

Canada in Spite of Itself: Raoul Dandurand and Minority Rights at the League of Nations

Canada prides itself on its contribution to international human rights law and international humanitarian work. There is a common perception that this is the role that Canada has always occupied on the international scene. This perception is supported by the work of early international law pioneers such as Raoul Dandurand, a French-Canadian lawyer who represented Canada at the League of Nations from 1924-1930 and again in 1936-1937. In spite of this perception, I argue that closer examination of Dandurand's involvement in the reform of the League's treaty system for the protection of minorities, demonstrates that this is not so. When Dandurand proposed reform to the minority rights regime, he was acting on his own initiative and personal interest, rather than official Canadian foreign policy. Instead, Canada's early forays into international law and relations were marked by isolationism. Through this paper, I pursue the irony that Dandurand's contributions to minority rights reform represent an early contribution by "Canada" to the development of international human rights law, yet Dandurand was lacking domestic recognition and approbation of his actions. An additional irony is that although his contribution was his and not Canada's, in the sense that it was somewhat single-handed, Dandurand's commitment to minority rights was arguably informed by his experience of being French-Canadian.

Raoul Dandurand played a significant role both in Canada's internal and external affairs. As cabinet member and leader of the Senate, he was an integral part of Mackenzie King's Liberal government. Internationally, he was an active participant in the League of Nations during the 1920s as a member of the Canadian delegation to the Assembly and Council. Elected President of the League Assembly in 1925, Dandurand became more of a specialist in League Affairs than any other Canadian political figure. However, despite this incredible wealth of experience, he played an extremely limited role in the formulation of Canadian foreign policy. Although he was personally inclined towards strengthening ties between Canada and the league, as exemplified by his private support of the Permanent Court of International Justice, he publicly supported the isolationist perspective of Prime Minister Mackenzie King. This support found a very public expression in Dandurand's speech to the League Assembly in 1924 in which he famously referred to Canada as "a fire-proof house, far from inflammable materials". In effect, Dandurand acted as the mouthpiece of King (and his isolationist foreign policies) in both the Senate and at an international level, the League of Nations.

There is, however, one area of Senator Dandurand's involvement with the League of Nations which breaks with this isolationist trend – that of his actions regarding protection of minority rights at the League in 1929. Although tacitly supported by King and the Department of External Affairs, Dandurand's involvement in the reform of the Minority Petition Process was at his own initiative, a project unsubstantiated by the approval of the Canadian parliament or public. Dandurand's personal passion for the issue of minority rights in Eastern Europe was probably informed by his experiences as a French Canadian, as opposed to any interest of the Canadian government, which led to the Canadian Proposals of 1929 (of which Dandurand was the sole author). In submitting these proposals, Dandurand (and correspondingly, Canada) found themselves at the centre of an extremely controversial European political issue that had dogged the League since its conception. This position was also a far cry from the isolationist perspective that Canada had always maintained at the League.

This paper will examine how Dandurand found himself in this position, acting both against Canada's noted and usual non-committal activity at the League, as well as his own personal role as undoubted supporter of King's isolationist foreign policies. Informed by his French Canadian perspective and based upon his personal experiences with the Minority Petition Process, it can be seen that Dandurand's personal interest was the primary factor in Canadian involvement in the Eastern European minorities question, as opposed to any pre-determined Canadian foreign policy. This undermines the perception that Canada,

through its foreign policy, has always been concerned with and participated in international human rights law and humanitarian work.

Despite this, Dandurand's work can still be characterized as an early Canadian contribution to international human rights law. For all intents and purposes, Dandurand acted as "Canada" on the international stage, with his actions and interests shaping the international perception of Canada. Regardless of the single-handed nature of the contribution, Dandurand's participation in the reform of the minority rights regime can be seen as an uniquely Canadian contribution to international law.

Brief contents:

In order to further this claim, the Eastern European minorities question, as it was perceived by the League of Nations, must first be examined. Therefore, the first section of the paper will cover the historical background leading to creation of significant national minorities, and the treaties which governed their existence. The petition process, as it was maintained prior to Dandurand's intervention, will also be outlined in detail, as will the fellow malcontents such as Gustav Stresemann, the German representative at the League of Nations.

In order to appreciate how unique Dandurand's proposal was in Canadian foreign affairs, the following section, therefore, will discuss the general attitude of the Canadian government towards the League of Nations, and in particular, that of Prime Minister William Lyon Mackenzie King. Both Canada's isolationist foreign policy and conversely, interest in the League as a forum in which to establish Canada's status as a sovereign power separate from Britain, will also be outlined. Last of all, this section will discuss Dandurand's public acceptance of this isolationist policy as contrasted with his personal internationalist stance.

Accordingly, the third section of the paper will detail why the minorities question struck a chord with Dandurand to the extent of intervention. Based upon his recollections as recorded in his memoirs and his experiences as a member of a minority petition review board, Dandurand's personal interest will be elucidated. Dandurand's actions (specifically his proposal to the League Assembly) will be placed in the greater context of the response of the League and its members, as well as his role in the contentious minorities' rights debate. The final section will cover the outcome and response to Dandurand's actions, both internationally at the League, and at home, in the Canadian government.

It is important to place Dandurand's work in the larger picture – to see Dandurand's short-term failure as a long-term success. Despite a lack of immediate change in Canadian foreign policy, over the years Canada abandoned its isolationist perspective, with minority rights becoming a focus of Canada's later interests at the League of Nations. Although at the time, the guarantee of national minority rights was an extremely contentious issue, the work of Dandurand and others at the League of Nations laid the path for the future establishment of the Human Rights regime at the United Nations. Dandurand's short-term failure turned into a long-term success, both domestically and internationally. However, one must start at the beginning with the creation of the new European minorities at the end of the First World War.

