of these states."

"1. BELGIUM" (ARTICLE 83)¹⁴⁸

230. THE COUNCIL OF TEN AND THE BELGIAN QUESTION

(a) STATEMENT BY BELGIAN DELEGATES CONCERNING A PROPOSED REVISION OF THE TREATY OF 1839¹⁴⁴

I

The Belgian Delegates were heard.

M. Hymans stated that Belgium desired the revision of the Treaty of 1839, and asked that the Allied and Associated Powers, particularly France and Great Britain, who were signatories of the Treaty of 1839, lend their aid to restore her in her full political and economic sovereignty.

¹⁴⁸ Corresponds to Article 31 of the Treaty of Versailles.

¹⁴⁴ B.C. 28, a: Brief Summary of the Minutes of . . . February 11, 1919.

For strategic and also for economic reasons, Belgium desired to obtain the cession of Dutch Flanders, on the left bank of the Scheldt, from Holland, and the return of the Dutch portion of the Province of Lemburg. In return Holland might be given either economic or colonial compensations or territorial compensation, which might consist either in the cession by Germany of Prussian Gueldre to Holland or the cession of East Frisia and the small islands, including the Island of Borkum, lying off the mouth of the Ems.

As regards the future of Luxemburg, M. Hymans asked that the Great Powers advise Luxemburg to turn to Belgium with a view to a rapprochement between the two countries. He felt certain that Luxemburg would prefer to be attached to Belgium rather than to France. The continuation of her present political status quo would, he understood, be out of the question in the new order of things in Europe.

M. Hymans also touched on the question of the Canton of Malmedy and the neutral territory of Moresny.

230. (b) DECISION OF THE COUNCIL OF TEN TO APPOINT A COMMISSION FOR THE STUDY OF BELGIAN AFFAIRS INCLUDING THE QUESTION OF THE REVISION OF THE TREATY OF 1839¹⁴⁵

(1) DECISION OF FEBRUARY 12

2. Commission on Belgian Territorial Claims.¹⁴⁶ Mr. Balfour said that, before adjourning, he wished to draw the attention of the Meeting to two subjects, the first of which was the Commission arising out of M. Hymans' statement. He had framed a draft resolution on this subject, which he proposed to read. Mr. Balfour then read the following:

"A. That an expert Commission, composed of two representatives each of the United States of America, the British Empire, France, Italy and Japan, be appointed to consider and advise on the following questions arising out of the statement made at the Quai d'Orsay on February 11th by the Belgian Minister of Foreign Affairs on the claims of Belgium, namely:

- (1) The proposed transfer of the town and district of Malmedy to Belgium.
- (2) The definite incorporation in Belgium of the town of Moresnet.
- (3) The possible rectification in favour of Holland of the German-Dutch frontier on the lower Ems, as a compensation to

¹⁴⁵ B.C. 30(2).

¹⁴⁶ For personnel of this Commission, see footnote 151, *infra*.

Holland for meeting Belgian claims in regard to sovereignty over the mouth of the Scheldt and the southern part of Dutch Limburg.

“B. That the question of securing for Belgium in times of peace the full rights and liberties which, according to the statement made at the Quai d’Orsay on February 11, by the Belgian Minister of Foreign Affairs, she claims in regard to:

(a) the navigation and control of the waters of the Scheldt in its entire course.

(b) the Ghent-Terneuzen canal, and

(c) the communication by canals and railways between Antwerp and the Rhine and Meuse and Dutch Limburg

be referred to the Commission on the International Control of Ports, Waterways and Railways.

(This resolution was accepted without discussion.)

(2) DECISION OF FEBRUARY 26¹⁴⁷

(It was decided that the Belgian Commission should examine the question of the neutral status of Belgium as established by the Treaty of 1839, and make recommendations to the Council concerning modifications of this status.)

230. (c) RESOLUTION TO REQUEST THE COMMISSION ON BELGIAN AFFAIRS TO SUBMIT A REPORT ON THE REVISION OF THE 1839 TREATY¹⁴⁸

II

M. Tardieu presented the report of the Committee on Belgian Affairs. See Annex “A.”¹⁴⁹

It was decided to request the Committee on Belgian Affairs, thru M. Tardieu, to consider the questions of the revision of the Treaty of 1839 and submit a report together with their recommendations to the council. It was the sense of the meeting that the committee should not ask the representatives of Holland to give evidence neither did it seem necessary to hear the Belgian Representatives further on the matter.

231. THE REPORT OF THE COMMISSION ON BELGIAN AFFAIRS IN THE COUNCIL OF TEN ON THE TREATY OF 1839¹⁵⁰

. . . . M. Tardieu said that the Commission on Belgian Affairs entrusted by the Supreme Council at its meeting on 26th February, 1919,

¹⁴⁷ B.C. 40(2), p. 8.

¹⁴⁸ B.C. 40a(II), February 26, 1919.

¹⁴⁹ Not reproduced.

¹⁵⁰ B.C. 47(3), March 8, 1919.

with the study of the question of the Revision of the Treaty of 1839, had arrived at the following conclusions :

(1) In law, the three treaties and all their clauses together constitute a single entity.

The treaty between Belgium and Holland is not separable from the other two.

Without examining the argument that the three agreements may be said to have been terminated by the fact of their violation, the Commission holds that since three of the Signatories consider revision necessary, such revision is called for.

(2) In fact, the three treaties which were directed against Belgium and imposed upon her and upon Holland by the Great Powers have not afforded Belgium any of the guarantees which these treaties promised to her, and by their clauses relative to her territory and her rivers have seriously impaired her capacity for defence, and are thus in great measure responsible for the injuries she has sustained. As far as concerns Germany, Austria and Russia, it is now in fact impossible to give to Belgium the guarantee of the five Great Powers to which she is entitled by the treaties. On this ground also, the revision of the treaties in their entirety is called for.

(3) In principle, the basis accepted for the Peace Conference contemplates the abandonment of the neutralisation of Belgium which constitutes a limitation upon her full sovereignty. Revision of the treaties is thus a matter of general interest. This neutralisation is at present guaranteed to Holland by Great Britain and by France under the treaty between the five Powers and Holland. The participation of Holland in the revision of the Treaties is thus called for.

The conclusion suggested accordingly is as follows :

(a) The treaties of 1839 should be revised in the entirety of their clauses at the joint request of the Powers which deem their revision necessary.

(b) Holland should take part in this revision.

(c) Those of the Guarantor Great Powers which have fulfilled their obligations should also take part therein.

(d) Similarly the Great Powers at the Peace Conference whose interests are general should take part therein.

(e) The general object of this revision is, in accordance with the aim of the League of Nations, to free Belgium from that limitation upon her sovereignty which was imposed on her by the treaties of 1839, and, in the interest both of Belgium and of general peace, to remove the dangers and disadvantages arising from the said treaties.

With respect to the procedure to be followed the Commission submits to the Supreme Council that :

The Supreme Council entrusts the Guarantor Powers which have been faithful to their obligations with the duty of informing Holland that the Council deems the revision of the treaties of 1839 to be necessary, and of inviting her to send her representatives to set forth before the Supreme Council the views of the Dutch Government in regard to such revision.

The whole question of the revision of the treaties would then be before the Supreme Council. This revision could be examined with regard to the interests of Belgium and of Holland by the Commission on Belgian Affairs, as well as by the Commission of ports, waterways and international communications, on the basis of investigations carried on by each of these two commissions.

The provisions of the final treaty would come under the guarantees contemplated by the League of Nations.

(The report of the Commission on Belgian Affairs¹⁵¹ on the Treaty of 1839 was duly accepted.)

232. DRAFT ARTICLE IN REGARD TO BELGIUM ADOPTED BY THE COUNCIL OF FIVE¹⁵²

. . . . The following draft article was before the meeting and was adopted without discussion:

"Belgium. Treaties of 1839.

"Germany, recognising that the treaties of April 19, 1839, which established the status of Belgium before the war, no longer conform to the requirements of the situation, consents to the abrogation of the said treaties and undertakes to recognise whatever conventions may be entered into by the Five Allied and Associated Powers, or by any of them, in concert with the Governments of Belgium and of the Netherlands, to replace the said treaties of 1839.

"If her formal adhesion should be required to such conventions or to any of their stipulations Germany undertakes immediately to give it."

¹⁵¹ The members of this Commission for varying periods were as follows: for the United States, Dr. Charles H. Haskins, Colonel S. D. Embick; for the British Empire, Sir Eyre Crowe, Mr. J. W. Headlam-Morley; for France, M. André Tardieu, M. Laroche; for Italy, M. Gustavo Tosti, Comte Vannutelli-Rey, M. Ricci Busatti; for Japan, M. H. Nagaoka, M. Sakutaro Tachi, M. Kato.

¹⁵² F.M. 5(2), April 17, 1919.

"2. LUXEMBURG" (ARTICLE 84)¹⁵³233. ANNOTATIONS ON DISCUSSIONS BY THE COUNCIL OF
FOUR OF THE QUESTION OF LUXEMBURG AND THE
TREATY OF VERSAILLES¹⁵⁴

LUXEMBURG (PART III, SECTION 2)

The question of the international status of Luxemburg was raised by M. Hymans on February 11 (B.C. 28). He pointed out that since the Armistice Luxemburg had severed its connection with the German Zollverein and, being too small a State for absolute political and economic independence, must seek new affiliations. "He thought that he was entitled to say that France did not claim Luxemburg. He would, therefore, ask the Conference to facilitate a rapprochement between the two countries, Belgium and Luxemburg."

The articles with regard to Luxemburg were prepared by a special committee at the instance of the Council of Four, appointed April 28 (I.C. 177 A). Sir Maurice Hankey said that he had been informed by Mr. Hurst, the British member of the Drafting Committee, that no instructions had been issued to the Committee about Luxemburg, although there were important questions relating to the customs union and the railway federation with Germany.

The following resolution was agreed to:

"It is agreed that a special Committee composed of Dr. Mezes for the United States of America, Sir Eyre Crowe for the British Empire, and M. Tardieu for France, and a Belgian representative, shall meet to prepare draft articles as an instruction to the Drafting Committee of the Preliminary Peace Conference, in regard to the position of the Customs and Railways of Luxemburg, and any other outstanding questions of the same order in regard to Luxemburg."

The Articles prepared by Dr. Mezes, Sir Eyre Crowe, M. Tardieu and Baron de Guiffier (Belgium) were approved on April 29, subject to the agreement of the Belgian Government (I.C. 177 C). "M. Hymans was shown the articles and expressed his concurrence." (I.C. 177 C, Appendix II, gives the equivalent of Article 40, as prepared by the Special Committee.)

¹⁵³ Corresponds to Article 40 of the Treaty of Versailles.

¹⁵⁴ *Documentary History of the Treaty with Germany*, p. 49.

234. DISCUSSION BY THE COUNCIL OF TEN OF THE
LUXEMBURG QUESTION¹⁸⁵(a) *Historical considerations*

M. Hymans said that the whole history of Luxemburg linked up to Belgium, with which it had been associated for centuries. In 1815, the territory had been constituted a Grand Duchy and given to the Nassau family in compensation for the property taken from them and given to Prussia. At the same time Luxemburg was attached to the Germanic Confederation. Nevertheless it continued to form a part of the Belgian provinces in all respects. Deputies from Luxemburg sat at The Hague and were considered to belong to the 55 Belgian Deputies. When the revolution broke out in 1830, it spread in Luxemburg at the same time as in Belgium. Deputies from Luxemburg continued to sit with Belgian Deputies until 1839. The treaty signed that year cut Luxemburg into two parts, and was considered to be a mutilation. It provoked among the people of Luxemburg the most emphatic and moving protests, comparable to those of the Alsatians and Lorrainers in 1871. In the years that followed, many appeals were made to King Leopold and the Great Powers. The status of Luxemburg was finally fixed in 1867. Luxemburg then became a neutral unarmed state, containing only 200,000 souls. It seemed specially designed to become the ground for a concentration of German Armies against Belgium and the natural corridor for an invasion of France, as was shown in 1914. The maintenance of such a state of things meant a permanent peril for Belgium and France.

(b) *Economic considerations*

Economically, Luxemburg was closely attached to Germany. In 1842, Luxemburg entered the Zollverein. In 1872, Germany got possession of the Luxemburg railways. Lastly, a German dynasty gained possession of the Grand Ducal throne. The favour this dynasty showed to Germany during this war was well known. Since the Armistice, however, Luxemburg had severed its economic connection with the Zollverein and regained the free disposal of its railways.

(c) *Belgian proposal concerning Luxemburg*

It was a political danger for Europe to maintain this political condition. Detached from the Zollverein, Luxemburg was too small to survive alone, and must lean on one of its neighbours. He would, therefore, say to the Powers that it was the Belgian solution that was the just one, as it corresponded with past history and rested on natural

¹⁸⁵ B.C. 28(10), February 11, 1919.

affinities and sympathies. He thought he was entitled to say that France did not claim Luxemburg. He would, therefore, ask the Conference to facilitate the *rapprochement* of the two countries, Belgium and Luxemburg. There was no desire on the part of Belgium to do violence to Luxemburg. All that was asked was a friendly *rapprochement* by free consent. At the present moment, there was anarchy in Luxemburg. The Grand Duchess had abdicated in favour of her sister, Charlotte, whom the Governments had not yet recognised and who, to gain recognition, wished to appeal to a referendum. Solicited by various forms of propaganda, the natives of Luxemburg were perplexed and did not know which way to turn. M. Hymans thought that this condition of things would last until the people knew how the Powers were disposed towards them. He would like the Allied and Associated Powers to indicate to the Luxemburg Government that they were not disposed to recognise the new Grand Duchess and that they suggested a conversation with the Belgian Government, with the object of seeking, without any constraint, the means of bringing the two countries into closer relations. He felt sure that, as soon as Luxemburg realised that the country was not going to France, it would turn to Belgium quite naturally. Belgium, on her side, eagerly desired this *rapprochement* and hoped that the Powers would help to bring it about. The failure of this aspiration would provoke the deepest disappointment in Belgium.

M. Vandervelde said that there was no difference of opinion on this subject.

(d) *Question of referendum*

Mr. Lansing asked whether Belgium would be favourable to a referendum of the population of Luxemburg.

M. Hymans said that the Grand Ducal Government was now suggesting a referendum on the dynastic question alone and not on the eventual union of the country with France or Belgium. Under present conditions, he thought that the referendum would not obtain a considered view of the people. Public opinion was uncertain and would be influenced by interested propaganda. He disclaimed any idea of violence, and the solution he had proposed was in accordance with this union. Should the Great Powers urge the Luxemburg Government to enter into conversation with the Belgian Government in order to discover in common whether a *rapprochement* was possible and under what conditions, M. Hymans thought that the freedom of the Luxemburg people would be safeguarded. If the conversation led to no solution, the Luxemburg Government would be free to seek some other.

President Wilson asked with what authority in Luxemburg M. Hymans would propose to converse, seeing that the present Government was not recognised.

M. Hymans replied that the Grand Duchess was not recognised. The Government of Luxemburg was the same as before. It still had a majority in the Chamber. The present Grand Ducal Government might organise a referendum in favour of the maintenance of a political constitution dangerous to European public order, but a people could not be permitted to neglect its international obligations. There were, in his opinion, three solutions:

- (1) The maintenance of the present dynasty, which would be contrary to European order.
- (2) Union with Belgium.
- (3) Union with France.

Since France did not claim union, only the Belgian solution remained.

235. RESOLUTION OF THE COUNCIL OF THREE, APRIL 28, 1919,
APPOINTING A COMMITTEE TO PREPARE ARTICLES ON
CUSTOMS, RAILWAYS, ETC., IN LUXEMBURG¹⁵⁶

"Luxemburg: Committee appointed to prepare draft articles on position of Customs, and Railways, etc. 177 A(3)."

236. APPROVAL BY THE COUNCIL OF THREE, ON APRIL 29,
OF ARTICLES DEALING WITH GERMANY'S RENUNCIATION
OF RIGHTS IN LUXEMBURG¹⁵⁷

"Luxemburg: Articles, suggested by Special Committee, approved subject to agreement of Belgium: (Germany to renounce rights and recognize release of Luxemburg from Zollverein, etc.: and abrogation of neutrality). 177 C(5) and App. II." "Belgium agrees. 177 C(5)."

"3. SCHLESWIG" (ARTICLE 85)

EXPLANATORY NOTE

There seems to have been no discussion of this Article by the Supreme Council.

¹⁵⁶ "Index I.C.A.: Luxemburg."

¹⁵⁷ "Index I.C.A.: Luxemburg."

"4. TURKEY AND BULGARIA" (ARTICLE 86)¹⁵⁸

237. DRAFT ARTICLE, ACCEPTED BY THE COUNCIL OF FIVE, BINDING GERMANY TO ACCEPT TREATIES OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND AUSTRIA-HUNGARY, BULGARIA AND TURKEY¹⁵⁹

The following draft article was before the meeting:

"Germany undertakes to recognise the full force of the Treaties of Peace and additional Conventions which may be concluded between the Five Allied and Associated Powers and by the other signatory belligerent Powers with the Powers who fought on her side, and to recognise whatever dispositions may be made concerning territories of the former monarchy of Austria-Hungary, of Bulgaria, and of Turkey."

It was pointed out by M. Sonnino that the form of words employed in the last line was somewhat ambiguous.

(Subject to rectification by the Drafting Committee, and to M. Pichon's acceptance, the above article was accepted.)

"5. RUSSIA AND RUSSIAN STATES" (ARTICLE 87)¹⁶⁰

238. ANNOTATIONS ON THE DISCUSSIONS BY THE COUNCIL OF FOUR AND COUNCIL OF FIVE OF ARTICLES 116 AND 117 OF THE TREATY OF VERSAILLES¹⁶¹

PART III, SECTION 14

RUSSIA AND RUSSIAN STATES

This Section consists of Articles 116 and 117. These articles were acted on directly by the Supreme Council, sitting as the Council of Five (Foreign Ministers) and the Council of Four (Heads of States), with the assistance of the Drafting Committee. The German Delegation in its observations on the Conditions of Peace conceded the annulment of the Brest-Litovsk and supplementary agreements, but protested against recognizing any right on the part of Russia to restitution or reparation and against having to recognize in advance treaties not yet concluded between the Allied and Associated Powers and the Russian States. No alterations, however, were made in the Treaty in consequence of the German protest.

¹⁵⁸ Corresponds to Article 155 of the Treaty of Versailles.

¹⁵⁹ F.M. 5(7), April 17, 1919.

¹⁶⁰ Corresponds to Articles 116 and 117 of the Treaty of Versailles.

