

## FOURTH MEETING (PRIVATE, THEN PUBLIC)

*Held on Saturday, October 14th, 1933, at 3.30 p.m.*

*President* M. AMADOR.

The Members of the Council were represented as follows:

<i>Australia</i>	Mr. OFFICER.
<i>United Kingdom of Great Britain and Northern Ireland</i>	Sir John SIMON later, Viscount CECIL OF CHELWOOD.
<i>China</i>	M. Wellington KOO.
<i>Czechoslovakia</i>	M. BENES.
<i>Denmark</i>	M. DE SCAVENIUS.
<i>France</i>	M. MASSIGLI, later, M. PAUL-BONCOUR.
<i>Italy</i>	M. BIANCHERI.
<i>Mexico</i>	M. CASTILLO NAJERA.
<i>Panama</i>	M. AMADOR.
<i>Poland</i>	M. BECK, later, Count RACZYNSKI.
<i>Portugal</i>	M. DE VASCONCELLOS.
<i>Spain</i>	M. DE MADARIAGA.

*Secretary-General* M. AVENOL.

## 3353. Appointment of the High Commissioner of the League of Nations at Danzig.

M. Rauschnig, President of the Senate of the Free City of Danzig, came to the Council table.

Sir John SIMON, Rapporteur, reminded the Council that two days previously, at the last meeting of the Council, the British representative had been requested by the representative of Poland to adjourn the question of the appointment of the High Commissioner at Danzig in order to permit M. Beck to be present himself at the meeting at which this nomination was to be made. All the members would be very happy to see M. Beck among them at the Council table.

Sir John Simon must remind his colleagues that this was the last day on which the appointment could be made. His own duties in the matter would expire that night, his part as Rapporteur being to secure the appointment of a High Commissioner before October 15th. As October 15th fell the next day from midnight Danzig would be without a High Commissioner. Therefore, it was not obstinacy on Sir John Simon's part, but the necessities of the case which required him to point out that this matter, which had given him and others of his colleagues so much trouble and had been so often discussed and so often adjourned, must be decided now.

He did not wish to dwell on the difficulties which he had had nor to go through the numerous names which at different times he had mentioned or had had mentioned to him by one or other of the parties. He did not propose to recite all these names it would obviously be unfair to do so.

It was manifest that the person to be nominated ought not to be a national of one of the States which had close treaty or other relations with one of the parties, and also that this important post ought to be held by a man of character, independence and judgment—preferably, he thought, by somebody who was well acquainted with the methods and machinery of the League of Nations and who had the confidence of all its Members. Those being the circumstances, he wished to make a suggestion to his colleagues in the hope that it would find acceptance in their eyes.

Sir John Simon then submitted the following draft resolution.<sup>1</sup>

“(1) The Council requests the Secretary-General to convey to M. Helmer Rosting its thanks for the services he has rendered to the League of Nations during his term of office as High Commissioner of the League of Nations at Danzig.

<sup>1</sup> Document C.592.1933.I.

" (2) M. \_\_\_\_\_ is appointed High Commissioner of the League of Nations at Danzig for a period of three years as from \_\_\_\_\_. The question whether his term of office should be renewed will be examined by the Council a year before the expiry of the period of three years.

" The Council requests M. Rosting to continue in office as High Commissioner until the date on which the new High Commissioner enters upon his duties.

" (3) The annual salary of the High Commissioner will be 72,000 gold francs, Arrangements concerning other expenditure relating to the post of High Commissioner, including the salaries of his office staff, travelling expenses, etc., will be made by the High Commissioner after consultation and in agreement with the Secretary-General.

" (4) The funds appropriated for the maintenance of this post shall, as in the past, be advanced to the High Commissioner by the Treasury of the League of Nations. The High Commissioner shall submit a monthly report to the Treasury on the use made of these funds, which shall, so far as possible, be employed in accordance with the general rules applied by the League in such matters. Advances thus made to the High Commissioner shall be repaid in equal parts by the Governments of Danzig and of Poland in accordance with the Agreement concluded on that question. The accounts of the High Commissioner shall be audited every six months by the Treasury of the League of Nations. "

He pointed out that, in the draft resolution, the name of the new High Commissioner was left blank, and added that the suggestion had been made—and it would, he thought, be widely regarded as a suggestion of much merit—that the Council should invite for the post of High Commissioner at Danzig Mr. Lester, Permanent Delegate at Geneva of the Irish Free State. Mr. Lester's qualifications spoke for themselves; they were known to all the members of the Council. He had been their colleague for the past three years, and had been known to many of them, not only through his work on the Council, but through the untiring services which he had rendered on more than one particularly arduous Council Committee.

M. BECK entirely shared the Rapporteur's view that the appointment of the High Commissioner for the Free City of Danzig must be approved unanimously by the Members of the Council. Unfortunately he could not support Mr. Lester's candidature.

On the other hand, there was no doubt that the question must be quickly settled, in view of the time-limit ending on October 15th, to which Sir John Simon had referred. It was stated, however, in the draft resolution submitted to the Council that it had been the Council's intention to ask M. Rosting to continue to act as High Commissioner until the new High Commissioner should enter upon his duties. In any case, therefore, the Council would have to entrust that position to M. Rosting for a certain further period.

