

The High Commissioner's decision of August 1st, 1924, contained, in addition to paragraph 14 (a) another paragraph (b) as follows " That when the Polish Government decides on the expulsion of a Danzig citizen it shall, as a friendly act, inform the authorities of the Free City of the fact as soon as possible and give such information regarding the case as would usually be given to the Government of a foreign country which requested to be informed of the grounds for the expulsion " In my view, the Council may also confirm this part of the High Commissioner's decision.

There seem to have been very few cases of expulsion of Danzig nationals from Poland, and I am sure that the Polish Government will in future also do its best to limit as far as possible the number of such cases, bearing in mind the special relations which exist between Poland and the Free City and which, in conformity with Article 38 of the Treaty of November 9th, 1920, gave rise to the conclusion of the Agreement of August 17th, 1922, regarding the expulsion of Polish nationals from Danzig.

I submit to the Council the following draft resolution

" The Council

" (1) Thanks the jurists of the representatives of France, Great Britain and Italy and also the Director of the Legal Section of the Secretariat, for the opinion given on November 21st, 1924, regarding the expulsion of certain Danzig nationals from Poland,

" (2) Confirms the decision of August 1st, 1924, of the High Commissioner of the League of Nations at Danzig regarding the expulsion of Danzig nationals from Poland."

Annex 720 a.

C. 726 (1). 1924. I.

## FREE CITY OF DANZIG EXPULSION OF DANZIG NATIONALS FROM POLAND

### *Advisory Opinion of the Committee of Jurists.*

By its decision of September 13th, 1924, after hearing the report submitted by the Spanish representative on the Council, M. Quiñones de León, the Council of the League of Nations adopted the following resolution

" The Council requests the legal experts of the British, French and Italian representatives of the Council, in collaboration with the Director of the Legal Section of the Secretariat, to advise the Rapporteur as to whether paragraph 14 (a) of the decision of the High Commissioner of the League of Nations dated August 1st, 1924, concerning the expulsion of Danzig citizens from Poland, is in conformity with existing treaties and with international law and international practice. "

The decision of the High Commissioner, to which this resolution refers, reads as follows

" Paragraph 14. — I decide

" (a) That the action of the Polish Government in expelling

Pastor Wiebe

M. Kurt Neumann

M. Paul Meirowski

Veterinary-Surgeon Khun,

is not contrary to the treaties in force, that it appears to conform to the normal international procedure in such cases, and that I cannot uphold the request of the Free City that the persons mentioned should be allowed to return to Poland

" (b) That when the Polish Government decides on the expulsion of a Danzig citizen it shall, as a friendly act, inform the authorities of the Free City of the fact as soon as possible and give such information regarding the case as would usually be given to the Government of a foreign country which requested to be informed of the grounds for the expulsion. "

In pursuance of the Council's resolution of September 13th quoted above,

M. de LAPRADELLE, Professor at the Faculty of Law at Paris, Legal Adviser to the Ministry of Foreign Affairs

Mr. H. W. MALKIN, Assistant Legal Adviser at the Foreign Office, London

M. PILOTTI, Legal Adviser of the Italian Delegation to the Reparations Commission, Counsellor at the Court of Appeal,

Together with M. VAN HAMEL, Director of the Legal Section of the Secretariat of the League of Nations, held a meeting on November 21st, 1924.

After examining the complete file placed at their disposal by the Secretary-General of the League of Nations, the legal experts unanimously decided to submit the following opinion to the Council's Rapporteur in reply to the question referred to them

*Opinion.*

The decision rendered on August 1st, 1924, by the High Commissioner of the League of Nations at Danzig, in regard to the expulsion of Danzig citizens from Poland, to which the question put in the Council's resolution of September 13th, 1924, refers, is not incompatible with existing treaties, since no convention, either directly or indirectly, obliges Poland to follow in her relations with the Free City of Danzig any particular rules regarding the expulsion of Danzig citizens.

This decision, moreover, is in conformity with international law and international practice in asserting that, in the four cases of expulsion to which it refers, the ordinary rules of international law have been observed.

Each of the expulsions was pronounced in the form of a decree, declaring that the person concerned was individually undesirable. This declaration clearly constitutes a quite sufficient notification to the person concerned. It is only from the point of view of the explanations that might have to be given to the State of which the person expelled is a national that the question must be examined more closely.

It is a principle of international law that any State may expel an alien for the reason that it regards him as undesirable. The most that is demanded by international practice is that the State pronouncing the expulsion should, at the request of the State to which the person expelled belongs, inform it of the nature of the reasons connected with his personal activities for which the individual was expelled.

From the explanations given by the Polish representative at Danzig, it appears that the Polish Government only intends to exercise its right of expulsion in cases of infringement of its laws and regulations, or of danger to the security of the State. It is to the latter category that the cases under consideration belong.

Even if the Polish Government considered a simple statement of the "undesirability" of the alien to be sufficient, it has none the less supplemented this statement on various occasions by giving the reason for which the alien was particularly undesirable, viz., that his presence constituted a menace to public security. This is sufficient for the explanation given to be regarded as satisfactory from the point of view of international law and international practice.

For the above reasons, an affirmative reply must be returned to the question whether paragraph 14 (a) of the decision of the High Commissioner of the League of Nations, dated August 1st, 1924, concerning the expulsion of Danzig citizens from Poland, is in conformity with existing treaties and with international law and international practice.

---

Annex 721.

C. 821 (1). 1924. I.

FREE CITY OF DANZIG POLISH RAILWAY DIRECTION IN DANZIG.

*Report by M. Quiñones de Leon, and Resolution adopted by the Council on December 12th, 1924.*

1. On December 12th, 1922, the High Commissioner issued the following decision

" Poland has no right to establish on Danzig territory a railway direction which deals with the management of railways other than those situated within the territory of the Free City, except by agreement with the Free City of Danzig. "

The Polish Government appealed to the Council against this decision. The question has already been formally submitted to the Council on several occasions, but the Danzig and Polish Governments have been endeavouring for nearly two years to reach a final settlement by negotiation, and the Council has not had to go into the matter. A provisional agreement was signed on June 23rd, 1923, and, under the terms of a subsequent agreement concluded on June 7th, 1924, this and other railway questions were examined during the last fortnight of September by representatives of the two Governments, with the assistance of two experts appointed at the request of the parties by the Secretary-General, namely, M. J. A. KALFF Director-General of the Netherlands Railways, and Mr. H. MARRIOTT, of the London,