

Council as inconvenient—though it had usually been the custom of the Council to accede to such suggestions—he would be obliged to make a statement on the question at the public meeting, which would, he feared, not be helpful.

M. ALVAREZ DEL VAYO did not want to give the impression that the situation might change as a result of the adjournment of the meeting. The Spanish Government, which had clearly defined its attitude, was prepared to deal separately with each Government. He did not see how the situation could be modified in twenty-four hours.

Mr. EDEN said it was clear that any Member of the Council had the right to ask for a meeting. If, therefore, the representative of Chile wanted a meeting on the following day, whatever inconvenience might be caused thereby, the Council ought to accede to his request. But Mr. Eden had a practical suggestion to make. There was a rather long agenda before the Council. Would it not be well to deal with it in public session, and then discuss again, in private session, the question of a further meeting in regard to this particular item?

M. EDWARDS said he would gladly accept Mr. Eden's suggestion.

Mr. Eden's proposal was adopted.

3869. Date of the Next Ordinary Session of the Council.

The PRESIDENT proposed to fix the opening date of the next ordinary session of the Council on Monday, May 24th, 1937.

The President's proposal was adopted.

3870. Letter from the International Association of Journalists accredited to the League of Nations.

The PRESIDENT informed the Council that, on January 21st, he had received a letter from the International Association of Journalists accredited to the League of Nations, copies of which, he understood, had also been received by his colleagues. The Association raised certain issues, the importance of which would be understood by the Members of the Council, in view of the generally admitted necessity of close collaboration between the League of Nations and the Press. Instead, however, of proposing that that question should be inscribed on the agenda of the Council, he thought it would be desirable, as a first step, to obtain certain further information and proceed to a preliminary enquiry, in order better to determine the scope of the problem. If the Council so desired, he was ready to undertake the preliminary enquiry in question, provided he could rely on the assistance of certain Members of the Council.

The President's proposal was adopted.

3871. Free City of Danzig: Question of the Appointment of a High Commissioner of the League of Nations at Danzig.¹

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

Mr. EDEN, Rapporteur, said that the Committee of Three, after consultation with the Polish Government, had taken it upon itself a few days previously to approach Admiral de Graaff (who was until recently Chief of the Naval Staff in the Netherlands), with a view to his acceptance of the post of High Commissioner in Danzig. The Committee had as yet received no reply; but it had every hope that Admiral de Graaff would accept, if an official invitation were sent to him. If by any chance—Mr. Eden hoped it would not be the case—Admiral de Graaff should be unable to accept, he asked the Council to leave the appointment of the High Commissioner in the hands of its President, in consultation with the Committee of Three dealing with Danzig matters, and with the representative of Poland.

M. KOMARNICKI said that it was only a question of waiting a few days. It was probable that Admiral de Graaff would see his way to accept the Council's proposal. If not, the Polish Government was ready to co-operate with the Committee of Three for the purpose, and that procedure would render a special meeting of the Council unnecessary.

The Rapporteur's proposals were adopted.¹

(The Council went into public session.)

3872. Free City of Danzig: Situation at Danzig.

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

¹ See also Annex 1647, page 240.

M. KOMARNICKI wished, in submitting the report prepared by M. Beck, Minister for Foreign Affairs of Poland (Annex 1648, page 241), who, to his regret, was prevented by indisposition from attending the meeting, to express the Polish Government's satisfaction at having been able to assist the Council in the discharge of its duties under the Treaties.

M. Beck had also desired him to express his very sincere appreciation of the close and cordial co-operation afforded him by the members of the Committee of Three and more particularly by its distinguished Chairman, the Council's Rapporteur on the subject.

Mr. EDEN, Rapporteur, presented the following report on behalf of the Committee of Three:¹

" My colleagues will remember that, at the last meeting at which it discussed the situation in the Free City of Danzig, on October 5th of last year,² the Council had before it a general report from its High Commissioner which gave a summary of the situation, as well as other documents communicated by him.³ Amongst the latter were several decrees whose compatibility with the terms of the Constitution were at least open to grave doubt.

