

“The Council invites the following persons to form part of the Committee for the Progressive Codification of International Law

1. M. HAMMARSKJÖLD, Governor of Upsala (Sweden) (*Chairman*)
2. Professor DIENA, Professor of International Law at the University of Turin (Italy) (*Vice-Chairman*)
3. Professor BRIERLY, Professor of International Law at the University of Oxford (Great Britain)
4. M. FROMAGEOT, Legal Adviser to the Ministry for Foreign Affairs of the French Republic (France)
5. Dr. J. Gustavo GUERRERO, Minister of Salvador in Paris (Salvador)
6. Dr. Bernard C. J. LODER, former Member of the Supreme Court of the Netherlands, President of the Permanent Court of International Justice (Netherlands)
7. Dr. Vilhena BARBOZA DE MAGALHAES, Professor of Law at the University of Lisbon, Barrister, former Minister for Foreign Affairs, for Justice and Education (Portugal)
8. Dr. Adelbert MASTNY, Minister for Czechoslovakia in London, President of the Czechoslovak Branch of the International Law Association (Czechoslovakia)
9. M. M. MATSUDA, Doctor of Law, Minister Plenipotentiary (Japan)
10. M. Simon RUNDSTEIN, Barrister, former Legal Adviser to the Ministry for Foreign Affairs (Poland)
11. Professor Walter SCHÜCKING, Professor at the University of Berlin (Germany)
12. Dr. José León SUAREZ, Dean of the Faculty of Political Sciences of the University of Buenos Ayres (Argentine)
13. Professor Charles de VISSCHER, Professor of Law at the University of Ghent, Legal Adviser to the Ministry for Foreign Affairs (Belgium)
14. Dr. Chung HUI WANG, Deputy Judge of the Permanent Court of International Justice (China)
15. Mr. George W WICKERSHAM, former Attorney-General of the United States, member of the Committee of International Law of the American Bar Association, and President of the American Law Institute (United States of America)
16. A Spanish Legal Adviser
17. A Legal Expert in Moslem Law.”

As the Assembly had voted the sum of 29,550 francs for the cost of this Committee (Chapter III, Item 30, of the Budget), possibly allowing only for a smaller Committee, the additional expenses incurred by the meetings of this Committee must be charged, up to an amount of 30,000 francs, to Chapter III, Item 33, of the Budget, under “Unforeseen Expenditure (subject to a special vote of the Council)”

Annex 720.

C. 795. 1924. I.

FREE CITY OF DANZIG EXPULSION OF DANZIG NATIONALS FROM POLAND.

Report by M. Quiñones de León, adopted by the Council on December 12th, 1924.

At its meeting of September 13th, 1924¹ the Council asked the legal experts of the French, British and Italian representatives on the Council, with the assistance of the Director of the Legal Section of the Secretariat, to give me, as Rapporteur, their opinion on the question whether paragraph 14 (a) of the decision given on August 1st, 1924, by the High Commissioner of the League of Nations at Danzig, with regard to the expulsion of certain Danzig nationals from Poland, was in conformity with the treaties in force, with international law and with international practice. In accordance with this Council resolution, M. de Lapradelle, Professor at the Paris Faculty of Law and Legal Adviser to the French Ministry of Foreign Affairs Mr. Malkin, Assistant Legal Counsellor in the Foreign Office in London, and Signor Pilotti, legal expert of the Italian delegation to the Reparation Commission and Councillor of the Court of Appeal, met together with Dr. van Hamel, Director of the legal Section of the Secretariat, on November 21st, 1924. In their opinion, which has been circulated to the members of the Council (Annex 719a), they state that the reply to the question submitted should be in the affirmative. The members of the Council will, I think, unanimously adopt the jurists' conclusion and thank them for their valuable assistance.

¹ See *Official Journal*, October 1924, page 1302.

The High Commissioner's decision of August 1st, 1924, contained, in addition to paragraph 14 (a) another paragraph (b) as follows " That when the Polish Government decides on the expulsion of a Danzig citizen it shall, as a friendly act, inform the authorities of the Free City of the fact as soon as possible and give such information regarding the case as would usually be given to the Government of a foreign country which requested to be informed of the grounds for the expulsion " In my view, the Council may also confirm this part of the High Commissioner's decision.

There seem to have been very few cases of expulsion of Danzig nationals from Poland , and I am sure that the Polish Government will in future also do its best to limit as far as possible the number of such cases, bearing in mind the special relations which exist between Poland and the Free City and which, in conformity with Article 38 of the Treaty of November 9th, 1920, gave rise to the conclusion of the Agreement of August 17th, 1922, regarding the expulsion of Polish nationals from Danzig.

I submit to the Council the following draft resolution

" The Council

" (1) Thanks the jurists of the representatives of France, Great Britain and Italy and also the Director of the Legal Section of the Secretariat, for the opinion given on November 21st, 1924, regarding the expulsion of certain Danzig nationals from Poland ,

" (2) Confirms the decision of August 1st, 1924, of the High Commissioner of the League of Nations at Danzig regarding the expulsion of Danzig nationals from Poland."

Annex 720 a.

C. 726 (1). 1924. I.

FREE CITY OF DANZIG EXPULSION OF DANZIG NATIONALS FROM POLAND

Advisory Opinion of the Committee of Jurists.

By its decision of September 13th, 1924, after hearing the report submitted by the Spanish representative on the Council, M. Quiñones de León, the Council of the League of Nations adopted the following resolution

" The Council requests the legal experts of the British, French and Italian representatives of the Council, in collaboration with the Director of the Legal Section of the Secretariat, to advise the Rapporteur as to whether paragraph 14 (a) of the decision of the High Commissioner of the League of Nations dated August 1st, 1924, concerning the expulsion of Danzig citizens from Poland, is in conformity with existing treaties and with international law and international practice. "

The decision of the High Commissioner, to which this resolution refers, reads as follows

" Paragraph 14. — I decide

" (a) That the action of the Polish Government in expelling

Pastor Wiebe

M. Kurt Neumann

M. Paul Meirowski

Veterinary-Surgeon Khun,

is not contrary to the treaties in force, that it appears to conform to the normal international procedure in such cases, and that I cannot uphold the request of the Free City that the persons mentioned should be allowed to return to Poland

" (b) That when the Polish Government decides on the expulsion of a Danzig citizen it shall, as a friendly act, inform the authorities of the Free City of the fact as soon as possible and give such information regarding the case as would usually be given to the Government of a foreign country which requested to be informed of the grounds for the expulsion. "

In pursuance of the Council's resolution of September 13th quoted above,

M. de LAPRADELLE, Professor at the Faculty of Law at Paris, Legal Adviser to the Ministry of Foreign Affairs

Mr. H. W. MALKIN, Assistant Legal Adviser at the Foreign Office, London

M. PILOTTI, Legal Adviser of the Italian Delegation to the Reparations Commission, Counsellor at the Court of Appeal,

Together with M. VAN HAMEL, Director of the Legal Section of the Secretariat of the League of Nations, held a meeting on November 21st, 1924.

After examining the complete file placed at their disposal by the Secretary-General of the League of Nations, the legal experts unanimously decided to submit the following opinion to the Council's Rapporteur in reply to the question referred to them