

could be satisfactorily settled in a short time, provided that the Governments would be good enough to treat the matter in the spirit of international co-operation recommended in the report.

Mr. EDEN said that His Majesty's Government in the United Kingdom, in accepting the proposal made by the Rapporteur on April 1st, had assumed that no increase in the budget of the Nansen International Office was contemplated, that assumption had not been confirmed.

Desiring to facilitate a solution of this question, Mr. Eden had very carefully considered the resolution now proposed to the Council, and, in view of the terms of the Rapporteur's report and of the exceptional nature of the position of refugees from the Saar, he felt able to support the proposed recommendation to the Supervisory Commission.

*The resolution was adopted.*

#### 3594. Free City of Danzig. Functions attributed to the League of Nations by the Treaties in Force.

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

Mr. EDEN presented the following report: <sup>1</sup>

"The High Commissioner, in a letter addressed to the Secretary-General on May 7th, 1935, (Annex 1548, page 716), communicated to the Council the text of a speech, published in the *Danziger Vorposten*, the organ of the National-Socialist Party at Danzig, which the President of the Senate of the Free City Herr Greiser, made at an electoral meeting on March 24th, as well as an exchange of memoranda on the subject between the High Commissioner and the Senate.

"In this speech, the President of the Senate declares that the opposition disturbs the work of the Government by sending continual complaints to the League of Nations. Moreover, according to the President of the Senate, the High Commissioner has not always taken the same view of his task as the population of the Free City who consider that he has only to act as arbitrator in the relations between Danzig and Poland. The High Commissioner is stated to have received the 'Germans of Danzig less often than the representatives of the opposition parties, who, in accordance with the principles of democracy, should have bowed to the will of the majority. In this way, according to the President of the Senate, the people of the Free City consider that the relations between the international organ of the League and the representatives of the opposition have constantly improved.

"In the opinion of the High Commissioner, these declarations contain fundamental inexactitudes as to the nature and extent of the functions attributed to the League of Nations by the treaties in force, and he asked the Senate to inform him whether the text published by the above-mentioned newspaper corresponded with the words pronounced by the President. The Senate, in its reply stated that the text in question reproduced approximately what was actually said.

"In these conditions and in view of the fact that the memorandum addressed by the High Commissioner to the Senate on the subject of this speech is based on resolutions and decisions of the Council concerning the functions of the League of Nations and of its High Commissioner, Mr. Lester considers that the Council has the right to interpret the method in which these resolutions and decisions should be applied.

"On many occasions, the Council has pronounced very clearly on the functions of the League of Nations and the competence of the High Commissioner at Danzig, and it does not seem necessary to undertake here an analysis of these pronouncements, more particularly as the Senate, in its reply to Mr. Lester's memorandum, in no way challenges the competence of the High Commissioner as defined by the Council. I would recall only the decision of the Council of May 22nd, 1931, which defines in particular the competence of the High Commissioner.<sup>2</sup> This decision runs as follows:

"The High Commissioner is the representative of the League of Nations in Danzig within the limits laid down in the treaties and resolutions of the Council.

"The High Commissioner, as representative of the League, is responsible to the League, as stipulated in the resolution adopted by the Council on February 13th, 1920, when the first High Commissioner was appointed. On this occasion, the Council also decided that the duties of the High Commissioner would include that of "reporting to the Council of the League of Nations through the Secretary-General on all matters within his jurisdiction as High Commissioner. No mention of this is made in the Treaty of Peace, but it will clearly be necessary for the Council to be kept fully informed." For the purpose of discharging this duty of reporting to the Council, the High Commissioner can address himself at any moment to the Government of the Free City which will furnish him official information on all public affairs of the Free City

"The right of petition of the population of Danzig and the procedure to be followed in this matter by the High Commissioner have been defined by the letter of June 5th, 1925,<sup>3</sup> addressed

<sup>1</sup> Document C.234.1935.VII.

