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**POLAND’S STRATEGY TO NEUTRALIZE
THE GERMAN MINORITY’S PETITIONS
AT THE LEAGUE OF NATIONS IN THE INTERWAR
PERIOD**

1. The Procedure

The interwar system for protection of national minorities in Europe was based on commitments undertaken by several states that had followed from the so called small Treaty of Versailles, resolutions of the Council of the League of Nations that specified the conditions of its execution, and, as far as some states are concerned, conventions signed by those states. The principles to file petitions by the minorities in the states covered by the small Treaty of Versailles were laid down in the so called general procedure and an extraordinary procedure that – even though not included in the Treaty – followed from the Treaty’s interpretation. The first of those envisaged a few ways for the minorities to assert their rights, including putting in complaints – some types of the complaints required collaboration with a member of the League’s Council. Art. 12 of the Treaty was particularly important in this respect, according to which should a controversy arise over its interpretation, the controversial issue might be resolved by means of arbitrage (Kutrzeba 1925: 79–82).

Regarding the extraordinary procedure, the resolution of the League’s Council of 22 October 1920 had been of fundamental importance, since it had granted actors who were not members of the Council – including the minorities – the right to inform the Council by means of petitions about infringements or threats to infringe upon the Treaty regulations. During the same Council’s sitting – on 25 October 1920 – another important resolution was adopted that spoke about establishing so called Tripartite Committees in case such petitions were

put in „in order to facilitate the execution of the Council's members' rights and duties pertaining the protection of minorities” (Zaleski 1932: 68–71). The Tripartite Committees could, during their closed proceedings, reject the given petition on the basis of information provided by the involved state or – pass it on to the Council. Being afraid that this kind of petition procedure could be disadvantageous for them, Poland and Czechoslovakia promoted – during the Council's 13th sitting that took place on 27 June 1921 – adoption of yet another resolution which regulated processing of complaints put in by petitioners who were not the Council's members. It stipulated that the state concerned should be immediately notified and that it should be granted three weeks during which to inform the League's secretary-general, whether it intended to present its position on the matter. In case the answer was positive, the state concerned was granted an additional period of two weeks to elaborate its position. The position was then communicated to the League's members at the same time as the petition. These improvements made it easier for states with minorities to counteract petitions that were felt to be the most threatening to them even though they did not block the possibility to put in such petitions altogether (Kutrzeba 1925: 71).

The League's Council's resolution of 5 September 1923 defined more specifically the conditions under which the petitions were admitted. This resolution had it that only the Council's members should be informed about complaints and that petitions could only concern issues related to the protection of minorities. Therefore, for example they could not deal with any irredentist issues, be formulated in a „violent manner”, come from anonymous sources or ones that did not have adequate authority, supply information or be linked to facts that had already been a subject of another petition (Sworakowski 1935: 152; Michowicz 1960: 201).

The League's Council made another important decision concerning the petition procedure on 10 June 1925. Since then the Tripartite Committee was not allowed to include any representatives of the state against which the complaint was made, representatives of the neighbouring state or of a state whose population in their majority was of the same nationality as the minority concerned.

Basically, the right to present a petition at the League's Council had been granted by a Polish-German convention concerning Upper Silesia that came into force as of 1922 and that remained in force until 1937. Members of the minorities or their representatives could appeal to the Council directly or present their complaint at the Council when

dissatisfied with the local procedure. Art. 147 of the convention provided for a right to present a complaint directly in front of the Council of the League of Nations. This procedure could also be used to appeal from court sentences and laws. The possibility to make use of the League's Council's protection was included in art. 149–157 and art. 585 of the convention – but only after the local procedure had been tried.

Art. 149 granted the right to put in complaints to „persons who belong to minorities” and, as maintained by the Chairman of Komisja Mieszana (Mixed Committee), to legal persons as well, such as Związek Polaków w Niemczech [Union of Poles in Germany] (ZPwN) – Dzielnica I [Division I] which was the Polish minority in Opole Silesia's representative, Deutsch-Oberschlesier Volksbund für Polnisch-Schlesien zur Wahrung der Minderheitenrechte e.V. which was the German minority's representative in the Polish part of the former plebiscite area (*Volksbund*) and Żydowski Związek Gmin Wyznaniowych dla Prowincji Górnego Śląska [Jewish union of religious communities for the province of Upper Silesia] (Połomski 1965: 18, 30, 47).

2. Premises and principles of the Polish neutralization actions

The II Polish Republic's attitude regarding the petition procedure was significantly influenced by activities that had already been undertaken in 1920 by the German minority found in the Polish territory. Basing on regulations of the Treaty concerning minorities and the Upper Silesian convention, the German minority started at that time to look for protection from international organs. The Polish authorities regarded this action not as an expression of genuine obstacles that hampered the Germans' national development in their country of residence but as one of the instruments to pursue revisionist policies by the German government.

