

LEAGUE OF NATIONS.

C.74.1930.I.

Geneva, January 15th, 1930.

Communicated to
Council.

PROTECTION OF MINORITIES IN UPPER SILESIA.

Petition of the "Deutscher Volksbund" with regard to the measures alleged to have been taken to polonise the "Spolka Bracka" at Tarnowskie Gory.

Note by the Representative of Japan.

I.

On March 30th, 1929, the "Deutscher Volksbund" addressed to the Council, under Article 147 of the Convention of May 15th, 1922 relating to Upper Silesia, a petition concerning measures alleged to have been taken to polonise the Spolka Bracka (Mines Insurance Association) at Tarnowskie Gory. The petitioner refers to an article published in a Polish newspaper in October 1928 by Dr. Benisz, Counsellor for Mines, and formerly Government Commissioner for the Spolka Bracka, in which M. Czaplak, the former manager of the Spolka Bracka, was reproached with having placed difficulties in the way of polonising that establishment. The article, state the petitioners, led to a lawsuit, in the course of which Mr. Benisz pressed these charges.

At its meeting on September 24th, 1929, the Council had an opportunity to examine this petition, together with a letter from the Polish Government dated July 27th, 1929. On this occasion the Council decided to postpone consideration of the question until the present session, being certain that it would then have at its disposal the information necessary

for it to pronounce upon the question. This has been justified, since the Polish Government has submitted its observations on the petition in a letter from its permanent delegate accredited to the League of Nations dated January 12th, 1930, the text of which was communicated to us by the Secretary-General on January 13th, 1930.¹⁾

The Polish Government admits in its observations that M. Benisz may have given the impression that he was acting in a spirit unfriendly to the minority in the Spolka Bracka, and that as a result public opinion among the minority may have interpreted certain measures taken by the management as acts of the Polish administrative authorities directed against members of the minority. The Polish Government adds that obviously the competent authorities have never approved, and do not approve, of any acts which actually cause - or might even have the appearance of causing - trouble or friction between different racial groups. With a view to showing that this was really the attitude of the Polish authorities the Minister of Industry and Commerce - as M. Benisz's official superior - reprimanded and admonished him. The Minister pointed out to him in a very categorical manner that any differential treatment of members or officials of the Spolka Bracka, whether they belonged to the majority or to the minority, was inadmissible. The very semblance of such treatment liable to give the public the impression that some act or statement on the part of the Government Commissioner might conflict with the rights of the minorities under the Geneva Convention must, the Government added, be scrupulously avoided.

In view of the foregoing information I think I may confine myself to proposing that the Council should take note thereof and should declare that the step taken by the Polish Government with regard to Dr. Benisz constitutes a very satisfactory solution of the question raised in the petition.

¹⁾ Document C.55.1930.I.

II.

When on September 25th, 1929, the Council examined a petition lodged by the "Deutscher Volksbund" regarding the case of M. Norbert Lubos, it decided to reconsider once more the question of the pressure which was said to have been brought to bear on him by certain officials of this institution to induce him to withdraw his children from the minority school, and also the information submitted to the Council on the matter, when it came to examine the petition dealt with in the previous chapter. As I have already had the honour to inform the Council in September 1929, School Inspector Ranoszek, who was among the officials whose attitude might be interpreted as exercising pressure on M. Lubos, has already been reprimanded, as stated by the Polish Government in the letter sent me on July 1st, 1929*. I propose that the Council should now recommend that the management of the "Spolka Bracka", acting in the same spirit as the Polish authorities who issued the reprimands mentioned above, should in its turn draw the attention of its officials to the fact that even the appearance of any differential treatment of members or officials, belonging either to the majority or the minority, must be scrupulously avoided in order that public opinion may in no case have the impression that any act or statement on the part of those responsible for the management of the "Spolka Bracka" is in conflict with the rights of the minorities under the Geneva Convention. I am convinced that by this means the recurrence of incidents such as those which gave rise to the petitions concerning Dr. Benisz and M. Lubos would be avoided. The Council might request the Polish representative to convey its recommendation to the management of the "Spolka Bracka".

* Document C. 308.1929.I.