

" The Assembly voted a credit for the work of the proposed Committee on the assumption that, as in the case of the Committee which was established by the Council in 1926 to study the question of the composition of the Council, the members of the Committee would be appointed by the Governments of certain Members of the League selected by the Council which would defray their personal expenses.

" I venture to propose that the Council should invite the following Governments to appoint members on the Committee.

Argentine	Great Britain
Belgium	Italy
Bulgaria	Japan
Canada	Poland
Colombia	Portugal
Czechoslovakia	Spain
France	Sweden
Germany	

" It is hardly possible to foresee what may be the most convenient date for the meeting of the Committee. It may be difficult for it to meet at the same time as the Disarmament Conference. In these circumstances I propose that the Council should authorise the Secretary-General to convene the Committee for such date as is approved by the Acting President of the Council and the Rapporteur."

M. Rosso added that the list he was submitting had been prepared after careful consideration of the interests and aspirations involved. He feared, however, that it did not contain all the Governments which might possibly have desired to take part in the proceedings of the special Committee, and which would certainly have been represented in that Committee with great authority. In constituting a small Committee, the possibilities were limited and it was essential to make a selection, a very delicate and sometimes rather thankless task for the Rapporteur. He had endeavoured to perform his task to the best of his ability and to be impartial.

The PRESIDENT said the Council was sure that, in making his choice, the Rapporteur had acted for the best, with complete objectivity and impartiality

*The conclusions of the report were adopted.*

### 3009. Free City of Danzig Access to and Anchorage in the Port of Danzig for Polish War Vessels.

M. Ziehm, 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.

Viscount CECIL presented the following report and draft resolution.<sup>1</sup>

" I. In his special report submitted to the Council at its meeting on September 19th, 1931,<sup>2</sup> the High Commissioner stated that the Free City of Danzig had denounced, as from July 1st, 1931, the Provisional Agreement of October 8th, 1921, regarding the access to, or anchorage in, the port of Danzig for Polish war vessels. In order to facilitate negotiations, however, the Danzig Government had, on its own initiative, proposed to extend the validity of the provisions of the Agreement until September 15th. It had added that, if the negotiations did not reach any result by that date, it would consider any use of the port of Danzig by Polish warships, which was not in strict conformity with the international regulations in force for the admission of foreign war vessels, as direct action within the meaning of the Council's resolution of March 13th, 1925.<sup>3</sup> The High Commissioner asked the Council to signify in case the Senate made an application to him in this connection, whether the Council considered that direct action had been taken or not.

Considering that, in order to reply to the question asked by the High Commissioner with regard to direct action the Council would have to undertake a close legal enquiry into the substance of the question on which there was a legal dispute between the two parties, the Council decided to ask the Permanent Court of International Justice for an advisory opinion, under Article 14 of the Covenant, on the following question.

" Do the Treaty of Peace of Versailles, Part III, Section XI, the Danzig-Polish Treaty concluded at Paris on November 9th, 1920, and the relevant decisions of the Council of the League of Nations and of the High Commissioner confer upon Poland rights or attributions as regards the access to, or anchorage in, the port and waterways of Danzig of Polish war vessels? If so, what are these rights or attributions?"

" In an opinion pronounced on December 11th, 1931, the Court, by eleven votes to three, replied in the negative to the question asked by the Council.

" II. In a letter to the Council dated January 25th, 1932 (Annex 1348), the Polish Minister for Foreign Affairs refers to certain passages in the preamble to the advisory opinion given by the Court, in which it is stated that the resolution of the Council of June 22nd, 1921, 'constituted the starting-point of a study which was interrupted by the conclusion of the Provisional Arrangement of October 1921, an interruption which has resulted in the fact that no final and definitive decision has ever yet been taken and further that the Council realised the practical importance of the question of providing shelter and harbour facilities for the vessels of the Polish fleet' The

<sup>1</sup> Document C.139.1932.I.

See *Official Journal*, December 1931, page 2255.