¹⁶¹ *Documentary History of the Treaty with Germany*, pp. 111-12.

ARTICLE 116

This article, by which Germany guarantees to respect the independence of Russian or formerly Russian territories, admits the abrogation of the Brest-Litovsk and other treaties, and reserves the right of Russia to claim restitution and reparation, did not appear in the Russian clauses (corresponding to Article 117) considered by the Council of Five on April 17 (F.M. 5). Mr. Lansing, however, proposed a paragraph decreeing the abrogation of the treaties of Brest-Litovsk and Bucharest.

Baron Sonnino pointed out that the armistice agreement had settled that point; to which Mr. Lansing replied that the Treaty would supersede the Armistice.

Sir Robert Borden referred to the clause covering this question already prepared by the Economic Commission (Article 292). It was agreed that the Drafting Committee should harmonize the wording of the political clauses on Russia with the recommendations of the Economic Commission.

On May 2, the Council of Four adopted the following article as submitted by M. Clemenceau and it was sent to the Drafting Committee (I.C. 179 C and Appendix III):

"Germany acknowledges and will fully respect the inalienable independence of all the territories which were part of the former Russian Empire.

"Germany definitively accepts the annulment of the treaty of Brest-Litovsk and of all treaties or agreements whatever they might have been which Germany concluded since the Maximalist Revolution (November, 1917) with any Government or political groups formed on the territory of the former Russian Empire.

"The Allied and Associated Governments formally reserve all rights for Russia to obtain from Germany the restitutions and the satisfactions based on the principles of the present Treaty."

On May 3, Mr. Hurst of the Drafting Committee pointed out that the article as approved by the Supreme Council was less far-reaching than the clauses already included in the Financial and Economic parts of the Treaty and he suggested certain amendments which would bring the political clauses into harmony with the provisions already adopted (Articles 259 and 292).

The draft as amended by the Drafting Committee was approved (I.C. 181 A).

The amended article is identical with Article 115 as it appears in the Treaty (I.C. 181 A, Appendix I).

A question having arisen on May 6 as to which form the article should take, the Council reaffirmed its decision of May 3, approving the article as amended by the Drafting Committee (I.C. 181 C).

ARTICLE 117

This article, by which Germany agrees in advance to arrangements between the Allied and Associated Powers and the Russian States, was presented to the Council of Five on April 17 in the following form:

“Germany undertakes to recognize the full force of whatever treaties or arrangements may be entered into by the Five Allied and Associated Powers and the other signatory belligerent Powers with the States which have been or may be constituted out of Russia, or part of whose territory may in August, 1914, have formed part of Russia, and to recognize the frontiers of any such States as determined therein” (F.M. 5).

At the suggestion of Baron Sonnino, it was agreed that the wording of the English version should be altered to fit the French version, and, subject to this alteration and the consent of M. Pichon (who was absent from the meeting), the article was approved.

According to an explanation by M. Fromageot the Drafting Committee, in proposing this article “had not intended to pre-judge anything concerning the future Russia.”

239. DRAFT ARTICLE REGARDING RUSSIA ACCEPTED BY THE
COUNCIL OF FIVE FOR INSERTION IN THE
TREATY OF VERSAILLES¹⁶²

The following draft article was before the meeting:

“Germany undertakes to recognise the full force of whatever treaties or arrangements may be entered into by the Five Allied and Associated Powers, and the other signatory Belligerent Powers with the States which have been or may be constituted out of Russia, or part of whose territory may in August, 1914, have formed part of Russia, and to recognise the frontiers of any such States as determined therein.”

M. Sonnino remarked that an expression of opinion was contained in this article regarding Russia, which it might be better not to express.

M. Fromageot said that the Drafting Committee had not intended to pre-judge anything concerning Russia. He did not think the form of words employed prejudiced any ultimate decisions.

M. Sonnino pointed out certain discrepancies between the French and the English versions of the Article. The French version appeared to be the more adequate.

(It was agreed that the English version should be made to harmonise with the French, and, subject to agreement by M. Pichon, the Article, as in the French version, was accepted.)

¹⁶² F.M. 5(8), April 17, 1919.

Mr. Lansing proposed that an additional paragraph be added to this article, decreeing the abrogation of the treaties made in 1917 at Brest-Litovsk and Bucarest.

M. Sonnino pointed out that this had been already attained in the terms of the Armistice.

Mr. Lansing remarked that the Armistice would be itself abolished by the Treaty.

Sir Robert Borden said that the Economic Council had framed a clause covering this very question. (He referred to Article (n) Part II of the Report of the Economic Commission.)

He asked in this connection what effect the abrogation of these Treaties would have on the relations of Germany and Russia. Could the abrogation of a Treaty between two parties at the instance of third parties bring about a state of war between the first two, even without their consent?

(It was agreed that the recommendation of the Economic Council should be harmonised with the Article proposed by the Drafting Committee. The Drafting Committee was asked to undertake this.)

240. RESOLUTION OF COUNCIL OF THREE OF MAY 2, 1919, REQUIRING GERMANY TO RECOGNIZE THE INDEPENDENCE OF RUSSIAN TERRITORIES¹⁶³

"Russia: French draft article approved; (Germany to recognise independence of Russian territories and annulment of Brest-Litovsk Treaty: Russian right to restitutions, etc. reserved). 179 C(11) and App. III."

241. RESOLUTION OF THE COUNCIL OF FOUR OF MAY 6, 1919, REAFFIRMING ITS RESOLUTION CONCERNING THE BREST-LITOVSK TREATY¹⁶⁴

"Russia and Brest-Litovsk Treaty . . . revised draft to stand. 181 C(3)."

¹⁶³ "Index I.C.A. : Russia."

¹⁶⁴ "Index I.C.A. : Russia and Brest-Litovsk Treaty."

"SECTION VIII, GENERAL PROVISIONS"
(ARTICLES 88-94)

GENERAL

242. COUNTER PROPOSALS OF THE AUSTRIAN DELEGATION,
JULY 10, 1919, TO "PART III, POLITICAL CLAUSES, SECTION
VI: GENERAL PROVISIONS" IN THE ALLIED CONDITIONS
OF JUNE 2¹⁶⁵

(Translation)

ARTICLE I (*adopted integrally*)

This Article can give rise to no observations until the time that the determination of the frontiers will have been brought to the knowledge of the States which should sign the Treaty.

The Austro-German Delegation emits, however, the wish that these dispositions be not adopted without taking into account the territorial oppositions submitted to the Great Powers in Part II¹⁶⁶ as well as in the Memoire regarding the frontiers of German Austria of June 15 (Annex II a).¹⁶⁷

ARTICLE II (*to be suppressed*)

German Austria cannot recognize the full value of treaties of which the contents were not brought to her knowledge. It would be, furthermore, doubtless contrary to the intentions of the Powers to prejudice the liberty and independence of a third State by arrangements drafted without her knowledge.

ARTICLE III

(German Austria recognizes that she holds no right or title over territories situated beyond her frontiers, such as they are now or may be fixed, on a plebiscite basis conforming with the dispositions of Part II (Art. I, Par. 2 & Article II).)

German Austria could not "renounce" rights and titles which, since her constitution, have never belonged to her. It would therefore suffice to formally recognize that no right or title upon territories situated be-

¹⁶⁵ *S-H Bulletin*, No. 516, Part II: Austrian Counter Proposals . . . Part III, Political Clauses, Section VI, General Dispositions. For covering letter and list of accompanying documents, see Document 64(a-c).

¹⁶⁶ Reproduced as Documents 94 and 99, *supra*.

¹⁶⁷ Reproduced as Document 169, *supra*.

yond the frontiers of German Austria could be reclaimed by her. The text proposed above meets this requirement. It only proves, for that matter, an evident fact, that in order to take into consideration the intentions upon which the text presented by the Powers (Part III, Sect. VI, Art. 3, as well as Part III, Section III, Art. 2) appears to be inspired.

The new draft is, after all, only the consequence of the propositions exposed in Part II and in the "Annex A"¹⁶⁸ attached hereto, upon the establishment of the frontiers of German Austria by a plebiscite.

Referring to the second paragraph of Art. 3, Part III, Sect. VI, presented by the Powers, the German Austrian Delegation is carried back to its proposition made in Part II, Art. IV, V, and VI, as well as to the exposé of the motifs thereto annexed (Annex II *b*).¹⁶⁹

243. REPLY OF THE ALLIED AND ASSOCIATED POWERS OF
SEPTEMBER 2, 1919, TO THE OBSERVATIONS OF THE
AUSTRIAN DELEGATION ON THE GENERAL PROVISIONS
OF THE POLITICAL CLAUSES FOR EUROPE¹⁷⁰

(Translation)

SECTION VIII.¹⁷¹ GENERAL DISPOSITIONS

It has appeared useful to consecrate by a special disposition the principles recognized by the Treaty concluded with Germany (article 80), that the independence of Austria is inalienable; it could be otherwise only with the consent of the Council of the League of Nations. There have been equally inserted in Section VIII, articles 93 and 94, the dispositions regulating, in the most equitable manner, the transmission, or, according to the case, the communication of archives or other documents interesting the transferred territories. The Allied and Associated Powers have not believed it their duty to take account of the objections relative to article 91 (90),¹⁷² which otherwise contains in the 2nd line a necessary disposition for preventing in advance all obstacles eventual to the regulation of the juridical situation of the territories which have not been attributed to a determined State.

¹⁶⁸ Reproduced as Document 94(c), *supra*.

¹⁶⁹ Reproduced as Document 225, *supra*.

¹⁷⁰ United States, 66th Congress, 1st Session, *Senate Documents*, Vol. 15, No. 121, p. 14. For covering letter and list of accompanying documents, see Document 73(a, b), *supra*.

¹⁷¹ Old Section VII.

¹⁷² The first of the article numbers refers to the Treaty text, the other, in parentheses, to the July 20 draft.

244. ARTICLE 88: INDEPENDENCE OF AUSTRIA¹⁷³(a) ANNOTATIONS ON DISCUSSIONS BY COUNCIL OF FOUR OF ARTICLE 80 OF THE GERMAN TREATY¹⁷⁴

AUSTRIA

This Section consists of but one Article: 80. It was inserted at the wish of the French Government to prevent the possibility of union between Germany and German Austria.

As a question of policy the matter was dealt with by the Supreme Council. But the Central Territorial Commission considered the question at the suggestion of Chairman Tardieu and the following resolution was drawn up by "general agreement," on March 15 (Minutes of Central Committee for Territorial Questions):

"The American and French Delegations to the Central Committee on Territorial Questions suggest that it would be expedient to impose on Germany, in the preliminaries of peace, a pledge to take no step, political or economic, which can infringe the independence of Austria.

"The Committee does not think itself competent to express an opinion on this suggestion, which goes beyond the limit of frontiers properly so-called. It simply observes that there is an Austria independent of Germany, and recommends the maintenance, between German-Austria and Germany, of the frontier existing on the 1st of August, 1914, reserving such changes as may result, for either State, from the creation of the Czecho-Slovak Republic."

M. Clemenceau presented the following article to the Council of Four on April 22:

"Germany recognizes the independence of German-Austria within the frontiers as defined by the present treaty." (I.C. 175 B and Appendix VI.)

This was approved and forwarded to the drafting committee.

On May 2, a revised article was approved by President Wilson, M. Clemenceau and Mr. Lloyd George, as follows:

"Germany acknowledges and will fully respect the independence of Austria within the frontiers established by the present Treaty as inalienable, except by consent of the Council of the League of Nations." (I.C. 179 C and Appendix IV.)

On May 6, Mr. Hurst on behalf of the drafting committee raised the objection that the frontiers of Austria were only in part defined in the Treaty with Germany (*i.e.*, only the Austro-German boundary). The

¹⁷³ This article does not appear in the early drafts of the Austrian Treaty. It corresponds to Article 80 of the Treaty of Versailles.

¹⁷⁴ *Documentary History of the Treaty with Germany*, p. 61.

drafting committee was authorized to revise the wording of the article to meet this objection, and consequently "frontiers established by the present Treaty" was changed to read, "frontiers which may be fixed."

The German Government in its Observations on the Conditions of Peace registered a general protest against any attempt to limit the "self-determination" of German Austria, but also declared that "Germany has never had and never will have the intention to shift by force the Austro-German frontier."

244. (b) RESOLUTION OF THE COUNCIL OF FOUR OF APRIL 22, 1919, REQUIRING GERMANY TO RECOGNIZE INDEPENDENCE OF GERMAN AUSTRIA¹⁷⁶

"Austria (German): Germany to recognize independence of. 175 B (8) and App. VI."

244. (c) APPROVAL BY COUNCIL OF FOUR ON MAY 2 OF REVISED ARTICLE CONCERNING THE INDEPENDENCE AND INALIENABLE FRONTIERS OF AUSTRIA¹⁷⁶

"Austria, revised article approved: (Germany to acknowledge independence and frontiers as inalienable). 179 C(12) and App. IV."

244. (d) AMENDMENT BY COUNCIL OF FOUR ON MAY 6 TO THE DRAFT ARTICLE CONCERNING THE INDEPENDENCE AND INALIENABLE FRONTIERS OF AUSTRIA¹⁷⁷

"Austria, draft article, Germany to recognize independence of: article to be amended so as to apply to future settlement of Austrian frontiers. 181 C(4)."

¹⁷⁶ "Index I.C.A.: Austria (German)."

¹⁷⁶ "Index I.C.A.: Austria."

¹⁷⁷ "Index I.C.A.: Austria."

244. (e) OBSERVATIONS OF THE GERMAN DELEGATION ON
THE INDEPENDENCE OF AUSTRIA¹⁷⁸

(Translation)

In Article 80¹⁷⁹ the permanent recognition of the independence of Austria within the frontiers established by the present Treaty of the Allied and Associated Powers is demanded. Germany has never intended, and never will intend, to use force to effect any alteration in the German-Austrian frontier. In the event, however, that the people of Austria, whose history and civilization have, for a thousand years, been most closely linked with Germany, should desire to re-establish the union with Germany, which had only been dissolved in recent times by the act of war, Germany cannot pledge herself to oppose the wishes of her German brothers in Austria. The right of self-determination of the nations cannot be utilized universally and in all cases to the detriment of Germany.

Any other action would be in contradiction to the principles enunciated by President Wilson in his speech to Congress of the 11th February, 1918.

244. (f) RESOLUTION OF THE COUNCIL OF HEADS OF DELEGATIONS ON AUGUST 26 TO DISCUSS THE QUESTION OF THE VIOLATION OF THE GERMAN TREATY BY ARTICLE 61 OF THE GERMAN CONSTITUTION¹⁸⁰

It was agreed that the question raised by Article 61 of the new German Constitution voted on August 11, 1919, in the German National Assembly on the subject of Austria should be discussed at the next meeting of the Council on the 27th of August, together with such consequences as the aforesaid article in the German Constitution might have upon the Peace Treaty with Austria.

¹⁷⁸ *Observations of the German Delegation on the Conditions of Peace* (Paris, 1919), p. 55: "VI, German-Austria." The date of the covering letter to the German Observations is May 29. The Allied reply to the German Observations on the Independence of Austria states that the Allied Powers have taken note of Germany's declaration. *Réponse*, p. 12.

¹⁷⁹ Of the Treaty of Versailles.

¹⁸⁰ H.D. Resolution 39 F. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

244. (g) NOTE FROM THE FRENCH DELEGATION ON THE VIOLATION BY THE GERMAN GOVERNMENT OF ARTICLE 80 OF THE TREATY OF PEACE OF JUNE 28, 1919¹⁸¹

(Translation)

NOTE

FROM THE FRENCH DELEGATION

August 26, 1919

Article 61, alinea 2, of the new constitution of the German Empire, voted on August 11, 1919, reads as follows:

"German Austria shall receive, after her entry into the German Empire, the right of participation in the Council of the Empire (Reichsrat) with a number of votes corresponding to her population. Until then the representatives of German Austria have a consulting voice."

According to Article 60 of the Constitution, the Council of the Empire is instituted for the representation of the "German countries" in the legislation and administration of the Empire, and the territory of the Empire is composed of the territories of the German countries (Article 2 of the Constitution).

The provision of Article 61 is a violation of the engagement taken by Germany in Article 80 of the Peace Treaty which was signed on June 28 last.

Here is the text of that article:

"Germany recognizes and shall respect strictly the independence of Austria, within the frontiers which shall be fixed by the Treaty made between that State and the Principal Allied and Associated Powers; she recognizes that this independence is inalienable, except with the consent of the Council of the League of Nations."

244. (h) PROJECT OF AN ARTICLE BY THE DRAFTING COMMITTEE ON THE INDEPENDENCE OF AUSTRIA TO BE INSERTED IN THE AUSTRIAN TREATY¹⁸²

August 29, 1919

ARTICLE 61 OF THE GERMAN CONSTITUTION

In reply to the decision of August 27, the Drafting Committee is in accord to address to the Supreme Council the following note:

1. Article 61 of the German Constitution of August 11, 1919, is not in conformity with the spirit of Article 80 of the German Treaty.

¹⁸¹ *S-H Bulletin*, No. 791 (I).

¹⁸² *Ibid.*, No. 791 (II).

2. The sending of the following note and the insertion of the following stipulation in the Austrian Treaty would be of a nature to avoid future disputes:

(a) *Note to Germany*

The Allied and Associated Powers having taken cognizance of the German Constitution of August 11, 1919, inform the German Government that they consider the provision of Article 61, alinea 2, of the said Constitution as not complying with the spirit of Article 80 of the Peace Treaty signed at Versailles June 28, 1919, and that in conformity with Article 178 of this Constitution, the provision considered above would have no effect outside of the conditions stipulated in Article 80 of the said Peace Treaty.

(b) *Project of an article to be inserted in the Austrian Treaty*

The independence of Austria is inalienable unless with the consent of the Council of the League of Nations. Consequently Austria engages to abstain, except with the consent of the said Council, from any act whatsoever that would jeopardize her independence directly or indirectly in whatever way, notably and up till her admission as Member of the League of Nations, by way of participation in the affairs of another Power.¹⁸³

For the Drafting Committee
HENRI FROMAGEOT

244. (i) RESOLUTIONS OF THE COUNCIL OF HEADS OF DELEGATIONS OF AUGUST 30, CONCERNING THE DRAFT ARTICLE ON THE INDEPENDENCE OF AUSTRIA TO BE INSERTED IN THE AUSTRIAN TREATY¹⁸⁴

IT WAS AGREED:

(1) That the draft article regarding the independence of Austria (Appendix C) should be accepted and inserted in the Austrian Peace Treaty;

(2) that M. Berthelot should draft a letter for transmission to the German Government on the subject of Article 61 of the new German Constitution, and should submit his draft to the Council at its next meeting.