Poland's counter-measures – apart from its active participation in the League's proceedings, blocking any further extension of the existing petition procedure, creating a common front of the states with minorities and exerting some administrative pressure on the petitioners – took advantage of an option created by the possibility to put in petitions authored by the Polish minority in Germany. The Polish authorities claimed that „because of a great number of German complaints that had flooded the League's secretariat, making complaints by Poles who were

German citizens was for the Polish state an important means to counteract the premeditated German propaganda”¹. In principle, petitions that might be authored by the Poles living in Germany could serve not only to defend the Polish minority’s interests but also to „create an opinion that was unfavorable for Germany and that could bring about a change in the Germans’ conduct [in Poland – H.Ch.]”².

Basing on the aforementioned assumptions, the Ministry of Foreign Affairs and the Polish national movement in Germany, headed by Związek Polaków w Niemczech (ZPwN), elaborated some general norms of collaboration in the 1920s that aimed on the one hand at active neutralization of the German petition strategy, while on the other hand – at maximum defense of national rights of the Polish population in Germany. Prioritized were those complaints addressed to the League’s Council that had been fully compatible with the Polish state’s interests.

The following rules were tried to be preserved while elaborating the petitions by the Polish national movement in Germany to be presented at the Council of the League of Nations:

1. They were to be directly supervised by the Polish Ministry of Foreign Affairs;

2. The petitions’ contents were to be consulted with ZPwN’s leadership, consul-general of the Polish Republic (who resided in Bytom until 1930), representatives of the state at Komisja Mieszana, and sometimes also with a representative of the Polish Republic at the League of Nations as well as with Urząd Wojewódzki [Voivodeship Office] in Katowice;

3. The complaints were to be drafted by a representative of the Polish diplomacy in Berlin or the consul-general in Opole, while the Polish movement in Germany together with its affiliates were to be responsible for collecting evidence;

4. The petitions should preferably include: some broader political concerns that could attract an interest of some influential circles within the League (i.e. security issues, restrictions of rights, education), evidence testifying to the underprivileged and difficult situation of the Polish minority in Germany as a whole irrespective of the fact whether the actual area was covered by the Geneva Convention or not;

¹ Archiwum Akt Nowych w Warszawie (AAN), Ministerstwo Spraw Zagranicznych (MSZ), sygn. 10482, k. 251.

² *ibid.*

5. Always and in each case it was to be examined whether the „debate over the complaint would not threaten to become a point of departure for criticism related to the shape of the borderline that had been settled by means of the plebiscite”³;

6. Complaints put in by ZPwN should not include demands that could not be met by the Polish government in case the German minority raised the same point in its complaint;

7. The date of putting in of the given petition was to be decided about by representatives of the Polish Ministry of Foreign Affairs and of the Polish movement in Germany; however, efforts were also made to neutralize the German minority’s claims by putting in pre-emptive complaints from Śląsk Opolski that were both to achieve their basic aims and to add weight to petitions presented subsequently by ZPwN;

8. The Polish government was obliged not only to provide substantial assistance in terms of expertise and funding, but also, conditions permitting, to eliminate potential reasons for the Germans’ complaints and – in case such complaints had been already made – to remove their root causes (Chałupczak 1992: 192).

The complaints made by the Polish movement in Germany according to the local procedure, that is those that were addressed to Urząd do spraw Mniejszości [Office for Minority Issues] in Opole and to Komisja Mieszana, were similarly prepared with a view to the above listed principles. Political responsibility for taking advantage of the local procedure was entrusted with the consul-general in Opole and the head of Dzielnica I Związku Polaków. The draft contents of such petitions, their outlines and their final versions were checked by the head of the consulate, while empirical evidence was collected by the Polish movement. The complaints were quite frequently consulted with Urząd Śląski [Silesian Office] and the Polish Republic’s representatives at Komisja Mieszana.

3. Selected examples of the neutralization actions

In 1920 the German minority that inhabited the Polish Republic decided for the first time to seek protection from the Council of the League of Nations – asking the international body to evaluate the implementation of some of the regulations inherent in the Treaty concern-

³ AAN, Ministerstwo Spraw Wewnętrznych (MSW), sygn. 1001, k. 1.

ing the minorities in Poland. One of the typical minority complaints was filed in by E. Naumann and K. Graebe on 10 June 1920. The complaint referred to the general situation of the German population in Poland. Both in the same year and in subsequent years several more complaints by the German minority were made. The first of them that was discussed at the Council's session was the petition of 12 November 1921 which concerned the issue of the colonists, the issue of interpretation of art. 4 of the Treaty concerning the minorities, the issue of supervision over associations, and the issue of discrimination during the implementation phase of the land reform. This petition was discussed by the Council during its 17th session on 28 November 1922. Because of discrepant opinions, it was passed on to the Court of Justice in the Hague where it was ultimately interpreted in a manner unfavorable for II Rzeczpospolita (Chrzanowski 1930: 26).

