

without going beyond the technical and practical aspects of the problem. It would perhaps be well if the Lithuanian representative himself explained his point of view to the Council.

M. ZAUNIUS said that, with a view to the application of Article 35 of the Memel Statute, it was necessary to determine the proportion of the net revenue from Customs duties, excise duties and commodity taxes, as well as from monopolies. For this purpose, the basis adopted would be that of foreign trade, together with the consumption in the Memel Territory and the rest of Lithuania during the previous year, of goods liable to Customs and excise duties, as well as to taxes on consumption, and of the monopoly goods referred to in Article 35.

In order to decide the proportion above mentioned, the Lithuanian Government would, jointly with the autonomous authorities of the Territory organise a system of statistics dealing more particularly with traffic in goods transported from one part of Lithuania to another. This system would have to be as simple as possible and, where necessary no account would be taken of certain obviously unimportant classes of transport.

The share of the autonomous authorities of the Territory under Article 35 of the Statute would be decided jointly with those authorities, account being taken of the additional revenue and expenditure accruing to Lithuania from the transfer to it of the sovereignty of the Memel Territory in accordance with paragraph 1, No. 2, of the article in question.

For all these purposes the Lithuanian Government would be glad to have the assistance of experts from the League of Nations.

The system of payment mentioned above would come into force as soon as figures for twelve months had been collected, but in any case not later than April 1st, 1933.

During the transition period before the above regime came into force, the Lithuanian Government would pay the autonomous authorities advances in the same way as hitherto. When the system was put into effect, steps would be taken to establish finally the amounts payable for the period of transition, on the basis of data obtained with the help of the experts to whom M. Zaunius had referred.

M. BRAADLAND thought the Council would welcome this solution of another problem before it, and would be glad to comply with M. Zaunius' request. The Council would no doubt instruct the Secretary-General to arrange for such technical assistance as would enable the system described to be put into execution with a view to a final settlement of the financial problem.

He thought that the first necessity would be to settle the share of Customs duties, excise duties and commodity taxes, including revenues from monopolies, referred to in Article 35 of the Memel Statute. It would, doubtless, be necessary to appoint for this purpose an expert in public finance.

M. Braadland was sure that the Lithuanian Government would give the experts every possible facility for carrying out their duties on the spot and would give them any help they might require.

The PRESIDENT as representative of the German Government, said he had noted the report which had just been laid before the Council, as well as the declaration made by the Lithuanian representative. He was glad to learn that the financial questions outstanding in the Memel Territory would be settled with the competent assistance of experts of the League of Nations. He anticipated that, on that occasion, all questions in dispute would be solved, including those concerning the apportionment of pensions and the settlement of accounts dating back to the time when no convention was in force. He hoped it would be possible in this way to find a solution satisfactory to both parties and in conformity with the Statute, so that this matter would not again have to come before the League of Nations.

M. BRAADLAND thought that the points just raised by the German representative were points of a kind which should be brought to the attention of the experts.

As regards the legal questions, he had been informed that the Powers Members of the Council mentioned in Article 17 paragraph 2, of the Memel Convention, were negotiating with the Lithuanian Government on the basis of the application of the provisions of the said paragraph.

In these circumstances, the Council would doubtless consider that it could only note that the legal questions before it were now submitted to the procedure provided for in Article 17 paragraph 2, of the Memel Convention.

The conclusions of the Rapporteur were adopted.

2845. Free City of Danzig Danzig-Polish Relations Special Report by the High Commissioner

M. Ziehm, representative of the Free City of Danzig, and Count Gravina, High Commissioner of the League of Nations at Danzig, took their places at the Council table.

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

“ On April 25th, 1931, the High Commissioner of the League of Nations at Danzig submitted to the Members of the Council a special report on the existing situation of Danzig-Polish relations. (Annex 1308). This report, which includes a large number of annexes, was communicated to the Members of the Council by the Secretary-General, and my colleagues have had an opportunity of acquainting themselves with it. I do not propose to give a summary of the very clear and full account provided by the High Commissioner. I will merely make the following observations.

“ The High Commissioner notes that, for reasons given in detail in his report, Danzig-Polish relations have recently become very unsatisfactory. This general tension has occurred at a time when internal troubles have become frequent owing to the extremist elements of the right and the left, which made great progress at the last Danzig elections. Nevertheless, the police authorities of the Free City the High Commissioner states, have up to now been able to maintain public order. In these circumstances, there has been created at Danzig an atmosphere likely to conduce to incidents between Danzigers and Poles. These incidents have given rise since the autumn of 1930 to complaints to the Senate on the part of the diplomatic representative of Poland. In its replies to these complaints the Senate, in view of the results of the enquiry conducted by the competent Danzig authorities, disputes in most of the cases the Polish version of the facts and circumstances.

