

clear its attitude in regard to the rest of the decision of the High Commissioner. This decision clearly laid down once more that Danzig was a State in the international sense of the word. It was precisely for this reason that Danzig had concerned itself with this dispute and had demanded a ruling.

Danzig had no doubts as to its status as an independent State. No State other than Poland and no international organisation had contested its position. Owing to the fact that its status had been called in question, a general discussion had arisen between Danzig and Poland in regard to the definition of the term 'independent State'. This divergence of view would certainly give rise to fresh disputes, for the Free City would always remain convinced of her status as an independent State and maintain that conviction even in relations with Poland.

Mr. MACDONNELL said that a dispute on the above point had formed the substance of a case presented to him, and in consequence he had found difficulty in settling the particular dispute without determining the question of principle. He hoped that the way in which the case had been settled by the Council would prevent the realisation of a possibility mentioned by the President of the Danzig Senate — namely, that this dispute might recur in another form.

M. QUIÑONES DE LEÓN asked the Council, in the event of its approving his report, to add to it the recommendation made by the High Commissioner to the effect that disputes of a similar nature should not in future be brought before the Council.

The PRESIDENT agreed with the Rapporteur.

*The resolution, with the addition suggested by M. Quiñones de León, was adopted.*

#### 1462. Free City of Danzig. Polish Railway Direction at Danzig.

M. QUIÑONES DE LEÓN read the following report:

"On December 12th, 1922, the High Commissioner of the League of Nations at Danzig took the following decision in virtue of Article 39 of the Treaty between Poland and the Free City of Danzig dated November 9th, 1920:

"Poland has no right to establish on Danzig territory a railway direction which deals with the management of railways other than those situated within the territory of the Free City except by agreement with the Free City of Danzig.

"In virtue of the same Article 39, Poland lodged an appeal with the Council of the League of Nations against the High Commissioner's decision and, after several attempts at conciliation, the Council decided, at its meeting in Rome on December 12th, 1924, to ask the opinion of a committee of three jurists, one of whom must have made a special study of railways, with regard to the following question:

"Was the High Commissioner's decision of December 12th, 1922, in conformity with the treaties, decisions and agreements in force?"

"The Committee consisted of:

"Jonkheer W. J. M. VAN EYSINGA, Professor at the University of Leyden,  
"M. NIQUILLE, Director-General of the Swiss Federal Railways and  
"M. C. VIVANTE, Professor at the University of Rome.

"After studying the documents submitted to it by the Secretariat of the League, especially the Danzig and Polish memoranda summarising the arguments of the two parties, the Committee met at Geneva on February 18th and 19th, 1925, and formulated an opinion which has been communicated to the Members of the Council (Annex 748). The conclusions of this opinion constitute a reply in the affirmative to the question put to the Council.

"There is no need, I think, to examine in detail the arguments advanced by the jurists. I consider that the Council should base its decision on the conclusion reached in the opinion and should confirm the High Commissioner's decision of December 12th, 1922.

"Before proposing a resolution, I venture to remind the Council that this matter has been held over for some time in the hope that the parties would reach an agreement. In his decision, the High Commissioner speaks of the possibility of such an agreement, and the fact that the Council confirms the decision should not be taken to mean that it is now indifferent on the question of this agreement or that it no longer wishes it to be concluded. On the contrary I think it would be desirable that the efforts which have been made for the last two years to determine the conditions on which the Polish Railway Direction could remain at Danzig should be brought to a successful conclusion, and I hope the two parties will make a fresh attempt to reach such an agreement.

"I beg to propose the following resolution:

"The Council adopts the Spanish representative's report of March 13th, 1925, regarding the Polish Railway Direction at Danzig, and confirms the High Commissioner's decision of December 12th, 1922, on the same subject."