In 1922, to countervail the charges made by the German minority, the Polish government decided to take advantage of a similar instrument. An excuse was provided by some acts of terror committed against the Poles in Germany as well as by attitudes manifested by the Polish public opinion who demanded that a hand should be lent to the Polish compatriots living in the German territory. In such circumstances the Polish Ministry of Foreign Affairs took a decision – that had been already considered – to elaborate and deliver at the Council of the League of Nations a diplomatic note by the Polish government. According to its initiator K. Olszowski, it was not only to have a positive impact on the situation of the Poles in Śląsk Opolski, but also, to an extent, to neutralize the complaints made by the German minority.

However, the complaints included in the Polish diplomatic note – that had been handed in on 1 September 1922 by a RP representative, S. Askenazy, were rejected by the German government in a decisive manner. The German government's attitude was to a degree justified by the fact that the German Reich had not signed the Treaty concerning the minorities. Neither was it a member of the League of Nations. Its defense against the Polish charges was also facilitated by a whole series of formal mistakes made by the Poles while preparing the note. Nevertheless, to a degree it did have some impact since the acts of terror were then curbed. The issue was also affected by complaints presented by *Dzielnica I Związku Polaków* to the Chairman of *Komisja Mieszana* (Masnyk 1988: 21)⁴.

⁴ AAN, Ambasada RP w Berlinie (AB), sygn. 1600, k. 54.

This first failed attempt by the Polish government to use a diplomatic note as an instrument at the Council of the League of Nations hampered further actions taken by Rzeczpospolita in this field for a long time. Efforts by the Polish Ministry of Foreign Affairs to take advantage of the Polish movement in Germany in its strategy to fight off the German petition tactics were visibly strengthened only in the period when the accession of the German Reich to the League of Nations was being prepared. At that time the common expectation was that this fact would add some new quality to the state of the minority affairs. However, the minority procedure let the German Reich – after it had become the Council’s member – take advantage of the possibility to present complaints on behalf of the Germans in the states covered by the Treaty concerning minorities during the Council’s sittings or – in case a conflict arose – in front of the Court of Justice in the Hague. In this way G. Stresemann, the Foreign Affairs Minister of the Weimar Republic, gained a new instrument to pursue his minority policy aiming, inter alia, at having the minority groups granted the position of a subject of international law which would allow them to present their petitions at the Council’s forum (Korowicz 1938: 46; Rogowski 1977: 19).

In reaction to the German activities, apart from efforts to win a seat in the Council, the post-May Polish government became again interested in a possibility to get some support from the Polish national movement whose actions „deriving from a purely minority ideology, but to an extent taking also into account the Polish *raison d’etat*” could play a significant role⁵. It was not by accident that the Polish movement in Germany launched its petition offensive in 1928, i.e. when, beginning with its 50th sitting, the Council started to debate minority issues which was to last for many months to come. The first to be discussed at the Council’s forum – in parallel to nine complaints by the German minority in Poland – were ZPwN’s petitions concerning acts of terror against the Polish population. In the two complaints that were put in, respectively, on 2 and 3 April 1928 and that had been elaborated on the basis of art. 147 of the Geneva convention, Dzielnica I drew attention to „the gruesome and unbearable situation of the Polish minority who lived in the Upper Silesian Province” and pointed out to physical terror that had been used against members of this minority and minority organizations alike⁶.

⁵ AAN, AB, sygn. 3261, k. 91.

⁶ AAN, AB, sygn. 1600, k. 327.

However, during its September sitting, the League's Council accepted the German government's explanations that stated that the perpetrators of the assaults had been punished. At the same time it expressed its hopes that the perpetrators of the acts of violence mentioned in the complaints would be punished adequately⁷.

The German petition action took on a new shape and pace in 1929. Its aim was *inter alia* – through the escalation of the complaints – to create an unfavorable climate for Poland's efforts to secure its reelection to the position of the League's Council's member (Moykowski 1929: 93). In the circumstances, in order to strengthen the Polish position, ZPwN put in eight complaints. They consisted either of descriptions of typical incidents, or charges that had a more fundamental nature. During the 56th and 57th Council's sitting – apart from the six petitions from the Silesian Voivodeship – there were two more by ZPwN. Having discussed them, the Council accepted the explanations provided by the German government (Chrzanowski 1929: 325–326).