¹⁸³ For the declaration of the Austrian National Assembly on this article, see Document 37, Annex I, and Document 81(d), *supra*.

¹⁸⁴ H.D. Resolution 43 B. From the Henry White Papers in the Library of Congress. Reprinted with the permission of John C. White, Esq., and the Library of Congress.

244. (j) RESOLUTIONS OF THE COUNCIL OF HEADS OF DELEGATIONS, AUGUST 28 TO SEPTEMBER 2, REGARDING THE VIOLATION OF THE GERMAN TREATY BY ARTICLE 61 OF THE CONSTITUTION¹⁶⁵

"German government: Violation of Peace Treaty by Virtue of Art. 61 of German Constitution. Referred to Drafting Committee. H.D. 41(3)." "Reply of Drafting Committee: Letter to be sent to German government. H.D. 42(6), 43(2), & App. C." "Letter to—re-violation of Peace Treaty by virtue of Article 61 in new constitution: to be re-written. H.D. 44(5) and App. E." "New draft letter approved. H.D. 45(1) and App. A."

244. (k) FURTHER DISCUSSION BY THE COUNCIL OF HEADS OF DELEGATIONS, SEPTEMBER 8 TO 11, OF THE VIOLATION OF THE GERMAN TREATY BY THE CONSTITUTION¹⁶⁶

"German government:

"German reply to allied protest, Art. 61 in new German constitution, Discussion and rejection of proposed allied reply: Polk to submit new draft to Council on following day. H.D. 49(3) and Apps. B and C."

"Mr. Polk's draft reply to German government considered: question of nullification and non-validity of articles in German constitution violating Peace Treaty—discussion adjourned. H.D. 50(1) and App. A."

"Further discussion re violation of Peace Treaty, Mr. Balfour's draft letter: Mr. Hurst's proposal re special protocol accepted. Protocol to be drawn up, and presented. H.D. 51(2) and Apps. A and B."

"Special protocol, covering letter approved. H.D. 52(2) and App. B."

¹⁶⁵ "H.D. Index: German government."

¹⁶⁶ "H.D. Index: German government."

244. (1) LETTER FROM CLEMENCEAU TO THE GERMAN DELEGATION REGARDING THE VIOLATION OF ARTICLE 80 OF THE GERMAN TREATY¹⁸⁷

(Translation)

September 2, 1919

LETTER TO THE GERMANS¹⁸⁸

To: *The President of the German Delegation*

FROM: *The President of the Peace Conference*

The Allied and Associated Powers have noted the German constitution of August 11, 1919. They note that the provisions of the second paragraph of Article 61 constitute a formal violation of Article 80 of the Peace Treaty signed at Versailles on June 28, 1919.

This violation is double:

1) Article 61, by stipulating the admission of Austria to the Reichsrat, assimilates this republic to the German lands (Deutsche Lander) which compose the German Empire, an assimilation which is incompatible with the independence of Austria.

2) By admitting and regulating the participation of Austria in the Imperial Council, Article 61 creates a political bond and a political action common to Germany and Austria, in absolute contradiction with the independence of the latter.

Consequently, the Allied and Associated Powers, after having reminded the German Government that Article 178 of the German constitution declares that "the provisions of the Treaty of Versailles can not be affected by the constitution," request the German Government to take due measures to suppress this violation immediately by declaring the second paragraph of Article 61 null and void.

Without pledging themselves not to take further measures, in case of refusal, and by virtue of the Treaty (notably of Article 428), the Allied and Associated Powers declare to the German Government that this violation of its pledges, on an essential point, will constrain them, if their just demand is not complied with, within fifteen days from the present time, to order at once the extension of their occupation of the right bank of the Rhine.

¹⁸⁷ *S-H Bulletin*, No. 791 (III).

¹⁸⁸ From Clemenceau, President of the Peace Conference, to Baron von Lersner, President of the German Delegation, Versailles.

244. (m) NOTE OF THE GERMAN DELEGATION OF SEPTEMBER 5, 1919, TO THE PRESIDENT OF THE PEACE CONFERENCE REGARDING THE VIOLATION OF ARTICLE 80 OF THE TREATY OF VERSAILLES¹⁹⁹

(Translation)

THE PRESIDENT OF THE GERMAN PEACE DELEGATION
VERSAILLES, September 5, 1919

To His Excellency

Mr. Clemenceau, President of the Peace Conference

MR. PRESIDENT:

According to their note of September 2, 1919, the Allied and Associated Powers are of the opinion that section 2 of Article 61 of the German Constitution, dealing with German Austria's right to participate in the [German] Reichsrat, is a formal violation of Article 80 of the Peace Treaty, and they demand therefore that the German Government take the necessary steps within 14 days to eliminate this violation by canceling section 2 of Article 61.

In connection herewith the German Government declares the following:

In discussing Article 80 of the [Peace] Conditions, the German Peace Delegation at Versailles pointed out in its observations on the Peace Conditions, which were presented to the representatives of the Allied and Associated Governments on May 29, 1919, that Germany never has had and never will have the intention to change the German Austrian boundary line by force, but that it could hardly assume the responsibility of opposing a possible future wish of the population of Austria for a re-establishment of the political union with the German mother country. The Allied and Associated Governments, in their reply of June 16, 1919, acknowledged receiving notice¹⁹⁰ that Germany would forgo any change by force of the German Austrian boundary lines. The Germans therefore assumed that it would not be in contradiction of Article 80 of the Peace Conditions, which in its last sentence specifically points towards a future possibility of a change in Austria's political independence with the assent of the League of Nations, if the road to this possibility were paved by an amicable approach between the two countries in accordance with the principles of the right of self-determination of peoples.

¹⁹⁹ *Verhandlungen der verfassunggebenden deutschen Nationalversammlung*, Band 340, *Anlagen zu den Stenographischen Berichten*, No. 1793, p. 6 (hereafter cited as *Verhandlungen . . . Anlagen*).

¹⁹⁰ See footnote 178, *supra*.

For this reason Article 61, section 2, has been incorporated in the German Constitution. In its first sentence it regulates German Austria's right to vote in the German Reichsrat merely in case the union of that country with Germany should take place but it does not anticipate the events upon which such a union would depend. In the second sentence of the Section a deliberative voice in the Reichsrat is granted to the representatives of German Austria until the time of a definite union. By this regulation it was intended neither to touch upon German Austria's independence nor upon the conditions which might lead towards a change of this independence which had been recognized by Germany in the Peace Treaty; for this Section leaves it to Austria's free discretion whether she wishes to avail herself of the right of participation in the sessions of the Reichsrat, and binds that country neither by public nor by international law.

In spite of these facts, the Allied and Associated Governments consider the admission of German Austrian delegates to the Reichsrat as incompatible with the national independence of the country as guaranteed by Article 80 of the Treaty of Peace, for this admission would [in their opinion] put German Austria on a par with the States forming the German Reich, since it would create a political tie between Germany and Austria and would be attended by joint political activity in the two countries. This point of view of the Allied and Associated Governments indicates an interpretation of Article 80 of the Peace Treaty which differs from the interpretation held till now by Germany. Germany, faced by the Note of the Allied and Associated Powers, is unable to uphold her point of view in this question. But this does not necessitate a change of the text of the German Constitution. The Allied and Associated Governments, in their Note, have already pointed to Article 178 of the Constitution, which plainly prescribes that the stipulations of the Peace Treaty are not affected by the Constitution. This article was included in the endeavor to eliminate a priori any contradictions which might possibly arise between the regulations of the Constitution and the stipulations of the Peace Treaty, which latter are often rather vague as to meaning. The proviso [of Article 178] affects all regulations of the Constitution, therefore also the above mentioned regulation in Article 61, section 2. If therefore Article 61, section 2, considered separately is at variance with a stipulation of the Peace Treaty, then this Section automatically becomes ineffective.

The German Government declares, therefore, that the regulation of Article 61, section 2, of the Constitution remains ineffective, that specifically the admission of German Austrian delegates to the German Reichsrat can not take place as long as the Council of the League of Nations does not give its consent to a change in German Austria's international status.

Although the matter is herewith settled, by the above declaration, in accordance with the wishes of the Allied and Associated Governments, the German Government finds itself obliged to make the following fundamental remarks: The German Government believes itself to have given no occasion for the rough and blunt form of the Note of the Allied and Associated Governments in which they demanded a clarification of supposed contradictions between the German Constitution and the Peace Treaty. If these governments threaten to extend the occupation in case of a refusal of their demand, and try to justify [such threat] by referring to Article 429 of the Peace Treaty, attention must be called to the fact that the Peace Treaty could not possibly support such a measure, not to mention the fact that the Allied and Associated Governments have not even ratified the Treaty and therefore cannot legally base their demands upon it. Article 429 provides for a longer period of occupation under certain circumstances but never for an extension of the territory under occupation. The German Government considers therefore the threat of such a measure as nothing but a deeply regrettable act of violence.

Please accept, Mr. President, the expression of my highest esteem.

In absence of Baron Lersner
SCHMITT

244. (n) REPLY OF THE ALLIED AND ASSOCIATED POWERS,
OF SEPTEMBER 11, 1919, TO THE GERMAN DELEGATION¹⁹¹

(Translation)

PEACE CONFERENCE
THE PRESIDENT
PARIS, September 11, 1919

MR. PRESIDENT:

In their Note of September 2, 1919, the Allied and Associated Powers called the attention of the Government of Germany to an article of the new German Constitution concerning the relations of Germany with Austria, which is in complete contradiction with the stipulations of the Peace Treaty on the same question.

In its Note of September 5, 1919, the German Government answered that no article [of the Constitution], whatever its literal sense might be, could possibly be in contradiction to the Peace Treaty since there is

¹⁹¹ *Verhandlungen*, Band 340, *Anlagen*, No. 1793, pp. 8-11.

another article in the Constitution which says that nothing contained therein shall be so construed as to violate any provision of the Treaty. Thanks to this ingenious artifice the German Constitution could be modified to such an extent as to contradict in its wording every stipulation contained in the Treaty of Peace. For example, it could prescribe that a German Army of several million men should be maintained by conscription; and, when the Allied and Associated Powers should mention that this provision was contrary to the Treaty, which limits strictly the strength of the German Army and forbids conscription, the German Government could answer that, if this be so, then the Constitution in Article 178 provides for a sufficient guarantee by declaring that nothing in the Treaty should be affected by the Constitution.

One could say that this is purely an hypothesis; but the hypothesis appears justified when one reads in Article 112 of the [German] Constitution, in its present form, that no German citizen shall be extradited for sentence by a foreign court, while the Treaty provides expressly that certain persons who are accused of having committed acts contrary to the laws and customs of the war, must be extradited and brought before a foreign Tribunal.

According to the German answer Article 178 was supposed to be included to avoid "any contradiction possible between the stipulations of the Constitution and the conditions of the Treaty of Peace." This intention is excellent, indeed, in so far as it concerns contradictions of a contestable or unforeseen character, such as might be discovered by shrewd jurists in the wording of two long and complicated documents. But here we are not confronted with disputable and unforeseen contradictions. Those against which the Allied and Associated Powers protest certainly are clear and obvious, and can be only intentional. Nobody will believe that the authors of the German Constitution, in including Article 61 and in arranging the terms of Article 112, did not know that these dispositions in themselves were incompatible with the obligations solemnly assumed by Germany just a few weeks ago.

This state of things can not endure.

The German Government recognizes and declares itself that, in case of a contradiction between Constitution and Treaty, the Constitution cannot prevail.

In consideration of this acknowledgment, the Allied and Associated Powers expect the German Government to file without further delay, in a diplomatic document, the text of which is enclosed, the interpretation which it submitted to the Allied and Associated Powers in its answer of September 5, 1919, with the understanding that this document must be signed immediately at Versailles by an authorized representative of the German Government before the representatives of the Principal Allied and Associated Powers, and be duly approved by the competent legisla-

tive authorities of Germany within fourteen days following upon the putting in force of the Treaty of Peace.

Please accept, Mr. President, the assurance of my highest esteem.

(Signed) CLEMENCEAU

Baron von Lersner
President of the German Delegation
Versailles

244. (o) GERMAN NOTE (UNNUMBERED), SEPTEMBER 18, TO
 THE PRESIDENT OF THE PEACE CONFERENCE, ON AR-
 TICLE 61 OF THE GERMAN CONSTITUTION¹⁹²

(Translation)

THE PRESIDENT OF THE
 GERMAN PEACE DELEGATION

VERSAILLES, September 18, 1919

MR. PRESIDENT:

The German Government is in agreement with the view expressed in the Note of the Allied and Associated Governments of September 11, that, in so far as the German Constitution and the Treaty of Peace conflict [with] each other, the Constitution cannot take precedence. It has already declared that, in consequence of this point of view and because of its acceptance of the interpretation of Article 80 of the Treaty of Peace postulated by the Allied and Associated Governments, it regards Article 61, Section 2, of the German Constitution as invalid so long as the Council of the League of Nations has not consented to a corresponding change in the international position of Austria. It has no objection to set forth this explanation now in the form proposed in the annex to the Note of September 11. To this end it has given the undersigned the proper plenipotentiary powers and has commissioned him to enter into negotiations with the representatives of the Allied and Associated Governments regarding the time for the fulfillment of the explanation.

Furthermore, the German Government finds itself compelled to make the following comments on the statements of the Allied and Associated Governments.

It is a distortion of the wording and meaning of the statements of the German Note of September 5 to say that the German Government seeks to set forth the concept that no Article of the Constitution, "whatever be its clear wording," can be in contradiction with the Treaty of Peace, that none of its prescripts can prejudice the Treaty of Peace because

¹⁹² *S-H Bulletin*, No. 791 (IV). For German text, see *Verhandlungen*, Band 340, *Anlagen*, No. 1793, pp. 12-13.

another Article of the contents stands in the Constitution. On the contrary, the German Government has defined the meaning of the Constitutional Article 178 in question, that *inter alia* it is intended under all conditions to obviate any contradiction which might possibly arise between the wording of the Constitution and the requirements of the Treaty of Peace, which are frequently dubious in their scope. That Article 80 of the Treaty of Peace also belongs in the category of these requirements whose scope is not immediately clear and free from ambiguity is shown by the arguments on which the German Government bases its original interpretation of the Article, which differed from the conception of the Allied and Associated Governments. According to a generally recognised legal principle, requirements connecting a limitation of elemental basal rights cannot be interpreted in an extensional sense. Germany could not foresee that, departing from this principle, the right of self-determination of nations, which its opponents have so often designated as one of the main pillars of their conditions of peace, should be still more limited precisely for Germany and Austria than the wording of Article 80 immediately implies.

Furthermore, in their comments on Article 178 of the Constitution the Allied and Associated Governments have failed to recognise that in the Constitution of a State the matter concerned is a law which by its nature contains regulations whose character is based on elemental principles and is unlimited in time. It is in entire harmony with the usual forms of legislation when in such a fundamental law general norms are erected, though at the same time exceptions are reserved with reference to special cases which already exist or which may be foreseen. Such exceptions to the general rule by no means abrogate the rule itself, especially when the exceptions—as is the case with regard to the relevant requirements of the Treaty of Peace—refer to definite individual cases, or are limited in time, or even provide for later alteration. The incorporation of Article 178 in the German Constitution, therefore, forms no subterfuge, but a well-founded, necessary measure.

The presuppositions are, therefore, erroneous which have led the Allied and Associated Governments to a conclusion which is contradictory to the express explanations of the German Government, the conclusion that a violation of the Treaty is intended by Article 61, Section 2. The German Government rejects this implication with all energy. Neither can it pass over in silence the ironical tone, not in keeping with international usage, with which the Note of the Allied and Associated Governments deems that it may deal with solemn explanations of the German Government. The fact that Germany has lost the war does not give its opponents the right to employ language intended to injure Germany before the whole world. The German Government will not follow the Allied and Associated Governments in this course. Nevertheless, this

procedure of the Allied and Associated Powers can only render more difficult the establishment of a true state of peace.

Accept, Mr. President, the expression of my distinguished consideration.

(Signed) BARON VON LERSNER

*To His Excellency
The President of the Peace Conference
M. Clemenceau*

244. (p) DECLARATION BY THE GERMAN GOVERNMENT RENDERING NULL AND VOID ALL PROVISIONS OF THE GERMAN CONSTITUTION WHICH VIOLATE THE TERMS OF THE TREATY OF VERSAILLES¹⁹³

GERMAN DECLARATION CONCERNING THE CANCELLING OF ARTICLE 61 OF THE GERMAN CONSTITUTION. VERSAILLES, SEPTEMBER 22, 1919.¹⁹⁴

The undersigned, duly authorised and acting in the name of the German Government, admits and declares that all the provisions of the German Constitution of the 11th August, 1919, which are in contradiction with the terms of the Treaty of Peace signed at Versailles on the 28th June, 1919, are null and void.

The German Government admits and declares that the second paragraph of Article 61 of the said Constitution is therefore null and void, and in particular that Austrian representatives cannot be admitted to the Reichsrat, except so far as the Council of the League of Nations, in accordance with Article 80 of the Treaty of Peace, should consent to such a change in the international status of Austria.

The present Declaration will be approved by the competent German legislative authority within fifteen days from the coming into force of the Treaty of Peace.

Done at Versailles the 22nd day of September, 1919, in the presence of the undersigned representatives of the Principal Allied and Associated Powers.

FREIHERR VON LERSNER
FRANK L. POLK
EYRE A. CROWE
JULES CAMBON
VITTORIO SCIALOJA
K. MATSUI

¹⁹³ *British and Foreign State Papers*, 1919, p. 1094. For French text and German translation, see *Verhandlungen*, Band 340, *Anlagen*, No. 1793, p. 14. Cf. Document 81(d), *supra*.

¹⁹⁴ Signed also in the French language.

