

ANNEX 297

FREE CITY OF DANZIG.

THE ACQUISITION AND LOSS OF NATIONALITY.

Report to the Council by Viscount Ishii, and Resolution adopted by the Council on January 12th, 1922.

Article 72 (former Article 71) of the Constitution of the Free City of Danzig, as amended in accordance with the provisions of a resolution adopted by the Council of the League of Nations on November 17th, 1920, reads as follows

“Nationality shall be acquired and forfeited in accordance with the provisions laid down by law. The principles of the draft of the law contemplated by this Article shall be submitted for the examination of the League of Nations by May 23rd, 1921, at the latest.”

A provisional draft of a law on this subject was circulated to the Members of the Council last June and this question was on the agenda of the 13th and 14th sessions of the Council. As, however, the agreement between Poland and Danzig concerning the conditions of naturalisation within the Free City provided for in Article 34 of the Polish-Danzig Treaty of November 9th, 1920, had not yet been concluded, further consideration of this question was postponed. The problem of naturalisation has since been the subject of further negotiations and has now been dealt with in Articles 1 to 13 of the Polish-Danzig Agreement of October 24th, 1921, and a revised bill has been substituted for the provisional draft law. A document containing this revised text was circulated to the Members of the Council in December last. The Committee of the Jewish Delegation in Paris sent in a memorandum on this question last June. Copies of this were sent to the Polish and Danzig Governments. A further memorandum of a similar character has recently been received from this Committee.

As I said in my last report (June 18th, 1921) on this subject, the Council's resolution of November 17th, 1920, was based on the fact that the League of Nations is interested in seeing that the access to citizenship in the Free City is not inexpediently enlarged or restricted. As this resolution indicates, we are not concerned with the exact phraseology of any text except in so far as an important principle may be involved. After an examination of the provisions of the draft law and of the stipulations of the Articles of the October 24th Agreement which relate to this subject, I do not find that the provisions of the law inexpediently enlarge or restrict the access to citizenship in the Free City, but I should like to bring out one or two points in this connection before proposing a resolution for adoption.

Article 6 of the draft law deals with the acquisition of nationality by appointment as an official. It is obviously the intention of this Article to make a Danzig official a Danzig national, save in exceptional cases — for instance, when the temporary services of experts from other countries are desired. I assume, however, that an official would not be granted Danzig nationality until the moment of the loss of any other nationality. This would, I believe, be desirable, in order to remove unnecessary cases of dual nationality, which might cause confusion and uncertainty with regard to the obligations and duties of the person concerned in relation to the Free City. For the same reason, I presume that the Danzig Senate will only in exceptional cases permit a Danzig national to retain his Danzig nationality upon entering or remaining in a foreign service. (Article 17.)

It is obvious, of course, that nothing in this law can affect the provisions of Articles 105 and 106 of the Treaty of Versailles.

Article 11 of the Polish-Danzig Agreement of October 24th specifically provides for the possibility of a modification of the definitions and of the conditions of naturalisation. Any modification of principle in the stipulations set forth in the draft law now submitted to us should, I believe, be approved by the Council before enactment into law.

I now beg to propose the following resolution for adoption

RESOLUTION.

“(1) It is decided that the principles of the draft law concerning the acquisition and loss of nationality in the Free City of Danzig which was forwarded to the High Commissioner by the President of the Danzig Senate on November 26th, 1921, do not necessitate the formulation of any objection on the part of the Council of the League of Nations.

“(2) Any modification of principle in the stipulations set forth in this draft law must be approved by the Council before enactment into law.”