Section One: The Minorities question:

At the end of the first world war, the map of Europe looked considerably different. While self-determination was achieved by the Poles, Yugoslavs and Czechs, the Romanian and Greek territories were expanded. As new boundaries were defined in Eastern Europe, new European minorities were also

created within newly-drawn nation-states. Counting as a significant minority, were the Germans, who resented loss of their ruling status.¹

Recognizing the potential for dissatisfaction among the minorities with the new territorial divisions, the victorious powers (including France, Great Britain and the United States) created the first minority treaties at the Paris Peace Conference of 1919. The first treaty to be negotiated was the Polish Minority Treaty which was used as the model for all subsequent treaties.² This treaty ensured that Poland was to provide “full and complete protection of life and liberty to all inhabitants ... without distinction of birth, nationality, language, race or religion.”³ The minorities within Poland, as determined by the formula of “nationals belonging to racial, religious or linguistic minorities”⁴ were additionally to be guaranteed control over education, religion, language and also be ensured local autonomy⁵. All later treaties upon which the minority system was built contained the same guarantees for both nationals and minorities.

Although in the past, the responsibility to ensure minority protection clauses in international treaties had been borne by the so-called Great Powers, in 1919, this responsibility was abdicated. Instead, the monitoring and enforcement of the minority treaties were assigned to the newly formed League of Nations, specifically to the Council of the League of Nations. This was done by the addition of an article which deemed minority rights as obligations of international concern.⁶ This clearly placed minority rights under a League guarantee.

The content of this guarantee ensured that no changes could be made to the terms of the Treaties without the agreement of the majority of the League of Nations Council.⁷ It also ensured that the League Council was to take action in the event of any infractions; furthermore it created a duty of the Council members to call attention to potential infractions.⁸

Of note, minority petitions could be sent from anywhere or anyone; because the treaties were principally not group centred, but rights ascribed to individuals, even individuals or associations were allowed to submit petitions.⁹ States not represented on the council were also not precluded from petitioning. However, only council members could bring potential infractions of the treaty clauses to the notice of the council for discussion. Individual minorities or members of the General Assembly could not. Instead they would have to rely on the willingness of a council member to take up their cause¹⁰. Once before the council, appropriate action would be taken, perhaps leading to involvement of the Permanent Court of International Justice.¹¹

The petition procedure was designed in this way to ensure protection of the complaining minority through anonymity. At the same time, however, it denied standing to the minority in front of either the Council or Permanent Court. It also ensured the lack of public debates between the state and its minorities – this was thought to increase the possibility of smoothing over relations between the two parties; too public and it

¹ Fink, C. Minority Rights as an International Question. *Contemporary European History* 2000; 9(3): 385-400.

² Cowan, JK. Who’s afraid of violent language? *Anthropological Theory* 2003; 3(3): 271-291.

³ Minorities in Poland: Treaty between the Principal Allied and Associated Powers and Poland, Versailles, June 1919, articles 1-8.

⁴ Ibid.

⁵ Ibid.

⁶ Fink, C. The League of Nations and the Minorities Question. *World Affairs* 1995; 157(4): 197-205.

⁷ Ibid.

⁸ Thornberry, P, *International Law and the Rights of Minorities*, Oxford: Clarendon Press, 1991): pg. 44.

⁹ Ibid., pg. 49.

¹⁰ Ibid., pg. 45.

¹¹ Preece, JJ. Minority Rights in Europe: From Westphalia to Helsinki, *Review of International Studies* 1997; 23: 75-92, at pg. 82.

would look as though the State had been forced by a greater power (that of the League) to satisfy its own minority peoples¹². This method of intervention was essentially designed as a compromise – enforcement of treaties so that the minorities would be placated, but minimal intervention in the sovereignty of the new states.

However, despite its conciliatory nature and purpose, this new regime of minority treaties did not satisfy everyone. While the minorities wanted direct access to the council, rather than through an intermediary, the minority countries objected to the potential route of interference in their domestic politics¹³. Furthermore, the refusal to create a universal system of minority rights within the Covenant of the League of Nations, as suggested by the United States, left the Eastern European states with feelings of lesser status and subordination to the Western Great Powers.¹⁴ This ‘insult’ was often keenly felt, leading to difficulties in implementation of minority treaties (often through enactment of restrictive minorities legislation) or indeed of easy resolution through the petition process.¹⁵

The Petition Process in practice:

In practice, the vast majority of petitions were dealt with by the Minorities section of the Secretariat rather than the Council. In hopes of reducing the numbers of petitions, the League restricted the terms by which a petition was acceptable. In particular the petitions must specifically apply to the protection of minorities (in fundamental rights ensured by the Treaties), it must not request self-determination of the minority through secession or severance from the state, it must not be anonymous, or violent and threatening in language, and it must involve information and complaints that had not been addressed yet by the petition process.¹⁶ If the petition passed this preliminary examination, it was then sent to a “committee of three”.¹⁷

Formed partly to avoid the task of acting as accuser, the Committee of Three was drawn from members of the council, including the President and two others (but not the representative from either the accused or neighboring state).¹⁸ This committee then determined whether a complaint should be brought to the attention of the full Council. This was decided by examination of documentation from the aggrieved minority, the accused state and the evidence of the League. Where the infraction clearly existed, the case was brought in front of the Council – this only happened in a few instances.¹⁹ The next potential option was that the petition was simply dropped by the committee as being unjustified and without basis. In this situation, there was no notification to either the petitioner, the accused state or even the Council at large. This also rarely happened.²⁰

Instead the vast majority of cases were settled by negotiations between the accused state and League, as mediated by the Minorities’ section director. This was achievement without any further involvement of the petitioning minority. These negotiations were aimed at eliciting a “minimum number of concessions or reforms”²¹ to solve the question quickly and successfully. This was often a successful mechanism for

¹² *Thornberry, Supra* note 8 at pg. 45.