<sup>2</sup> See *Official Journal*, April 1925, pages 468 and 562.

Polish Minister for Foreign Affairs observes that it is important also, at the present moment, to ensure stability and clearness in Polish-Danzig relations in regard to the questions dealt with in the preamble to the opinion of the Court and he accordingly requests the Council to be good enough to examine these questions—with a view to a final settlement—in order that Polish war vessels and other vessels other than merchantmen may be accorded harbour facilities, and that their nautical requirements (victualling, repairs, transit, etc.) may be ensured.

“ III. In a letter dated January 28th, 1932 (Annex 1348a), the President of the Senate, referring to the above-mentioned letter from the Polish Minister for Foreign Affairs, observes that the opinion of the Court has finally cleared up the legal position, as has been desired by Danzig for a long time past.

“ As regards the practical side of the question, the President of the Danzig Senate states that international usages with regard to access to, and anchorage in, foreign ports already ensure for Polish warships all desirable facilities for victualling and repairs in Danzig, and transit through Danzig waters. These international usages have always been recognised and applied to all foreign States by the Free City in the most liberal spirit, and special orders have been given to the Danzig authorities to observe them. The Danzig Government has repeatedly expressed its willingness to grant Polish warships further special facilities based on local circumstances, and the President formally repeats this offer. The Danzig Government's instructions regarding the application of the international rules expressly provide for the possibility of applying special regulations to the warships of individual States. The Danzig Government announces that, when the matter has been settled before the Council, it will invite the Polish Government to state its wishes regarding special facilities before March 1st. In this connection, the Danzig Government, in order to give further evidence of its good will, declares its willingness to prolong until April 1st, 1932, the validity of the provisional regulations issued by the High Commissioner on September 19th, 1931, but those regulations will automatically lapse on that date.

“ IV On January 28th (Annex 1348b), the Polish Government's representative sent a further letter to the Council, stating that he accepted the Danzig proposals contained in the above-mentioned letter from the President of the Senate. The Polish representative considered, however, that he was obliged to make every reservation in regard to the decree mentioned in the Senate's letter, since, in the Polish Government's opinion, regulations defining the rules for the mooring and anchorage of foreign war vessels in the port of Danzig could only be drawn up with the assistance of the competent authorities—namely the Port and Waterways Board, the Polish Government and, if necessary the organs of the League of Nations.

“ I therefore propose the adoption of the following draft resolution:

“ The Council.

“ Adopts the advisory opinion given by the Permanent Court of International Justice on December 11th, 1931, on the question of the access to, or anchorage in, the port of Danzig of Polish war vessels;

“ Requests the Secretary-General to communicate the text of this opinion to the High Commissioner, in reply to the question raised in his special report of August 20th, 1931;

“ Considers that, in view of the fact that the legal points on which a divergence of views between the parties had been revealed have now been elucidated by the opinion of the Court, the practical questions raised in the Polish Government's Note of January 25th, 1932, should be settled directly between the parties;

“ Notes with satisfaction the statements made on this matter by the President of the Senate in his Note of January 28th, 1932, and the statements of the Polish representative in his Note of that date;

“ Is gratified to be in a position to note that the question will thus be finally settled. ”

M. ZIEHM concurred in Lord Cecil's view that the legal points on which there had been divergence of opinion between Poland and Danzig had been completely elucidated by the advisory opinion of the Permanent Court. He expressed his satisfaction that a dispute which had engaged the Council's attention on many occasions had at last been brought to an end, and he was justified in hoping that no further difficulty would be encountered in the solution of the practical questions by the methods which he himself had proposed and which had been accepted by the Polish representative.

*The draft resolution was adopted.*

### 3010. Free City of Danzig. Use of the Port of Danzig by Poland.

Viscount CECIL presented the following report and draft resolution.<sup>1</sup>

“ I. The Government of the Free City of Danzig and the Polish Government lodged appeals on December 4th and December 5th, 1931, respectively against the decision given by the High

<sup>1</sup> Document C.130.1932.I.