

of public order were the French troops to be withdrawn and were a general strike or some grave incident to occur.

Perhaps the time was not yet come to interpret this text, but the question might be examined in co-operation with the Council so that a solution acceptable to the Council might be found.

That was all that he could say to the Council. He repeated that he was not speaking in the name of the Governing Commission, but only in his own name, and that he could not give any undertaking.

The PRESIDENT said that M. Rault's statement was all that could be expected at this moment and that he was satisfied.

M. SCIALOJA said that he would submit a resolution for the approval of the Council at a later meeting.

M. Rault withdrew.

1459. Free City of Danzig. Certain General Questions and in particular the Question of Procedure in connection with Article 39 of the Treaty of November 9th, 1920.

M. Sahm, President of the Senate of the Free City; M. Skrzynski, representative of Poland, M. Strasburger, Polish representative at Danzig, and Mr. MacDonnell, High Commissioner, came to the Council table.

M. QUIÑONES DE LEÓN read his report (Annex 745).

M. SKRZYNSKI, representative of Poland, took note of the report of M. Quiñones de León and pointed out the conformity in views which existed between the report and the opinion of the Polish Government on the question before the Council. The Polish Government had itself suggested that the whole problem should be examined. The same suggestion was to be found in the report.

In the name of his Government, M. Skrzynski stated that Poland was anxious that the causes of dispute should diminish, that the appeals should become less frequent and that the Council should not be so often compelled to attend to minor questions which might, by that fact, acquire a political character.

Poland regarded her relations with the Free City of Danzig first of all from the economic point of view with a view to ensure her access to the sea. She in no way desired that a political element should be introduced into this question, nor that such an element should in any way interfere with Poland's indisputable right of access to the sea, or injure the real interests of the Free City of Danzig and its prosperity which Poland was very anxious to develop. It seemed unnecessary to say that, from the moment when the Free City had entered into its present state, its economic position had been increasingly prosperous. Proof of this was to be found in the fact that the trade of the port had increased in the last years to almost double the former amount.

In regard to the special question of direct action, Poland had always been opposed to it. M. Skrzynski wished most emphatically to state that Poland was against direct action, whether that action was taken by Danzig or by herself.

He wished to give a short explanation of his conception of direct action. It was clear that the Rapporteur understood it in the same way when he spoke of disputes.

Direct action was action the intention of which was to prejudge a question *sub iudice*, i.e., a question which had been submitted to an authority for a decision. Poland possessed a number of rights in Danzig in regard to postal matters, railways and the harbour which she was allowed to apply without demanding each time the approval of the High Commissioner of the League. This authority was an inevitable corollary of the rights which she possessed and of the interests which she had to safeguard in Danzig.

Therefore the term "direct action" could only be applied to action which tended to prejudge an unsettled question which was before the High Commissioner for decision. Poland had taken a firm decision to remain within the Treaty of Versailles and the Treaty of Paris, and desired that the principles contained in those Treaties should be applied in such a manner as to avoid any danger to the good relations between herself and the Free City. Poland hoped that it would be possible to find a procedure which would permit an adjustment of the written texts to the special requirements of the Free City. He was firmly convinced that the distinguished advisers whom the Council possessed on the Secretariat would be able to find the means to attain the end which Poland desired.

He had come to Geneva personally to make this statement, because it had been thought that such a statement made by a member of the Government would have more force, especially as that Government was firmly determined to bring about, on the one hand, the internal consolidation of its country and, on the other hand, proper co-operation with neighbouring States.

M. SAHM, President of the Senate of the Free City of Danzig, said that, like M. Skrzynski, he was in entire agreement with the conclusions of the report. The observations made, however, by the representative of Poland compelled him to reply.

M. Skrzynski had said that the economic position of the Free City of Danzig was improving; this was not altogether correct. Out of a population of 370,000, there were 10,000 unemployed, and this number of unemployed, instead of diminishing, was constantly increasing. The cause of this great amount of unemployment was due to certain direct action taken by the Government of Poland — action which had produced an economic situation which M. Sahm would shortly explain in greater detail. How should direct action be defined? In the opinion of M. Sahm, it was necessary to interpret direct action in a larger sense than the Polish representative had done. For instance, if one of the parties to an existing treaty or one of the parties

bound by a decision of the League, endeavoured by some forcible measure to compel the other party to bow to its will, that should also be called direct action.