¹³ *Fink, Supra* note 6 at pg. 200.

¹⁴ *Fink, Supra* note 1 at pg. 390.

¹⁵ *Thornberry, Supra* note 8 at pg. 47.

¹⁶ *Cowan, Supra* note 2 at pg. 274.

¹⁷ De Azcarate, P. *League of Nations and national minorities* (Washington: Carnegie Endowment for International Peace, 1945) at pg. 182-184.

¹⁸ *Ibid.*; the neighboring state’s representative was excluded since they probably would have a personal interest or stake in the resolution of the minority petition in favour of the minority – with the redrawing of the boundaries, many minorities were part of the same ethnic population of their neighboring state’s majority population.

¹⁹ Stone, J. *International Guarantees of Minority rights* (London: Oxford University press, 1932) pg. 16-24.

²⁰ *Fink, Supra* note 6 at pg. 201.

²¹ *De Azcarate, Supra* note 17 at pg. 125.

settling of petition disputes – the alternative was to go public by involvement of the Permanent Court. This latter option was clearly not acceptable to accused governments – it lessened the appearance of state autonomy.

Of note, the petitioners (i.e. the aggrieved minorities) only ever received an acknowledgement of receipt of their petition by the Minorities Section of the Secretariat. Beyond that, the system was not transparent – there was no notification of success or failure of the petition by the League.²² This lack of transparency was obviously a source of concern and frustration by the minorities who feared that this system was just a mechanism for placation and a “stepping stone to assimilation and greater autonomy”²³ of the host nation-states, without true concern for protection of their rights.

Perceptions of the Council’s minority procedures: within and without the League:

Despite these fears of the minorities and accompanying frustration of the minorities’ states, many of the Western members of the League felt that this was the best way to ensure protection of minority rights, at the same time as providing for a complete national unity. Minorities were seen as being merged in a national community without losing their specific characteristics. This perspective is best explained by the French representative Aristide Briand, who described the petition process as:

Ensuring that the minorities shall preserve their language, culture, religion and traditions, to keep them (the minorities) as a kind of small family within the larger family, ... with the object of harmonizing all its constituent elements with those of the country as a whole. The process at which we aim is not the disappearance of the minorities but a kind of assimilation which will tend to the greatness of the nation as a whole without in any way diminishing the importance of the smaller family.²⁴

This euphemistic view of the purpose of the Council’s minority procedure was not shared by all. As such, there was considerable opposition to the process, and it became a topic of annual (and extremely contentious) debate regarding liberalization and expansion of minority rights and the accompanying procedure.²⁵ Almost inevitably, the proposal of the creation of a universal system of minority rights was once more proposed – and once more, rejected.

Among the most vociferous of critics was Gustav Stresemann, the German representative to the League. Soon after Germany was permitted membership to the League in 1926, Stresemann immediately began agitating for change. Motivated by both the plight of the much discriminated against German minority in Poland and facing political pressure from home, Stresemann quickly became a thorn in the side of the Council, who responded by preventing his participation in Committee minority petition reviews.²⁶ Despite this, however, Germany’s appointment to the Council only intensified the minorities issue.

This was the mess that Raoul Dandurand embroiled himself and Canada in, in 1929 with his proposals for change in the Minority Petition Review. However before that can be addressed, the general pattern of Canada’s activity at the League of Nations must be discussed, in order to satisfactorily illustrate how unusual Dandurand’s actions were as a Canadian delegate.

²² Fink, *Supra* note 1, at pg. 391.

²³ Thornberry, *Supra* note 8 at pg. 47.

²⁴ *Protection of Linguistic, Racial or religious Minorities by the League of Nations*, League of Nations Publication, IB Minorities, 1931: pg 101-102.

²⁵ Fink, *Supra* note 6, at pg. 200.

²⁶ Fink, C. *Defending the Rights of Others: The Great powers, the Jews, and International Minority Protection, 1878-1938*. (USA: Cambridge University Press, 2004); at pg. 151-160.

Section Two: Canada at the League of Nations:

At the time of the creation of the League of Nations, Canada was not an autonomous participant at the international level. Up to that point in time, it had instead acted as a dominion of the British Empire, with foreign policies dictated by Britain. However for the first time in 1919, Canada found itself as part of the international Peace conference, and accordingly Canada wanted to continue in this new international role.

Agitating for membership, Canada saw the League of Nations as the perfect forum for establishing Canada's sovereignty internationally. Following the precedent set in 1919 at Paris, Canada continued to exercise the right to sign and ratify conventions negotiated at the League, separately from British representation. However at the same time as seeking membership in the League for all its benefits, there was a decided unwillingness to derogate any recently gained control by submitting to regulations of the newly formed League.²⁷ These conflicting attitudes became the mainstay of Canada's position towards the League, as exemplified by both Prime Minister Mackenzie King's foreign policy and the establishment of the League of Nations Society.