ARTICLE 89: AUSTRIAN RECOGNITION OF THE FRONTIERS OF NEIGHBORING STATES AS FIXED BY THE ALLIED POWERS¹⁹⁵245. ANNOTATIONS ON THE DISCUSSIONS OF THE COUNCIL OF FOUR AND THE COUNCIL OF FIVE CONCERNING ARTICLE 89 OF THE AUSTRIAN TREATY¹⁹⁶

The main outlines of this Article were fixed by the Council of Four on May 8 (C.F. 1(2)). On this occasion, President Wilson pointed out that while the American, British, and French experts had agreed on boundaries for Bulgaria, Greece, Czecho-Slovakia, Rumania, and Yugo-Slavia, certain frontiers were undecided, as of Poland, Albania, and Russia; and he also felt that when peace had been made with Austria and Hungary, the Conference would have no further authority. Mr. Lloyd George suggested that the difficulty might be surmounted by inserting in the Austrian and Hungarian Treaties stipulations requiring them to recognize contiguous States within boundaries determined by the Allied and Associated Powers as a whole, to which President Wilson objected that such a clause would not bind the new States to respect the decision of the Principal Powers, thus opening the way for interminable negotiation. He was anxious, moreover, that the boundaries between various States should not be left to separate agreement, and he therefore proposed that Austria and Hungary should be bound by the Treaties to recognize contiguous States within frontiers which should be given where possible, or which, if this could not be done, should be determined by some definite authority, as by the League of Nations. Mr. Lloyd George was of opinion that the League should not be burdened at the outset with these difficult problems, and he preferred that the boundaries should be drawn by the Allied and Associated Powers. To this, President Wilson replied that they would best be settled by the Principal Allied and Associated Governments, and Mr. Lloyd George agreed, President Wilson summarizing the results of the discussion to the effect that boundaries should be determined wherever possible, but that where they could not be fixed, the High Contracting Parties should be bound to accept the verdict of the Principal Allied and Associated Powers. On the following day, Sir Maurice Hankey produced a phrasing which he had drafted as giving effect to this decision; and, with a modification binding Austria and Hungary as well as the other High Contracting Parties to recognize boundaries as fixed in the Treaty or as subsequently drawn, his formula was adopted (C.F. 4(8) and App. III; 6(1)). On July 2, M. Tardieu pointed out that the Clause at that time required

¹⁹⁵ See also Document 96, *supra*.

¹⁹⁶ Gray, *op. cit.*, pp. 81-82.

Austria to recognize "the following frontiers of neighboring countries"; but since it was improbable that these boundaries could be delimited before the signature of peace, the wording should be changed so as to require Austria's assent to frontiers to be fixed later by the Allied and Associated Powers. The matter was referred to the Drafting Committee, M. Tittoni assuming that it was established that the ultimate decision regarding delimitation was matter for the present Conference of Allied and Associated Powers, not for the League of Nations (F.M. 29(8)).¹⁹⁷ It would appear that the redaction of the Drafting Committee was satisfactory, since no further discussion of the Article is recorded.

ARTICLE 90: AUSTRIAN RECOGNITION OF THE DISPOSITIONS, BY
THE ALLIED AND ASSOCIATED POWERS, OF THE TERRI-
TORIES OF THE CENTRAL POWERS

EXPLANATORY NOTE

This Article agrees, *mutatis mutandis*, with Article 434 of the Versailles Treaty and remains essentially unchanged in the various drafts of the Austrian Treaty. It was a revision by the Drafting Committee of an Article approved by the Council of Five on April 17 (reproduced as Document 237, *supra*). For the Austrian Observations on the Article in the June 2 draft of the Austrian Treaty, see Document 242, *supra*.

ARTICLE 91: RENUNCIATION BY AUSTRIA, IN FAVOR OF THE
PRINCIPAL ALLIED AND ASSOCIATED POWERS, OF TER-
RITORY OUTSIDE HER FRONTIERS WHICH PREVIOUSLY
BELONGED TO THE AUSTRO-HUNGARIAN MONARCHY

EXPLANATORY NOTE

There seems to have been little discussion of this Article by the Supreme Council. The Council of Five on April 15 and April 17 discussed a similar renunciation by Germany. See Documents 250 and 256, *infra*. See also Documents 96 and 97, *supra*. For the Observations of the Austrian Delegation on this Article and the Allied reply thereto, see Document 242, Article 3, and Document 243, *supra*.

¹⁹⁷ Reproduced as Document 96, *supra*.

ARTICLES 92-94: PROVISIONS CONCERNING THE INHABITANTS AND OFFICIAL ARCHIVES OF THE EUROPEAN TERRITORIES OF THE FORMER AUSTRO-HUNGARIAN EMPIRE WHICH WERE NOT INCLUDED WITHIN THE AUSTRIAN BOUNDARIES

246. ANNOTATIONS ON DISCUSSIONS BY THE COUNCIL OF FOUR OF ARTICLES 92-94 OF THE AUSTRIAN TREATY¹⁹⁸

ARTICLE 92

Except for a change of date from August 1 to July 23, 1914, (the day on which the Austro-Hungarian Monarchy declared war against Serbia), this Article, in essentially its present form, was approved on June 16 (C.F. 73(2) and App. I).

ARTICLE 93

The first Paragraph, except for extension from merely Austro-Italian relations to all ceded territories, is identical with Article 17 of the revised Draft of Political Clauses originally prepared by the Italian Delegation regarding ex-Austro-Hungarian territory to be transferred to Italy (C.F. 50, App. A; see, further, General Commentary on Part III, Section I).¹⁹⁹ The history of the second Paragraph is not recorded, the Allied and Associated Powers contenting themselves with stating (*Réponse*, p. 9)²⁰⁰ that they had added "stipulations regulating in the most equitable manner delivery of, or, if necessary, access to, archives or other documents concerning the ceded territories."

ARTICLE 94

The basis of this Article is found in the seventh of those framed from ten Political Articles of a Draft prepared by the Italian Delegation concerning ex-Austro-Hungarian territory to be transferred to Italy (see, further, Commentary on Part III, Section 1,²⁰¹ and on Articles 70-73, 75).²⁰² This Article in its original form was of considerable length:

"Separate Conventions between Italy and Austria shall provide for the regulation of the interests of the inhabitants of the territories transferred to Italy, especially as regards their civil rights, their trade and the exercise of their professions, it being understood that Austria undertakes

¹⁹⁸ Gray, *op. cit.*, pp. 83-84.

¹⁹⁹ Not reproduced. See Document 179, *supra*.

²⁰⁰ Reproduced as Document 243, *supra*.

²⁰¹ Not reproduced. See Documents 179 and 223, *supra*.

²⁰² Reproduced as Document 224, *supra*.

at once to recognize and to accept the rules laid down by the present Section concerning the nationality of the persons inhabiting or born in the said territories, not to claim at any time or in any place whatever as Austrian nationals those persons who shall have been declared Italian by any right, to receive into its territory those persons who remain Austrian and to conform, as regards the property of Austrian nationals in the above said territories, to the provisions of Article 297 and of the annex to section IV, part 10 (Economic Clauses), of the present treaty.

“Those Austrian nationals who, without obtaining Italian nationality, receive from the Italian Government permission to reside in the said territories, shall not be subject to the provisions of the said article.”

The Article was approved on June 16 (C.F. 73(2) and App. I), but in the final revision was abbreviated (especially as much of its content was already contained in the Nationality Clauses) and made to apply to “each of the States to which territory of the former Austrian Empire is transferred, and each of the States arising from the dismemberment of the former Austro-Hungarian Monarchy.”

CHAPTER VII

“PART IV, AUSTRIAN INTERESTS OUTSIDE EUROPE” (ARTICLES 95–117)¹

GENERAL

247. COMMENTS OF THE AUSTRIAN DELEGATION (NOTE NO. 707, JULY 12) ON THE CLAUSES OF THE TREATY DEALING WITH AUSTRIAN INTERESTS OUTSIDE EUROPE²

(Translation)

The articles of this part of the Peace Conditions stipulate the renunciation by German Austria of rights, titles or privileges which may have appertained to the former Austro-Hungarian Monarchy, in Egypt, in Morocco, in Siam and in China, by virtue of international treaties or special agreements.

It is important to point out, once more, that, in accordance with a principle of international law, German Austria, a new constituted state, is not bound by treaties in which the Austro-Hungarian Monarchy had participated and cannot avail herself of the rights, titles and privileges which are involved therein, no more than she can renounce them. If the necessary consequences were deduced from this principle, there should be eliminated from the Peace Treaty all stipulations relative to the renunciation in question, and the Treaty should confine itself to determining that German Austria, not being, as for the treaties, the assign of the former Austro-Hungarian Monarchy, considers, in what concerns her, as null and void the rights, titles and privileges accorded to the Monarchy by way of agreement in said countries, as well as the agreements themselves which served as a basis for them.

Another stipulation inserted in all the sections of this Part IV engages German Austria to cede to the Governments of Egypt, Morocco, Siam and China, all goods and properties which belonged to the former Austro-Hungarian Monarchy in said countries, including, in Morocco

¹ See also Documents 2(b), 67, and 68, *supra*.

² *S-H Bulletin*, No. 543 (IV). This English translation of the Austrian Delegation's proposed articles follows the French text of the Allied conditions of June 2. For an explanation of the hiatuses in this translation, therefore, the French text of the June 2 draft must be consulted. For French and German texts, see *Bericht*, I, 370–78. For covering letter, see Document 64(b), *supra*.

and Egypt, all crown property as well as the private possessions of the former sovereign family of Austria-Hungary, and this in Morocco, in Egypt, and in Siam expressly without indemnification. The public property in question—the existence of crown possessions of Austria-Hungary is unknown to the German Austrian Government, while those of the House of Haspburg-Lorraine should be considered and treated as private property—belonging in common to all the new states formed on the soil of the Austro-Hungarian Monarchy. German Austria also possesses over them a co-property right and claims, consequently, to be treated in this respect on the same footing as the other new states. Although she has not a greater interest in this stipulation than that of said states, it is fitting, nevertheless, to bring out the point that the confiscation of the above mentioned possessions would be in contradiction with the fundamental principles of the law of nations and entirely contrary to the requirements of equity. As a co-interested party, German Austria claims, besides, that buildings used as Austro-Hungarian residences or diplomatic or consular offices be exempt from expropriation, not only in Siam and China, as is provided in Articles 17 and 22, but also in Egypt and Morocco; further, that this exemption be, in the four countries, extended to the furniture and personal property contained in said buildings at Peking, also the quarters of the detachment of the Austro-Hungarian navy contiguous to the legation building.

With a view to regulating in the countries in question the juridical and economic situation of German Austria and of her nationals left in suspense by the Peace Treaty, the German Austrian Delegation desires to propose the insertion in the Treaty of a stipulation stating that German Austria and German Austrian nationals will not, in general, be treated in Morocco, Egypt, Siam and China in a less favorable manner than the states forming a part of the League of Nations and their nationals.

Regarding the stipulations submitting the property and rights of German Austrian nationals in Morocco, Egypt, Siam and China to the treatment provided in Part X (Economic Clauses), and regarding the stipulations compelling German Austria to give up all claim for herself and her nationals relative to the liquidation of German Austrian private possessions in these countries, the German Austrian Delegation thinks it should insist on its objections formulated on the subject of Sections III and IV of Part X (Economic Clauses).³ The Delegation also considers itself obliged to make reservations as to the engagement to desist from every claim regarding the internment of German Austrian nationals in China and Siam and their repatriation, as these measures can in no way be justified and give rise to reparations. By reason of the preceding con-

³ Not reproduced.

siderations, it would be desirable that the stipulations of Part IV be worded on the following model.

ARTICLE 1

Outside of its limits, such concerning all territories outside of Europe, which may have belonged privileges which may have for some reason, belonged to it outside of Europe in relation to associated

(Follows the text of the second alinea.)

The title of Part IV and the text of the resume of the Peace Conditions relative to said parts leave no doubt that the stipulations of Article 1 concern exclusively territories outside of Europe. Therefore the words "outside of Europe" have been inserted in the first alinea.

SECTION I

MOROCCO

ARTICLE 2

German Austria recognizes, insofar as she is concerned, as being definitely without effects, all rights, titles or privileges, by which the former Austro-Hungarian Monarchy may have profited from the general act of Algeciras 1914.

(Follows the text of the second alinea.)

As the treaties in which the Austro-Hungarian Monarchy had participated became void for German Austria from the moment of her creation, it is important to replace the stipulation compelling German Austria to give up rights resulting from such treaties by a stipulation stating that German Austria recognizes, as far as she is concerned, the invalidity of every former conventional regime.

ARTICLE 3

German Austria declares that she accepts in Morocco and considers, as far as she is concerned, as being definitely abolished from August 1914, the regime of the capitulations in Morocco.

For reasons explained in Article 2, it has appeared necessary to substitute for the renunciation by German Austria of the capitulations her declaration that she considers them as being definitely abolished.

ARTICLE 4

The Cherifian Government in Morocco.

It is however understood that the nationals of German Austria, as far as their settling in Morocco, the protection of laws and the freedom of industry and commerce are concerned, will not be submitted to a less favorable treatment than that accorded, in general, by the Cherifian

Government to nationals of Powers which are members of the League of Nations.

Former Austro-Hungarian protegees, Austro-Hungarian members of agricultural societies will be common law.

In the absence of every conventional regime between German Austria and Morocco the necessity arises of assuring to German Austrian nationals a juridical and economic situation which, in general, will not be less favorable than that of nationals of powers which are members of the League of Nations.

ARTICLE 5

All real and personal property rights of the former Austro-Hungarian Monarchy in the Cherifian Empire, with the exception of buildings used as residences or diplomatic or consular offices as well as the personal property and furniture which they contain, go over of right to the Maghzen, in consideration of an equitable indemnity, of which a portion, calculated on the share to be received by German Austria in the distribution of the total assets of the former Austro-Hungarian Monarchy, will be attributed to German Austria.

All real and personal property rights appertaining in the Cherifian Empire to nationals of German Austria will be respected; in case they have been liquidated, an equitable indemnity will be due to those entitled.

Mine rights which might be recognized to nationals of German Austria, will follow the regime applied to property in Morocco belonging to nationals of German Austria.

The confiscation without any indemnity of the public property of the former Monarchy being contrary to a fundamental principle of the law of nations, the object of the present amendment is to remedy this while keeping in mind the fact that this property constitutes common assets of all the new states formed on the territory of Austria-Hungary.

It is perfectly clear that the exemption provided in Articles 17 and 21 for the buildings of the legations and consulates should also be adopted in Morocco; the extension of this exemption to the furniture and personal property contained in said buildings does not, either, need to be explained.

As the existence in Morocco of property of the Austro-Hungarian crown and of the former sovereign family of the Monarchy has not been established, the stipulations relative thereto have been suppressed in the new wording.

As reasons are lacking for which Morocco, a country little affected by the [war], might lay claim to reparations, equity seems to impose the respect of private property of German Austrian nationals in this country, or at least the payment [of] fitting indemnity for possessions liquidated.

ARTICLE 6

No modifications.

ARTICLE 7

No modifications.

SECTION II

EGYPT

ARTICLE 8

German Austria declares that she recognizes . . . and considers, as far as she is concerned, as being abolished, since August 12, 1914, the regime of the capitulations in Egypt.

See explanations in connection with Articles 2 and 3.

ARTICLE 9

No modifications.

ARTICLE 10

No modifications.

ARTICLE 11

The Egyptian Government . . . nationals of German Austria in Egypt. It is however understood that the nationals of German Austria as far as their settling in Egypt, the protection of laws and the freedom of industry and commerce are concerned, will not be submitted to a less favorable treatment than that accorded, in general, by the Egyptian Government to nationals of powers which are not members of the League of Nations.

See explanations in connection with Article 4.

ARTICLE 12

No modifications.

ARTICLE 13

No modifications.

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ARTICLE 14

All possessions in Egypt, with the exception of buildings used as residences or diplomatic or consular offices as well as the personal property and furniture which they contain, go over of right to the Egyptian Government, in consideration of an equitable indemnity, of which a portion, calculated on the share to be received by German Austria in the distribution of the total assets of the former Austro-Hungarian Monarchy, will be attributed to German Austria.

All real and personal property belonging, in Egypt, to nationals of German Austria will be respected. In case they have been liquidated, an equitable indemnity will be due to those entitled.

See explanation in connection with Article 5.

ARTICLE 15

No modifications.

SECTION III

SIAM

ARTICLE 16

No modifications.

ARTICLE 17

German Austria cedes, insofar as she is concerned, to Siam all her rights . . . residences or diplomatic or consular offices as well as the furniture or personal property which they contain. These possessions and property will be acquired of right by the Siamese Government in consideration of an equitable indemnity, of which a portion, calculated on the share to be received by German Austria in the distribution of the total assets of the former Austro-Hungarian Monarchy, will be attributed to German Austria.

The possessions, property and private rights of the nationals of German Austria in Siam will be respected; in case they have been liquidated, an equitable indemnity will be due to those entitled.

See explanations in connection with Article 8.

ARTICLE 18

It will be left to a direct understanding between the governments of Siam and German Austria to settle if, and, if necessary, to what degree, Siam should accord an indemnity for the internment of nationals of German Austria in this country.

As the internment of these nationals cannot be justified, German Austria thinks that it should reserve the right of making this question the subject of direct negotiations with the Siamese Government.

SECTION IV

CHINA

ARTICLE 19

German Austria recognizes, insofar as she is concerned and in favor of China, as being definitely without effect, since August 14, 1917, all privileges and advantages by which the former Austro-Hungarian Monarchy may have profited from the provisions of the final protocol signed at Peking on September 7, 1901, together with all annexes, notes and complementary documents.

Will however be reserved for a direct understanding between the Chinese and German Austrian Governments the decision of the question as to whether there would not be reason to attribute, on the indemnity fixed in the final protocol of September 7, 1901, to German Austria a

portion, calculated on the share of German Austria in the distribution of the total assets of the former Austro-Hungarian Monarchy.

In what concerns the first phase ("phase" for "phrase"—sentence?), here is ("voici" for "voir"—see?) explanation in connection with Article 2.

The indemnity to be paid to Austria-Hungary by virtue of said final protocol constitutes a common asset of all the new states successors of the former Austro-Hungarian Monarchy; so a wording which takes into consideration this fact has been adopted.

ARTICLE 20

From the putting into force :

- 1)
- 2) the complementary provisory arrangements of April 4, 1912.

China, although she is in no way bound to accord to German Austria the advantages in these arrangements, will not submit the nationals of German Austria to a treatment less favorable than will be enjoyed, in general, by nationals of the powers who are members of the League of Nations.

See explanations in connection with Article 4.

ARTICLE 21

German Austria cedes, as far as she is concerned, to China all her rights on buildings or in other parts of the Chinese territory, consideration of an equitable indemnity, of which a portion, calculated on the share to be received by German Austria, in the distribution of the total assets of the former Austro-Hungarian Monarchy, will be attributed to German Austria.