That being so, he would propose, in order that the Council might be able to arrive at a unanimously agreed candidature, that M. Rosting's term of office be extended for a certain period, as that would enable the Council to reach a satisfactory solution, in the preparation of which M. Beck was willing to collaborate.

M. DE MADARIAGA said he felt some hesitation in speaking on this delicate question. He was torn between two conflicting feelings. In the first place, he thought it obvious that no solution would be satisfactory unless the High Commissioner for the Free City could reckon, not merely on the acquiescence, but on the friendliness and confidence of the Government of the Polish Republic. On the other hand, he wished to say that he had had the great pleasure of serving with his colleague from the Irish Free State, Mr. Lester, not only on the Council, but on Committees of the Council whose work had been very important. He knew from that experience that Mr. Lester could certainly have given satisfaction to the Polish Government.

Naturally M. de Madariaga respected whatever reasons the representative of Poland might have for not approving that appointment, but he would have been very glad if the Council could have reached unanimity on a name so deserving of confidence as that of Mr. Lester. In any case, he ventured to express the hope that the Council might arrive at a unanimous decision as quickly as possible. He had felt bound, however, to make these few remarks, because a refusal to accept a name without any explanation might have been misconstrued.

M. MASSIGLI said that, on the one hand, there had been a proposal regarding procedure and adjournment, and, on the other hand, a proposal by the Rapporteur for the immediate appointment of a High Commissioner.

As regards the question of postponement, he had and could have no views on the subject until he had heard the qualified opinion of the Rapporteur.

There remained the other proposal. A name had been put forward. M. Massigli was able to endorse every word that had been said by his Spanish colleague. There were few men in the League who, by their activities in the Geneva organisations, had acquired in so short a time and to so high a degree the friendship and respect of their colleagues as Mr. Lester. In the most difficult circumstances he had acted as Rapporteur on problems which had separated Members of the League and also on delicate minority questions. M. Massigli thought that Mr. Lester's impartiality was

known to all the Members of the Council and he therefore associated himself with the tribute which had been paid to him.

M. BIANCHERI did not wish to go into the substance of the question before hearing the Rapporteur. But, as Mr. Lester's name had been put forward and as the latter was a former colleague whom the Council had so often seen in its committees, and whose activities the Members of the Council had so often had an opportunity of appreciating, M. Biancheri thought that the point at issue could not be a personal one. He would therefore like to know the reasons for which objections were made to Mr. Lester's appointment.

Sir John SIMON, with reference to the Polish representative's suggestion that the Council should deal with this situation by adjourning the decision, said that there was nothing he would like better than to agree with his friend, M. Beck, in all things as he did in so many, but he was bound to tell the Council that, in his opinion, this proposed mode of dealing with the question was not dealing with it at all.

Sir John Simon had had the privilege, as Rapporteur, of endeavouring for twelve months to find a name which would be generally acceptable. He had had a very large number of interviews. The matter had been the subject of communications not only in Geneva but in other capitals, and, while he hoped he had a reasonable stock of patience, the exercise of patience was not the same thing as acquiescing in an indefinite futility. It was, in his opinion, a futility to adjourn this matter, especially as he did not know, and nobody knew, what conceivable reason there could be which anyone would suggest against the name of Mr. Lester.

The Council would, of course, decide as it thought fit on the proposal before it, but if there was an adjournment he must ask to be relieved of his duties as Rapporteur, because he was sure there was somebody else sitting at the Council table who felt more competent than he himself did to produce an agreed and unanimous decision. He would therefore like his colleagues to understand that he did not intend to stand in the way of the more effective handling of this matter by somebody else as from that night.

M. BECK wished to point out that, in his first proposal, he was not envisaging a simple postponement of the question. He had proposed that the Council should take a decision requesting M. Rosting to continue to act as High Commissioner. M. Rosting had been quite lately congratulated by the whole of the Council on the services he had rendered, and this delay might perhaps permit of reaching a solution which could be adopted unanimously.

M. RAUSCHNING, President of the Senate of the Free City of Danzig, ventured to express the hope that a final solution would be found. It had already been mentioned that the question of the High Commissioner's successor had been before the Council for a year past. He was in full agreement with the Polish representative regarding M. Rosting's eminent qualities, and he also agreed in principle to his being regarded as a candidate with a view to a prolongation of his term of office. In this case, however, the prolongation should not be provisional but should be regarded as a final solution. M. Rauschnig therefore asked the Council to be good enough to consider making a final appointment, whether it chose Mr. Lester or M. Rosting. As regards Mr. Lester's candidature, he wished to add that the Free City would view it with satisfaction.

M. BIANCHERI wished to suggest that, leaving on one side for the moment the question of individuals—whether M. Rosting or Mr. Lester—and without examining the qualities and merits of each, the services rendered by M. Rosting as High Commissioner and those which might be rendered by Mr. Lester if he were appointed, the President and the Rapporteur should consider whether or not it was possible to renew the High Commissioner's term of office, and, if so, for how long.