" The Committee of Three appointed by the Council on July 4th, 1936, for the purpose of following the situation at Danzig, on consideration of the situation, did not think a detailed study of the decrees immediately necessary. In its opinion, the situation required rather to be considered as a whole, and therefore called for a fuller and more general examination. It was only in the light of that examination, the Committee thought, that the Council would be able to decide on the course which should be followed.

" The Council endorsed its Committee's view, and, on the latter's recommendation, asked the Polish Government to undertake such an examination with a view to enabling the Council to determine its future course with a full knowledge of the situation.

" Accordingly, the Council adopted, at its meeting on October 5th, 1936, a resolution whereby it ' invites the Polish Government to seek, on behalf of the Council, the means of putting an end to the situation described in the general report of the High Commissioner and thus of rendering fully effective the guarantee of the League of Nations and to make a report on this subject at its next session '.

" At the same time, the Council resolution requested the Committee of Three to follow the question.

" In execution of the Council's request, the Polish representative has presented the report which has been circulated to the Committee as document C.89.1937.VII (Annex 1648, page 241).

" The Committee desires, in the first place, to express its gratitude to the Polish Government for the action it has taken. It highly appreciates the zeal which the eminent representative of that Government has shown and the help which he has unstintingly given both in the course of the negotiations which led to the drawing-up of his report and during the Committee's own deliberations. The Committee asks the Council to take note of the Polish representative's report.

" II.

" The Statute of the Free City consists of three elements: the maintenance of the international position of the Free City; provision for the adjustment of difficulties between Danzig and Poland; and the guarantee of the Constitution. As was made clear in the report presented to the Council on November 17th, 1920,⁴ the Constitution was intended to provide the essential guarantees for a stable and peaceful political situation and to ensure that the Government would function in conformity with the principles according to which the Free City was created and with the obligations arising out of the Treaty of Versailles.

" On the basis of this Statute, the relations between the League of Nations and Danzig have passed through two phases. Until a few years ago, the Council, acting in discharge of the principal duty laid upon it by the Treaty of Versailles, was frequently concerned with differences between Poland and Danzig, but happily the two parties have been able to adjust their differences, and the Council has not recently been called upon to deal with matters affecting Polish-Danzig relations.

" Since then, a new political situation has arisen and the constitutional liberties have on several occasions been appealed to in circumstances which, at the time when the Statute was drafted, might have been regarded as very unlikely to occur.

" The guarantee thus given has no essential connection with the normal functions of the League; but having given it, the League is bound to do its best to fulfil it.

" It is in these circumstances that the Council is called upon to consider the report which is now before it.

" I will take first the question of the relations of the Senate with the High Commissioner. The Committee considers that the principles laid down in the report from our Polish colleague are to be understood in the sense that the High Commissioner's right to ask for information from the Senate, and the Senate's duty to furnish the information asked for, remain unquestioned. It is for the High Commissioner to decide on the basis of whatsoever information may be available to him, as to the questions, if any, in regard to which he will ask for explanations from the Senate, and thereafter to decide himself whether or not it is advisable for him to make a report to the

¹ Document C.90.1937.VII.

² See *Official Journal*, November 1936, page 1190.

³ *Ibid.*, page 1359. For the last report of the High Commissioner, see Annex 1648a, page 242.

⁴ See Minutes of the second meeting of the eleventh session of the Council.

Council. Moreover, the High Commissioner will not fail to take account of the terms of the Polish representative's report and of the present report.

"Under the present procedure, it is left to the High Commissioner, when he thinks such action necessary, to ask the Council to place on its agenda questions relating to the constitutional life of the Free City, in regard to which he has made reports to the Council. This responsibility has made his task more difficult and Mr. Lester has suggested—and the Committee recommends that his suggestion be accepted—that, if the Council agrees, it should fall in the future on the Committee of Three and not on the High Commissioner.