<sup>2</sup> Sixty-third session of the Council, *Official Journal*, July, 1931, page 1134.

<sup>3</sup> Thirty-fourth session of the Council, *Official Journal*, July 1925, page 950.

to the High Commissioner by the Secretary-General of the League of Nations and approved by the Council. In this letter the following passage occurs:

“ they [the Council] think that, because of the position of the High Commissioner as representative of the League of Nations in Danzig, the citizens of the Free City could address petitions to him which he could deal with upon their merits as sources of information on the situation in Danzig. The Constitution of the Free City being placed under the guarantee of the League, it would seem natural that the High Commissioner, in cases where he learnt, through petitions or otherwise, that there was a danger of infraction of the stipulations of the Constitution, should bring such questions to the notice of the Council. This would seem to apply also to the stipulations of Article 4, second paragraph, of the Constitution, to which the petitioners refer in the present case.’

“ The competence of the High Commissioner, the functions of the League of Nations and its duties as guarantor of the Constitution of the Free City are thus clearly defined. In these circumstances, the Council cannot possibly accept the interpretation of the duties of the League of Nations put forward by the Senate in its observations on the second point raised in the High Commissioner’s *aide-mémoire*. In this passage, as my colleagues will recall, the Senate seeks to limit the scope of the League’s guarantee of the Constitution. Nor can the Council agree that citizens of Danzig who exercise their right to approach the League of Nations can be accused of disloyalty towards the Free City

“ As regards the allegation of the President of the Senate in his speech of March 24th, which is repeated in the Senate’s memorandum, that the fact that the opposition has the right to address petitions to the High Commissioner disturbs the work of the Government, the Council can only remark that, up to the present, such an abuse of the right of petition does not seem to have occurred. The Council will, I am confident, be quite content, as it has been in the past, to leave it to the discretion of the High Commissioner to prevent any possible abuse of the right of petition in the future.

“ I desire to add that the interpretation which the President of the Senate gave in his speech, and which is reaffirmed in the Senate’s memorandum, to the report adopted by the Council at its session of January last is erroneous.<sup>1</sup> The Council, in agreeing at that time to postpone the examination of the petition which had been submitted to it, did not desire thereby to blame the petitioners for having addressed themselves to the League of Nations. The Council’s agreement was due to the assurances which it received from the President of the Senate that he proposed to negotiate with the petitioners—a proposal which, if it led to a settlement of the dispute, seemed preferable.

“ In conclusion, I am convinced that my colleagues will refuse to accept the criticism formulated in connection with the manner in which the High Commissioner has carried out his duties and, while expressing to him their sincere appreciation of the devotion which he has shown in his office, will desire to put on record their entire confidence in him.

“ The Council will be glad to note that the President of the Senate, for his part, shares this feeling of confidence in the High Commissioner. Indeed, in the Senate’s memorandum, Herr Greiser states that he is conscious of having in the person of the High Commissioner the strongest support of a strict observance of the Constitution of Danzig and that he believes himself to be fully in agreement with the High Commissioner regarding the latter’s position in Danzig as defined and established by the Council of the League. At the same time, the Senate trusts that the High Commissioner will be satisfied that the President’s observations in his speech in no way constituted a personal attack on the High Commissioner, with whom the Government of the Free City desires to collaborate in complete harmony.

“ I have the honour to propose to the Council the adoption of the present report.”

Mr. Eden added that he could not let the occasion pass without a reference to his profound regret that the President of the Senate of the Free City of Danzig should have chosen the medium of a political speech to give expression to erroneous observations on the subject of the functions of the League of Nations and its High Commissioner.

Furthermore, he was sure that he was expressing the sentiments of his colleagues in proffering his sincere thanks to Mr. Sean Lester for the admirable way in which he was fulfilling an extraordinarily difficult task and in assuring him that the Council had complete confidence in his ability to continue, as he had done in the past, to fulfil his arduous duties to the Council’s entire satisfaction.

