

## 1416. Free City of Danzig Participation of Danzig in the Stockholm Postal Congress.

M. QUIÑONES DE LEON read his report (Annex 725).

M. STRASBURGER was of the opinion that the suggestion made by the Rapporteur in no way modified previous agreements. He accordingly entirely associated himself with the proposals submitted to the Council.

Mr. MACDONNELL (High Commissioner) regretted that there was no stronger opinion expressed concerning the fact of this case having come up at all. It was a case which never need have come up, and a great deal of his time and that of the Council was taken up by examining cases which should never appear at all. Such cases would not come before the Council if the parties would simply execute the agreements they made, instead of disputing about their terms. He had hoped to see in the report a rather stronger expression of the view of the Council that it disapproved of those cases being brought up to it when their reference to the Council could very easily be avoided, and he would like, with the permission of the President, to make certain proposals later to attain that end.

M. QUIÑONES DE LEON said that, as Rapporteur, he agreed with the High Commissioner and assured him that the desire of all the members of the Council was to strengthen his authority

*The report was adopted.*

## 1417 Free City of Danzig Adjournment of Three Questions relating to the Free City

M. QUIÑONES DE LEON reminded the Council that the three following questions still remained upon its agenda

1. The principles applicable to the conclusion of agreements between Danzig and Poland.

2. Transformation of public institutions the affair of "Die Danzig"

3. The application of the Polish Customs Law of July 31st, 1924, to Danzig territory

He proposed that the Council should postpone the examination of these three questions to its next session. It seemed impossible to ask the Council to take a decision in these matters without giving its members the time necessary to study more in detail the documents which had reached them only a very short time before the beginning of the session.

As regards the question of the application of the Polish Customs Law of July 31st, 1924, the Polish delegate, to whom he had communicated his intention of proposing the postponement of these various questions, had informed him that in spite of this postponement the Polish Government, in the interests of the Free City of Danzig, was prepared to regard as having already entered into force the provisions contemplated in paragraph (c) of the Decision of the High Commissioner of November 6th, 1924.

M. SAHM regretted the delay which had occurred in regulating the first and third questions in particular. These questions were of present interest and capital importance.

The first question involved political factors. In the decision of the High Commissioner the fact had been clearly confirmed that the Free City of Danzig was a State — a fact already laid down in the Danzig Constitution, approved and guaranteed by the Council of the League. As Poland alone had some doubts as to this fact which was nowhere else disputed, this would certainly result in friction with the Polish Government. The other question was equally delicate from the economic point of view, and the decision was of capital importance from the point of view of the Free City. He would ask the representative of Poland to extend the scope of his declaration. He would ask him to declare that, without prejudging the question of law, the Polish Government, before putting into force any new stipulations concerning alterations of the existing export duties or new duties of that kind, would give the Danzig Government an opportunity of expressing its views in order to protect the interests of the economic life of the Free City

M. STRASBURGER observed that the second of the questions mentioned by the representative of Danzig was equally of very great importance for Poland. It would therefore be advisable to examine this question more thoroughly before taking a decision.

As regards the question of agreements, he considered that its scope was not only political but also legal. It was a very serious and complex question which it would be necessary to examine with the greatest care.

As to the third question — namely the application of the Polish Customs Law — he would forward to his Government, *ad referendum*, the wishes expressed by the President of the Senate of Danzig.

Personally he was of opinion that in this case the industrialists and traders of Danzig ought to be placed entirely on the same footing as Polish industrialists and traders.

M. SAHM said that the mere submission of his demands *ad referendum* to the Polish Government would not be sufficient. He asked that the Council should pass a recommendation in accordance with his request, to be attached to his statement.

M. STRASBURGER pointed out that the question was already settled by Article 197 of the Warsaw Agreement. Before adopting a resolution on the question it would therefore be necessary to examine that article very carefully in all its details, as well as the various interpretations which might be put upon it.

It would therefore be better, he thought, to adjourn the examination of this question, which could be considered together with the others still remaining to be settled.

Mr. MACDONNELL (High Commissioner) said that, if the undertaking given by the Polish representative was carried out, there was no objection to allowing the case to be adjourned, but it was of some importance for the commerce of Danzig that the decision on the legal point should be known as soon as possible. The interests of Danzig were sufficiently protected by this undertaking from the Polish Government if it were entered in the Minutes and were considered as binding on the Polish Government.

With regard to the question of ratifications, this was really a dispute between the Polish Government and the High Commissioner, and he did not think it mattered how long it was adjourned. He did not think it mattered if it were never settled at all, except that until it was settled there was always the tendency of difficulty and friction between Danzig and Poland. The case on its merits was not worth considering, but it was essential that, as a likely cause of friction between the two countries, it should be settled. If it was going to be adjourned now, he would ask the Council to give some expression of opinion that this particular point should not be brought up as a matter of dispute if any agreements or accords were to be made in the meanwhile. The only importance of the case was to get it out of the way as a cause of friction, and, therefore, as it could not be settled for three months, he would ask the Council to express the wish that it should not be used as a pretext for having other disputes and troubles. If that were included in some form in the resolution, it would assist him in getting such cases settled on their merits and not on purely political grounds, which was the whole trouble in this particular case. The point at issue in itself was not worth discussing.

M. QUIÑONES DE LEON proposed to insert in the Minutes the interesting observation which had just been made.

*The Council adopted this proposal.*

*The Council further decided to postpone the consideration of the three questions until the next session.*

#### 1418. Free City of Danzig Observations of the High Commissioner on the question of Procedure in Cases of Appeals against his Decisions.

Mr. MACDONNELL (High Commissioner) said that, in addition to the cases settled since he came from Danzig, there had been nine cases before the Council, of which six still remained to be settled at the next session. There were two or three decisions waiting to be given by him when he went back to Danzig, and he could not say how many more he would be asked to give before the next session. The work which had been done that day had simply succeeded in removing 33 per cent of the cases from the list.

It was clear that the Council felt that the practice of appealing against practically every decision of the High Commissioner was one which could not continue. Article 39 of the Treaty of Paris was designed not to facilitate access to the Council on every little twopenny-halfpenny question about a steam ferry or whether a policeman was to sit in the water or on the land, but it was meant to restrict that access to cases of great importance, of which very few arose. The Customs question and the railway question which were before the Council, and which had had to be adjourned, were the only ones which were really of grave importance.

The main lines of Polish-Danzig relations had now been laid down. All the dominant points of interest and difficulty between the two countries had been more or less settled by the Council or by the decision of the High Commissioner, and the majority of cases that came before the High Commissioner were really secondary. Fifty per cent of them ought not to come before the High Commissioner, still less before the Council. That it was perfectly possible to come to an agreement was shown by the fact that in June there were no Danzig questions on the agenda. The position was the same at the September session, except for one question which had been left over for the jurists' decision. In effect, agreement had been reached on a very large number of disputes, and for the first time the Council had had nine clear months free of Danzig questions, and he thought it was pleased to have it so. Appeals were made to the Council on every question by one side or the other, not only on their merits but as a matter of tactics. One side appealed, and the other side said "Shall I appeal? If I do not, the other side may get all the advantage. I had better appeal, too, and I may get something." So they both appealed. It was obvious from the remarks and feelings of the Council that these methods must be stopped.