Although the League had been created for the purpose of maintaining peace through advance commitments of aid in circumstances of aggression, King was completely opposed to providing such commitments. Believing that "in the exercise of all our rights, we will gain more of strength and of influence as a nation"²⁸, King was insistent that Canada participate in League Affairs in order to maintain the new international status. Yet on the other hand, he had no intention of making any commitments that would tie Canada to a particular policy or agreement.²⁹ In this, he was backed by the Canadian Parliament, which, in one of the few instances where foreign policy was openly debated in the House of Commons, overwhelmingly objected to Canada's ratification of Article 10 of the Covenant, fearing that it would pull Canada in another war not of its making.³⁰ Reflecting the characteristic isolationist perspective of Canada in the 1920s, the idea of "placing the Canadian people at the beck and call of a Council not responsible to the nation for its actions"³¹ was extremely unpopular with both Parliamentary Members and Prime Minister King.

On the other hand, the League of Nations was quite popular across Canada, with the exception of Quebec where both isolationism and in consequence, great suspicion of the League was predominant.³² This popularity was demonstrated by the establishment of the League of Nations Society in Canada in 1921. Despite the overwhelmingly isolationist perspective of the Canadian government, this society was frequented by numerous Canadian statesmen, such as Sir Robert Borden and Sir George Foster, who helped give voice to the Society's internationalist support of the League.³³ Of note, Raoul Dandurand was also active in the society; however his attitudes were not representative of Quebecois politicians.

The dual (and competing) positions of isolationism, yet involvement, at the League of Nations were characteristic of Canada's international perspective in the 1920s. King ensured this. As both Prime Minister and foreign minister (under the combined office of Secretary of State for External Affairs and Prime Minister), King had exclusive control over development of Canada's foreign policy. As member of

²⁷ Veatch, R. *Canada and the League of Nations*. (Toronto: University of Toronto Press, 1975), pg. 11

²⁸ Stacey, CP. *Canada and the Age of Conflict: A History of Canadian external policies, Volume 2: 1921-1948*. (Toronto: University of Toronto, 1979), pg. 56.

²⁹ *Ibid.*, pg. 15.

³⁰ Eastman, SM. *Canada at Geneva*. (Toronto: The Ryerson Press, 1946), pg. 61.

³¹ *Ibid.*

³² Stacey, CP. *Canada and the Age of Conflict: A History of Canadian External Policies; Volume 1: 1867-1921* (Toronto: University of Toronto Press, 1979), pg. 301.

³³ *Ibid.*

his cabinet and Leader of the Senate, Raoul Dandurand personified this Canadian split personality of isolationism and internationalism in his public and private personas. Nowhere is this better demonstrated than in the famous “fire-proof house” speech that Dandurand made to the League of Nations in 1924, regarding the Geneva Protocol.

“We live in a fire-proof house, far from inflammable materials.”:

In 1924, the League of Nations General Assembly accepted and opened for signature the Geneva Protocol, otherwise known as a ‘Protocol for the Pacific Settlement of International Disputes’. The content of the Protocol was to provide for compulsory arbitration of all disputes unable to be settled through peaceful means, for military response against any state engaging in war rather than arbitration, and for the convening of a general disarmament conference. When tabled at the Assembly, the response was favourable³⁴.

That is except for the Canadian delegate, Raoul Dandurand. Although he did not openly oppose the Protocol, he expressed doubts about its extensive guarantees of advance commitments in aid, noting that although Canada would be loyal to the League, she never thought “that she would have the whole burden of representing North America when appeals would come to our continent for assistance in maintaining peace in Europe.”³⁵ He referred to the unequal balance of the risks assumed “in this association of mutual insurance against fire”³⁶. Returning to Canada’s favoured position of isolationism, Dandurand concluded on a moral high note, noting that “We live in a fire-proof house, far from inflammable materials. A vast ocean separates us from Europe.”³⁷

At the League, Dandurand openly advocated Canada’s reclusive and isolationist perspective. As developed by King, Dandurand was the face of Canada’s reluctance to assure future involvement and aid in cases of aggression. At home, however, it was a different story.

Back in Canada, Dandurand was privately in favour of the Protocol. His personal internationalist bent, however, did not carry the day, as the prevailing opinion of both Prime Minister King and among King’s confidantes, went against the Geneva Protocol.³⁸ As Dandurand noted in his memoirs, ‘A mon retour au pays, M King invita quelques collègues à “Laurier House” [King’s residence] et quelques techniciens qui avait déjà étudié le Protocole. La discussion fut fort vive et se continue tard dans la nuit ... Je defendis le Protocole sur tour ses points, mais il me fallut me rendre à l’evidence et constater que la majoritié etait d’un autre avis.’³⁹ He urged acceptance of at least the principle of compulsory arbitration.⁴⁰ Despite his personal internationalist perspective, he seemed to easily accept King’s decision that the Geneva Protocol was not in the best interests of Canada. Interestingly enough, even though Dandurand mentions the Geneva Protocol extensively in his memoirs, he fails to discuss his most famous speech, that of the “fire-proof house”. Perhaps his lack of connection with that attitude, no matter how pithy the epithet, led him

³⁴ Veatch, *Supra* note 27, at pg. 56.

³⁵ Senator R. Dandurand on the Geneva Protocol, October 2: 1924, in Riddell, WA, Ed. *Documents on Canadian Foreign Policy 1917-1939* (Toronto: Oxford University Press, 1962); pg. 464-465; Note: Dandurand’s statement was in part a response to the issue that the United States was not part of the League of Nations.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Veatch, *Supra* note 27, pg. 57.

³⁹ Hamelin, M. Ed, *Raoul Dandurand, le senateur-diplomate. Memoirs 1861-1942*. (Quebec: Les presses de l’universite laval, 2000).