It is however understood that the buildings used as residences or diplomatic or consular offices or as quarters for the detachment of the former Austro-Hungarian navy, as well as the personal property and furniture contained in these buildings, are not included in the above cessions; besides, no measure without the consent of the representatives final protocol of September 7, 1901, and without previous notice to German Austria.

See explanations in connection with Article 5.

ARTICLE 22

First alinea: (No modifications).

China, recovering, nationals of the Allied and Associated Nations nor those of the nationals of German Austria, holding shares in this concession.

This amendment proceeds from the way of thinking of the German

Austrian Government according to which the private rights of German Austrian nationals should be respected for reasons of equity.

ARTICLE 23

All real and personal property belonging in China to nationals of German Austria will be respected; in case they have been liquidated, an equitable indemnity will be due to those entitled.

Will be reserved for a direct understanding between the Governments of China and German Austria to establish whether, and, if necessary, to what degree, China would be held to accord an indemnity by reason of the internment in China of nationals of German Austria and of the repatriation as well as of the seizure of Austrian ships in China.

See explanations in connection with Articles 5 and 18.

248. OBSERVATIONS OF THE AUSTRIAN DELEGATION OF AUGUST 9 ON "PART IV, AUSTRIAN INTERESTS OUTSIDE EUROPE," IN THE ALLIED CONDITIONS OF JULY 20⁴

(Translation)

PART IV. AUSTRIAN INTERESTS OUTSIDE OF EUROPE

Regarding the stipulations of this Part, the German-Austrian Delegation, while desisting from entering anew into a discussion as to the basis of these matters, takes the liberty of referring the High Peace Conference to the observations and propositions contained in its Note under date of July 12, 1919, No. 707.⁵

249. REPLY OF THE ALLIED AND ASSOCIATED POWERS OF SEPTEMBER 2 TO THE OBSERVATIONS OF THE AUSTRIAN DELEGATION ON AUSTRIAN INTERESTS OUTSIDE EUROPE⁶

(Translation)

PART IV. AUSTRIAN INTERESTS IN COUNTRIES OTHER THAN EUROPEAN

The Allied and Associated Powers think there is no reason for modifying materially the provisions found in Part IV of the conditions

⁴ *S-H Bulletin*, No. 668, Part II: "Observations . . . Part IV, Austrian Interests Outside Europe." For covering letter and list of accompanying documents, see Document 66(a-c), *supra*.

⁵ Reproduced as Document 247, *supra*.

⁶ United States, 66th Congress, 1st Session, *Senate Documents*, Vol. 15, No. 121, pp. 14-15. For covering letter and list of accompanying documents, see Document 73(a-b), *supra*.

of Peace relating to "Austrian Interests in countries outside Europe." Most of the counterproposals presented by the Austrian Delegation proceed from the principle that Austria can not be regarded as bound for the entire former Austro-Hungarian monarchy. But the Allied and Associated Powers considered that Austria is one of the succeeding States of Austria-Hungary. They affirm, moreover, that Austria does not intend to refuse that heritage when it is of value to her in retaining her diplomatic and consular buildings in Siam (art. 111 (108))⁷ and in China (art. 115 (112)), and that she does not hesitate to claim that heritage as a basis for her request to remain in possession of real property in Morocco (99 (96)) and in Egypt (art. 108 (105)) or to reserve for herself the possibility of obtaining her quota of the indemnity fixed in the final Protocol signed at Peking on the 7th of September, 1901 (art. 113 (110)).

The Allied and Associated Powers consider that Austria is bound by the treaties and obligations agreed to by the former Austro-Hungarian monarchy. They are obliged to ask her to formally renounce, as far as concerns her, the rights, titles, and privileges that have appertained to that State, and particularly those that came to her in consequence of the Act-general of Algeciras and in consequence of some Franco-German agreements relative to Morocco (art. 96 (93)) of the régime of the capitulation in Egypt (art. 99 (102)), or of the provisions of the final Protocol of Peking (art. 113). They cannot otherwise guarantee to the Austrian representatives in Morocco (art. 98 (95)), in Egypt (art. 105 (102)), and in China (art. 114 (111)) a treatment as favorable as that the citizens of the powers members of the League of Nations in general, under the jurisdiction of the Powers, will enjoy; for by so doing they would grant to Austria, before her admission to the League of Nations, the benefit of that admission.

The Allied and Associated Powers have applied a common principle of international law in ordering that all property and proprietary rights that have belonged to the ancient Austro-Hungarian monarchy, a hostile State, in Morocco, in Egypt, in Siam, and in China should be ceded to the Government of the Maghzen (art. 98), to the Egyptian Government (art. III), to the Chinese Government (art. 113). They see no reason to extend to all non-European countries without exception the derogations which they have been able to consent to for exceptional reasons, either in European territory or in Siam or China. So far as concerns this last country, they deem that the lodgments of this detachment of the former Austro-Hungarian marine do not differ from the "barracks," the conditions of which are regulated by article 115, and cannot be classed

⁷ The first of the article numbers refers to the Treaty text, the other, in parentheses, to the July 20 draft.

as Diplomatic and Consular buildings, as desired by the Austrian Delegation.

The Allied and Associated Powers have applied to the liquidation of rights of property and possession of the Austrian citizens in Morocco (art. 96), in Egypt (art. 108), in Siam (art. 111), and in China (art. 117 (116)) the general dispositions provided by Section IV of Part X of the Treaty.

The Allied and Associated Powers would fail in the solidarity which they have desired to consecrate by a general treaty, if [they] recognized in this Treaty the direct understandings that Austria asks to conclude with Siam and China.

They deem that Austria is not justified in demanding the advantages that she wished to assure to herself by these understandings.

On the other hand, the internment of enemy citizens by the Allied and Associated Powers constitutes a measure of security that does not admit of a claim for indemnity against these Powers. On the other hand, the Allied and Associated Powers having decided that China would be definitely freed from obligations to Austria-Hungary, as well as to Germany, imposed by the final Protocol of September 7, 1901, are not disposed to contemplate that China would be able to renew these obligations for the benefit of Austria. At the same time, the Allied and Associated Powers have taken account of the Austrian observations by making more precise the wording of articles 95, 111, and 115.

ARTICLE 95. GENERAL RENUNCIATION BY AUSTRIA OF TERRITORIES OUTSIDE EUROPE WHICH BELONGED TO THE FORMER AUSTRO-HUNGARIAN EMPIRE OR ITS ALLIES^a

250. DISCUSSION BY THE COUNCIL OF FIVE OF A DRAFT ARTICLE TO BE INSERTED IN TREATY OF VERSAILLES CONCERNING A GENERAL RENUNCIATION BY GERMANY OF TERRITORY OUTSIDE HER FRONTIERS^b

The following draft article was before the meeting:

"In territory outside her frontiers as fixed by the present treaty, Germany renounces all rights, titles and privileges in territory which belonged to her or to her allies, and all rights, titles and privileges whatever their origin which she held as against the Five Allied and Associated Powers or the other belligerent Powers who sign this treaty.

"Germany undertakes immediately to recognise and to conform to

^a With slight variations, same as Article 118 of the Treaty of Versailles.

^b F.M. 5(3), April 17, 1919.

the measures which may be taken now or in the future by the Five Allied and Associated Powers in agreement where necessary with those Powers in order to carry the above stipulation into effect.

"In particular Germany declares her acceptance of the following provisions relating to particular questions:"

Baron Makino asked, with reference to the last paragraph, whether particular questions were reserved.

M. Pichon replied in the affirmative.

M. Fromageot said that the Drafting Committee had thought that the general formula proposed would fulfil the desires of the Council. It covered all the rights of Germany in or over Allied and Associated countries, as well as special rights in Colonies and any such countries as Siam, Liberia and Shan Tung. As regards Liberia, Germany would have to sign certain special clauses relating to finance and economic rights. There might be further rights of a special character which were introduced by the last paragraph in the draft article. The paragraph had been put in those terms as the Committee itself did not know exactly what provisions it would have to cover. It had appeared to the Committee, however, that there were many possible contingencies for which a general heading must be found.

Mr. Lansing said he was prepared to agree to the proposed article, but suggested that the last paragraph be reserved until it appeared clear that special clauses would be required.

M. Pichon pointed out that certain special clauses would be required in respect to Egypt and Morocco.

Baron Makino observed that he must insist on the reservations made by the Japanese Delegation in respect to Shan Tung and Kiau Chau. He had on a previous occasion drawn attention to the fact that Japan claimed all the rights acquired by Germany from China.

Mr. Lansing enquired whether these rights were claimed by Japan from China or from Germany.

Baron Makino replied that they were claimed from Germany.

Mr. Lansing said that in the event of special treatment being required for Shan Tung, he would ask the Japanese Delegation to propose a special clause. Once a precise text was before the meeting, it would be possible to debate on the reservation made. At present he was not aware of its purport.

Baron Makino reminded the meeting that towards the end of January, he had presented the Japanese claims in a general statement. He had then declared that the claims would subsequently be presented in such a form as to be introduced into the treaty. He proposed, therefore, to bring forward a few articles embodying these claims. All he meant by recalling his reservations was to give notice that he proposed to put forward these articles.

Mr. Lansing then suggested that these draft articles be submitted together with the agenda for the next meeting of the Council, in order that time for their consideration before the meeting might be gained. He suggested that a similar course might be followed with regard to Egypt and Morocco.

Baron Makino observed that the Japanese statement had been made before the Council of Ten, and that it had been understood that the draft articles for the Treaty of Peace would also be submitted to that Council. In consequence, he thought that it would be right that the Council of Ten and not the present Council should take this matter into consideration.

Mr. Lansing enquired whether there was to be another meeting of the Council of Ten.

M. Pichon said that the meetings of this Council had become rare and that he had no notice of any future meeting. The procedure proposed, therefore, might delay a decision for a considerable time.

Baron Makino said that he was engaged in certain *pourparlers* which he thought might lead to an early settlement of the question.

Mr. Lansing then suggested that the General Renunciation clause be accepted, with the proviso that any Power wishing to put forward special cases should do so as early as possible.

Baron Makino agreed, with the reservation previously stated.

(The General Renunciation Article, as quoted above, was then adopted.)

“SECTION I, MOROCCO” (ARTICLES 96-101)

EXPLANATORY NOTE

Articles 96-98, 101.—Article 96 is same as Article 141 of the Treaty of Versailles except for a difference in date of abrogation of treaties. In the German Treaty abrogation dates from August 3, while the abrogation date in the Austrian Treaty is August 12, 1914. Articles 97-98 and 101 are same as Articles 142-43 and 146 of the Treaty of Versailles.

Articles 99-100.—The fourth paragraph of Article 99 and the first paragraph of Article 100 differ considerably from Articles 144 and 145 of the Treaty of Versailles.

“France had no reason to take special guarantees against Austria, who had not opposed her action in Morocco as Germany had done for ten years, and who had been a normal

belligerent during the War' (Minutes of Morocco Committee, p. 21)."¹⁰

The fourth paragraph of Article 99 does not appear in the Draft of Articles drawn up by the Moroccan Commission. Paragraph I of Article 100 is the same as the Commission's proposed draft and is less drastic than the corresponding paragraph in the German Treaty.

251. DISCUSSION BY COUNCIL OF TEN OF GERMANY'S STATUS IN MOROCCO¹¹

QUESTIONS FOR FUTURE DISCUSSION

(3) M. Clemenceau said that he found some difficulty in fixing the Agenda for the next meeting. In addition to the military questions pending with Germany there was the Russian problem.

(a) Morocco

Among other questions that might be raised was that concerning Morocco.

Mr. Balfour asked in what manner this question concerned the Peace Conference.

M. Clemenceau said it involved an agreement with Germany which France wished to revise. France desired to abolish some of the stipulations of the Treaty of Algieras. He did not mean to raise any question as between France and Spain.

M. Pichon pointed out that eleven Powers had signed the Treaty of Algieras. Its reconsideration would, therefore, affect them.

M. Clemenceau said that he did not wish to surprise the meeting and would give full time for each delegation to reflect on the subject

252. DISCUSSION BY THE COUNCIL OF TEN OF MOROCCO AND THE ACT OF ALGECIRAS¹²

. . . . M. Pichon called on M. de Peretti to explain the views of the French Government on the Moroccan question with special references to the Act of Algieras.

M. de Peretti then read the following statement:
(Statement will be circulated later.)

Mr. White said that as a signatory of the Act of Algieras he had

¹⁰ Gray, *op. cit.*, pp. 86-87.

¹¹ B.C. 35(3), February 18, 1919.

¹² B.C. 39(3), February 25, 1919.

listened with great interest to M. de Peretti's statement and, as far as his knowledge went, the facts appeared to him to have been fairly and accurately stated. In signing the Act of Algeciras the United States had made the following reservations :

"The Government of the United States of America had no political interests in Morocco and had taken part in the present Conference with no other desire or intention than to assist in assuring to all the nations in Morocco the most complete equality in matters of commerce, treatment, and privileges and in facilitating the introduction into that Empire of requirements which should bring about a general state of well-being founded on the perfect cordiality of her foreign relations, and stable internal administrative declarations : that in subscribing to the regulations and declarations of the Conference by the act of signing the General Acts subject to ratification according to constitutional procedure of the additional protocol and in consenting to the abrogation of American rights and interests in Morocco, it assumes no obligation or responsibility as to the measures which may be necessary for the enforcement of the said regulations and declarations."

He had heard with great pleasure the statement made by M. de Peretti that France intended to observe the open door in Morocco. M. de Peretti had also made a statement to the effect that France would demand compensation for her sacrifices. He wished to enquire whether that meant that France would require special concessions for herself. However : as long as the open door was maintained, the United States had no objections to offer in principle to the proposals made by France. She would, however, reserve her final adhesion until the wording of the clauses to be inserted in the Peace Treaty had been made known.

Mr. Balfour said that it would perhaps be unnecessary for him to say anything concerning the interests of Great Britain in Morocco, because her special interest in that country had ceased after the signing of the Treaty of 1904. Furthermore, Great Britain did not now wish to take advantage of any conditions which Germany might now be compelled to renounce, to extract advantages which Britain had deliberately given up by the earlier treaties. He was glad to hear that it was the fixed intention of France to perpetuate the policy of the open door which would be extended to all countries, including Great Britain. It was not, however, from the point of view of Great Britain that he wished to put a question on the international aspect of the case. It was possible he might have misunderstood some of the details of the case : but the Treaty under consideration was apparently one in which many Powers, both Allied and Neutral, were concerned, other than those represented at the Conference.

In regard to a Treaty in which so many parties were concerned he did not know what international rule would apply when one or two of

the parties in question had gone to war. It was clear that Germany and Austria could no longer possess any rights; and no one would wish to defend rights which Germany had obtained by abusing her power and threatening the world with war.

In regard to the exact relation, which the proposals made that afternoon would have in connection with other parties such as Spain, he would like to enquire whether the Peace Conference had any right without consulting Spain to remove or abrogate a Treaty in which Spanish interests appeared to be very intimately concerned.

It had been stated that by one or other of the Treaties France had been given the protectorate over the whole of Morocco including the Spanish sphere of influence and Tangiers. That might be so, but by those same instruments, Spain had also been given a sphere of influence in which she had similar rights to those claimed by France elsewhere. He could not say which view was right, but Spain conceived herself to have claims equal to those of France and other countries in Tangiers. Whether Spain exercised those rights to the benefit of mankind, whether the laxity of her administration had permitted the Germans to make Morocco a base for submarine warfare, he did not know. But did the Assembly of the five Great Powers now meeting in Paris to deal with problems between the Allies and the Central Powers, have the right to deal with claims which Spain possessed under those Treaties with which it was proposed to deal so drastically.

The five Great Powers were there as guardians of the Treaty rights of the world. Therefore he would deeply regret if anything were done which might have the appearance of an attempt to impose conditions on neutrals, apparently depriving them of their rights.

It was imperative, therefore, that great care should be taken in moving in the matter. He did not know what form of conclusion should be reached. But it was impossible that day to deal with other parts of the proposal beyond those which took away from Germany and Austria the things they had legitimately lost. In any case, the consideration of the parts dealing with international and allied parties would have to be postponed until the Conference had time to consider the proposals put before them.

In conclusion he wished to make one more observation. He was reminded that the Spanish sphere and the internationalisation of Tangiers did not depend on the treaties of 1905, 1909, 1911, and 1912, but on the treaty between France and Spain of 1904. Under Article 1 of that Treaty Spain adhered to the terms of the Anglo-French Treaty; Article 2 defined the Spanish sphere of influence and Article 9 dealt with the town of Tangiers. Those Treaties could not be said to have been forced on Spain, France and Europe since the claims of Spain against France and Great Britain went back to the Treaty of 1904.

M. de Peretti expressed his satisfaction at the complete agreement which appeared to exist between Great Britain, America and France on the question of the clauses concerning Morocco to be inserted in the Treaty of Peace with Germany. For the moment the French Government did not ask for anything more. In reply to Mr. White's enquiries in regard to the privileges which France claimed, he could assure him that he had merely referred to those moral privileges which devolve on a well-educated country in its relations with a less educated people. No other privileges were claimed by France. Mr. White had also expressed his approval of the maintenance of the "open door." Not only did France intend to maintain this, but no discrimination would be shown between one country and another, all being placed on an equal footing.

The statements made by Mr. Balfour were quite correct, and the French Government held exactly the same views. There was no question of imposing anything on any country not represented at the Conference. All that France asked was that the Powers represented at the Conference should voluntarily renounce the privileges which they had acquired by the Act of Algeciras, which privileges would be accorded to them by the declaration he had that afternoon made on behalf of the French Government. The rest merely concerned France and Spain.

Mr. Balfour had referred to the Treaty of 1904. That Treaty had, however, been modified by the Franco-Spanish Treaty signed on the 27th November, 1912, which defined the Spanish sphere of influence within the French Protectorate. France had every intention of adhering to the terms of that Treaty. The Sultan of Morocco recognized only one protectorate in Morocco, namely, the French protectorate, and it was only by an agreement entered into between France and Spain that the Spanish sphere of influence came to be recognised.

In regard to Tangier, Mr. Balfour had referred to Clause IX of the secret Treaty of 1904 between France and Spain, wherein it was laid down that the town of Tangier should be subjected to a special régime, owing to the presence there of a diplomatic body. Now, in the statement which he had made that afternoon, he had informed the Conference of the intention of the French Government to establish a special régime at Tangier, not an international régime, but something in the nature of a municipal régime. The British Minister at Tangier had expressed his approval of these proposals.

Mr. Balfour enquired whether there had not been an exchange of notes between France, Great Britain and Spain, laying down that Tangier should be granted an international régime.