M. GREISER, President of the Senate of the Free City of Danzig, thanked Mr. Eden for his work on the question of the position of the High Commissioner in the territory of the Free City of Danzig. He was glad to say that he was able fully to associate himself with the Rapporteur’s objective and impartial view of the question. While stressing the fact that it was, and would be, the duty of the Danzig Government to recognise that the position and work of the High Commissioner of the League of Nations were based on the treaties in force and the resolutions of the Council, M. Greiser felt obliged, nevertheless, to draw the Council’s attention to the fact that public opinion and public feeling among the greater part of the Danzig population, which was unable to appreciate the legal and international bearing of the treaties and resolutions of the Council, must be able to express itself. As the Danzig Constitution ensured the right of freedom of

<sup>1</sup> See *Official Journal*, February 1935, page 139.

speech, it was sometimes the Government's duty to express popular opinion. Such an expression of popular opinion did not in any way prejudice the legal situation of the High Commissioner, as set out in the treaties and resolutions of the Council and in the present report by the Rapporteur. M. Greiser was therefore glad to note that the settlement proposed in the report took due account of both the position of the High Commissioner and the opinion of the Danzig Government.

M. KOMARNICKI accepted Mr. Eden's report and sincerely congratulated him on having accomplished his task with such fairness. The Polish representative was glad to see that the report confirmed the competence of the High Commissioner, whose principal task was to watch over the application of the Constitution.

The Polish delegation gladly associated itself with the expression of confidence in Mr. Sean Lester, which the Council of the League had renewed. As the report showed, the Senate of the Free City which had had a particularly delicate part to play during the electoral period—a period which usually involved disturbances and increased friction—fully shared the Council's appreciation of the manner in which the High Commissioner had discharged his task. The Polish Government considered that the existing texts afforded a sound basis for the High Commissioner's work and was firmly convinced that the report, which confirmed those texts, would ensure harmonious conditions of collaboration between the High Commissioner and the present Senate, which had already on many occasions given proof of goodwill in its relations with the Polish Government.

M. MASSIGLI associated himself entirely with the conclusions of the report submitted by the United Kingdom representative and with his remarks.

The League of Nations was the guarantor of the Constitution of the Free City, and it was obvious that it could only carry out this task in so far as it was kept informed by its Commissioner on the spot of infringements or threatened infringements of the Constitution. The report now before the Council recalled the resolutions in which it had already defined the High Commissioner's powers in this respect. In the light of those texts, no doubt could, he thought, subsist as to the extent of those powers. In taking note of this conclusion, M. Massigli desired to express his satisfaction that an opportunity had thus been given to the Council to re-affirm its confidence in Mr. Lester, the High Commissioner. He associated himself with the well-deserved tribute which had just been paid to Mr. Lester, who had displayed such a high sense of duty and such admirable tact and energy in discharging what had, at times, been a difficult task.

Mr. LESTER, High Commissioner of the League of Nations at Danzig, thanked the members of the Council and the Rapporteur for their valued expression of confidence in his work for the League of Nations at Danzig. He had only brought the matter before the Council because he had felt that he had no alternative, in the special circumstances of the case, if future misunderstandings were to be avoided. He had noted with pleasure that the Rapporteur had drawn attention in his report to a declaration by the Senate at the end of the memorandum that, in the matter that had been examined, there had been no intention in any way to make a personal attack upon the High Commissioner.

M. GREISER said that the competence of the High Commissioner had never been doubted or disputed since the Senate had been in power. But, while the Senate's relations with the High Commissioner were founded on reason, the people's attitude was based entirely on sentiment, and there was a difference between sentiment and reason. That was why he regretted that the High Commissioner should have interpreted in the way he had done the speech M. Greiser had been obliged to make in the course of the electoral campaign, and he could assure Mr. Lester that there was no difference of opinion between them as regards the latter's competence.

*The conclusions of the report were adopted.*