"In any case, it is clear that the discharge of the League's function in regard to the Constitution depends, in a very large measure, on the manner in which the Senate of the Free City co-operates with the representative of the League, and, in this connection, I wish to draw the particular attention of the Council to the concluding paragraph of M. Beck's report.

"Before leaving this question of the relations of the Senate with the High Commissioner, I feel sure the Council will desire to express once more its approval of the conduct of the High Commissioner, Mr. Lester, who has, throughout his tenure of the office, carried out his functions in a manner deserving the highest praise.

"The Committee considers that the information which it has received from the Polish representative and the assurances which have been given to him on behalf of the Senate offer sufficient grounds for expecting that the political tension in the Free City will now be lessened and that conditions will be established in which a High Commissioner will be better able to discharge his functions.

"It is not without grave preoccupation that the Committee recommends to the Council the adoption of the present report and the appointment of a new High Commissioner. But, in submitting its recommendation, the Committee has been influenced by the consideration mentioned above and by the fact that the guarantee by the League of the Constitution of the Free City is part of a complex political structure, to the disturbance of which the Council will certainly wish to avoid contributing so long as possible.

"In any case, the new High Commissioner will see on the spot what the situation is, and, as soon as he has been able to form a definite opinion, he will certainly wish to let the Council know under what practical conditions he thinks he can carry out his functions, taking the present report into account."

Mr. Eden recalled that, at its last session, the Council had confided a very difficult mission to M. Beck, who had applied all his ability and energy in its discharge. The Council would wish to thank him for what he had done and for the assistance he had given to the Committee of Three.

As regarded the substance of M. Beck's report, it was clear that much depended on the spirit in which it was put into effect. The Council could only judge finally of the efficacy of the agreement when the first reports of the new High Commissioner were received. As M. Beck had observed, the co-operation of the Danzig Senate was essential for the proper discharge of the High Commissioner's functions in their entirety. Meanwhile, the Council could note with pleasure the co-operation between Poland and the Free City which had enabled M. Beck to discharge his task.

Mr. LESTER, High Commissioner for the League of Nations in Danzig, had, naturally, no comments to make upon the report before the Council, which was the result of so much care and negotiation. He would like, however, to say something with regard to the suggestion mentioned in the report with which his name was associated—namely, that the Council should relieve its next High Commissioner of the duty of placing questions on its agenda.

That suggestion was intended to clarify and ease the position of Mr. Lester's successor. Like certain other powers of the High Commissioner in Danzig, that arrangement was unusual; it had, however, been very sparingly used. During recent years, the Council had had to deal, on one occasion at the request of Mr. Lester's predecessor, and on two occasions at his own request, with matters relating to the guarantee of the Constitution. During the past year, however, questions had been placed on the agenda, not at the request of the High Commissioner, but by a decision of the Committee of Three or of the Council itself. The proposal, therefore, was not new, and was that the procedure followed at the last July and September sessions should be continued.

Mr. Lester might explain that, in the past, the High Commissioner had had three possibilities in dealing with information regarding alleged breaches of the Constitution, received either by petition or otherwise. If he considered the matter sufficiently important to require clarification, he was able, until recently, to approach the Senate with a request for its views and observations. When such observations had been received, he would consider the matter, attaching always the fullest weight to the views expressed by the Senate either as to facts or their interpretation. He might then decide that the matter was not of sufficient importance to merit further consideration, and in that case the documents were merely filed. If, however, there remained an element of doubt, and if the matter were of sufficient importance, there was then the possibility that he might inform the Council. In that case, the documents were circulated to the Members of the Council for their information. If the matter appeared to be of an even more grave character and local discussions failed, the High Commissioner's duty was then to ask that it should be placed on the agenda. In that event, the two documents (the petition and the Government's observations) were submitted to the Council, without any comment, since the latter alone had the power to decide whether or not the Constitution had been violated. The new proposal transferred the last method of procedure from the High Commissioner to the Council's Committee of Three.