M. de Peretti agreed, and said that in 1914 France and Great Britain had agreed upon a plan for an international statute to be applied to Tangier.

Mr. Balfour, intervening, remarked that the agreement relating to

the application of the international régime at Tangier had been agreed to by Great Britain in 1912.

M. de Peretti, continuing, explained that though the agreement with Great Britain had been signed in 1912, discussions with Spain had subsequently lasted for two years, before Spain had agreed to consider a definite plan. That plan had been submitted to the Spanish Government in December, 1914, but so far no reply had been received. A few days ago M. Romanones had stated in the Cortes that the war had prevented the Spanish Government from signing the agreement. As he had already stated, all that France asked, however, was that certain clauses which concerned Germany should be inserted in the Peace Treaty with that country. Although every question relating to Allied and Neutral countries could not be embodied in the Peace Treaty, France hoped that the question could be profitably discussed during the presence of the representatives of those countries in Paris.

Mr. Balfour enquired whether the best plan would not be that a definite resolution embodying the general views of the French Government should be drawn up and circulated for discussion at a future meeting.

(It was agreed that a draft resolution embodying the views of the French Government on the Moroccan question, with special reference to the Act of Algeiras, should be drafted and circulated by M. de Peretti, and the question would be discussed by the Conference at an early meeting.)

253. DRAFT RESOLUTION OF THE COUNCIL OF FIVE APPOINTING A COMMITTEE ON MOROCCAN QUESTIONS¹³

. . . . M. Pichon read the following draft Resolution to which he understood Mr. Balfour had given his assent:

"The Supreme Council of the Allies, after hearing the statement made by the French Government of its claims against Germany regarding Morocco, considers that in the Peace Treaty all servitudes of an international character, to which that country was subjected as a result of German intervention, should be cancelled; That certain sanctions should be adopted against Germany for her attitude in the past, as well as certain guarantees for the future.

"Consequently the Supreme Council, taking note of the declarations of the French Government regarding the maintenance of the 'open door' in Morocco, that is to say economic, commercial, and industrial equality for all the Allied nations, in consideration of their surrender of all servi-

¹³ F.M. 2(5), March 28, 1919.

tudes of an international character, entrusts a commission on which Belgium, France, United States, Great Britain, Italy and Portugal, allied powers signatories of the Algeciras Convention shall be represented with the task of examining the provisions, it will be necessary to introduce to that end in the Treaty of Peace in accordance with the proposal of the French Government."

Baron Sonnino expressed his agreement with this proposal.

Mr. Lansing enquired what was the meaning of the expression "certain sanctions"? He enquired whether penalties were contemplated.

Mr. Balfour said that he was inclined to think that the first paragraph of the Resolution ought to be modified. This paragraph had originally been the first of a series which had formed the text of a long Resolution. The Resolution had eventually been cut down to one operative paragraph, which was the second in the draft before the meeting. The first and prefatory paragraph, however, had been left unaltered, and it would probably be advisable to modify it a little.

Mr. Lansing enquired whether it would not be best to omit it entirely.

M. Pichon observed that the portion to which Mr. Lansing took exception was really the last two clauses. He would suggest that these be omitted and that the remainder of paragraph 1 be maintained.

Mr. Lansing expressed his assent to this.

Baron Makino enquired whether the principle of the open door was laid down or not.

M. Pichon said that it was, but that special conventions with each country not signatory of the Algeciras Convention would be required.

Mr. Lansing asked what would be the situation with regard to Spain.

M. Pichon said that France had special agreements with Spain which would have to be revised after the report of the Commission.

The following Resolution was then adopted:

"The Supreme Council of the Allies, after hearing the statement made by the French Government of its claims against Germany regarding Morocco, considers that in the Peace Treaty all servitudes of an international character, to which that country was subjected as a result of German intervention, should be cancelled.

"Consequently the Supreme Council, taking note of the declarations of the French Government regarding the maintenance of the 'open door' in Morocco, that is to say economic, commercial, and industrial equality for all the Allied nations, in consideration of their surrender of all servitudes of an international character, entrusts a commission, on which Belgium, France, United States, Great Britain, Italy and Portugal, allied powers signatories of the Algeciras Convention shall be represented, with the task of examining the provisions, it will be necessary to introduce to that end in the Treaty of Peace, in accordance with the proposal of the French Government."

The following nominations were made to the Commission:

For Great Britain..... Mr. Akers Douglas
 For United States of America..... Mr. Beer
 For France..... M. de Peretti
 For Italy..... (reserved)

It was further decided that the other Powers to be represented on the Commission should be asked by the Secretary General to designate their members.

254. COMMITTEE FOR THE EXAMINATION OF THE PROVISIONS TO BE INSERTED IN THE PRELIMINARIES OF PEACE WITH REGARD TO MOROCCO¹⁴

FORMATION, MANDATE, AND WORK OF THE COMMITTEE

The Supreme Council of the Allies, at its meeting of the 28th March, 1919, came to the following decision:

"The Supreme Council of the Allies, after hearing the statement made by the French Government of its claims against Germany regarding Morocco, considers that in the Peace Treaty all servitudes of an international character to which that country was subjected as a result of German intervention should be cancelled.

"Consequently, the Supreme Council, taking note of the declarations of the French Government regarding the maintenance of the 'open door' in Morocco—that is to say, economic, commercial, and industrial equality for all the Allied Nations, in consideration of their surrender of all servitudes of an international character—entrusts a Committee, on which Belgium, France, the United States, Great Britain, Italy, and Portugal, Allied Powers signatories of the Algeciras Convention, shall be represented, with the task of examining the provisions which it will be necessary to introduce to that end in the Treaty of Peace, in accordance with the proposal of the French Government."

The Committee for the Examination of the Provisions to be inserted in the Preliminaries of Peace with regard to Morocco was composed as follows:

United States of America

[April 5, 1919]

Mr. G. L. Beer

¹⁴ Committee for the Examination of the Provisions to Be Inserted in the Preliminaries of Peace with Regard to Morocco, *Report*, pp. 1-2. (Usually referred to as the Commission on Moroccan Affairs.) From the Edward M. House Collection in Yale University Library. Reprinted with the permission of Professor Charles Seymour, Curator of the House Collection, and of the Librarian and Library Committee of Yale University Library.

British Empire

The Hon. A. Akers-Douglas, First Secretary of Embassy (assisted by Mr. H. W. Malkin, Assistant Legal Adviser to the Foreign Office)

France

M. de Peretti de la Rocca, Minister Plenipotentiary, Head of the African Department at the Ministry for Foreign Affairs

Italy

M. R. Piacentini, Consul

Belgium

M. Louwers, Secretary of the Colonial Council

Portugal

M. Augusto Soares, formerly Minister for Foreign Affairs

The Committee held its first meeting on the 31st March and appointed M. de Peretti de la Rocca as its Chairman. It held three meetings, and completed its work on the 5th April by adopting the report which it has the honour to submit herewith to the Supreme Council of the Allies :

REPORT

The Committee entrusted with the Examination of the Provisions to be inserted in the Preliminaries of Peace with regard to Morocco has the honour to submit the accompanying clauses, which it proposes should be inserted in the Preliminaries of Peace with Germany.¹⁵

The Committee has also thought it advisable to draw up the accompanying clauses to be inserted in the Treaty of Peace with Austria-Hungary.

Some of these clauses may be open to revision in the event of their not being in conformity with the general principles of the clauses proposed by the Economic Committee, or by the Committee of Reparations, and accepted by the Supreme Council of the Allies ; the duty of ensuring such conformity will rest with the Drafting Committee.

It should be observed that none of the accompanying clauses modify in the slightest degree the treaties existing between France or Morocco on the one hand and the Allied or Neutral Powers on the other.

E. DE PERETTI DE LA ROCCA, *Chairman*

G. L. BEER

A. AKERS-DOUGLAS

A. PIACENTINI

O. LOUWERS

A. SOARES

¹⁵ Not reproduced.

255. DRAFT ARTICLES PROPOSED BY THE COMMISSION ON
MOROCCAN AFFAIRS FOR INSERTION IN THE
AUSTRIAN TREATY¹⁶

[April 5, 1919]

ANNEX II

DRAFT OF ARTICLES TO BE INSERTED IN THE PRELIMINARIES OF PEACE
WITH AUSTRIA-HUNGARY

ARTICLE 1

Austria-Hungary abandons all rights and privileges derived from the Act of Algeciras of the 7th April, 1906, and from the Franco-German Agreement of the 4th November, 1911, and will no longer avail herself of these conventions.

ARTICLE 2

All treaties and conventions between Morocco and Austria-Hungary are, and remain, abrogated.

ARTICLE 3

Austria-Hungary recognises the establishment of the French Protectorate in Morocco, and hereby accepts all the consequences thereof. She abandons the régime of the capitulations; this abandonment takes effect as from the 3rd August, 1914.

ARTICLE 4

Austria-Hungary agrees to disinterest herself completely in whatever negotiations may take place between France and other Powers on the subject of Morocco.

ARTICLE 5

The Austro-Hungarian Government will deliver to the person designated by the French Government the shares which represent Austria-Hungary's portion of the capital of the State Bank of Morocco. This person shall pay to those entitled thereto the value of these shares at the price indicated by the State Bank.

ARTICLE 6

Austro-Hungarian protected persons, semsars and "associés agricoles" shall be considered as having ceased to enjoy the privileges attached to their status and as having become subject to the ordinary law as from the 3rd August, 1914.

ARTICLE 7

Moroccan goods entering Austria-Hungary shall enjoy the same treatment as that accorded to French goods.

¹⁶ Commission on Moroccan Affairs, *Report*, p. 4. From the Edward M. House Collection in Yale University Library. Reprinted with the permission of Professor Charles Seymour, Curator of the House Collection, and the Librarian and Library Committee of Yale University Library.

256. DISCUSSION IN THE COUNCIL OF FIVE OF THE RENUNCIATION BY GERMANY OF TERRITORIAL PRIVILEGES IN EGYPT AND MOROCCO¹⁷

. . . . Mr. Lansing said that the following draft article regarding the recognition of British Protectorate of Egypt had been circulated by the British Delegation:

"The German Government, recognising the Protectorate over Egypt declared by Great Britain on the 18th December, 1914, renounces all rights of extraterritoriality in Egypt. The German Government agrees that pending the coming into force of an Egyptian Law of Judicial Organisation creating Courts of Universal Jurisdiction, provision shall be made by decree of His Highness the Sultan for the exercise of jurisdiction over German nationals and their property by the British Consular Court.

"The German Government agrees to the repeal or to the modification to such extent as the Egyptian Government may think desirable of the Decree issued by His Highness the Khedive on November 28th, 1904, relating to the Commission of the Egyptian Public Debt.

"The German Government agrees to the transference to the Government of His Britannic Majesty of the powers conferred upon His Majesty the Sultan by the Convention signed at Constantinople on October 29th, 1888, respecting the free navigation of the Suez Canal."

Mr. Lansing expressed his inability to accept the draft articles relating to these two questions, for the reason that, in his opinion, a "blanket" clause should, in the first place, be prepared to cover all German interests outside the actual territory of Germany in Europe. In his opinion, a general clause should be prepared, clearly stating that Germany, once and for all, agreed to abrogate all her rights outside the recognised territorial boundaries of Germany in Europe. Such a procedure would obviate the necessity of preparing an indefinite number of Articles for insertion in the Treaty of Peace, dealing with territorial and other rights and privileges possessed by Germany in various parts of the world. He would point out that in addition to the rights and privileges owned by Germany in Morocco and in Egypt, dealt with in the draft clauses under consideration, the meeting would be asked later on to deal with the question of the abandonment of German claims in the Antarctic regions.

He thought that following the same train of thought, the meeting would next be asked to deal with Germany's claim in the Arctic regions. There would, therefore, be no end to the questions which would thus have to be dealt with.

¹⁷ F.M. 4(4-5), April 15, 1919.

M. Pichon thought that Mr. Lansing's proposal raised a broad and difficult question. In his opinion it was essential that the renunciation of Germany's claims and privileges should be made in favour of some one party or other. Therefore, should a general clause be introduced, as proposed by Mr. Lansing, it would not be possible to say in each case in whose favour Germany abrogated her rights and privileges. That being the case, it was, in his opinion, absolutely necessary that each case should be dealt with separately.

Mr. Lansing held that if the course suggested by M. Pichon were followed, things would not be ready for the Peace Conference. He maintained that Germany should renounce her rights and privileges in favour of the Five Great Powers; a clause being inserted in the Peace Treaty, empowering the latter forthwith to appoint Commissions to determine without delay the fate of the territories so abandoned.

M. Pichon pointed out that the questions relating to Morocco and Egypt were not territorial ones; the draft clauses merely related to rights and privileges. In regard to Morocco a Commission had been appointed by the Council of Four and that Commission had submitted a draft text, which had been unanimously adopted. Should Mr. Lansing's proposals now be accepted, it would amount to the rejection of the work carried out by the Council's Commission.

Mr. Lansing expressed the view that all questions relating to the renunciation of territorial rights and privileges and to the abandonment of claims by Germany should be decided en bloc. In his opinion the question of Morocco could not be given special treatment. He enquired whether France and Great Britain would be prepared to discuss the Chinese question and other German territorial rights in China.

M. Pichon pointed out that the latter constituted a territorial question, whereas Morocco and Egypt dealt purely with a matter of status.

Mr. Lansing pointed out that the question of Shantung was also merely a matter of status. Similarly, the question of Consuls not only in China but also in Siam would come under the same head.

Baron Makino said that the matter of China having been raised, he wished to invite the attention of the Meeting to the fact that the territory in question was a leased territory, and not purely a German one. Furthermore, in regard to the disposition of that territory, a Treaty had been entered into between Japan and China and in consequence he maintained the question required special treatment. That being the case, the question of the disposal of German Territory in China could not be dealt with in a general clause dealing with the abandonment of German claims in other regions.

Mr. Lansing drew attention to the fact that China had prayed the Conference that the territory in question should be restored to her.

Baron Makino explained that the Treaty between Japan and China

to which he had referred, dealt with the restitution of the territory in question to China. It had been agreed that the areas leased by Germany in China should positively be returned to China.

Mr. Lansing enquired in view of Baron Makino's statement that the German leased territory would be returned to China, and that it was meanwhile merely being held in trust by China, whether Japan would object to the Five Great Powers acting as trustees.

M. Pichon said that the Meeting was perhaps getting far away from the question under reference. The question of Kiauchau was not one of the items included on the Agenda paper. On the other hand, to give effect to Mr. Lansing's views, he submitted the following resolution for consideration:

"Germany renounces all rights, titles and privileges whatsoever which may appertain to her in any form in regard to territories outside the territory of Germany proper as defined by the present treaty. She binds herself to recognise and to accept all measures which may be taken by the Five Allied and Associated Powers in regard to these rights, titles or privileges."

M. Pichon, continuing, pointed out that the draft he had just read only related to territorial questions.

Mr. Lansing said that he would be prepared to accept M. Pichon's draft; but suggested that the whole question should be referred to the Drafting Committee, with instructions that the clause should be so re-drafted as to include all rights, privileges and claims possessed by Germany. The draft so amended would be referred back to the Committee of Foreign Ministers for final acceptance.

M. Pichon pointed out that Mr. Lansing's proposal would not in reality solve the question of Egypt and Morocco.

M. Sonnino thought that the Drafting Committee might be able to produce a draft Article which would cover those two questions also.

M. de Peretti, (President of the Morocco Commission), held that it would be quite impossible to draw up an Article that would cover all these questions. Should the Committee stipulate for a clean sweep of all Germany's rights and privileges throughout the world, the Allied and Associated Governments would run the risk of perpetrating a grave injustice. In justice, Germany could only be asked to renounce certain definite rights and privileges and those would in each case have to be specified, otherwise endless trouble would hereafter arise.

Mr. Lansing reiterated his view that a clause should be drawn up whereby Germany made a general renunciation of all her rights, privileges and claims throughout the world; Commissions would then forthwith be appointed to consider each case individually.

M. de Peretti said that he would gladly accept Mr. Lansing's proposal. On the other hand, in his opinion, the question could forthwith be

settled by appointing the necessary Commissions. As a matter of fact, a certain number of Commissions had already reported. It was therefore merely a question of appointing other Commissions. But even should a general clause be drafted for inclusion in the Peace Treaty, as suggested by Mr. Lansing, such a clause would be extremely dangerous, unless Commissions were at once appointed to consider each case individually, as otherwise Germany might thereby be deprived of rights which she should, in reality, be permitted to retain.

Sir Robert Borden expressed the view that the draft clauses contained a number of provisions which it would be impossible to include in a general clause. For instance, should an attempt be made to put everything included in the draft articles relating to Morocco in a general clause, it would become extremely lengthy and unwieldy. He enquired whether the Committee would be prepared to accept the draft articles relating to Morocco, subject to the proviso that all matters which could be included in a general clause would be omitted from the special articles relating to Morocco.

M. Sonnino said that it would be impossible for him, without further consideration, to accept the concluding portion of the draft article relating to Egypt, wherein it was stated that the German Government agreed to the transference to the Government of His Britannic Majesty of the powers conferred upon His Imperial Majesty the Sultan by the Convention signed at Constantinople on October 29th, 1888, respecting the free navigation of the Suez Canal. He pointed out that it was proposed to make over to the British Government the rights of the Sultan of Turkey, which meant a great deal more than the mere surrender of rights by Germany. In his opinion, such a proposal would require the approval of all the Powers.

Mr. Lansing agreed that special reasons existed in the case of Egypt, which called for special treatment. At the same time he thought it would be felt by the world at large that the Great Powers represented here had paid special attention to their own interests. For instance, the question of the German rights in Liberia and in Turkey; the extra-territorial rights of Germany in Siam and in China; Germany's claims in the Arctic and Ant-Arctic regions had apparently so far received no proper consideration. In his opinion the further consideration of the questions of Morocco and Egypt should be postponed until the Drafting Committee had tried their hand at drafting a clause which would cover all the rights and privileges of Germany everywhere. As soon as such a clause had been prepared by the Drafting Committee, it would be time enough to decide whether Egypt and Morocco required special treatment. He wished to suggest, therefore, that the question be referred to the Drafting Committee with a request that they should submit a draft of a general clause to this Committee by Thursday next.

M. Pichon pointed out that Commissions had already reported on some of these questions. For instance, in regard to Morocco definite recommendations had unanimously been made. He wished to enquire whether Mr. Lansing proposed to ignore the work of these Commissions.