⁴⁰ Veatch, *Supra* note 27, pg. 58.

to ignore that aspect of the Geneva Protocol deliberations, in favour of marking his approval of it instead.⁴¹

The Geneva Protocol, although the subject of much interest in the Canadian Parliament, was never formally discussed in the House of Commons, with the cabinet making no presentation to the parliament on the subject of the Protocol⁴². In the end, the government rejected the Protocol without ever having discussed it beyond an intimate evening at King's house. Finally in the following April of 1925, as leader of the Senate, Dandurand provided an explanation of the decision, complete with defence of the government's rejection of the Protocol. This decision was received with disgust by Sir. George Foster (Dandurand's fellow member of the League of Nations), who voiced his complete support of the Geneva Protocol. Despite this, Dandurand voiced no supporting opinion, regardless of his own personal predilections.⁴³ Of note, when Mackenzie King sent Canada's formal rejection of the Geneva Protocol, he included a concession to Dandurand, noting that the Canadian government was open to accepting compulsory jurisdiction of the Permanent Court some time in the future.⁴⁴ Indeed four years later, Dandurand joined the British and other dominion representatives in signing the optional clause regarding mandatory arbitration at the Permanent Court.⁴⁵

Years afterwards, when the King government was no longer in power, Dandurand voiced his dissatisfaction with the decision, making clear that he would have preferred immediate and total acceptance of the Geneva Protocol, stating his "great disappointment when the protocol was dispensed with."⁴⁶ On the other hand, Mackenzie King regarded this as a success – both as an example of limiting Canada's involvement and international commitments, but also as a marked example of Canada as an independent state. In spite of his continuing dissatisfaction with the King government's limited international outlook, Dandurand maintained this isolationist perspective as his public persona, leaving his internationalist tendencies to his activities at the League and at home with the League Society.

In effect, while at every point in his professional life, both at the League and at the Senate, Dandurand remained mute as to his personal preferences, while acting as a "mouthpiece" for King's foreign policy of isolationism. This is true of all of Dandurand's activities at the League – with one important exception: his personal interest and proposal development of the minority review petition process. To understand this "blip" in Dandurand's professional record, one must look to his personal history and reception both at the home in the Senate and abroad, at the League of Nations.

Section Three: Dandurand acts:

Dandurand was a very well liked man in both the Canadian Government and at the League. He was a repeat member of the Canadian delegation to the League in 1924 to 1929 (and then again in 1936-1937). From the years 1927-1930, when Canada was a member of the League Council, he was also the regular Canadian representative at the Council meetings. Attending more sessions than any other Canadian delegate, including Prime Minister Mackenzie King, he became well known both in the Assembly and in the Council. At the League, his popularity was such that he was chosen as President of the League Assembly with the support of the British and French Delegations amid great enthusiasm.⁴⁷

⁴¹ It is also worth noting that this memoir was written some years after the event, and its material perhaps selectively chosen to reflect his personal beliefs, rather than those he publicly advocated for in order to maintain his position with Prime Minister King.

⁴² *Veatch, Supra* note 27, at pg. 57.

⁴³ *Eastman, Supra* note 30, at pg. 77.

⁴⁴ Bothwell, R. The Canadian Isolationist Tradition, *International Journal* 1998-1999; 54: 76-87.

⁴⁵ *Stacey, Supra* note 28, at pg. 64.

⁴⁶ *Veatch, Supra* note 27, at pg. 58.

⁴⁷ *Riddell, Supra* note 35.

Despite the differences of opinions (isolationism being primary among them), the Assembly knew that in promoting him to the Presidency, that they were “assuring Geneva of the constant collaboration of a man eminently qualified for an international role.”⁴⁸ As president of the Sixth Assembly, Senator Dandurand was a great success⁴⁹. Both proudly Canadian and fluently bilingual (this was something that he was extremely proud of – writing in his memoirs, “Je crois que mon bilinguisme me donne la physionomie d’un Canadian integral, superieur a l’unilingue, malgur ce qu’en pense l’abbé Lionel Groulx”⁵⁰), he was a perfect ambassador for Canada.

Dandurand was also held in high regard in the Canadian government, first as Minister without Portfolio and Leader of the Senate from 1921 to his death in 1942.⁵¹ Even his political adversary, Arthur Meighen, noted that “Mr. Dandurand unquestionably had held title to most of those cardinal qualities which lift parliamentary life and effort above the mere level of party consideration and conflict ... when [he] was Liberal leader in Senate, ... one could always rely upon his fairness and political rectitude.”⁵² Mackenzie King referred to Dandurand as “chivalrous & devoted, ... a truly noble little soul.”⁵³ Despite his political role within the Liberal party, Dandurand was noted for his non-partisan, gentlemanly ways; one could certainly equate his ability to hide his political preferences in the Senate to how he conducted himself at the League of Nations as the mouthpiece of King’s isolationist policies.

Indeed his own political bent is so well hidden away, that the only glimpses of the private and resolutely internationalist disposition of Dandurand really come through in his Memoirs in the overwhelming focus on League Activities, or occasionally in the recollections recorded in King’s diaries, or even through the multiplicity of assemblies and meetings he attended at the League. Dandurand seemed to prioritize his activities at the League, so much more than so his work at the Senate, that Mackenzie King complained that “It is ... a farce the way he opens & closes the Senate to permit this [sic] entrance & exits to & from Council of the League.”⁵⁴ Dandurand’s love and pride in his League activities comes through in another of King’s diary entries, where upon being told that Mackenzie King would be acting as first delegate, and in effect demoting Dandurand from his usual position, King noted:

I think he was just a little disappointed at my going both to the council & Assembly. He has been the central figure so far as Canada is concerned in Europe & it is natural when he has been counting on being again Canada’s first representative this year that he should feel a little disappointed, but was exceedingly nice about it all.”⁵⁵

Dandurand even tried to encourage greater participation on behalf of Canada in the League, by attempting to persuade King that the next League meeting should be held in Canada. True to form, King did not agree with the wisdom of such a step.⁵⁶ Despite his love of the League and all that it entailed, Dandurand never pushed the issue – never attempted to sway the foreign policy away from the isolationist perspective advocated by King. He always stayed on the side of minimal commitments – except for the issue of minority rights.

