

ANNEX 298.

FREE CITY OF DANZIG.

POLISH-DANZIG-NORWEGIAN PROVISIONAL COMMERCIAL
AND CONSULAR AGREEMENT.

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

Article 6 of the Treaty of November 9th, 1920, between Poland and the Free City of Danzig provides that the High Commissioner of the League shall have the right, under certain conditions, to veto treaties or international agreements, in so far as they apply to the Free City of Danzig.

It was further arranged at the 13th session of the Council that the High Commissioner, as a general rule, should not communicate his view to the parties concerned until after the treaty or agreement had been considered by the Secretariat and submitted to the Council, and furthermore a time limit of a maximum of three months was fixed for the exercise of the High Commissioner's power of veto.

In view of these provisions the following documents have been communicated to us

- (1) Agreement concerning the provisional regulation of commercial and consular relations between Poland and the Free City of Danzig on the one part and Norway on the other.
- (2) Additional protocol to this Agreement.
- (3) Record, dated September 27th, 1921, of the consultation between Poland and the Free City of Danzig with regard to this Agreement.

The time limit for the exercise of the High Commissioner's veto will in this case expire on January 25th, 1922.

The President of the Senate of the Free City informed the High Commissioner on October 28th, 1921, that the Senate had no objection to this Agreement and the High Commissioner has also stated that he can see no reason why the Council should not accept it.

As in the case of the Polish-Danzig-German Transit Convention, which was considered by the Council on June 18th, 1921, we are not, at the moment, called upon to express an opinion on the merits of this provisional Agreement. The only question before the Council is whether the Agreement with the protocol additional to it is inconsistent with the provisions of the Treaty of November 9th, 1920, or with the status of the Free City

The Legal Section and the Administrative Commissions Section of the Secretariat have examined these documents for me and I have come to the conclusion that they are not inconsistent with the status of the Free City or with the Treaty of November 9th. I have, however, noted that in Article 5 of the Agreement it is stated that, at the end of one year, each of the two contracting parties shall have the right at any moment to denounce the Agreement by giving three months' notice. This Article does not specifically mention Danzig, but I feel that I am quite safe in saying that there was no intention, in drafting the text in this way, of affecting the rights of the Free City

In reply to enquiries by the Secretariat, the High Commissioner has ascertained from the Polish authorities that the Agreement and the additional protocol have not yet been signed, but that they will probably be signed in the near future. Naturally, the Council must reserve its right to reconsider this Agreement and protocol in case any changes should be made in the text which has been presented to us.

In that case the particular time limit for the exercise of the High Commissioner's power of veto which is mentioned above would not be applicable.

I beg, therefore, to propose the following resolution for adoption by the Council

RESOLUTION.

“The Secretary-General is requested to authorise the High Commissioner of the League of Nations in Danzig to inform the Polish Government that he will not exercise any veto under Article 6 of the Treaty of November 9th, 1920, with regard to the Agreement concerning the provisional regulation of commercial and consular relations between Poland and the Free City of Danzig on the one part and Norway on the other, and the additional protocol to this Agreement, in the form in which these documents were notified in writing to the High Commissioner on October 25th, 1921.”