

the Rapporteur and the representatives of the other Powers who had commented so favourably on the Board's work. It was very natural that the representative of the Irish Free State should wish to make a correction, while leaving the Central Board full responsibility for the general survey.

Mr. O'KELLY associated himself with the remarks of the Italian representative. It was most desirable that the work of the national offices responsible for presenting their country's estimates as called for by the existing Opium Convention should be simplified as much as possible. Anything that could ensure uniformity of technical methods in the same field would help to produce the best results.

The conclusions of the report, with the amendment proposed by the Rapporteur, were adopted.

M. Gallavresi withdrew

3325. Free City of Danzig, Utilisation of the Port of Danzig by Poland.

M. Rauschning, President of the Senate of the Free City of Danzig, and M. Rosting, Acting High Commissioner of the League of Nations at Danzig, came to the Council table.

Sir John SIMON presented the following report and draft resolution.¹

" 1. The Council, being called upon to decide on the appeals lodged by Poland and Danzig against the High Commissioner's decision dated October 26th, 1931, relating to the question of the utilisation of the Port of Danzig by Poland, adopted at its meeting on May 10th, 1932,² a final resolution concerning some of the points in the aforesaid decision and referred the case back to the High Commissioner asking him to request the parties to supplement their statements where necessary, and to formulate, with a view to his decision, their detailed conclusions on the question whether the Polish Government is actually making full use of the Port of Danzig as provided in Point VII of the decision of August 15th, 1921, and if not, how and to what extent."

" 2. In compliance with this resolution of the Council and after having received the observations of the parties, the High Commissioner secured, in conformity with the Rules of Procedure drawn up by the Council, a technical and legal opinion on the question submitted to him for decision.

" 3. In accordance with the same Rules of Procedure, the High Commissioner communicated this opinion to the parties in order that they might on this basis open negotiations with a view to concluding an agreement which might make unnecessary a decision with regard to the dispute. The parties agreed to open negotiations under the auspices of the High Commissioner. These negotiations were proceeding when the new Senate, formed as a result of the elections of May 28th, 1933, took up its duties. Following an official visit paid to the Polish Government by the new Senate shortly after it came into power—which visit was returned by the Polish Government in Danzig on September 22nd—the parties resolved to open negotiations on a very broad basis, with a view to the amicable settlement of the questions at issue between the two parties. The negotiations were continued under the auspices of the High Commissioner and resulted, on August 5th, 1933, in the settlement of a number of questions by agreement. Among these questions is that of the utilisation of the Port of Danzig by Poland. The arrangement on this question concluded on August 5th, 1933, was communicated to the Council in document C.460. 1933.I, together with the agreement initialled by the parties on the same day concerning the treatment of Polish nationals and other persons of Polish origin or speech at Danzig.³ This agreement was concluded in pursuance of a previous agreement between the two countries which was noted by the Council at its meeting on November 28th, 1932.⁴

" In a Final Protocol, the parties had reserved the right, up to September 15th of this year, to ask the High Commissioner to resume the procedure laid down in the Council resolution of May 10th, 1932, regarding the question of the utilisation of the Port of Danzig by Poland. This time-limit was subsequently extended by the parties until September 18th to enable them to agree on the steps to be taken to give effect to the arrangement of August 5th. In a letter dated September 18th (Annex 1466), the High Commissioner informed the Secretary-General that, on that day, a Protocol had been signed at Warsaw embodying the results of the negotiations opened in pursuance of the provisions of Article 2 of the arrangement of August 5th, 1933. On the same day there was signed at Danzig the agreement relating to the treatment of Polish nationals and other persons of Polish origin or speech in the territory of the Free City of Danzig, the text of which had been initialled on August 5th.

" 4. I feel convinced that my colleagues on the Council will unanimously welcome the new spirit apparent in the relations between Danzig and Poland and congratulate the Polish and Danzig Governments on having, notwithstanding all the obstacles, succeeded in giving a striking demonstration of this spirit by the conclusion of agreements on these two questions of great importance to both countries. The Council will also, I am sure, wish to congratulate the High Commissioner on having largely contributed by his untiring efforts to securing this result.

¹ Document C.541.1933.I.

² See *Official Journal*, July 1932, page 1179.

³ See *Official Journal*, October 1933 (Part I), page 1156.

⁴ See *Official Journal*, December 1932 (Part II), pages 1960 and 2282.

"5. In these circumstances, I have the honour to submit to the Council the following draft resolution.

"The Council takes note on the agreement of the utilisation of the Port of Danzig by Poland concluded between the Governments of Danzig and Poland on August 5th, 1933, and the agreement relating to the treatment of Polish nationals and other persons of Polish origin or speech in Danzig."

Sir John Simon added that the Council would be glad to see that two questions, each of which had sometimes given it some anxiety, had been most happily brought to a settlement by fair and frank discussions between the parties and with the assistance, which he was sure all members of the Council would like most thoroughly to acknowledge, of the Acting High Commissioner, M. Rosting.

