

of refugees from the Saar Territory, to which the French representative had referred in his observations to the Council at the last meeting,¹ might be placed on the agenda of the present session.

The Council decided to place this question on the agenda of the present session.

3538. Committees of the League of Nations: Appointment of a Rapporteur.

The PRESIDENT reminded the Council that, last September,² the Czechoslovak representative, in his capacity as President of the Council, had acted as Rapporteur for the following question appearing on the agenda of the present session, "Committees of the League of Nations" The President was sure that all his colleagues would agree in asking the Czechoslovak representative to be good enough to continue as Rapporteur for this item.

The proposal of the President was adopted.

3539. Dispute between Bolivia and Paraguay. Miscellaneous Expenses.

The PRESIDENT presented the following report:³

"At its eighty-second session,⁴ the Council authorised the Secretary-General to charge to the Unforeseen item of the budget for 1934 the miscellaneous expenses, including the cost of telegrams, incurred in 1934 in connection with the dispute between Bolivia and Paraguay up to a maximum of 15,000 francs.

"At the end of 1934, the unspent balance under this vote was approximately 9,000 francs.

"Since it is necessary to make provision for further expenditure of this nature in the current year, I would ask the Council to vote a release of 10,000 francs for this purpose from the corresponding item of the 1935 budget."

The conclusions of the report were adopted.

(The Council went into public session.)

3540. Free City of Danzig. Petitions from Members of the Catholic Clergy and from the Centre Party of the Free City, dated August 30th and December 17th/28th, 1934, respectively

Mr. Lester, High Commissioner of the League of Nations at Danzig, and M. Greiser, President of the Senate of the Free City of Danzig, came to the Council table.

Mr. EDEN welcomed the President of the Senate of the Free City of Danzig on his first appearance at the Council table, and presented the following report and resolution.⁵

"On December 10th, 1934, the High Commissioner of the League of Nations at Danzig addressed a letter (document C.577.1934.VII) to the Secretary-General, requesting him to submit for consideration by the Council a petition lodged with him on August 30th, 1934, by Dr. Emil Moske, parish priest of the church of St. Brigitte, and Dr. Walther Wienke, parish priest of the church of Langführ, on behalf of all the Catholic parish priests of the Diocese of Danzig, all of whom are Danzig citizens.

"The High Commissioner bases his request on the letter approved by the Council on June 10th, 1925 (*Official Journal*, July 1925, page 950), and subsequently sent to the High Commissioner, relating to information which he might receive with regard to dangers of infraction of the Constitution of Danzig, which is placed under the guarantee of the League. According to that letter, should the High Commissioner learn, through petitions or otherwise, that there is a danger of infraction of the stipulations of the Constitution, he is empowered either to report thereon for the information of the Council or, in very serious cases, to request that the Council should consider the matter at one of its sessions.

"The petition from the Catholic clergy was communicated by the High Commissioner, for observations, to the Senate, whose reply has also been forwarded by him to the Secretary-General.

"Furthermore, in a letter dated January 7th, 1935, to the Secretary-General, which has been communicated to the Council in document C.45.1935.VII, the High Commissioner informs the Council that he has since received a petition from the Centre Party of the Free City of Danzig.

"The High Commissioner observes that some of the points raised in this second petition are identical with some of the points raised in the petition from the Catholic clergy, and that the

¹ See page 134.

² See *Official Journal*, November 1934 (Part I), page 1465.
Document C.60.1935.VII.

⁴ See *Official Journal*, November 1934 (Part II), page 1538.

⁵ Document C.58.1935.VII.

Government of the Free City to which the petition from the Centre Party was communicated, has informed him that it proposes to open negotiations with the petitioners before submitting its observations on their petition. The High Commissioner adds that he wished to inform the Council of this situation in case it should desire to defer consideration of the petition from the Catholic clergy

"In view of this, I have come to the conclusion that the best procedure would be to defer consideration of the petition from the Catholic clergy until our next session, pending the result of the contemplated negotiations; for it would clearly be the best solution if an agreement could be reached locally an agreement which would naturally be in conformity with the fundamental principles of the Constitution of the Free City

"If you agree to this course, I do not propose on this occasion to enter into the substance of the petition before us.