Mr. Lansing replied that he did not object to the Morocco clauses as such; but before taking any further action in the matter he asked that a general renunciation clause should be drafted and then each question could be disposed of separately in connection with the general clause. Unless this procedure were followed the Great Powers would undoubtedly be accused of taking care of their own interests whilst neglecting the rights of all other nations.

M. Pichon expressed the opinion that in the Peace Treaty all questions directly concerning Germany and the other signatory Powers should alone be included. All other questions could then be postponed to a later date. No doubt questions such as those relating to Liberia, China and Siam would eventually have to be studied; but in his opinion that was no reason for postponing the immediate consideration of such questions as Morocco and Egypt which were ready for settlement.

Sir Robert Borden wished to press for the acceptance of the draft article relating to the British Protectorate of Egypt, subject to the reservations he had already made. It appeared, however, that this procedure was objected to by the American and Italian representatives. Therefore he would agree to the Drafting Committee being instructed to endeavour to draft a general article as suggested by Mr. Lansing. He foresaw, however, great difficulties in introducing in such a general article all the conditions contained in the draft relating to Egypt. Consequently should the Drafting Committee not be able to draw up a satisfactory general article he would then press for the acceptance of the British draft article relating to Egypt, failing which the whole question would have to be referred for decision to the Council of Four.

Mr. Lansing explained that he held the following theory: a "blanket" article should be drafted to cover the renunciation of all territorial privileges, rights, and claims of Germany throughout the world outside European Germany. Should it be found that the general clause did not cover all cases then special additional clauses could be added to the general clause.

M. Pichon understood that the Drafting Committee would be instructed to draw up a summary of all the draft articles so far prepared and then all special cases that were not covered by the general clause would form the subject of special additional clauses.

Baron Makino said that if Mr. Lansing's proposal were adopted it would be necessary to make a reservation in the case of Kiauchau since that formed the subject of a special treaty and could not therefore be included in a general clause.

Baron Sonnino pointed out that Japan had a special representative on the Drafting Committee who would be able to raise any question requiring special treatment.

M. Pichon agreed that the question of Morocco would likewise be referred to the Drafting Committee. He understood, however, that the Committee did not wish to raise any objection in regard to the unanimous findings of the Morocco Commission. Therefore the report presented by the Committee for the examination of the provisions to be inserted in the preliminaries of peace with regard to Morocco was adopted in principle by the Committee and it would merely be referred to the Drafting Committee with a view to those provisions being included as far as possible in a general clause. The balance of the clauses would then form the subject of special articles.

(This was agreed to.)

M. de Peretti suggested that in order to facilitate the work of the Drafting Committee it would be advisable also to refer to them definite draft clauses relating to China, Liberia and Siam and so forth.

Sir Robert Borden pointed out, in regard to the report relating to Morocco, that some of the articles (namely 6 to 9) might be open to revision in the event of their not being in conformity with the general principles of the clauses proposed by the Economic Committee or by the Committee on Reparation and accepted by the Supreme Council of the Allies and the duty of ensuring such conformity was left with the Drafting Committee. He thought, therefore, that the attention of the Drafting Committee should also be drawn to this matter.

M. Pichon explained that the Commission on Reparation had so far merely submitted a report, but no draft clauses for insertion in the Peace Treaty.

(It was decided to instruct the Drafting Committee to draft a general clause whereby Germany would renounce all her claims, rights and privileges outside the territory of Germany in Europe as defined in the Peace Treaty. The Drafting Committee would at the same time be instructed to submit additional clauses to include such special rights and privileges of Germany as would not be covered by the general clause.)

257. DISCUSSION IN THE COUNCIL OF FIVE OF THE SPECIAL ARTICLES RELATING TO EGYPT AND MOROCCO TO BE INSERTED IN THE TREATY OF VERSAILLES¹⁸

. . . . Sir Robert Borden asked whether the case of Morocco came under the general clause.

¹⁸ F.M. 5(4), April 17, 1919.

M. Sonnino, referring to the draft article prepared by the Drafting Committee, and appended to these Minutes (see Annexure "A"),¹⁹ observed that at the previous Meeting it had been pointed out that the transference from the Sultan of Turkey to the British Government of the former's powers respecting free navigation of the Suez Canal was irrelevant to a Treaty of Peace with Germany. No such objection had been raised to the insertion of a provision relating to the capitulations and to the recognition of a British Protectorate. He now saw in the draft an additional article providing for the transference of all German goods, moveable and immoveable, to the Egyptian and Moroccan Governments, respectively, and for the sale by auction in favour of these Governments of private property belonging to German subjects. This was an entirely new provision, and had not appeared in the draft concerning Egypt which had previously been submitted to the Council (see Clause 4 of Annexure "A").

M. Fromageot said that the Drafting Committee had not taken upon itself to introduce a new clause. This clause had been adopted in regard to Morocco, and the Committee had taken the view that the same provisions *mutatis mutandis*, should be made to apply in the case of Egypt. Moreover, the clause was introduced by a proviso that it was subject to any adverse ruling by the Commission on Reparations or by the Economic and Financial Commissions. In so far as the clause affected Morocco he pointed out that the Italian Representative on the Committee had given his consent.

M. Sonnino said that in his opinion the provision was contrary to all international law.

Mr. Lansing said that it amounted to confiscation of private property and that he objected to this clause.

Sir Robert Borden said that whatever was adopted in regard to Egypt must be subject to the general principle approved by the Economic Commission. He believed that they had taken the view that enemy private property in Allied countries could be liquidated and the proceeds utilised for the satisfaction of the claims of Allied subjects. The German Government would have to indemnify the victims. Any surplus that might remain after satisfying individual claims would be set off against the general claim against Germany or accounted in the bill for reparation. If this were the general principle there would be no objection to the special article framed regarding Egypt and Morocco.

M. Pichon suggested that the article in question be reserved until the Council knew what general principles had been adopted by the Commissions on Reparation and Finance.

Mr. Lansing suggested that the article be referred to the Economic

¹⁹ Not reproduced.

and Financial Commissions in order that they should not overlook the point.

Sir Robert Borden observed that the general principles adopted by these Commissions would be examined by the Council of Four and then remitted to the Drafting Committee which would then harmonise all the special clauses.

Mr. Lansing enquired whether Morocco had been at war with Germany.

M. Pichon said that as Moroccan troops had fought against Germany it was clear that Morocco had been at war.

M. Sonnino said that he was not quite sure what decision had been taken by the Economic Commission. He believed that the decision was that each Power might liquidate enemy property within its territory to recoup the losses of its subjects. In other words, liberty was given to each Power to do this if it thought fit in extreme cases. In the article under consideration more than this was stipulated. The Allied and Associated Powers said that in Morocco this was to be done. In consequence, they committed themselves a great deal further than the Commission had recommended. In his view the proceeding suggested was a barbarous one, and he was unwilling to take the responsibility of decreeing in Egypt or Morocco what he would not allow in his own country.

Sir Robert Borden said he quite agreed that nothing should be done in Egypt that was not done in other countries.

M. Sonnino suggested that for the word "seront" in the second paragraph of the proposed article, the words "pourront être" be substituted.

Mr. Lansing asked whether the stipulation proposed concerned Tangier and the rights possessed by Germans there.

M. de Peretti replied in the affirmative. He said that the Moroccan Commission had been unanimous on this point. The private property of Germans there would be dealt with in the same way as German private property in European countries. If the proceeds were assigned to the Governments ordering the sale, the proceeds of the sale of such property in Morocco would accrue to the Shereefian Government. If, on the other hand, a general pool were constituted, among the Allies, the proceeds would be included in that pool. The utilisation of the proceeds therefore depended on the decision of the Economic and Financial Commissions. He understood that the same procedure would be followed in the United States.

Mr. Lansing said that the United States would only hold such property as security and would, if it were unnecessary to hold it, return it to the owners. This procedure had been followed in respect to the Boxers. He objected to the mention of any special category and was of the opinion that the whole subject should be covered by a general clause.

Everything concerning the liquidation of private property in Egypt or Morocco should be deleted. The general principles should be determined by the Economic and Financial Commissions.

Sir Robert Borden suggested that the decision of the Council should be that the clauses relating to liquidation of German private property in Egypt and Morocco should be reserved, pending the formulation of a general clause. All the stipulations of Article 4 should therefore be eliminated.

M. de Peretti observed that the last paragraph of the article regarding mining rights should be accepted, as there was a Tribunal of Arbitration at work on the subject, the labours of which should not be interrupted.

(It was then decided that the draft articles contained in Annexure "A" should be sent back to the Drafting Committee for revision in view of the preceding discussion.

Article 4 was provisionally eliminated in as far as it related to the liquidation of private property until the general principle on this subject had been formulated.)

M. Formageot pointed out that the recognition clause which was to be enforced on Germany regarding the Protectorate of Egypt did not ipso facto imply the recognition of that Protectorate by other signatories of the Treaty. A separate convention, therefore, would be necessary to bring about such recognition.

258. ANNOTATIONS ON THE DISCUSSIONS BY THE COMMISSION ON MOROCCAN AFFAIRS OF THE ARTICLES ON MOROCCO TO BE INSERTED IN THE GERMAN TREATY²⁰

PART IV, SECTION 5. MOROCCO (ARTICLES 141-143, 146)

(Annotations by P. W. Slosson)

ARTICLE 141

Article 141, by which Germany renounces special Treaty rights acquired in Morocco and disinterests herself in future negotiations between France and other Powers, covers Articles 1, 2 and 4 of the Morocco Commission draft; which were interwoven into a single Article by the Drafting Committee and made to take effect as from August 3, 1914.

The French proposal in Commission for Article 1 was as follows:

"The German Government will no longer avail itself of the Act of Algeciras of the 7th April, 1906, of the Franco-German Agreements of the 9th February, 1909, and the 4th November, 1911, or of any of the

²⁰ *Documentary History of the Treaty with Germany*, pp. 127-33.

Treaties and Agreements in force between Germany and the Shereefian Empire."

Mr. Beer (U.S.A.) proposed "The German Government renounces all its rights and privileges in Morocco."

M. de Peretti said that the reason for specifying the Act of Algeciras was to prevent the Germans from invoking it in the future. It was agreed to adopt Article 1 in this form:

"The German Government abandons all rights and privileges derived from the general Act of Algeciras of the 7th April, 1906, from the Franco-German Agreements of the 9th February, 1909, and the 4th November, 1911, and will no longer avail itself of the provisions of the said Act and Agreements."

M. de Peretti then proposed another Article, reading as follows:

"The German Government regards as abrogated all the treaties in force between Germany and the Shereefian Empire."

Mr. Beer remarked that, while the Economic Commission were disposed to admit the abrogation of treaties between enemy and Allied States, the stipulation might be advisable as Morocco was not a belligerent Ally in the same sense as France. He asked if the abrogation of the agreements between Morocco and Germany.²¹

M. de Peretti thought that no neutral or third party interest was affected.

The Article was adopted: "in force between" being changed to "concluded between."

Article 4 was adopted without discussion in the following form:

"The German Government agrees to disinterest itself completely in whatever negotiations may take place between France and other Powers on the subject of Morocco."

As previously stated, these draft Articles were combined to form Article 141 of the Treaty.

ARTICLE 142

Article 142, by which Germany recognized the French protectorate in Morocco and consents to renounce the "capitulations" as from August 3, 1914, corresponds (with slight verbal changes introduced by the Drafting Committee) to Article 3 of the Morocco Commission draft.

The Article as originally proposed by the French read:

"The German Government, which has recognized the establishment of the French Protectorate over Morocco, hereby accepts all the consequences thereof, the principal one being the abrogation of the capitulations."

Mr. Beer remarked that the United States had not renounced the capitulations.

²¹ There seems to be an omission here.

The Chairman (M. de Peretti) agreed, but observed that negotiations to this end were in progress between the United States and France. The Article in question, in any case, affected only Germany.

M. Louwers (Belgium) asked if the abrogation of agreements between Germany and Morocco did not in any case put an end to the capitulations.

The Chairman thought not, as the capitulations were in part based on customs not inserted in any treaty.

M. Piacentini agreed. He favored abolition of the system of capitulations in North Africa generally.

The Chairman said that the status of Germans in the Spanish zone of Morocco was conditional on negotiations between Germany and Spain. France could not, however, consent that the Germans should enjoy the benefit of the capitulations at Tangier. This decision would not prejudice the future status of Tangier as regards Allied or neutral Powers; it merely meant that Germany would not be allowed to deal with the question.

M. Louwers said that the abolition of capitulations was not, as the Article seemed to imply, a necessary legal consequence of recognizing the French protectorate.

The Chairman said that it was not a consequence *ipso facto* but it was a logical result.

At the second session of the Morocco Commission the discussion was resumed.

Mr. Akers-Douglas and Mr. Malkin (Britain) again urged the legal point that the abrogation of capitulations could not be directly established by the mere fact of recognizing a protectorate.

The Chairman insisted that it was necessary to mention the recognition of the protectorate lest the Germans should assert that since the war they were no longer bound to continue their recognition of the French protectorate; all treaties having been abrogated by the war.

The following wording was agreed on at the last meeting of the Commission:

"The German Government, which has recognized the establishment of the French Protectorate over Morocco, hereby accepts all the consequences thereof. It abandons the régime of the capitulations. This abandonment will take effect as from the 3rd August, 1914."

ARTICLE 143

Article 143, giving the Government of Morocco control over the German right of settlement in Morocco, covers Article 5 and 10 of the Commission draft.

Article 5 as first presented (clause 4 of original French draft) read:
"The German Government renounces the right of maintaining a

legation and consulates in Morocco, of possessing there any public or private establishment of general interest, such as post, telegraph and telephone offices, schools and hospitals, and of exercising any form whatever of protection there."

M. Piacentini (Italy) questioned the advisability of including consulates among the establishments which Germany had not the right to maintain in Morocco.

The Chairman said he would suppress the word "consulates" but the Moroccan Government would, irrespective of the Treaty, have the right to refuse an exequatur to any German consul in Morocco.

M. Louwers (Belgium) and Mr. Akers-Douglas (Britain) urged that the proposed Article seemed to aim at a complete exclusion of German interests from Morocco for the future.

Mr. Beer thought it better to wait till it was known what general policy the sub-Committee on ex-Enemy Aliens would recommend as to German rights in Allied colonies and protectorates.

At the second session of the Commission, Mr. Beer proposed to substitute for the Article in question the following:

"The French Government retains its complete liberty of action in settling the status and conditions of the establishment of Germans in Morocco."

Mr. Akers-Douglas agreed that the American version was better, but said he thought the whole Article unnecessary in view of the abrogation of German treaty rights in Morocco under other provisions of the Treaty.

The Chairman admitted that the Article was not strictly necessary but he thought it useful as "it was impossible to be too precise where Germans were concerned." He pointed out that "the Shereefian Government" was technically more correct than "the French Government."

The Article was accepted in the following form:

"The German Government recognized that the Shereefian Government has complete liberty of action in regulating the status and terms of establishment of Germans in Morocco."

Another Article (Article 7 of the original French draft) was dropped because the amended version of Article 5 made it superfluous. It read:

"Without special authorization given by a Shereefian 'dahir' German subjects may not fix their residence in Morocco, exercise any commerce or profession there, or enjoy even by means of an intermediary any land or mining right."

Article 10 (11 of the original French draft) was as follows:

"German-protected persons, *semsars* and '*associés agricoles*' shall be considered as having ceased to enjoy the privileges attached to their status and as having become subject to the ordinary law as from the 3rd August, 1914."

The Chairman explained that the fixing of the date was essential to validate sentences given for or against German subjects by the Shereefian courts during the war.

The Article was adopted and corresponds substantially to the second paragraph of Article 143 of the Treaty.

ARTICLE 146

Article 146, on Moroccan exports to Germany, is based on Article 11 of the Morocco Commission draft (12 of the original French proposals) which was presented in the following form:

"The Shereefian Government shall remain free to impose on German goods entering Morocco any customs régime that it may consider suitable. Moroccan goods entering Germany shall enjoy the same treatment as that accorded to French goods."

The first sentence of the Article was abandoned as superfluous in view of the general renunciation of German rights in Morocco and the probable handling of the subject in other parts of the Treaty.

Another Article (10 of original French proposals), concerning German railway and port improvement claims, was also dropped as superfluous.

"SECTION II, EGYPT" (ARTICLES 102-9)²²

EXPLANATORY NOTE

These articles are the same as Articles 147-54 of the Treaty of Versailles. They were determined by the Council of Five as a result of the insistence of the French and British delegations that special provisions should be made for Egypt and Morocco.

"SECTION III, SIAM" (ARTICLES 110-12)²³

259. JAPANESE PROTEST TO THE COUNCIL OF FOUR, MAY 5,
AGAINST DECISION TAKEN BY COUNCIL
REGARDING SIAM²⁴

"Siam: Japanese protest against decisions taken by Council without reference to Japanese delegates. 181 B(13)."

²² See Documents 247, 249, 256, and 257, *supra*.

²³ Articles 110 and 112 are same as Articles 135 and 137 of the Treaty of Versailles. Article 111 shows slight variation from Article 136 of the German Treaty.

²⁴ "Index I.C.A.: Siam."

260. ANNOTATIONS ON DISCUSSIONS BY THE COUNCIL OF FOUR AND COUNCIL OF FIVE CONCERNING SIAM AND LIBERIA AND THE VERSAILLES TREATY²⁵

SIAM AND LIBERIA (ARTICLES 135 TO 140)

(Annotations by H. C. Nixon)

On April 15th, the Council of Foreign Ministers (F.M. 4),²⁶ after discussing proposal of Mr. Lansing, decided to instruct the Drafting Committee to prepare a general clause for German renunciation of claims outside German territory in Europe (see Treaty Article 118), and at the same time to instruct the Drafting Committee to submit additional clauses to include such special rights and privileges of Germany as would not be covered by the general clause. In explaining the "blanket" article, submitted at the next meeting (F.M. 5, meeting on April 17th),²⁷ M. Fromageot said that the Drafting Committee thought it would meet the desires of the Council, as it covered all the German rights and privileges in Allied and Associated countries, as well as special rights in any such countries as Siam and Liberia. As regards Liberia, Germany would have to sign certain special clauses relating to finance and economic rights. Dealing with further rights of a special character was provided for by the last paragraph in draft of the "blanket" article (118).

The Council Minutes (Foreign Ministers, Council of Ten, and Council of Four) do not show special reference of questions of Siam and Liberia to Commissions for preparation of draft clauses for the Treaty. On May 5th (I.C. 181 B), the Council of Four considered a communication forwarded by the Japanese Delegation protesting against the decisions taken with reference to China and Siam, not because of the substance of the draft articles decided on, but because the decision had been taken without the Japanese being consulted. President Wilson pointed out that as he had no objection to the substance, the matter was not very material; no one present could recall any decision in regard to Siam.

