

*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.

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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,

Midland and Scottish Railway Company. These negotiations did not, however, lead to a settlement, and neither Poland nor Danzig submitted any of the points at issue to the High Commissioner for decision, as they might have done under the optional procedure referred to in paragraph 5 of that agreement. The High Commissioner now informs the Secretary-General that the Polish Government requests the Council to consider its appeal against the High Commissioner's decision of December 12th, 1922, as this appeal has not hitherto been dealt with.

The High Commissioner subsequently submitted to us a report, dated November 28th, 1924, on the question as a whole.

2. The Polish Government considers it absolutely essential, for administrative reasons, that the railway administrations of the two territories should be in close contact, and points out that the building used by the administrative direction at Danzig, which was assigned to Poland by the Allies, has always been occupied by the direction which managed all the railways situated in the territory of the Free City as well as the railways of Pomerania. The Polish Government also bases its appeal on Poland's right to free access to the sea, as interpreted in the treaties, and specially emphasises the importance of the Polish railways from the point of view of international transport traffic in and out of the port of Danzig. Poland contends that the railways administered by the present railway direction at Danzig are almost exclusively used for the transport of goods from the port of Danzig to Poland and *vice versa*. The presence at Danzig of the railway direction of Pomerania is in the interest of Danzig merchants and industrialists and is justified by the very fact that it is desirable to maintain close contact between the Polish railway administration and the official Danzig services.

3. The Free City of Danzig accepts the High Commissioner's decision of December 12th, 1922, according to which Poland has no right to establish on Danzig territory a railway direction which deals with the management of railways situated in Poland. The High Commissioner considers that the particular use to which a building was put under the German administration does not necessarily entitle either Danzig or Poland to continue to use this building for the same purpose, and he maintains that the building of the railway direction was actually assigned to Poland by a decision of the High Commissioner dated August 15th, 1921, for the purpose of administering the railway lines situated in Danzig territory. Danzig maintains that the statement that the railways administered by the Polish direction and the railways at Danzig are used almost exclusively for traffic between Poland and the port of Danzig is untrue according to the Free City's statement, the work of the Polish direction really consists in the operation of the railways between Germany and Poland, and this, in the opinion of Danzig, is prejudicial to the satisfactory administration of the lines situated in Danzig territory. Furthermore, Danzig is of opinion that, from the technical point of view, the town of Bydgoszcz (Bromberg), where there was a Prussian railway direction, would constitute a much better centre for the administration of the adjacent Polish lines situated outside the territory of the Free City and that the interests of the Free City would be better served if a limited direction were maintained at Danzig to deal solely with the administration of the local lines.

4. In order fully to understand the situation, the main facts of the general railway problem at Danzig must be recalled. Poland has had powers conferred upon it to operate the railways situated in Danzig territory under the terms of certain agreements concluded with Danzig in virtue of the provisions of the Treaty of Versailles and the Polish-Danzig Treaty of November 9th, 1920 the High Commissioner's decisions of August 15th and September 5th, 1921, being confirmed by these agreements. The question which now arises is whether under the terms of these treaties, decisions and agreements, Poland is entitled, in the absence of an agreement with the Danzig Government, to maintain at Danzig a direction for railways situated outside the territory of the Free City and, if so, on what terms. This is clearly a legal question involving a technical investigation of railways problems, and before taking any decision the Council should, in my view, obtain expert advice. The experts should, of course, examine all the numerous documents now before us, including the High Commissioner's report.

I have therefore the honour to propose the following resolution

" 1. The Council invites its Rapporteur to appoint, in agreement with the Chairman of the Advisory and Technical Committee for Communications and Transit, a committee of three jurists, one of whom must have made a special study of State railways, to give the Council an opinion on the following question

" Was the High Commissioner's decision of December 12th, 1922, in conformity with the treaties, decisions and agreements in force ?

" 2. The costs of this Committee shall be borne equally by both parties.

" 3. Pending a final decision by the Council, the present position shall be maintained. "