

2663. Free City of Danzig. Amendments to the Constitution. Letter from the High Commissioner dated July 16th, 1930.

Dr. Sahn, President of the Senate of the Free City of Danzig, and Count Gravina, High Commissioner of the League of Nations at Danzig, came to the Council table.

Mr. HENDERSON read the following report and draft resolution: ¹

“ On July 16th, 1930, the High Commissioner of the League of Nations at Danzig communicated to the Council a letter from the Senate of the Free City, dated July 8th, 1930 (Annex 1231), forwarding the text of a law amending the Constitution of the Free City.

“ Under Article 49 of the Constitution of Danzig, an amendment to the Constitution proposed by the Popular Assembly cannot be adopted unless it passes its second reading by a two-thirds majority at least two-thirds of the elected deputies being present. At least one month must elapse between the first and second readings. Amendments to the Constitution can only come into force after they have been communicated to the League of Nations and after the League has stated that it has no objection to these amendments.

“ The draft amendments submitted to us were passed by the Popular Assembly of Danzig at two readings, on May 26th, 1930, and June 27th, 1930, respectively. More than two-thirds of the elected deputies were present, and the revision of the Constitution was accepted by over two-thirds of those present. The Senate of the Free City approved the law at its sitting on July 4th, 1930.

“ The law involves, in particular, the following amendments to the Constitution:

“ With regard to the Popular Assembly (Volkstag), the number of deputies, at present 120, is reduced to seventy-two. The amendment provides that the Volkstag, which is elected for four years and which cannot at present be dissolved during this period, may in future be dissolved before the end of its term of office, by its own decision or by a referendum. The referendum may be held on the demand of the Senate. In the event of a dissolution or of the expiration of the term of office of the Popular Assembly, the outgoing President of the Popular Assembly and his representatives shall continue to discharge their duties until the first session of the newly elected Popular Assembly begins.

“ With regard to the Senate, the position is at present as follows: The Senate consists of a President, a Vice-President and twenty senators. The President and the seven principal senators receive a salary and are elected for four years. The Vice-President and the senators acting in a secondary capacity who do not receive a salary, but receive only a subsistence allowance, are elected for an indefinite period and must resign their office if the Popular Assembly withdraws its confidence from them by a resolution expressly to that effect. The amendment provides that all the members of the Senate shall in future be elected by the Popular Assembly for an indefinite period, and that they shall be jointly and severally dependent on the confidence of the Assembly and must resign their office if the Popular Assembly withdraws its confidence from them by a resolution to that express effect. The number of members of the Senate will be reduced from twenty-two to twelve, so that it will consist of the President, the Vice-President and ten senators. The number of senators may be altered by a law, but may not exceed ten. The President, the Vice-President and four senators will receive salaries. The law may provide that, on their number being reduced, all senators shall receive salaries. In future, a newly-elected member of the Senate will be installed in his office, in the presence of the Senate, by the President of the Popular Assembly or his deputy and not, as hitherto, by the President of the Senate or his deputy.

“ A new Senate will be elected by the new Popular Assembly, the elections for which must be held not later than two months after the present law amending the Constitution comes into force. On the new Senate being installed, the previous Senate will be dissolved and the previous members will all cease to hold office.

“ The law provides that the Senate shall endeavour to employ, for the discharge of official duties, the services of the principal members of the Senate who have retired or have ceased to hold office in conformity with the present law. The principal members of the Senate will be obliged, within six months of the Senate being re-elected, to accept appointment in the education departments of the State or of the public authorities, or in the service of a commune or an association of communes of the Free City of Danzig, or to undertake special duties for the Senate. The office or duties are to be of a nature compatible with the official's previous position as a member of the Senate. Regard is to be had as far as possible to the previous official position or the previous occupation, and also to State requirements.

“ Lastly the draft amendment provides that the provisions of Article 69 of the Constitution concerning the communal organisation of the City of Danzig may be amended by a law passed by a two-thirds majority, at least two-thirds of the elected deputies being present. The Senate is to undertake to submit such a law to the Popular Assembly before November 1st, 1931.

“ I have examined these amendments in the light of the Council's previous resolutions on the Constitution of Danzig, and, in particular, of the report submitted to the Council

¹ Document C.481.1930.I.

by Viscount Ishii on November 17th, 1920, when the Constitution was placed under the guarantee of the League. In this report, Viscount Ishii made the following observations

“ The League of Nations should examine whether this Constitution provides the necessary guarantees for a stable and peaceable political situation, and will ensure a Government which will carry out its duties in accordance with the principles on which the Free City has been constituted, and likewise the obligations which have been imposed upon it by the Peace Treaty of Versailles. It is particularly necessary to see whether the Constitution of the Free City contains germs of disorder, inadequate government, anarchy or disregard for international obligations.

“ I have no remark to make with regard to the amendments in question, and I would propose that the Council should state that the League has no objection to these changes.

“ I propose the following draft resolution.

“ ‘ The Council authorises the High Commissioner of the League of Nations at Danzig to inform the Senate of the Free City that the League has no objection to the amendments to the Constitution of the Free City adopted by the Popular Assembly of Danzig at its sittings on May 26th and June 27th, 1930, the text of which is given in the annex to the letter from the President of the Senate of Danzig to the High Commissioner of the League of Nations, dated July 8th, 1930. ”

The draft resolution was adopted.

2664. **Free City of Danzig Advisory Opinion of the Permanent Court of International Justice with regard to the Admission of the Free City as a Member of the International Labour Organisation.**

M. Albert Thomas, Director of the International Labour Office, came to the Council table.

Mr. HENDERSON read the following report and draft resolution. ¹

“ At its meeting on May 15th, 1930 ² the Council, at the request of the Governing Body of the International Labour Office, requested the Permanent Court of International Justice to give an advisory opinion, in conformity with Article 14 of the Covenant, on the following question

“ Is the special legal status of the Free City of Danzig such as to enable the Free City to become a Member of the International Labour Organisation ?

“ On August 26th, 1930, the Court, by six votes against four, expressed the opinion that the special legal status of the Free City of Danzig did not enable the Free City to become a Member of the International Labour Organisation.

“ As the Council asked for the Court's opinion at the request of and for the use of the Governing Body of the International Labour Office, I venture to propose the following draft resolution.

“ The Council,

“ (1) Takes note of the opinion given by the Permanent Court of International Justice on August 26th, 1930

“ (2) Instructs the Secretary-General to communicate officially, on behalf of the Council, the text of this opinion to the Director of the International Labour Office for transmission to the Governing Body of the International Labour Office. ”

M. Albert THOMAS thanked the Council in the name of the International Labour Office for having consulted the Permanent Court of International Justice. He would forward the Court's opinion to the Governing Body of the International Labour Office.

The draft resolution was adopted.

(M. Sahn, Count Gravina and M. Albert Thomas withdrew.)

2665. **Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees.**

The PRESIDENT read the following report and draft resolution ³

“ The members of the Council will remember that the last Assembly decided that the central service for refugees should be placed for a period of one year, and as an experiment, under the administrative authority of the Secretary-General of the League of Nations. The latter was requested to report to the next Assembly on the experience thus acquired and to make proposals for the administration of the refugees' organisation during the whole period in which it is being wound up.

¹ Document C.484.1930.I.

² See *Official Journal*, June 1930, page 540.

³ Document C.486.1930.XIII.