Had the High Commissioner the right to prevent such direct action? M. Sahn wished for an answer to this question, for the Free City of Danzig desired to see the authority of the High Commissioner of the League increased. The Danzig Government hoped to see cases of dispute between the Free City and Poland diminish and, as a result, the appeals to the Council of the League grow less. The best way of ensuring such diminution would be for the parties to try to abide by the Treaties and by the decisions taken as a result of these treaties.

Mr. MACDONNELL, High Commissioner, fully agreed with the Polish representative that the Polish Government would not require to obtain the approval of the High Commissioner before proceeding to the enjoyment of all rights which it possessed under the treaties and Agreement. He would never suggest himself that the Polish Government should ask the High Commissioner: "May I do this or may I not?" As far as the High Commissioner was concerned, the test in any case was whether there was a dispute between the two parties as to whether a certain right claimed existed or not. Provided there was a difference of opinion as to the existence of these rights, the High Commissioner would hold that any step taken to acquire or to withhold those rights before the dispute was settled was direct action, and he would ask that such action should be suspended if, in his opinion, he considered it was of such a nature as would endanger, or prove a serious obstacle to the maintenance of, public security in Danzig, or as jeopardising the good relations between the two Governments.

M. QUIÑONES DE LEÓN thought that the statements of the High Commissioner would make his work easier. If the Council agreed with his report, he would try to submit within two months a draft report suggesting a solution acceptable to the Council.

*The report was approved.*

#### 1460. Free City of Danzig. Polish Postal Services in the Territory of Danzig.

M. QUIÑONES DE LEÓN read his report (Annex 746), and asked the Council whether it considered that the Permanent Court of International Justice should be asked to hold an extraordinary session in order to deal with this question as soon as possible.

The PRESIDENT replied that, though for financial reasons the Council was naturally chary of asking the Permanent Court of International Justice to hold extraordinary sessions, yet the question under consideration was one of sufficient urgency to require that the request should be made. He suggested, therefore, that the Council should adopt the proposal of the Rapporteur and that the Permanent Court of International Justice should be asked to hold an extraordinary session in order to deal with the matter as expeditiously as possible so that the Council might receive a report for its next session.

M. UNDEN supported the proposal of the President. In his view the question had created so much feeling in many countries that it should be settled as soon as possible.

M. SKRZYŃSKI noted that the Council was about to decide whether the question before it should be settled by the Council or submitted to the Permanent Court of International Justice for an advisory opinion. He did not wish to discuss the substance of the question, which, as far as Poland was concerned, was so clear and so simple that there could be no objection. Her rights were indisputable. If certain legal questions were to be submitted to the Permanent Court of International Justice for an advisory opinion, he would raise no objection. It was first of all necessary however, to draft the exact question, which might require a legal opinion of the Court.

M. Skrzyński desired to read certain extracts from the Treaties. Article 104 of the Treaty of Versailles said:

"The Principal Allied and Associated Powers undertake to negotiate a treaty between the Polish Government and the Free City of Danzig, which shall come into force at the same time as the establishment of the said Free City with the following objects:

" 1.

" 2.

" 3. To ensure to Poland the control and administration of the Vistula and of the whole railway system within the Free City except such street and other railways as serve primarily the needs of the Free City and of postal, telegraphic and telephonic communication between Poland and the Port of Danzig."

Article 29 of the Treaty of Paris said:

"Poland shall have the right to establish in the Port of Danzig a post, telegraph and telephone service communicating directly with Poland. Postal and telegraphic communications via the Port of Danzig between Poland and foreign countries, as also the communications between Poland and the Port of Danzig, shall be dealt with by this service."

The agreement of Warsaw of October 24th, 1921, also stated:

"The service of posts, telegraphs and telephones which the Polish Republic is about to establish, in conformity with Article 29 of the Treaty of November 9th, 1920, is independent of the postal service with the Free City of Danzig (Article 149) and comprises:

" (a) In the Port of Danzig, all the sections in the categories of the traffic service, technical services, as well as the establishments corresponding to it;