As the present meeting was probably the last at which Mr. Lester would attend as High Commissioner, he wished again to thank all concerned for the confidence and loyal support which had lightened his task in somewhat difficult times in Danzig. The Rapporteur would perhaps allow Mr. Lester in that connection especially to thank him. He had never hesitated, amidst his many other and more important duties, to devote a great deal of time and take endless trouble in his impartial efforts to solve difficulties which had arisen. Mr. Lester himself left his post with very genuine good wishes for the future of the Free City and for the continuance of the intimate good relations between its Government and that of Poland, a factor which had been a source of satisfaction during the past three years.

M. GREISER, President of the Senate of the Free City of Danzig, had followed with the keenest interest the statements of the representative of M. Beck, Minister for Foreign Affairs of Poland, and of the Rapporteur, Mr. Eden. The mission which M. Beck had undertaken, at the Council's request, on October 5th of last year was, in M. Greiser's opinion, a very difficult one. It was, therefore, with great pleasure that he took the opportunity of acknowledging with what fairness and tact that mission had been executed in so far as Danzig was concerned, and of expressing his gratitude therefor. The close co-operation between Danzig and Poland, which the execution of that mission could not impair, was, in M. Greiser's view, a further tangible contribution to European peace, and its importance should be recognised throughout the world.

He also wished to thank, in particular, the Rapporteur, Mr. Eden, for the understanding with which he had discharged his difficult task.

M. Greiser could thus express the hope that, with the adoption of the present report, tension would be finally brought to an end. The satisfactory principles on which the report was based would undoubtedly enable him to co-operate wholeheartedly with the new High Commissioner to be appointed by the League.

Mr. EDEN desired, on behalf of his colleagues on the Committee of Three, to express their thanks both to the High Commissioner and to the President of the Senate of the Free City for their remarks.

In conclusion, he proposed to the Council the adoption of the following resolution:¹

"The Council,

"Having taken note of the report submitted to it by the representative of Poland:

"Adopts the report of the Committee of Three;

"And requests the Committee of Three to continue to follow the situation in Danzig."

M. KOMARNICKI thanked the representative of the Free City for his remarks concerning M. Beck, Minister for Foreign Affairs of Poland. His words made it possible also to look forward to a future of close co-operation between the Polish Government and the Senate of the Free City of Danzig.

The resolution was adopted.

M. Greiser and Mr. Lester withdrew.

3873. Constitution, Procedure and Practice of Committees of the League of Nations.

M. DELBOS presented the following report:²

"1. Paragraph 2 of Section 18 of the General Regulations on Committees³ provided that Committees already possessing a statute or rules of procedure should submit them to the Council during the year 1936, in order that their provisions might be brought into line with the General Regulations. This process was completed during the period prescribed, except in respect of two organisations—the *Communications and Transit Organisation*, whose scheme of reform has been referred by the Assembly⁴ and the Council⁵ to a Special Committee of Experts for reconsideration, and the *Intellectual Co-operation Organisation*,⁶ which has applied for and obtained from the Council an extension of the time-limit laid down in the General Regulations.

"2. The Office international d'Hygiène publique has notified the Secretary-General of its ratification, dated October 25th, 1936, of the new Statute of the *Health Organisation*, approved by the Council on September 26th, 1936,⁵ and by the Assembly on October 10th, 1936.⁴ The new Statute has accordingly come into force.

¹ Document C.90(a).1937.VII.

² Document C.80.1937.

³ See *Official Journal*, February 1936, page 133.

⁴ See *Official Journal*, Special Supplement No. 157, page 107.

⁵ See *Official Journal*, November 1936, page 1175.

⁶ *Ibid.*, pages 1176 and 1257.