

LEAGUE OF NATIONS

C.116.1926.I

Communicated  
to the Council.

Geneva,

March 1st, 1926

PROTECTION OF MINORITIES.

Petition from the Association of Poles in Germany  
with regard to payment by the German Government of compensation  
in Upper Silesia.

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Report by M. de Mello Franco

Adopted by the Council

I. In virtue of Article 147 of the German-Polish Convention relating to Upper Silesia, concluded at Geneva on May 15th, 1922, the Board of the Association of Poles in Germany addressed to the Council a petition dated May 26th, 1925, at Oppeln, with regard to the payment by the German Government of compensation in Upper Silesia.

The Secretary-General communicated this petition to the German Government for its observations. On November 21st, 1925, the German Minister for Foreign Affairs forwarded to the Secretary-General his Government's observations on this petition.

The above documents were communicated to the Council in Document C.828.1925.I

II. The complaints made by the petitioners relate (1) to the promulgation by the German Government of three legislative acts concerning respectively compensation for damage caused by riots (Law of May 12th, 1920); compensation for personal injury caused by the occupation of German territory (Law of July 17th, 1922); and compensation for damage from acts of violence

(Decree of October 28th, 1923); (2) the manner in which these legislative acts have been applied by the authorities responsible for their execution, viz., the German Commissioner for damage sustained in Upper Silesia, the Court of Arbitration of the German Office for Compensation for war damage at Oppeln, and the Economic Court at Berlin.

According to the petition, the laws in question tend to injure the interests of the Polish minority. In practice they are alleged to have led to the systematic rejection of the claims put forward by Poles in respect of damage sustained during the disturbances which took place at the time of the partition of Upper Silesia. These laws and their manner of application are therefore stated to be contrary to the stipulations for the protection of minorities contained in the Convention of May 15th, 1922.

In support of their contention, the petitioners quote a certain number of claims for compensation submitted by Poles and rejected in virtue of decisions of German Courts.

III. In its observations on the petition, the German Government replies to the different points raised by the petitioners. It explains the legal basis for the laws referred to in the petition, particularly as regards the principle of division of responsibilities, under which it has to be considered, in each particular case how far the claimant himself contributed to causing the injury of which he was a victim. It was in application of this principle that certain claims were rejected by the German Courts, the injured persons having been found to have been mainly responsible for the events which led to the injury suffered by them.

The Government also emphasises the fact that the mere existence of pro-Polish sentiments in no way precluded the

payment of compensation. As regards the decisions annexed to the petition, with the exception of two cases which in no way affect the matter under dispute, the German Government states that they all refer to persons who actively contributed by their actions and words towards provoking the disturbances from which they afterwards suffered. Lastly, in answer to the cases in which claims for compensation were rejected by the German authorities, the Government brings forward certain other cases in which compensation was granted by the same authorities to members of the Polish minority.

IV. I suggest that the Council should refer this matter for detailed consideration to its Rapporteur, assisted by two other members of the Council. I venture to suggest the names of the ..... Representatives. I accordingly submit to the Council the following proposal :

RESOLUTION.

The Council refers the petition of the Association of Poles in Germany and the German Government's observations relating thereto to its Rapporteur, assisted by the .....  
..... Representatives. It will depend upon the outcome of this examination whether the subject shall again be placed on the Council's agenda.