⁴⁸ *Eastman, Supra* note 30 at pg. 45.

⁴⁹ *Stacey, Supra* note 28, at pg. 64

⁵⁰ *Hamelin, Supra* note 39, at pg. 5.

⁵¹ *Hamelin, Supra* note 39.

⁵² Hardy HR. *Mackenzie King of Canada* (Toronto: Oxford University Press, 1949); pg. 364.

⁵³ The Diaries of William Lyon Mackenzie King, July 28th 1929; available online via

<http://king.collectionscanada.ca/EN/default.asp>

⁵⁴ *Ibid.*, March 29th 1929 diary entry.

⁵⁵ *Ibid.*, July 16th 1928 diary entry.

⁵⁶ *Hamelin, Supra* note 39, at pg. 255-267.

Dandurand's affinity for protection of minority rights:

For Dandurand, the Eastern European minority rights question hit a little closer to home than the other issues at the League of Nations. While he was capable of ignoring Canada's refusal to accept the Geneva Protocol, he felt much deeper about the issue of Minority rights. The first hint of this came in an address to the Assembly in 1927, in which he suggested that "it is the highest expression of civilization for a Government to make a minority forget that it is a minority [*sic*, Canada]".⁵⁷ A cynical rejoinder to Dandurand's address came from a Polish official who remarked that "the French Canadians may be perfectly loyal and content, partly because their former *patrie* does not stir them up. It is sadly otherwise in our borderlands."⁵⁸

Whatever the truth of this statement, as a proud French Canadian and a member of a prominent minority, Dandurand felt an affinity for the significant minorities stranded within effectively foreign countries and often deprived of their rights.⁵⁹ Since Dandurand was deeply involved in French language and education controversies in Canada⁶⁰, it is easy to postulate that he felt an affinity with these minorities struggling to protect their language and culture; to be a part of a country, without being assimilated. Much like the French-Canadians try to maintain their separate culture through fierce protection of language and education, it is possible to equate his personal experiences with his personal interest and understanding of the East European Minorities. Another possible source of motivation for Dandurand may also be found in a desire to give "satisfaction to those "new Canadians" who were pressing upon the attention of Ottawa their kinsfolk's grievances against certain of the "new nationalities."⁶¹ Whatever the initial source of personal motivation, it is clear that Dandurand's time spent as a member of a "Committee of Three" Minority petition review board pushed him to act.

Dandurand as member of a "Committee of three":

Dandurand's first experience with the Minority Petition Process came with Canada's appointment to the Council in 1927. As a council member, Canada could potentially be picked to act as part of a Committee of Three to sit in review on a minority petition. In December of that year, Dandurand was appointed with France and Chile to consider a petition as between a German Minority and Poland, claiming discriminatory treatment.⁶² In keeping with established practice, an agreement was negotiated with Poland – but much to Dandurand's disturbance, this was based only on information obtained by the Minorities Section from the Polish government only.⁶³ Furthermore, he was surprised to learn that the petitioning minority was not given access to the government's response, nor was notified as to the outcome of the procedure.⁶⁴

Following this eye-opening experience, at the next Council session in March 1928, Dandurand queried the Minority petition procedure, specifically regarding the lack of access to information by the petitioner. The process was defended vigorously by other sitting members of the Council, with the vociferous support of the League Secretariat Sir. Eric Drummond, with no possibility of reform suggested.⁶⁵ Instead of achieving the desired changes, the end result was that Dandurand was relegated to another Committee of

⁵⁷ League of Nations Official Journal, Records of the General Assembly, 1927

⁵⁸ *Eastman*, *Supra* note 30, pg. 47.

⁵⁹ *Hamelin*, *Supra* note 39, Chapter 24: Les minorities

⁶⁰ *Hamelin*, *Supra* note 39; Nish, C. "Reviewed book: Les Memoires du Senateur Raoul Dandurand (1861-1942) by Marcel Hamelin", *The American Historical Review* 74(1) (Octo., 1968), pg. 335.

⁶¹ *Eastman*, *Supra* note 30, pg. 47.

⁶² *Veatch*, *Supra* note 27, at pg. 104.

⁶³ League of Nations Official Journal, Special supplement, no. 73; pg. 23.

⁶⁴ *Ibid.*

⁶⁵ *Protection of Minorities*, *Supra* note 24.

Three, who were assigned complaints from less politically important minorities than those of Germany. However, further experiences as a participant on different Committees did not alter Dandurand's negative perception of the petition process.

Dissatisfied with the procedures followed by the Secretariat, the Committee of three and the League Council, Dandurand felt that there was room for change in a system that unfairly weighed the evidence on behalf of the governments, not the minorities.⁶⁶ Therefore, on the 15 December 1928, Dandurand gave formal notice to the Council that at its next session in March, he would ask for a review leading to general improvements on behalf of the minority procedures.⁶⁷ It is important to note that Dandurand was working from his negative experiences on Committees of Three where accused governments provided minimal information, while the minorities were excluded as a source of evidence altogether. He failed to take into account the political ramifications and aspects of this problem that had plagued the League and Europe for so many years now.⁶⁸ In doing so, Dandurand stepped into the middle of a heated debate.