"While, however, proposing to adjourn the consideration of this petition, I feel that I ought not to let this opportunity pass without some observations on the observance, by the Senate of the Free City, of the Constitution of Danzig, which is placed under the guarantee of the League of Nations.

"The High Commissioner's general report for 1934 (document C.42.1935.VII), which I would recommend to my colleagues as an impartial and dispassionate review of affairs in the Free City, calls attention to certain difficulties which he has encountered during the year in connection with the state of domestic politics, and to certain tendencies observable in legislation and administration which did not always seem to him to be in harmony with the letter or the spirit of the Constitution. It is only fair to add that the High Commissioner reports a number of cases in which the Senate has reconsidered legislative or administrative acts as a result of doubts expressed by him as to their conformity with the Constitution.

"The High Commissioner has also forwarded as an addendum to his report the text of New Year messages addressed to the people of Danzig by the President and other members of the Senate, which my colleagues will no doubt have noticed. Some of the expressions used in these messages call for comment from the point of view of the constitutional rights of the population and the guarantee of the Constitution by the League. They seem to me to indicate the possibility of developments which it would be difficult to reconcile with the special international status of the Free City and with the Constitution upon which the life of the Free City is based. As regards the reference to the function of the League as guarantor of the Constitution, a function which, I would remark in passing, it is for the League itself to define, I need do no more than recall the report adopted by the Council on this subject a year ago.¹ On that occasion, the Council found that the League's guarantee of the Constitution implied for it the right and duty of satisfying itself in general that the constitutional life of Danzig was in keeping with that Constitution, and that the Council must remain sole judge of its own action in every new case that may be submitted to it in virtue of the League's guarantee.

"At the same time, I would ask the Council to take note of the High Commissioner's statement in the second paragraph of his report that the President of the Senate has given the fullest assurances of the loyalty of the Senate to the Constitution guaranteed by the League of Nations. The Council has every right to expect that these assurances will be fully and faithfully observed.

"I beg to move the following resolution.

"The Council approves the conclusions of this report."

Mr. LESTER, High Commissioner of the League of Nations at Danzig, said that he had no observations to offer on the report.

M. GREISER, President of the Senate of the Free City of Danzig, said that the Government of the Free City took note of the report which the Rapporteur had just read. He observed with satisfaction that the Rapporteur had proposed that the Council should postpone till the May session the discussion of the two petitions from Catholic priests and the Centre Party which the League High Commissioner had forwarded to Geneva. In that way, the Government of the Free City would be placed in the agreeable position of having an opportunity of seeking, in the interval, a settlement which perhaps might make further action by the Council unnecessary.

The Government of the Free City had also taken note of the opinion expressed by the Rapporteur in connection with the High Commissioner's general annual report for 1934. In his statement, the Rapporteur had thought it necessary to draw the attention of the Members of the Council to certain messages from M. Greiser himself and from other members of the Senate, on the one hand, and to certain administrative measures, on the other hand, which appeared to indicate the possibility of developments which might perhaps fail to be in harmony with the Constitution of the Free City guaranteed by the League.

The Free City's Constitution was expressly based on the sacred principle of democracy whereby the majority of the population determined the general direction of the Government's activity, which that majority guided. The wishes of the people of Danzig had been clearly expressed in the elections to the Popular Assembly in May 1933, by a vote of over 50 per cent,

¹ See *Official Journal*, February 1934 (Part I), page 139.

and in the elections to the Kreistag in November 1934 in two rural divisions, by a vote of 80 per cent, in favour of the German National-Socialist Workers' Party. The very great majority of the people of Danzig therefore desired to be led and governed in accordance with the principles of National-Socialism. It was therefore the manifest duty of the Government of the Free City to carry out its National-Socialist ideals, within the limits laid down by the Constitution. M. Greiser was particularly happy to be able to state, in the presence of the Council of the League of Nations, that, in expressing himself thus, he was in complete agreement with the League High Commissioner at Danzig and that this right had been explicitly acknowledged at the beginning of the High Commissioner's annual report.