He desired to draw particular attention to the last two paragraphs of the report, because he regarded the result recorded therein as one which redounded very greatly to the credit of both parties, and in which the Council of the League would take a real satisfaction.

M. RAUSCHNING, President of the Senate of the Free City of Danzig, observed that the grave legal and economic problems relating to Danzig might be said to have been continuously before the Council for a number of years past, and the fact that this was so intensified his satisfaction at the success achieved in finding a practical settlement, in accordance with the spirit of the League and by direct negotiations between the parties concerned, in the case of a number of disputed points, without waiting for their final solution by the instances provided for Danzig.

He desired in this connection to add that, until quite lately, the general situation of the Free City in the matter of its legal, political and economic relations had reached a point of dangerous and unrelieved tension, which was of much more than local significance, being indeed calculated to give rise to serious anxiety as to the possibility of the permanent maintenance of peace, the tendencies to a reckless conflict of interests being intensified by the general effects of the economic crisis.

It was with much satisfaction, therefore, that he took the opportunity of making a brief statement to the Council on the principles of the policy which the National Socialist Government of Danzig regarded as the only policy capable of yielding results—namely, the policy of peaceful co-operation between two States so closely dependent on one another.

The Government of the Free City was well aware of the dangers of its position as the body responsible for the maintenance of the general peace. But it was confronted, not merely with the almost insoluble difficulties of the problems themselves, but also with the existence of an almost insurmountable barrier of mutual mistrust.

The only way out of this *impasse* was to ignore for the moment the fundamental legal issues, together with all the disputed points of principle arising in connection with the relations between Poland and Danzig, in order to establish, along the lines indicated by the geographical and contractual relations of the two States, that co-operation which was so indispensable for both.

The Danzig Government, accordingly, immediately on taking office, had approached the Polish Government with a view to a settlement, by means of direct negotiations, of the whole body of questions in suspense. Such a policy, instituted to serve in the interest of peace and the practical *rapprochement* of peoples, must first eliminate the mistrust in question by its presence in the daily activities of the various professions.

At this point the question of the rights of the Polish minority in Danzig, hitherto a subject of dispute between the two States, with which the Council had more than once had to deal, afforded an opportunity ready to hand for the display of the Free City's unquestioned desire for peace. The Danzig Government decided, in this connection, to go far beyond the stipulations for the protection of minorities for which provision was made in the treaties concluded by a certain number of States for the protection of their own minorities, and to give the Polish group in Danzig the right to make free use of their language in dealing with official authorities, and to recognise Polish attestations and certificates and to allow the minority special rights for public as well as private education, etc.

That policy meant the methodical expansion of the protection of the minorities into a system of positive legal rights, and (he might add) the substitution of a regime of permanent legal forms and principles for the free play of political forces.

The Danzig Government had decided in favour of this settlement in spite of not a few misgivings and at the price of a certain risk for the future of the character of the Free City. Its action was based on the conviction that there was no question of an advance payment in anticipation of a corresponding service by the co-signatory Power in another connection, but rather that of creating the conditions precedent to new political and intellectual relations between the peoples. Hence the legal expression and juridical form—which could be extended—given to the principle of mutual respect for foreigners to the exclusion of all attempts at assimilation by forcible means. Such mutual respect was, indeed, the preliminary and the foundation of the restoration of mutual confidence and peaceful understanding between peoples.

Thus it was possible, thanks to the progress achieved in regard to the question of minorities, to approach, in an atmosphere freed of the spirit of mistrust, the other difficult questions connected

with the relations of the two States, the Free City of Danzig and Poland—in particular, that of the full use of the port of Danzig.

He was happy to be able to record that the Government of the Polish Republic had given proof of its appreciation of the position of the two States by accepting the Danzig offer, and had itself contributed to the elimination of mistrust with a view to the solution of this problem, by reengaging to the background the considerations of principle and the difficulties which stood in the way in order, under the arrangement of August 5th and the Protocol of September 18th, to prepare the way for peaceful and practical co-operation between the two ports, Danzig and Gdynia.

The arrangements bound the Polish Government to take all necessary steps to prevent any fresh decrease in the sea-borne traffic passing through the port of Danzig; they also involved the assurance that the Free City of Danzig would in future obtain equal participation in the sea-borne traffic. In execution of these arrangements, a list had been drawn up, by categories and by quantities, of the goods which should be transhipped in the port of Danzig, and this for a period limited, in the first place, to one year. A certain rate for the flow of goods had thus been established.

As regarded the other steps taken to ensure the development of practical co-operation between the two ports, the following deserved mention. the assurance by Poland that the port of Danzig would be granted equal treatment with the port of Gdynia in the matter of import permits and Customs facilities the undertaking to conclude an agreement with Danzig for creating, by reducing the dues and other transhipment costs, similar conditions of competition in the two ports. Thanks to a common advisory organ which was to be set up, co-operation between the two ports would in future provide the necessary uniformity of policy

These arrangements were at first to be valid for a limited period only, and denounceable at short notice. The two parties were well aware of the practical and psychological difficulties which existed in spite of goodwill. Emphasis should further be laid on the fact that the arrangements entered into up to the present were but the beginning of the solution of a considerable number of questions in dispute which were still outstanding.