Dandurand's "irritating intervention"⁶⁹ sparked immediate – and negative – reaction. Assuming Dandurand was responding to German agitations and complaints, the Polish Foreign Minister August Zaleski began to lecture the German representative Stresemann and in general, the German minorities, for inundating the Council with ridiculous and trivial grievances against Polish rule.⁷⁰ In response, Stresemann interrupted the tirade by pounding his fists on the Council table and shouting "scandalous" loudly.⁷¹ Quite overshadowing Dandurand, Stresemann also said that he would support Dandurand in the request for review of the whole minorities procedure.⁷² Indeed, this example only serves to prove just how inflammatory and unstable the minorities question was to members of the Council. In any regard, the Council acceded to the combined German-Canadian request, and declared that the next meeting in March 1929 would be a full-dress debate on the minorities question.⁷³

In the intervening months, Dandurand worked hard to prepare his proposal, primarily centred around changes to the procedure, giving greater transparency and accountability to the petitioning party. At the same time, the League Secretariat also prepared a proposal with changes that it was willing to make to the petition process.⁷⁴ Stresemann, on the other hand, waited, hoping that the Canadian proposal would be "sufficiently in scope to make unnecessary any separate German proposal."⁷⁵ Of note, although the Canadian External Affairs Department was monitoring the situation regarding Stresemann and the League of Nations, Dandurand was working on his own initiative, without the support or even the knowledge of the Canadian Parliament. Refusing the help of both Prime Minister Mackenzie King, O.D. Skelton and W.A. Riddell of the External Affairs Department, Dandurand drafted his own proposal for petition reform. Only once completed, did Dandurand allow the input of the Prime Minister and members of the External Affairs Department⁷⁶.

⁶⁶ Veatch, *Supra* note 27, at pg. 104.

⁶⁷ Fink, C. Stresemann's Minority's Policies, 1924-1929. *Journal of contemporary History* 1979; 14(3): 403-422, at pg. 410.

⁶⁸ Fink, C. Defender of Minorities: Germany in the League of Nations, 1926-1933, *Central European History*, 1972: 5(4): 330-357.

⁶⁹ Fink, *Supra* note 66, pg. 420.

⁷⁰ League of Nations Official Journal, Minutes of the Sixth Meeting (public, then private), December 15th 1928; pg. 59.

⁷¹ Fink, *Supra* note 26.

⁷² Fink, *Supra* note 66.

⁷³ Fink *Supra* note 67, at pg. 345.

⁷⁴ Veatch, *Supra* note 27, pg. 105.

⁷⁵ Veatch, *Supra* note 27, pg. 106.

⁷⁶ Hamelin, *Supra* note 39.

Once completed and with the approval of Mackenzie King, the Canadian proposals were forwarded to the League of Nations Secretariat, Sir. Eric Drummond. From there, they were distributed to all Council members, alongside other council members' proposal, as well as those of the Secretariat.⁷⁷

Dandurand's Petition:

Dandurand's proposed reforms were quite wide-sweeping. It provided for the minorities' petition to go first to their home government, and then, only then if unsuccessfully resolved, would it then go the Secretariat. Dandurand felt that this was a more appropriate procedure than one of complete anonymity – for it would have “the advantage of bringing the minorities into closer touch with their governments, leading to a settlement of many difficulties, and dispelling many misunderstandings by ordinary normal methods.”⁷⁸ Questions of appropriateness regarding the content of the petitions would no longer be determined by the Secretariat, but rather by the Committee of Three. Upon passing those qualifications, the entire Council would then review and decide appropriate action for the petition.

The most notable change to the minority petition process as suggested by Dandurand came in the form of increased publicity.⁷⁹ The lack of transparency in this process was a considerable issue of concern for Dandurand. Made worse by the refusal of the Minorities section to send the petitioning minority anything more than a terse acknowledgment of receipt of petition.⁸⁰ Dandurand suggested a simple solution would be to publish all petition outcomes. To Dandurand, this was an easy solution to a ridiculous situation – leading to greater accountability to the petitioning Minority.

A further criticism that Dandurand attempted to solve in his petition proposal regarded the complete lack of inclusion of the petitioning Minority in the any facet of the Minority Rights Petition Review Process. In later discussion, regarding his proposals, speaking at the Council meeting on June 13th 1929, Dandurand voiced his disapproval of this issue, saying “Since the Council had on several occasions laid down that minorities had no legal personality and were not parties to the suit but could only act as agents of information, the practice had become more and more frequent of eliminating them as sources of information during the examination of their petitions by the Committees of three,”⁸¹.

In addition, knowing that there was no uniformity in application process between Committees, Dandurand encouraged that the individual Committees should use their powers to collect further information from both the petitioner and state, as opposed to the usual practice of relying purely on State supplied details.⁸² In Dandurand's mind, this would create a more uniform practice within the Petition process – not only between supplied evidence of state and minority, but also as between Committees, lessening the chance of bias through varied materials⁸³.

Section Four: Change in the air:

The opening Council meeting of the March 1929 session began with Dandurand's insistence that the whole system of “Committees of Three” should be abolished, and replaced by petition review by the entire council. Although Dandurand's proposal targeted procedural aspects of the Petition Review, Stresemann leapt on the occasion to raise the general issue of minority rights with its wider implications. Dividing the

⁷⁷ Veatch, *Supra* note 27, pg. 107.

⁷⁸ Dandurand, R. The Handling of minority Petitions, 6 March 1929, in Riddell, W. ed. *Documents on Canadian Foreign Policy, 1917-1939*. (Toronto: Oxford University press, 1962); pg. 371-372.

⁷⁹ *Ibid.*, pg. 371.