In the beginning of the 1930s the minority issues began to lose their importance gradually. This was indirectly reflected in the Polish-German petition competition. One could notice a visible stagnation of the minority debates within the League's forum and „the burning out of the general minority discussions” (Sierpowski 1984: 67). This trend was *inter alia* determined by the consolidation of the states that so far had to implement their obligations towards the minorities, lacking interest in such discussions noticeable in the states that were free of such obligations, political changes in Germany that were related to the economic crisis, G. Stresemann's death, and a shift in international debates towards disarmament issues⁸.

The defensive nature of the Polish petitions authored from the German territory was clearly demonstrated in the years 1931–1932 during debates over two petitions by the German minority in Poland: this by K. Graebe who was accusing the Polish Republic of violating some schooling rights in the territory of the Poznanskie and Pomorskie

⁷ To neutralize the effect of a complaint by Volksbund, a day before the Council's sitting, it filed in a petition concerning acts of terror against a member of the German minority in the Silesian Voivodeship. Because of the big number of charges (70 cases reported between 1922 and 1928) this case was deferred until the following session in order to enable the Polish government to form an opinion on the matter. In total, as of 1928, 28 complaints were elaborated in Upper Silesia basing on the Geneva Convention, including 20 German ones and 8 Polish ones (see Masnyk 1988: 19 and ff.).

⁸ „Sprawy Narodowościowe” 1932, no. 6, p. 748–755.

Voivodeships and that by A. Utta that pertained the same issues, but in the territory of the former Congress Kingdom. Fearing that those complaints might provide an excuse for a thorough and comprehensive evaluation of the manner in which the rights of the minorities were implemented within the Polish Republic, the Polish Ministry of Foreign Affairs requested that in Śląsk Opolski a maximum possible number of complaints, both fundamental and complementary, was prepared. In consequence, at the turn of 1931 and 1932, ZPwN put in four complaints that – apart from their role in neutralizing the petitions by the national minorities in Poland – were to reinforce the claim that there existed two types of minorities: protected and not protected⁹.

Issues that were broached in the petitions by *Dzielnica I Związku Polaków* were put on the Council's daily agenda on 13 October 1932. The Council – following the rapporteur's conclusions, who had recommended turning back this complaint to the local procedure – refused to deal with the charges raised by the Polish movement. According to the Polish Ministry of Foreign Affairs, the Polish party's success after those debates lay in the fact that the Reich's representative took a stance that suited the Polish claims, namely that active and loyal participation in social-political life of the country of residence should form the foundations for harmonious cooperation of the various national groups¹⁰.

The Polish petitions were discussed by the Council for the last time during its sittings on 29 September and 12 October 1933. There was a debate about the rapporteur's report who, summing up the petitions and the explanations provided by the German government, expressed his hopes that the political atmosphere would calm down to such an extent that it was possible to base the relations between the majority and the minority in the German Upper Silesia on mutual trust that should reflect the spirit and letter of the Geneva convention. The League's Council accepted the report as presented by the rapporteur¹¹.

4. Concluding remarks

After the Polish-German declaration concerning non-violence of 26 January 1934 was signed, acting in accordance with the Polish Ministry

⁹ AAN, AB, sygn. 150, k. 3–9.

¹⁰ AAN, AB, sygn. 1601, k. 208–214. See also: AAN, AB, sygn. 150, k. 3–9.

¹¹ „Sprawy Narodowościowe” 1933, no. 5, p. 586–588.

of Foreign Affairs, the Polish national movement in Germany gave up pressing for its rights at the Council's forum. The problem was then altogether closed by the withdrawal of Germany from the League of Nations and the Polish suspension of the implementation of the regulations inherent in the small Treaty of Versailles.

According to statistical data compiled by H. Truhart covering the period from 1920 until January 1931, 19 national minorities from 13 European states made their complaints at the League's Council. In total, 525 petitions were put in during that period, out of which 155 from Poland, 66 from Greece, 63 from Romania, 60 from Czechoslovakia, and 53 from Yugoslavia. The most complaints were presented by the following minorities: German – 104, Ukrainian – 63, Hungarian – 49, Bulgarian – 65, Albanian – 36, Polish and Greek – 30 each (Truhart 1931: 161–166).

According to estimations made by the present author, in the period 1922–1937, that is at the time when the Polish-German Upper Silesian convention was in force, the Polish minority in Germany presented in total 28 complaints at the League's Council, out of which some were treated as complementary. Ultimately 12 of them were placed on the Council's daily agenda, including 4 that were treated as complementary ones (Chałupczak 1992: 212).

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