M. Greiser desired most particularly to state that, since it had assumed power, the National-Socialist Government of the Free City had at all times most scrupulously observed the letter and the spirit of the Free City's Constitution, although it had often been difficult to achieve, within the limits of that Constitution, the aims desired by the very large majority of the inhabitants. Notwithstanding these obstacles, which were a matter of internal politics, the National-Socialist Government of the Free City, as the Council indeed could not fail to note, could claim credit before the entire world for having translated this desire for understanding, expressed at the time of its assumption of power, into a concrete fact by effectively achieving an understanding with Poland. This embarrassing element of dispute—embarrassing more particularly for the League Council—which had persisted for ten years, was now removed by means of this act of National-Socialism testifying to its desire for reconciliation and understanding. In this way, the ideal of National-Socialism, even though, in the case under review, it had only been expressed in the smallest German State in the world, had afforded undeniable proof of its unalterable desire for peace.

The Government of the Free City also desired to elucidate and settle, by means of conversations and direct negotiations, any disputes that might arise between Danzig and Poland, without having recourse to the offices of the League Council. In that respect, the Government of the Free City felt hopeful, and indeed certain, that the Government of the Polish Republic was actuated by the same desire. This situation, which was also a vital need for the League, was, nevertheless, sometimes disturbed by the manoeuvres of persons and associations who were unwilling to bow to the principle of the will of the majority on which the Constitution was based. Notwithstanding the difficulties that were thus raised, the Government of the Free City would continue, as heretofore, to consider that it was its natural duty to respect the Constitution of Danzig guaranteed by the League.

M. KOMARNICKI said that his Government accepted the Rapporteur's proposal that the Council should defer consideration of the question submitted by the High Commissioner pending its settlement locally by conversations between the Senate of the Free City and the representatives of the Centre Party. The method of direct conversations appeared to the Polish Government to be the most suitable in this case.

Similarly the method of direct negotiation had already proved efficacious in questions affecting Danzig, a fact which the Polish Government had had occasion to note with satisfaction in a wider field and in more complicated issues, in the relations between Poland and the Free City, in which the Polish Government had found in the present Senate a sincere desire for co-operation and a spirit of good understanding. The Polish Government felt certain that the Senate would enter upon the proposed conversations in the same spirit.

M. MASSIGLI desired to indicate the French Government's approval of the Rapporteur's proposal, not only by voting in favour of it, but by an explicit declaration. He concurred not only in the proposal for postponement made in the report, but desired to state expressly his approval of the observations presented in the second part of the report to which he attached the very greatest importance.

The French representative, like the Rapporteur, had observed the importance of the statement made by the High Commissioner in his report to the effect that the President of the Senate had given the fullest assurances of the Senate's loyalty to the Constitution guaranteed by the League. Moreover, M. Massigli had heard with pleasure that declaration renewed in the words which the President of the Senate had just uttered. The French Government, like the Rapporteur again, considered that the Council was entitled to expect that these assurances would be fully and strictly carried out.

M. DE MADARIAGA concurred in what had been said by the French representative and by the Rapporteur, especially with regard to the second part of the latter's remarks. He, too, wished to welcome the President of the Senate of the Free City on the occasion of his first visit to the Council. He took careful note of the assurances which M. Greiser had given the Council with regard to the Free City's Constitution. M. de Madariaga believed that it was a good omen that that should happen on the day following a characteristic triumph of the League in the performance of its international functions.

Mr. EDEN thanked his colleagues for their statements and also the President of the Senate of the Free City of Danzig for his declaration in regard to the intentions of the Senate to respect the Constitution of the Free City of Danzig, which was, of course, the name by which the City was called at the Council table.

The resolution was adopted.

Mr. Lester and M. Greiser withdrew.