⁸⁰ Stone, *Supra* note 19, at pg. 40.

⁸¹ *Ibid.*, pg. 36.

⁸² Stone, *Supra* note 19, at pg. 101.

⁸³ Hamelin, *Supra* note 39 at pg. 295.

issue in two aspects, that of procedure and that of issues of principles, Stresemann steered the discussion away from Dandurand's procedural suggestions in a discussion on the very legitimacy of the current scheme of minority rights.⁸⁴ In retaliation, the Polish representative once more suggested the implementation of a general Minorities Convention applicable to all members of the League, knowing that this would not be acceptable for the Western European countries.⁸⁵ Even Prime Minister Mackenzie King, attempting to justify the current regime's purpose and eager to support Dandurand's proposals, described Canada "as a land of reconciliation in which two races who had fought on the Plains of Abraham, were now living together in perfect harmony with each other and with their neighbour to the south."⁸⁶

However, in the end, the majority of Dandurand's proposals were rejected for their improbability – "because it would be equivalent to bringing a matter before the Council itself before any Member of the Council had done so".⁸⁷ Not surprisingly, Germany's contentions were also rejected by the Council. In the end, the changes that were accepted were those of the Secretariat, which were less radical and more acceptable to Britain, France and the Secretariat itself⁸⁸. The only portion of Dandurand's proposals that were accepted were the sections regarding publicity.

Not surprisingly, Dandurand (and Stresemann) were unsatisfied by the minimal changes made, calling attention once more to the inadequate evidence received from the petitioner. In response, Drummond, in his capacity as the Secretariat, told the Council that there was a misunderstanding, and that the Committees of Three had always been competent to collect information and evidence from the petitioners.⁸⁹ Stresemann personally credited Dandurand for having obtained this "new" concession from the Secretariat.⁹⁰

As a result of Dandurand's interventions, the sixth resolution regarding minority rights, ensured that from 1929 onwards, the Secretariat was required to publish annual statistics regarding the number of petitions received, the number declared receivable (or not), the number of petitions under examination by the Committees of three, among other details. These were all to be made accessible through the Official Journal of the League of Nations⁹¹.

In the end, despite the fact that Dandurand's full changes were not accepted, Dandurand declared himself satisfied with what had been achieved. No doubt some of the minor success of his interventions was due to the fact that Canada was not embroiled in these bitter minority disputes, as a non-European member.

Interestingly enough, although Dandurand's interventions successfully effected change at the international level, there was no corresponding impact in the domestic arena. Instead, his work failed to result in any noticeable change in the Canadian foreign policy from isolationism to internationalism. In fact, Dandurand's minority petition proposals were not even noticed by the Canadian Parliament, until after the March 1929 session had ended⁹². As a result, the impact of Dandurand's work upon Canadian foreign policy was the reinforcement of Canada's unique and sovereign situation in the international world.

⁸⁴ *Fink, Supra* note 67, at pg. 346.

⁸⁵ *Veatch, Supra* note 27, at pg. 108.

⁸⁶ *Eastman, Supra* note 30, at pg. 48.

⁸⁷ Drummond, Eric. *League of Nations: Ten Years of World Co-operation*, Secretariat of the League of Nations, 1930, pg. 369.

⁸⁸ *Veatch, Supra* note 27, at pg. 111.

⁸⁹ *Drummond, Supra* note 86, at pg. 371.

⁹⁰ *Veatch, Supra* note 27, at pg. 112.

⁹¹ *Cowan, Supra* note 2, at pg. 274.

⁹² *Veatch Supra* note 27, at pg. 113.

Section Four: Conclusion:

Canada is commonly perceived as an eager participant in international law, in particular within international human rights law and humanitarian work. Thanks to early international law pioneers such as French-Canadian lawyer, Raoul Dandurand, there is a widely-held view that this is a role that Canada has always played. However, through examination of Senator Raoul Dandurand's activities at the League of Nations, it is possible to see that this is not a role which Canada has always espoused or looked so favorably upon. Rather Canada's early forays into international law were resolutely internationalist, bent only on cementing Canada's reputation as a separate state, no longer a colony.

At the League of Nations in the 1920s, Senator Raoul Dandurand publicly espoused the Canadian isolationist policy as determined by Prime Minister Mackenzie King, famously advocating the image of Canada as a "fire-proof house, far from inflammable materials". However, despite being previously content to go against his personal internationalist beliefs in order to tow his government's official foreign policy, Dandurand was not content to let go the issue of the treatment of eastern European minorities and the Minority Petition Process. Arguably spurred by his personal experiences both as a French Canadian and as a member of the Council, Dandurand broke with Canadian isolationism in his interventionist proposals regarding the Minority Question. By intervening in such a highly contentious area of international law, Dandurand's actions led Canada far from its usual isolationist perspective. Yet when one looks closer, it can be seen that this is not a Canadian initiative but rather a single-handed approach of Dandurand, based in personal interests and without domestic recognition or approbation. This is mirrored by the stagnant nature of Canadian foreign policy throughout the 1920s, refusing to change from isolationism in response to Dandurand's international work.

Despite the lack of domestic foreign policy change, despite the personal nature of the interventions, Dandurand's contributions to minority rights reform are arguably early contributions of "Canada" to the development of international human rights law. As a repeat representative of Canada to the League of Nations, Dandurand became the face of Canada on the international stage during the 1920s. In doing so, his actions and interests shaped the international perception of Canada. In addition, Dandurand's work can simply be seen as a forerunner, as laying the ground for future involvement in the Human Rights regime at the League of Nations. Indeed, his short-term inability to change Canada's foreign policy has become a long-term success, both domestically and internationally.