The difficulties in the way of reconciling existing divergencies of opinion on the subject of commercial trade and on that of the conclusion of a convention on foodstuffs, etc., could only be circumvented if, in all future arrangements, the economic structure of the Free City of Danzig were also borne in mind.

The result of these first direct arrangements, therefore, was modest. Nevertheless, that result should not be under-estimated, for it was not at all devoid of importance in connection with the pacification of relations in Europe.

M. Rauschning thanked all those who had taken part in the work connected with the agreements. He paid a special tribute to the work of M. Rosting as High Commissioner and to his valuable co-operation in the conclusion of the agreement of August 5th, as the starting-point of a practical and final settlement of the question.

The success and the future results of the agreements wholly depended upon whether the will of both parties to agree and to reconcile differences of opinion was lasting. The re-organisation of the whole field of relations between the two States, inaugurated by the settlement of individual questions, could not be carried out unless resolute frankness and sincerity were the basis of their mutual intercourse. The maxims of fair trade and, if he might so express it, the business solicitude of the honest merchant should predominate also in relations between interdependent States. Economic and political rights must not be exercised unilaterally and contrary to the honour of a nation or to its instinct of self-preservation. The principle of practical co-operation, relegating problems of principle to second place, and the principle of the inviolability of a national will to live were the two fundamental ideas upon which Danzig based its adherence to a policy of peace.

The salutary restraint imposed by a common task made it possible to eliminate insurmountable difficulties, while the spirit of continuity inherent in these guiding ideas rendered possible the attainment in post-war times of a higher plane in the relations between nations. On this plane, it would be possible to render innocuous problems which it had hitherto been considered impossible to solve, and to embark upon a fruitful policy for the fulfilment of common tasks.

M. Rauschning hoped that the legal proceedings undertaken in May 1930 on the subject of Danzig and Gdynia might be suspended for all time.

M. BECK said that the Polish Government knew and fully appreciated the ideas underlying the statement made by the President of the Senate of the Free City of Danzig. The personal contact which had taken place when the Senate of the Free City had visited Warsaw and when the Polish Premier and one of his colleagues had visited Danzig had enabled the two parties to exchange views.¹ It was with the greatest satisfaction that the Polish Government had taken the opportunity afforded by the attitude of the President of the Free City to make a great effort to achieve just agreements in connection with important problems affecting the two parties. The result had not been slow to materialise the two important agreements, of which the Council had just been informed, were tangible proof of this. He agreed with M. Rauschning that those first achievements were the beginning of a fresh period during which satisfactory arrangements would be made and during which just solutions suited to the needs of the moment would be

¹ See document C.543.1933.I.

sought in a spirit of conciliation, at a time when both the Polish Government and the Senate of the Free City were deeply concerned with both economic and financial questions.

The report now before the Council also referred to the part played by the League High Commissioner, M. Rosting, in the preparatory work which had preceded the conclusion of the agreements. The Polish Government had had an opportunity of appreciating the sincerity and the complete impartiality of M. Rosting. M. Beck was certain that the representative of the Free City shared his view their unanimity being the highest possible tribute to the High Commissioner's work.

M. von KELLER was highly gratified to hear the sentiments expressed by the President of the Free City and by the Polish representative upon the conclusion of the two conventions, whereby it had been possible, by direct negotiation, successfully to settle weighty disputes between Danzig and Poland. He heartily endorsed the congratulations addressed to the High Commissioner, M. Rosting, and hoped that the work accomplished with his valuable help would, thanks to the efforts made by the two parties, inaugurate a period of mutual understanding between the two Governments and a common desire forthwith to solve, by means of agreement between the parties, the outstanding problems at issue between the Free City and Poland. Such a result could not but be profitable to the vital interests affected, the importance of which had been revealed during the discussion.

M. BIANCHERI wished particularly to endorse the congratulations to the High Commissioner for the active part he had taken in this work.

M. PAUL-BONCOUR had had the honour to occupy a seat on the Council for several years and could scarcely remember a session at which it had not been called upon to solve some difficulty regarding the Free City of Danzig. Remembering the disputes which the Council had had to settle, he felt it his duty to pay a very sincere tribute to the conciliatory solution achieved. The President of the Senate of the Free City had just said that the result was modest. In M. Paul-Boncour's view it was considerable, and he desired, in all sincerity and very simply, to congratulate both parties.

The PRESIDENT was certain that all his colleagues would associate themselves with what had just been said. Speaking for himself, he felt keen satisfaction at the excellent result achieved in so difficult a matter. He was sure that he was voicing the opinion of all his colleagues in saying that this was a happy day for the Council of the League.

The draft resolution was adopted.

M. Rauschning and M. Rosting withdrew.

3326. Dispute between Bolivia and Paraguay

[See *Official Journal*, November 1933 (Part II).]