“ The High Commissioner then gives a detailed statement of the events which led the diplomatic representative of Poland to hand in his resignation and of the attitude adopted by the High Commissioner in that connection. The High Commissioner maintains in particular:

“ (1) That the crisis was not a crisis in the relations between the League and the authorities of the Free City but essentially in the relations between Danzig and Poland,

“ (2) That the resignation of the Polish representative at Danzig was to be regarded as a purely domestic matter for the Polish Government;

“ (3) That, in the present circumstances, the High Commissioner was not called upon to take action under paragraph 1 of the Council resolution of June 22nd, 1921.²

“ The High Commissioner further maintained before the Senate that it was necessary—indeed indispensable—that steps should be taken to make clear the President of the Senate's attitude and to ensure the maintenance of order in Danzig as effectually as possible.

“ The Council will, I think, unanimously approve the attitude and line of conduct followed by the High Commissioner.

“ The High Commissioner then gives an account of the measures taken by the Senate, which have been received with some satisfaction by the Poles. In the High Commissioner's opinion, those measures give evidence of a desire to re-establish normal relations between Danzig and Poland.

“ The High Commissioner adds, however, that it must be realised that the present strained state of Danzig-Polish relations and the agitation which has been produced both in Polish and in Danzig circles may lead at any moment to further regrettable incidents between Danzig citizens and Polish citizens. It may be questioned, says the High Commissioner, whether the measures so far taken will, in practice, prove sufficient to prevent such incidents.

“ I have had an opportunity of examining the present situation with the High Commissioner and the representatives of Poland and Danzig and of seeking with them means of remedying the situation and measures to prevent similar incidents in the future. As a result of these conversations, I venture to submit the following considerations to the Council.

“ I. In his report, the High Commissioner says that the High Commissioner's action might be more effective and useful if his powers were more clearly defined in certain respects

“ Without attempting to give a detailed analysis of all the provisions relating to the duties and powers of the High Commissioner, and without claiming to give a complete definition of the High Commissioner's powers, I think it would be desirable to point out that the High Commissioner's functions at present fall into the following categories:

“ 1. Judicial functions under Article 103 of the Treaty of Versailles and Article 39 of the Paris Convention. In this field, as the Permanent Court of International Justice states in the preliminary considerations of its Opinion No. 11 regarding the Polish Postal Service at Danzig, the High Commissioner's functions are limited to deciding questions submitted to him by one or other of the parties.

¹ Document C.387.1931.I.

The decision to which the High Commissioner refers is as follows:

The Polish Government is specially fitted to ensure, if circumstances require it, and in the following conditions, the defence of Danzig by land, as well as the maintenance of order on the territory of the Free City in the event of the local police forces proving insufficient.

With this object in view, the High Commissioner will, if occasion arises, request instructions from the Council of the League of Nations and will, if he thinks fit, submit proposals.”

"2. Functions as mediator. In the Rules of Procedure for Danzig-Polish disputes drawn up by the Council on June 11th, 1925,¹ it is provided that when, the High Commissioner is requested to deal with a dispute, he will make sure that the dispute cannot be settled by direct negotiations between the two parties by the mediation of the High Commissioner. It is further stipulated that, if the High Commissioner desires to discuss the matter with either party whether separately or both together, with a view to a friendly settlement or in order to obtain further information, he will invite the representatives of that party to attend a meeting for the purpose. The representatives of the parties, if invited by the High Commissioner in virtue of this clause to meetings or discussions, are bound to comply with such request.

"I am informed that there is an established practice that the parties often refer a question to the High Commissioner for his mediation instead of submitting it for decision under Article 39 of the Paris Convention. The Council cannot but be gratified that such a procedure should have been established, and can only recommend that it should be followed as far as possible. The High Commissioner may of course decide in each case how far he can exercise his influence as mediator in order to obtain a friendly settlement of questions not submitted to him for a decision under Article 39 of the Paris Convention.

3. Functions as representative of the League of Nations. The High Commissioner is the representative of the League of Nations in Danzig within the limits laid down in the treaties and resolutions of the Council.

The High Commissioner, as representative of the League, is responsible to the League, as stipulated in the resolution adopted by the Council on February 13th, 1920, when the first High Commissioner was appointed. On this occasion, the Council also decided that the duties of the High Commissioner would include that of reporting to the Council of the League of Nations through the Secretary-General on all matters within his jurisdiction as High Commissioner. No mention of this is made in the Treaty of Peace, but it will clearly be necessary for the Council to be kept fully informed. For the purpose of discharging this duty of reporting to the Council, the High Commissioner can address himself at any moment to the Government of the Free City which will furnish him official information on all the public affairs of the Free City

I hope that this brief survey will help to remove any uncertainty as to the nature of the High Commissioner's power, and thus contribute—to use his own words—to rendering his action more effective and useful.

II. In his report, the High Commissioner expressed the misgivings which he felt regarding the abuse of uniforms in the territory of the Free City

"I think it would be desirable for the Council to instruct the High Commissioner to make further representations to the Senate on the matter.

According to the information given me, this problem would, however, appear to constitute only one aspect of the more general problem relating to acts which by their nature may result in the occurrence of serious incidents. Among these acts demonstrations openly directed against the Statute of the Free City have been reported to me. I believe that the Council will be unanimous in expressing its disapproval of all demonstrations or acts directed against the Statute of the Free City from whatever quarter they may come.

