

this subject and for a provisional arrangement until such an agreement has been concluded. Danzig requests a settlement of a more extended character than the settlement outlined in the decision, Danzig also raises the question of the possible imposition of transit duties and invokes Article 214 of the Warsaw Agreement.

VIII. In my opinion, paragraphs (b) and (c) of the decision offer the necessary guarantees for safeguarding the interests of the Free City as regards export duties, in accordance with the treaties; it is, of course, understood that, when the negotiations in question take place, there will be nothing to prevent the Free City from presenting any arguments that it thinks fit for the protection of its interests. The High Commissioner's decision makes no mention of transit duties. It simply states that the Customs Law is applicable generally. The Polish delegate informs me that the Law of July 31st, 1924, deals in no way with the question of transit duties. In any case, it is clear to me that the law cannot change Article 214 of the Warsaw Agreement.

Whatever reply is given to the question whether Danzig should have been consulted in advance, I am of opinion that this should not, having regard to all the special circumstances, affect the validity in Danzig territory of the Law of July 31st, 1924.

The decision of the High Commissioner may therefore be confirmed by the Council without its being necessary to deliver any formal ruling on interpretation of various clauses of the Agreement of Warsaw which deal with the question of previous consultation. In order, however, to facilitate the close co-operation which should exist between Poland and Danzig and their respective trades, it would be advisable in future, when it is proposed to modify existing export duties or to impose new duties of this kind, that the Polish Government should give Danzig the opportunity of submitting its observations before the new regulations are applied to the territory of the Free City.

IX. I beg to submit the following draft resolution to the Council:

"The Council adopts the report of the Spanish representative dated March 13th, 1925, regarding the application of the Polish Law of July 31st, 1924, in the territory of Danzig, and confirms the High Commissioner's decision of November 6th, 1924, on this subject."

C. 174. 1925. I.

Annex 753.

FREE CITY OF DANZIG APPOINTMENT OF PRESIDENT OF THE DANZIG PORT AND WATERWAYS BOARD.

Report by M. Quiñones de León, and Resolution adopted by the Council on March 14th, 1925.

At its meeting on December 8th, 1924,¹ the Council took note of a statement of Colonel de Reynier, President of the Danzig Port and Waterways Board, that he was unable to accept re-appointment at the time of the expiration of his term of office on March 10th, 1925, but that he was at the disposal of the Council if the Council were requested to appoint a successor and if the successor could not enter upon his duties on the exact date in question. On the same occasion, the Council expressed its thanks to Colonel de Reynier for the work he had done at Danzig during his term of office of almost four years.

The Secretary-General has informed us that the High Commissioner of the League in Danzig, on January 22nd, 1925, requested the Council to appoint a President of the Port and Waterways Board in conformity with Article 19, paragraph 2, of the Danzig-Polish Treaty concluded on November 9th, 1920, since the Polish and Danzig Governments had failed to reach an agreement regarding the choice of a successor to Colonel de Reynier.

Article 19 of the Danzig-Polish Treaty of November 9th, 1920, provides as follows:

"A Board shall be appointed, entitled The Danzig Port and Waterways Board composed of an equal number (which shall not exceed five) of Polish and Danzig Commissioners to be chosen by the Polish Government and by the Free City respectively from representatives of the economic interests of the two countries.

"The President of this Board shall be chosen by agreement between the Polish Government and the Government of the Free City. In the event of no such agreement being reached within one month of the coming into force of the present Treaty the Council of the League of Nations shall be requested by the High Commissioner of the League at Danzig to appoint a President of Swiss nationality. In case of a vacancy in the office of President, the same procedure shall be adopted in the month after the going out of office of the former President.

"The President shall be appointed for three years and shall be eligible for re-appointment.

"The President shall preside over the discussions and shall endeavour to promote an agreement between the parties: he shall vote only after he has exhausted all possible means of bringing about such an agreement; his vote shall be decisive in case of an equal division.

"The costs and expenditure of the Board shall be covered by the receipts of the services administered by the Board."

¹ See *Official Journal*, February 1925, page 122.

The position of the President of the Port and Waterways Board *vis-à-vis* the League was laid down in the report adopted by the Council on February 26th, 1921, concerning the appointment of Colonel de Reynier, as follows:

“ It appears from the Treaty of November 9th, 1920, that the President of the Danzig Port and Waterways Board, although chosen by the Council, ought not, under any circumstances, to be an official of the League of Nations.

“ On the other hand, it is clear that the League cannot remain indifferent to the activities of the Port and Waterways Board. Disputes between Danzig and Poland arising within the Port and Waterways Board may according to the provisions of Article 103, paragraph 2, of the Treaty of Peace of Versailles, be submitted in the first place, either by Poland or by Danzig, for the decision of the High Commissioner of the League of Nations.”

As the Danzig Polish Treaty contains no provisions concerning the salary to be given to the President, the Council, in view of the position and the responsibilities of the President, fixed the salary of Colonel de Reynier at £2,000 per annum from the date he assumed his duties. The rate of salary has not been altered since then.

I would remind my colleagues that, at the Council session in Rome, Colonel de Reynier very kindly offered to remain at Danzig for a limited time, until his successor could take up his duties. I am sure that the Council will be unanimous in thanking Colonel de Reynier for this offer and in accepting it so that the post of President of the Harbour Board may not remain vacant.

I have the honour to submit the following resolution.

“ (1) Colonel de Loes is appointed President of the Danzig Port and Waterways Board for a period of three years, dating from the day when he assumes his duties.

“ (2) The President of the Port and Waterways Board shall be entitled to receive from the Board a salary of 60,000 gold francs per annum.

“ (3) Colonel de Reynier will continue to occupy the post of President until the new President takes up his duties.”

C.180.1925.I.

Annex 754.

TRANSFER BY THE GERMAN GOVERNMENT TO THE POLISH GOVERNMENT OF
SOCIAL INSURANCE FUNDS IN THE UPPER SILESIA TERRITORY CEDED
BY GERMANY TO POLAND.

Letter from the Polish Government to the Secretary-General of the League, submitted to the Council on March 14th, 1925.

[*Translation.*]

Warsaw March 8th, 1925.

In virtue of Article 312 of the Treaty of Versailles, the Council of the League of Nations, by its decision of December 9th, 1924, requested Germany to pay to Poland the sum of 26 million gold marks, payable in instalments, the first instalment of six million gold marks being payable on February 1st, 1925.

In a note dated January 24th last, the Polish Minister at Berlin requested the German Government to make this payment on February 1st.

The German Government replied, in a note dated January 27th.

1. That it had recently applied to the Agent-General for Reparation Payments to have the above-mentioned sum deducted from the payments provided for in the Dawes Scheme;

2. That it proposed to appeal forthwith to the Reparation Commission to expedite the settlement of this matter.

On receiving this note, the Polish Minister at Berlin pointed out that, in virtue of the decision taken by the Council of the League, the sum of six million gold marks had to be paid by the German Government to the Polish Government on February 1st, 1925, that this sum did not in any way come under the Dawes Scheme, and that, in the event of non-payment on the above date, the Polish Republic would be entitled to interest on the sum in question.

As this six million gold marks has not yet been paid by the German Government, and as the arbitral decision which was taken by the Council or the League, and by which both parties are definitely bound, has been disregarded by Germany I have the honour to request you to bring this question before the Council of the League of Nations on behalf of the Polish Government, and I would venture to point out that it is essential that the Council should take steps to give effect to its decision of December 9th, 1924.