

“ The point of view stated in the Danzig Government’s memorandum may be summarised as follows:

“ Article 33 of the Paris Treaty of November 9th, 1920, forms the sole legal foundation for the settlement of the minorities problem between the Free City of Danzig and the Republic of Poland.

“ Article 33 of that Treaty in accordance with the spirit and letter of the Treaty of Versailles, fulfils and takes the place of Article 104, paragraph 5, of the Treaty of Versailles.

“ Under Article 33, paragraph 1, of the Paris Treaty Danzig is bound to apply to the Polish minorities treatment which does not involve any discrimination as compared with the other minorities, so that the members of the Polish minority possessing Danzig nationality must be treated in accordance with provisions similar to those which Poland applies in Polish territory in execution of Articles 7 8 and 9 of the Polish Minorities Treaty while the members of the Polish minority not in possession of Danzig nationality must be treated according to provisions similar to those which Poland applies in Polish territory in execution of Article 2 of the Polish Minorities Treaty

“ After examining the question, I can only endorse the opinion expressed by the High Commissioner that it would be eminently desirable for the settlement of this question that an advisory opinion should be obtained from the Court on the legal points in dispute.

“ I therefore venture to propose to my colleagues the adoption of the following resolution.

“ The Council,

“ Having regard to the letter of the High Commissioner of the League of Nations in Danzig, dated March 31st, 1931;

“ Having regard to the contentions set out in the memorandum of the Polish Government, annexed to the said letter.

“ Having regard to the contentions set out in the memorandum of the Danzig Government, also annexed to the above-mentioned letter.

“ Requests the Permanent Court of International Justice to give an advisory opinion, in conformity with Article 14 of the Covenant, on the two following questions:

“ (1) Is the question of the treatment of Polish nationals and other persons of Polish origin or speech in the territory of the Free City of Danzig to be decided solely by reference to Article 104 (5) of the Treaty of Versailles and Article 33, paragraph 1, of the Convention of Paris (and any other treaty provisions in force which may be applicable), or also by reference to the Constitution of the Free City and is the Polish Government accordingly entitled to submit to the organs of the League of Nations, by the method provided for in Article 103 of the Treaty of Versailles and Article 39 of the Convention of Paris, disputes concerning the application to the above-mentioned persons of the provisions of the Danzig Constitution and other laws of Danzig ?

“ (2) What is the exact interpretation of Article 104 (5) of the Treaty of Versailles and of Article 33, paragraph 1, of the Convention of Paris, and, if the reply to Question 1 is in the affirmative, of the relevant provisions of the Constitution of the Free City ?

“ The Council requests the Governments of Poland and Danzig to hold themselves at the disposal of the Court with a view to supplying it with all relevant documents and explanations.

“ The Secretary-General is authorised to submit this request to the Court, to give the requisite assistance in the examination of the question, and, if necessary to make arrangements to be represented before the Court. ”

The draft resolution was adopted.

(The Council went into private session.)

2847 Free City of Danzig Appointment of the President of the Danzig Port and Waterways Board.

Mr. HENDERSON presented the following report and draft resolution ¹

“ In a letter dated April 8th, 1931, the High Commissioner of the League of Nations at Danzig requested the Council to appoint a President for the Danzig Port and Waterways Board, in accordance with Article 19, second paragraph, of the Polish-Danzig Treaty of November 9th, 1920, as the Polish and Danzig Governments have been unable to agree upon the choice of a successor to Colonel de Loes.

“ Colonel de Loes was appointed by the Council as President of the Danzig Port and Waterways Board on March 14th, 1925, for a period of three years dating from April 24th, 1925. In 1928, the Danzig and Polish Governments agreed to appoint him for a further period of three years as from April 24th, 1928. I am sure that the Council for its part will desire to express to Colonel de Loes its appreciation of the services he has rendered during his period of office at Danzig.

¹ Document C.369.1931.I.

“ Article 19 of the Polish-Danzig Treaty of November 9th, 1920, reads 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 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. ”

“ The position of the President of the Port and Waterways Board in relation to the League of Nations is defined as follows in the report adopted by the Council on February 26th, 1921

“ It appears from the Convention 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. ”

“ I have the honour to submit to the Council the following resolution.

“ (1) M. BENZINGER is appointed President of the Danzig Port and Waterways Board for a period of three years dating from the day on which 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. ”

M. STRASBURGER accepted the report and tendered the Polish Government's warmest thanks to the former President of the Board, M. de Loës, who had spent six years in Danzig.

M. ZIEHM associated himself with M. Strasburger's remarks.

The draft resolution was adopted.

(M. Ziehm withdrew.)

2848. Agricultural Credit: Appointment of an Organisation Committee for the International Agricultural Mortgage Credit Company

M. BRAADLAND submitted the following report: ¹

When the question of agricultural credits was discussed by the Council recently in public meeting,² the Council decided to appoint, during its present session, an Organisation Committee for the creation of the International Agricultural Mortgage Credit Company. I have the honour to submit herewith proposals for the appointment of this Committee.

It will be recalled that, in the Convention and in the report of the Financial Committee, it is foreseen that the Organisation Committee would have, *inter alia*, four major functions.

(a) The organisation of the Company and the adoption of measures preparatory to its operation,

(b) The placing of the A shares.

(c) The appointment of certain members on the first Board of Directors

(d) The adoption of such measures as it may deem appropriate with a view to accelerating the reform of mortgage legislation in countries desiring to undertake such reform.

In view of these functions, it would seem obviously desirable that the Organisation Committee should have among its members at once experts in financial matters who are in close

Document C.371.1931.II.A.

² See page 1116.