

“ In adopting this resolution, the Council will not in any way infringe the stipulations of the Peace Treaty, since it will still be able to make use of all the rights conferred upon it by the Peace Treaty and to revoke or not to renew the appointment of this or that member of the Commission ... ”

The German Government protested against this decision, but the Council declared, in a reply to this protest, that it had maintained the provisions of the Peace Treaty completely and in their entirety

I propose the following resolution

“ (1) M. Lambert (Belgian), Count von Moltke-Huitfeldt (Dane), M. Rault (French) and Mr. Waugh (Canadian) are appointed as members of the Governing Commission for a period of one year from February 13th, 1923.

“ (2) M. Rault is appointed as Chairman of the Commission for one year from February 13th, 1923.

“ (3) The Secretary-General is requested to convey to M. Lambert, Count von Moltke-Huitfeldt, M. Rault and Mr. Waugh the thanks of the Council for the services which they have rendered to the League of Nations during their period in office.”

Annex 469.

C. 136. M. 69. 1923. I.

APPOINTMENT OF THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS
IN THE FREE CITY OF DANZIG.

Report and Resolution presented by M. Adatci and adopted by the Council on February 1st, 1923

It is now necessary for the Council to appoint a new High Commissioner to succeed General Haking¹. The post of High Commissioner is provided for by Article 102 of the Treaty of Versailles, and his duties are described in that Treaty in the Polono-Danzig Treaty of November 9th, 1920, in various other agreements between the Danzig and Polish Governments, and in decisions of the Council of the League of Nations. I should perhaps call special attention to the report and resolution adopted by the Council on November 17th, 1920. That report outlines in a very comprehensive manner the international position of the Free City of Danzig and the responsibilities of the League of Nations and its High Commissioner with regard thereto. The various documents which I have mentioned constitute his instructions, and for the fulfilment of his duties he is naturally responsible to the League of Nations.

I am of opinion that, in principle, the High Commissioner should be appointed for a period of one year. However, with a view to the efficient fulfilment of his duties, it is essential that he should receive an assurance that, apart from exceptional circumstances, his post will be renewed at least once, that is, until the beginning of 1925 he will therefore hold the post for not less than two years.

The Polish Delegate to the League of Nations has suggested a reduction in the salary originally fixed for the first permanent High Commissioner, and certain changes regarding this and other administrative points in connection with the High Commissioner's post have been provided for in the resolution which I shall suggest for adoption by the Council. It is expected that, by their adoption, the total expenses of the High Commissioner's post can be considerably reduced. This would seem especially desirable in view of the difficult financial situation of Danzig.

The British Government has put forward the name of Mr. M. S. MacDonnell, Governor of the Western Province of Egypt since 1919, as a candidate for this post. A statement of his qualifications has been circulated for the consideration of the Council.

I beg to propose the following resolution for adoption

“ (1) Mr. M. S. MacDonnell is appointed High Commissioner of the League of Nations in Danzig for a period of one year, to date from the day when he assumes his duties. Unless exceptional circumstances arise, his term of office will be renewed for a period of one year. He will be entitled to receive a salary of 60,000 gold francs per annum.

¹ See Minute 836.

“(2) Arrangements with regard to other expenses connected with the upkeep of the post of the High Commissioner, including the appointment of the personnel of his office, shall be made by the High Commissioner in agreement with the Secretary-General.

“(3) The funds necessary for the maintenance of this post will be advanced to the High Commissioner by the Financial Administration of the League of Nations as in the past. The High Commissioner will report to the Financial Administration with regard to the use of these funds, which shall be employed, in so far as possible, in accordance with the general rules of the League on such matters. The advances thus made to the High Commissioner will be refunded in equal parts by the Danzig and the Polish Governments, in accordance with the agreement which has been made between them on this subject.

“(4) The Secretary-General is requested to make such arrangements as he may deem suitable for the maintenance of the High Commissioner's office pending the arrival in Danzig of Mr. MacDonnell.”

Annex 470.

C. 127 1923. I.

PROTECTION OF MINORITIES IN ESTHONIA.

Report by M. da Gama submitted to the Council on February 2nd, 1923.

At its meeting of January 14th, 1922¹ the Council asked the Brazilian representative to continue the negotiations which had already been begun between the Esthonian representative and the Council of the League of Nations, for the purpose of settling the extent and the details of the application of the international obligations of Esthonia regarding the protection of minorities, in accordance with the Esthonian declaration dated September 13th, 1921.

When the Council met again on September 1st, 1922² I submitted a report in which I gave an account of my negotiations with the Esthonian representative. This report also contained a draft declaration to be submitted to the Council of the League of Nations by the Esthonian Government. As the Esthonian representative put forward certain observations with regard to this draft, I submitted a further report to the Council on September 20th, in which I endeavoured to dispel certain misunderstandings and stated that the Council would certainly consider in a most friendly spirit any suggestions which the Esthonian representative might desire to put forward, so that the provisions in the declaration which it was intended to draw up should be in agreement with those of the Esthonian Constitution. The Esthonian representative, however, requested that the Council should merely take note of the provisions of the Esthonian Constitution regarding the rights of minorities. I considered it my duty to consider the possibility of submitting to the Council alternative proposals, which would take into account the request of the Esthonian representative.

The provisions of the Esthonian Constitution which refer to the protection of minorities are contained in Chapter II of the Constitution, passed by the Constituent Assembly on June 15th, 1920, and entitled “Fundamental rights of the citizens of Esthonia” A copy of this chapter is given as an annex to the present report. I venture to draw the attention of the Council more particularly to Articles 6, 8, 11, 12, 13, 15, 20, 21, 22, 23 and 24.

The Council will readily appreciate the fact that the provisions of the Esthonian Constitution are on very liberal lines and provide adequate constitutional guarantees for the minorities of the Esthonian Republic. My sole reason for not inserting these provisions in my draft declaration is that Esthonia, in her Note dated September 13th, 1921, only agreed to apply the general principles contained in the Minorities Treaties, while the provisions of the Esthonian Constitution are much more detailed than those of the Minorities Treaties.

If, therefore, the Council should adopt the Esthonian representative's point of view, it might take note of the provisions in the Esthonian Constitution, Chapter 2, Articles 6 to 26, in so far as the stipulations contained in these articles affect persons belonging to racial, religious or linguistic minorities.

The legal scope of such a Council resolution would, however, require to be defined. Although the Esthonian Constitution at present in force provides all the necessary guarantees,

See *Official Journal*, February 1922, page 112.

See *Official Journal*, November 1922 (Part II), page 1197.