Mr. OFFICER desired to put briefly the views of Australia in this matter. First of all, on the question of adjournment and further delay the Rapporteur had explained his difficulties and the time he had been engaged on this task, and it appeared that another adjournment would possibly, or even probably mean that at its next session the Council would be faced with the same position as to-day. Therefore, adjournment might lead to no useful result. Mr. Officer would suggest, moreover, that such delays and lack of accord had a certain unfortunate echo, particularly in the more distant countries such as Australia. They received great publicity in the Press and they bred an opinion that the League found it difficult to solve what most people in places like Australia looked upon as some of the simpler questions with which the League was faced.

As to the question of an appointment, while the Australian representative had had no experience of Mr. Lester's work at Geneva, he had heard and read much about it, and in view of his hard-working qualities, his devotion to duty and the tact he would display, as well as in view of his experience of the League, it would seem difficult, if not impossible, to find anyone more suited for the post. Therefore, he would be inclined to oppose delay and support the nomination of Mr. Lester.

The PRESIDENT said that the Rapporteur considered that a decision ought to be taken on that day and that he was opposed to the proposal for a postponement. If the Council insisted on a postponement, Sir John Simon would be obliged to resign his duties. The President accordingly proposed that the Council should take a vote on the question of postponement.

M. BECK wished to make his point of view quite clear. He had proposed M. Rosting's appointment for a certain period. If the Rapporteur thought it advisable to fix a period of less than three years, he would have no objection.

Sir John SIMON would attempt to clarify the issue. The proposition from which he could not himself depart was that the Council must make an appointment to the post of High Commissioner that day. He could not lend himself to what he would regard as the futility of postponing the date of that appointment; it would, he believed, be quite contrary to his constitutional duty and he did not think that it would lead to any result. The precise question on which he would like to have the decision of the Council was whether the Council was prepared to vote on the proposition that it make an appointment that day. He understood from the Secretariat, and he had been so informed quite constantly, that M. Rosting was not an available candidate, but that, on the contrary, he was to take up another duty on October 15th. He was no more an available candidate than the United Kingdom representative himself, and Sir John Simon had been told and warned repeatedly by the Secretariat that it was necessary for him to discharge his duty of getting the new High Commissioner appointed that day. He proposed, therefore, to do all he could to discharge that duty. If any of his colleagues saw some other way of dealing with the matter he would, as he had already said, feel greatly relieved, because he would have no more responsibility in the matter.

If the Council decided to fill the vacancy that day, it might be desirable to have a short adjournment, but there was nothing further which Sir John Simon could contribute. He had done all he could. A decision that the Council fill the post that day was, in his opinion, quite essential.

M. DE MADARIAGA said that there was one point which needed to be cleared up. The Polish representative proposed to re-appoint M. Rosting, while the Rapporteur had stated that M. Rosting was not available. It would be helpful to have the Secretary-General's opinion on this point.

The SECRETARY-GENERAL said that it was true that he had informed, not only the Rapporteur, but also, in an official letter, the representatives of the Polish Government and the Free City of Danzig that, so long as M. Rosting was Director of the Minorities Section, he could not be a candidate for any other post. This question had been very carefully examined by Sir Eric Drummond before his departure, as the problem had already arisen. M. Rosting had not then been Director of the Minorities Section, he had been a candidate for this post and the appointment had not been made until after Sir Eric Drummond had written a letter to M. Rosting, pointing out with the utmost clearness that it was absolutely impossible for the Director of the Minorities Section to be seconded for other duties.

M. BECK would like to point out, after listening to the Secretary-General's statement, that in this matter the difficulties with which the Secretariat was faced were much less considerable than those connected with the appointment of a High Commissioner. In these circumstances, if the Council considered it possible to appoint M. Rosting, the Secretary-General should make the necessary arrangements.

M. DE MADARIAGA thought that, in view of the discussion which had just taken place, the Council should first decide on the following preliminary question. Was M. Rosting an available candidate? Once that question had been settled, the Council would know whether there were two candidates or only one. The Rapporteur could then give his opinion and the Council would unanimously agree with him.

Sir John SIMON agreed entirely with the Spanish representative. The position was that M. Rosting was quite free to stand for the post of High Commissioner if he was willing to resign his new post in the Secretariat. Presumably, the Secretary-General could tell the Council whether M. Rosting had indicated his willingness to give up his new position in order to serve, on the Council's nomination, as High Commissioner at Danzig. If M. Rosting was willing, his name could be considered, if not, it would be just as relevant to propose the name of a person who was not living at all.

The SECRETARY-GENERAL added that he had gone into this matter last week with M. Rosting. He had reminded him of the view taken by Sir Eric Drummond, with M. Avenol's full approval. M. Rosting had stated categorically that in those circumstances he would not be a candidate.

M. DE MADARIAGA thought that the Council should now consider whether it was prepared to inform the Secretary-General that it would agree, as an exception, to M. Rosting's being a candidate for the post of High Commissioner of the Free City of Danzig, although he held a post in the Minorities Section.

The PRESIDENT proposed that the Council should hold a further meeting at the end of the public meeting.

*The President's proposal was adopted.*

M. Rauschnig withdrew