M. STRASBURGER said that the railway direction which was at present established at Danzig had not been placed there by the Polish authorities but was already in existence before the war — in fact, since 1895. The direction of the railways was a source of profit to the Free City and

formed a link between the Polish authorities, the industries and traders of the Free City. It was for this reason that Poland desired to leave the direction of the railway at Danzig. The Polish towns in Pomerelia had asked on several occasions that the railway direction should be transferred from Danzig, and had, indeed, offered all sorts of facilities to bring it about. Poland, however, had refused to accede to this request.

Economic and administrative reasons compelled her to leave the railway direction in Danzig, where it was better placed and where it had important work to do. It dealt not only with traffic between Poland and foreign countries but with communications between Eastern Prussia and Germany. The work of this railway direction was entirely satisfactory not only for the Free City but also for foreign countries and for Germany.

The railway direction of Königsberg had said that, as far as transit communications were concerned, Eastern Prussia was not a country cut off, since the railway acted as a bridge across the corridor. It had also said that for more than a year the transit movements had been carried on without any difficulties, and the journey as far as railway passengers were concerned, was exactly the same as if the German trains were working on Polish transit lines. Such was the work done by this direction.

Poland desired in no way to raise any difficulty and was ready to enter into negotiations with Danzig in order to leave the direction of the railways in the hands of the Free City provided that the conditions imposed upon Poland were not too difficult. From an administrative point of view it would harm both Poland and the Free City to transfer the direction of the railways from Danzig to Poland.

M. SAHM said he desired specially to thank the distinguished legal experts who had been appointed by the Council for their excellent work. Danzig was very satisfied to see that the legal position which it had maintained for five years had been recognised by these experts. He hoped that the decision would define for the whole world the position taken up by Danzig in any disputes which it might have with Poland.

The decision which had been taken more than two years previously by the High Commissioner was reaffirmed. This decision had been to the effect that Poland had not the right to establish in Danzig a railway direction which was concerned with railway lines outside the territory of the Free City. Further, as a result of this decision, it appeared that a railway direction over the Polish part of the railways in Danzig could only come into existence as the result of an amicable agreement between the two States.

He was not in a position to say whether the Danzig Government was ready to enter into negotiations with Poland in regard to this question. He thought, nevertheless, that his Government would not be opposed to this course now that the legal point had been settled and provided that Poland would submit proposals which could be accepted.

Mr. MACDONNELL said that when his predecessor had given a decision he had foreseen the desirability and also the possibility of an agreement being reached. Mr. MacDonnell thought it would be disastrous for the Free City if the Polish Government felt obliged to take its railway direction away from Danzig. He was quite convinced that Danzig obtained every possible advantage from these railways, and if the Polish Government found it necessary to take the direction away the first people to suffer would be the people of Danzig.

After all the work that had been done, an agreement between the two parties should not be very difficult to obtain, and he hoped that such an agreement would not be established on too nice an interpretation of the purely legal point, but that it would render it possible for the direction of the railways to remain in Danzig. He suggested that the negotiations should be opened immediately since experts were present at Geneva and negotiations conducted at Geneva generally succeeded rather better than they did at Danzig.

M. QUIÑONES DE LEÓN asked the Council to thank the jurists for their excellent work. Both the Rapporteur and the Secretariat would be entirely at the disposal of the two parties to help with the negotiations.

The PRESIDENT thanked the Rapporteur for his offer to assist in the negotiations for any settlement advantageous both to the Free City and to Poland.

*The report and resolution were adopted.*

#### 1463. Free City of Danzig. Transfer of Certain Property of the Former Prussian Administration of the Vistula.

Colonel de Reynier, President of the Harbour Board, came to the Council table.

M. QUIÑONES DE LEÓN read his report (Annex 749) and the following resolution:

"I. The Council is of opinion that the allocation of the property of the former Prussian Vistula Administration to the Harbour Board, made by the letter of the Allocation Commission of March 9th, 1922, was not final. A further distribution shall take place by agreement between the parties, with a view to allocating to Poland and the Harbour Board the proportion of this property corresponding to that part of the administration which is attributed to them. This distribution may take place without awaiting the results of the negotiations provided for in Article 20, paragraph 3, of the Treaty of November 9th, 1920.