The general Reply to the Observations of the German Delegation gave no specific consideration to the German complaints as to loss of rights and privileges in Siam and Liberia. No change was made in the Section on Siam as presented on May 7th. In the case of the Section

²⁵ *Documentary History of the Treaty with Germany*, p. 123.

²⁶ Reproduced as Document 256, *supra*.

²⁷ Reproduced as Document 257, *supra*.

on Liberia, "Receiver" was changed to "Receiver of Customs" in Article 138, and the date in Article 139 was changed from August 8, 1917, to August 4, 1917.

"SECTION IV, CHINA" (ARTICLES 113-17)²⁸

261. ANNOTATIONS ON THE DISCUSSIONS BY THE COUNCIL OF FOUR OF CHINA AND THE TREATY OF VERSAILLES²⁹

CHINA (ARTICLES 128 TO 134)

(Annotations by H. C. Nixon)

November 10, 1919

At the meeting of the Council of Four, April 28th (I.C. 177 A), Sir Maurice Hankey (Secretary), said he was informed by Mr. Hurst, the British member of the Drafting Committee, that there were a certain number of outstanding questions relating to China for which no provision had been made.

The following resolution was adopted at this meeting:

"It is agreed that a Special Committee, composed of Mr. E. T. Williams, for the United States of America, Mr. Ronald Macleay, for the British Empire, and M. Jean Gout for France, shall meet to prepare draft articles as the basis of instructions for the Drafting Committee of the Preliminary Peace Conference in regard to any outstanding questions affecting China outside of Shantung and Kiauchau.

"The Committee has authority to consult and secure the agreement of China and any other interested party."

The draft prepared by this Committee was before the Council of Four on April 30th. It was adopted, subject to a temporary reservation by Mr. Lloyd George in Article VI (Article 134 of Treaty), as he wished to inquire why the German renunciation was in one case in favor of the British concessions, and, in the other, in favor of the French and Chinese Governments jointly. The Minutes contain a note that, after inquiry, Mr. Lloyd George accepted the Articles.

This draft consisted of six Articles. Of these, Articles I, III, IV and VI corresponded in substance respectively with Articles 128, 131, 132 and 134, as incorporated in this section of the Treaty, except Draft Article II was identical in substance with Article 130 of the Treaty, that

²⁸ Articles 113-14, 116-17 are same as Articles 128-29, 132-33 of the Treaty of Versailles. Article 115 shows slight variation from Article 130 of the German Treaty.

²⁹ *Documentary History of the Treaty with Germany*, pp. 121-22.

the Treaty Article shows a later addition of the proviso, "Subject to the provisions of Section VIII of this Part" (see first sentence). Draft Article V was identical in substance with Article 133 of the Treaty, except that the Treaty Article shows a later insertion of the words, "the capture and condemnation of German ships in China, or." This set of Draft Articles did not make provision for Article 129 (of Treaty), dealing with customs tariff and Whang-Poo Arrangements. The provisions contained in this Article were submitted by the Economic Commission, as Article G of Part II of Draft of Clauses for the Treaty with Germany. (See Annotation of Part X, Economic Clauses.)³⁰

The Japanese Delegation sent a protest to M. Clemenceau against decisions taken in regard to affairs in China and Siam without consultation with the Japanese; the protest was not a complaint as to the substance of the Articles of the Treaty as agreed on, but it expressed the feeling that, Japan having special interests in the Far East, the Japanese Plenipotentiaries should have been present at the discussion. (See statement by M. Clemenceau, Council of Four, May 5th. I.C. 181 B.) Upon M. Clemenceau's statement of receiving this information, President Wilson pointed out that as he had no objection to the substance, the matter was not very material . . . that the clauses in regard to China had been prepared by experts, but not discussed at any meeting.

On May 14th, the Council of Four decided that the Peace Conference should not take up certain proposals forwarded by the Chinese Delegation. These included a claim for abrogation by the Conference of the Treaties and Notes between China and Japan of May 25, 1915, and among other questions, "the withdrawal from China of Foreign Troops and Police, the withdrawal of Foreign Post Offices and the Abolition of Consular Jurisdiction." The Council of Four at this meeting (C.F. 13) accepted a proposal by Mr. Lansing that a statement be sent to the Chinese, informing them that it would be impossible for the Peace Conference to consider these important matters, and suggested that they be brought to attention of the Council of the League of Nations as soon as that body is able to function.

The Observations of the German Delegation (Second Part, III) included, in a general complaint, the statement that German ships, privileges, advantages and concessions in China were to be taken away. No consideration was given specifically to this complaint in the global Reply to the German Observation. Only typographical corrections represent changes made in this Section of the Treaty after May 7th.

³⁰ Not reproduced.

262. COMMITTEE APPOINTED BY THE COUNCIL OF THREE,
APRIL 28, TO DRAFT ARTICLES ON QUESTIONS
CONCERNING CHINA⁸¹

"China: Committee appointed to prepare draft articles on outstanding questions other than Shantung and Kiaochow. 177 A(2)."

263. DECISION OF THE COUNCIL OF FOUR ON APRIL 22 THAT
THE JAPANESE WERE NOT TO BE PRESENT WHEN THE
CHINESE REPRESENTATIVES WERE HEARD⁸²

"China: Chinese representatives to be heard: Japanese not to be present. 175 C(1)."

264. DRAFT ARTICLES REPORTED BY SPECIAL COMMITTEE
CONCERNING CHINA APPROVED BY THE COUNCIL
OF THREE ON APRIL 30⁸³

"China: report of Special Committee: draft articles approved. 177 E(10) and App. IV."

265. PRESIDENT WILSON'S SUGGESTION TO THE COUNCIL OF
FOUR ON APRIL 21 REGARDING THE "OPEN
DOOR" IN CHINA⁸⁴

"China: President Wilson suggests general renunciation of spheres of influence on condition of 'open door.' 175 A(2)."

266. JAPANESE PROTEST TO THE COUNCIL OF FOUR ON
MAY 5 AGAINST DECISIONS REGARDING CHINA BEING
TAKEN WITHOUT CONSULTATION WITH JAPANESE
DELEGATION⁸⁵

"China: Japanese protests against decisions taken by Council without reference to Japanese delegates. 181 B(13)."

⁸¹ "Index I.C.A.: China."

⁸² "Index I.C.A.: China."

⁸³ "Index I.C.A.: China."

⁸⁴ "Index I.C.A.: China."

⁸⁵ "Index I.C.A.: China."

267. RESOLUTION OF JULY 12 OF THE COUNCIL OF HEADS
OF DELEGATIONS REGARDING ITALIAN CLAIMS
IN TIENTSIN³⁶

It is agreed to nominate a special committee to examine the Italian demand that a clause ceding to Italy the Austrian concession in Tientsin shall be introduced in the Peace Treaty with Austria.

The American delegation accepts the proposal with the reservation that it would not be bound by the findings of the committee appointed.

268. MEMORANDUM OF THE COMMISSION ON THE ITALIAN
CLAIMS IN TIENTSIN³⁷

MEMORANDUM FOR THE SUPREME COUNCIL

16th July, 1919

The Commission on the Italian claims to the Austro-Hungarian concessions of Tien-Tsin,

WHEREAS, on the one hand,

1—the demand from the Italian Government that the Austro-Hungarian concession of Tien-Tsin should be placed in their possessions, is contrary to the principle adopted by the Allied and Associated Powers, and contained in Article 260 of the Peace Conditions which were signed on the 28th June, 1919, by the Allied and Associated Powers and the German State respectively,

2—the said principle has been drawn up in due form from a deliberation of the Allied and Associated Powers under Article 4 of Section IV, Part IV of the conditions drafted in view of the peace to be restored between the Allied and Associated Powers and Austria and this article was communicated to the Austrian Delegation at St. Germain-en-Laye on the 2nd June last,

3—the principle of the restoration to China of her full rights of sovereignty over the former enemy concessions was adopted in complete agreement by the Allied and Associated Powers, despite such advantages as might have been derived by some of them from the possession of enemy concessions bordering their own, in order to bring out clearly the confidence which the High Contracting Parties are ready to bestow on the efforts towards improvement made by China who through her declaring war against the enemy Empires, has shown her resolution to side with the Nations who are fighting for Right.

³⁶ H.D. Resolution, July 12.

³⁷ *S-H Bulletin*, No. 500, Annex D.

WHEREAS, on the other hand,
the Italian Government presents legitimate claims :

1—As regards the urgent work to be started for clearing the marshy district in the former Austro-Hungarian concession bordering the Italian concession.

2—As regards the works to be started on the Austrian concession for regulating the course of the Hai-Ho river and preventing the recurrence of floods disastrous to the Italian concession,

is of opinion,

1—that it is unadvisable to modify the principle embodied in Art. 4 of Part IV (Section IV) of the draft Conventions of Peace with Austria.

2—that it would be expedient that the Supreme Council of the Allied and Associated Powers should receive from our Chinese Allies a formal promise that within a period of . . . from the signature of the Treaty of Peace with Austria, the clearing of marshes in the Austro-Hungarian concession and the improvement of the course of the river shall be undertaken with all desirable activity and entrusted to the Hai-Ho Commission, which has already given proofs of its competence and activity.

269. RESOLUTION OF JULY 17 OF THE COUNCIL OF HEADS OF DELEGATIONS ACCEPTING THE REPORT OF THE COMMISSION ON THE ITALIAN CLAIMS IN TIENTSIN**

It is agreed to accept the report of the commission on the question of Tientsin.

It is further agreed :

1) that it is inadvisable to modify the principle embodied in Article 22 of Part IV (Section IV) of the draft treaty with Austria ;

2) that it would be expedient that the Supreme Council of the Allied and Associated Powers should request from our Chinese Allies a formal promise that within a period of one year from the signature of the treaty of peace with Austria the necessary works of sanitation in the late Austro-Hungarian concession and the necessary works of improvement in the course of the river shall be undertaken with all desirable promptness and shall be entrusted to the Hai-Ho Commission which has already given proof of its competence and activity.

** H.D. Resolution, July 17.

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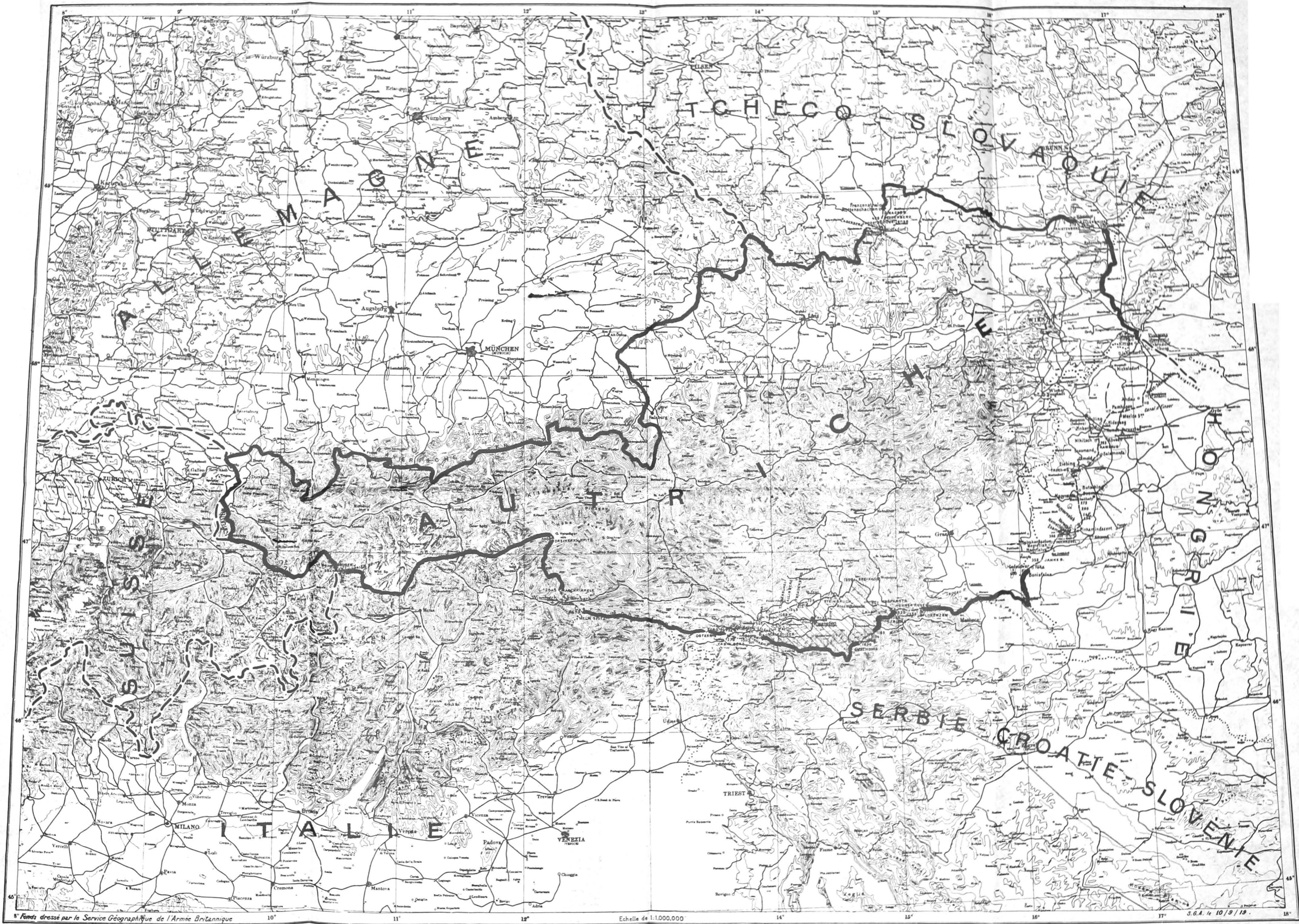
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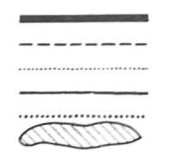
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Frontières ne nécessitant pas de délimitation sur le terrain
 Frontières nécessitant une délimitation sur le terrain
 Amorces de limites administratives
 Frontières d'autres États
 Anciennes frontières
 Zones soumises au Plébiscite

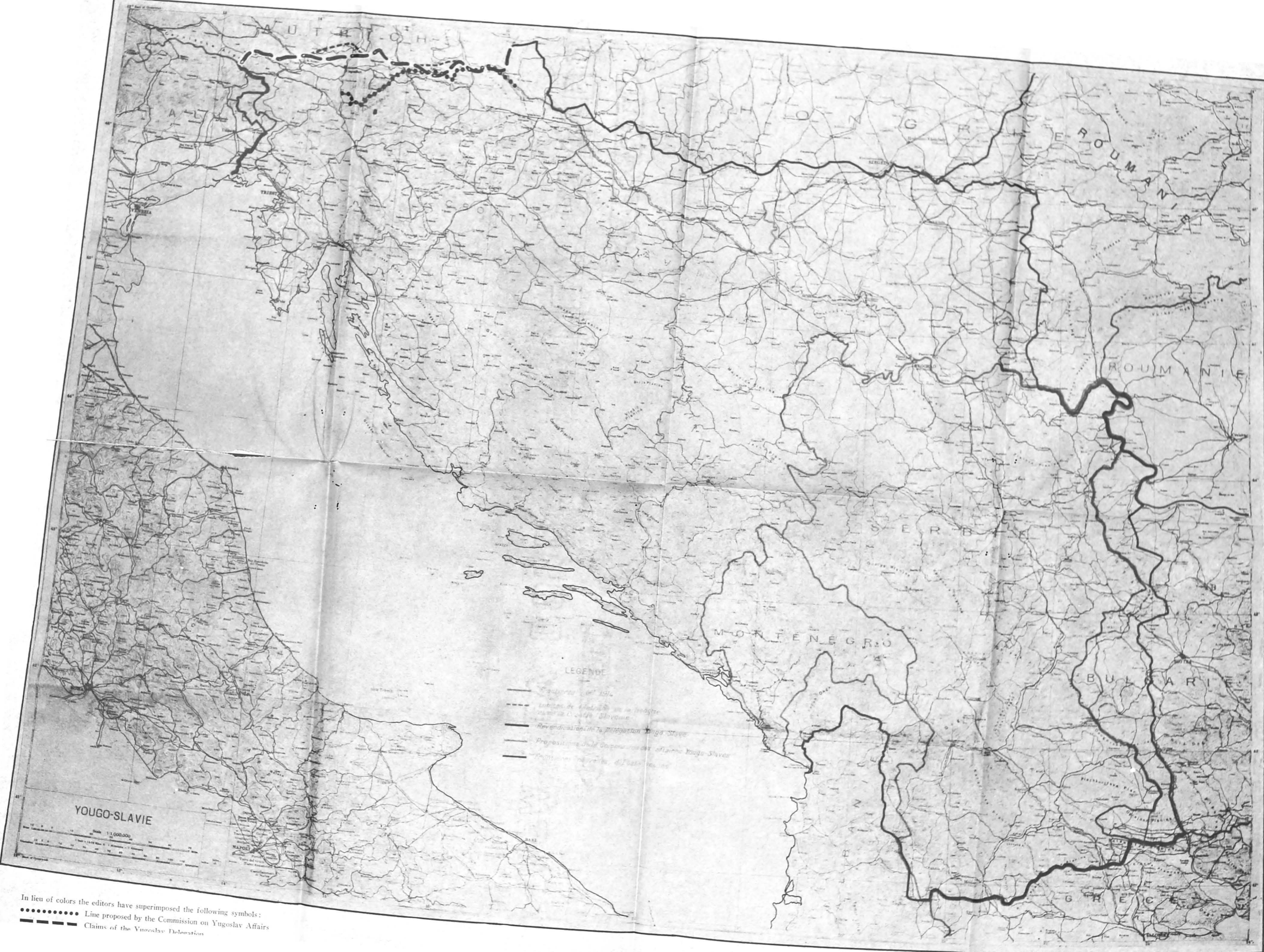


Boundaries which do not require to be delimited on the ground
 Boundaries to be delimited on the ground
 Portions of administrative boundaries
 Boundaries of other States
 Old Boundaries
 Areas for Plebiscite



Frontiere per le quali non occorrono determinazioni sopra luogo
 Frontiere per le quali occorrono determinazioni sopra luogo
 Tratte di confine amministrativo
 Frontiere d'altri Stati
 Antiche frontiere
 Zone sottomesse a Plebiscito

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