"I therefore propose the adoption of the following draft resolution.

The Council approves the Rapporteur's report and adopts his conclusions.

The Council makes a pressing appeal to the parties to take such action as may be required in order to re-establish a spirit of confidence and co-operation in the relations between Danzig and Poland and to calm public opinion in both countries.

The Council invites the High Commissioner to submit a further report on the situation for the next session of the Council. "

M. ZALESKI pointed out that this question had been submitted to the Council by the League of Nations High Commissioner in Danzig and did not constitute a dispute between the Free City and Poland. The Polish Government was, however, keenly interested in the existing situation in the Free City. As he was not sure that the measures proposed were likely to remedy the situation described by the High Commissioner in his letter of April 25th, M. Zaleski would refrain from voting. He wished, however, to avail himself of the opportunity to thank the High Commissioner for the attitude he had adopted in this question and to assure him of the Polish Government's entire confidence.

M. ZIEHM, representative of the Free City of Danzig, said he had intended to submit a few observations, in matters of detail, in connection with the Rapporteur's report on the existing relations between Poland and Danzig. As, however, the Polish representative had not spoken at any length on the report, he felt that he, too, should, for the present, refrain from submitting any detailed observations. Nevertheless, he reserved the right to comment on the question later at a more convenient time. In due course, he would get into direct touch with the High Commissioner, to whom he wished to express, before the Council, the entire confidence of the Free City of Danzig.

¹ See *Official Journal*, July 1925, page 880.

Count GRAVINA thanked the Council for its mark of confidence in unanimously asking him to accept a renewal of his term of office.

He also wished to thank the Council for having approved the attitude and line of conduct he had hitherto adopted, particularly in circumstances which had led him to submit a special report to the Council. He also thanked the British representative for having in his report given so clear a statement on the very important question of the High Commissioner's powers. That statement would doubtless assist him in carrying out his difficult task. It could not be denied that, at the present time, Polish-Danzig relations were passing through a crisis; indeed, the situation had recently become rather disquieting. He would, nevertheless, return to Danzig hoping that he might be able to say in his next report to the Council that relations had improved. No improvement could be possible without the goodwill of both parties.

Finally he thanked the representatives of the two Governments for the confidence they had again shown in him. He could assure them for his part that he was doing all in his power to render the situation at Danzig more satisfactory than it was at present.

M. FRANÇOIS-PONCET wished, on behalf of France, to associate himself with the terms of the report submitted by the British representative. He also expressed the French Government's sincere thanks to the High Commissioner and assured him that the French member on the Council would do all he could to maintain unimpaired the authority of the High Commissioner, which was none other than the authority of the League itself.

The draft resolution was adopted.

Mr. HENDERSON sincerely hoped that the report he had presented and the decision of the Council would contribute effectively towards the improvement of the situation in Danzig.

Certain statements made by the High Commissioner in his report had caused him some misgiving. It was clear that conditions in Danzig could not be regarded as satisfactory. A state of unrest existed, in which incidents might easily be provoked which would gravely compromise the maintenance of good order and security. In such conditions, it seemed to Mr. Henderson that demonstrations by nationalist organisations of the territory of the Free City must involve serious risk.

There was, in the particular case of Danzig, the added danger that incidents and breaches of the peace might affect seriously the relations between Poland and the Free City and he would address an earnest appeal to the Danzig Senate to consider whether, in the interests of the Free City itself, it should not take measures to avert, so far as lay in its power, the possibility of disorder and disturbance.

The PRESIDENT said that, as President of the Council, he would venture to offer one or two observations to conclude the debate on the question. The Members of the Council were very grateful to the High Commissioner for having done all in his power, in a difficult situation, to maintain normal relations between the Free City of Danzig and Poland. The Council was also particularly grateful to him for having agreed to remain at his post in these difficult circumstances and for the intentions he had expressed.

The President thought it might be useful to state, on behalf of the Council, that, if satisfactory relations were to be restored between the Free City of Danzig and Poland, both sides would have to show impartiality: both parties must abstain from any provocation and must make every possible effort to maintain peace in that part of Europe. In making that appeal, which certainly represented the views of all the members of the Council, he hoped he could close the discussion on that difficult question.¹

2846. Free City of Danzig Treatment of Polish Nationals and Other Persons of Polish Origin or Speech at Danzig Request for an Advisory Opinion from the Permanent Court of International Justice.

Mr. HENDERSON presented the following report and draft resolution.²

"The following letter from the High Commissioner of the League of Nations at Danzig, dated March 31st, 1931, has been communicated to the Council.

"On September 30th, 1930, the Polish Government communicated to me, under the terms of Article 39 of the Treaty of Paris of November 9th, 1920, a request for a decision concerning the treatment of Polish nationals and other persons of Polish origin or speech at Danzig. The Polish Government based this request, in particular, on Article 104, paragraph 5,

¹ Subsequent to this discussion, an exchange of letters between the President of the Council and the representative of Poland was communicated to the Council in document C.393.1931.I (Annex 1308a).
Document C.388.1931.I.