

LEAGUE OF NATIONS.

Communicated to the
Members of the Council.

C.457.1936.I.

Geneva, October 29th, 1936.

PROTECTION OF MINORITIES IN ROUMANIA.

Petitions from Dr. Stefan Hordynski concerning his personal
situation (documents C.499.1935.I and C.162.1936.I.)

Note by the Secretary-General.

Under the Council resolution of June 13th, 1929, paragraph 4 i), the Secretary-General has the honour to circulate, for the information of the Members of the Council, a letter addressed to him by the representatives of the Argentine, Australia and Chile with reference to their examination of these petitions.

In accordance with the Council resolution referred to above, the documents concerning this question are kept in the archives of the Secretariat at the disposal of the Members of the Council.

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Letter from the Representatives of the Argentine, Australia and Chile.

Geneva, September 26th, 1936.

To the Secretary-General.

Sir,

In virtue of the Council Resolution of October 25th, 1920, a Minorities Committee, consisting of the representatives of the Argentine, Australia and Chile, was called upon to examine two petitions from M. Stefan Hordynski concerning his personal situation (Documents C.499.1935.I. and C.162.1936.I.).

In these petitions, M. Hordynski, who states that he was born at Cernauti of Ukrainian parents, requests the League of Nations to intercede with the Roumanian Government in order that he might recover Roumanian nationality, of which he has been deprived by a decision of the Cernauti Court of Appeal. This decision was given as a result of an appeal by the Police Headquarters of Cernauti against an order of the Prefect of that district, recognising the petitioner as a Roumanian national.

The decision of the Court of Appeal of Cernauti, which the Committee examined, mentions in particular in its statement of reasons that, according to the declarations made by M. Hordynski himself, he came to Roumania from Poland with a Polish passport, after the Roumanian National Union had been set up. The Court concluded that the case of the petitioner came under the provisions of Article 36, lit. e) of the Roumanian law on nationality, relating to the loss of Roumanian nationality.

P.T.O.

In accordance with the above provisions of the law referred to, which the Committee examined, Roumanian nationality is lost "by submission to foreign protection, for any length of time, and for any reasons whatsoever". The Committee, in this connection, also considered the provisions of Article 61 of the same law, which read as follows:

"Options and renunciations made before the promulgation of the present law, either as the result of an authentic declaration, or of declarations made by private agreement, or of facts from which the will and decision to opt are clearly evident, are and shall remain valid and entail the loss of Roumanian nationality."

From the examination of the facts of this case, it appears that the Roumanian authorities do not contest the fact that M. Hordynski became a Roumanian national in virtue of the provisions of treaties regarding nationality. The facts seem to show, however, that M. Hordynski lost his nationality as a result of certain specific acts established by the Court of Appeal of Cernauti, which, according to Roumanian law, and independently of the fact that the petitioner belongs to a minority, entail the loss of that nationality.

This being so, the Committee, without giving an opinion on any general principles, considered that in view of the circumstances of the case referred to it for examination, there were not sufficient grounds for considering the decision taken with regard to the petitioner as constituting a breach of the Minorities Treaty.

In view of the above considerations, the Committee at its meeting on September 25th, 1936, decided to close the examination of M. Hordynski's petitions without referring the matter to the Council.

The Council Resolution of June 13th, 1929, paragraph 4 i), lays down that when the members of a Minorities Committee have finished the examination of a question without asking that it be placed on the Council's agenda, they shall communicate the result of their examination by letter to the other Members of the Council for their information. We have therefore the honour to request you to communicate the contents of this letter to the other Members of the Council for their information.

We have the honour to be, etc.,

(Signed): E. RUIZ-GUINAZU

Representative of the Argentine.

Keith OFFICER

Representative of Australia.

Enrique J. GAJARDO

Representative of Chile.