

gendarmes belonging to this reserve would receive complete instruction and the necessary training in all their duties regarding the maintenance of order, either in urban districts or in the country. There would be a quite sufficient staff of officers.

This will be the distribution of the local gendarmerie at the end of the financial year 1926, if the Council of the League of Nations approve the programme for developing the local gendarmerie, which the Governing Commission has the honour to submit.

(Signed) V RAULT.

Annex 744b.

C. 92. M. 46. 1925. I.

SAAR BASIN DEVELOPMENT OF THE LOCAL GENDARMERIE AND THE PRESENCE OF FRENCH TROOPS IN THE TERRITORY.

Letter from the German Government to the Secretary-General of the League, submitted to the Council on March 11th, 1925.

[Translation from the German.]

Berlin, February 19th, 1925.

In your letter of September 22nd, 1924, you forwarded to me a copy of the report adopted by the Council of the League of Nations on September 19th, 1924,¹ regarding the French troops and the local gendarmerie in the Saar Territory. In this report the Governing Commission of the Saar Territory was requested to give supplementary information to the Council of the League on certain points.

The German Government is unaware whether the League of Nations has in the meantime received the required information. It is only in a position to note that a further five months have elapsed without any progress being made in this matter.

The question of the withdrawal of French troops from the Saar Territory and of the establishment of a local gendarmerie has now dragged on for fully five years. The German Government has addressed eleven letters to the League of Nations on this question, and on seven occasions the Council of the League has considered it. More than a third of the total period laid down for the duration of the special regime in the Saar Territory has elapsed, and conditions which the Council itself described on February 13th, 1920, as provisional still continue. On May 30th, 1924,² the German Government stated that the chief defect in this situation was that there was nothing to show when it would end. This statement is equally true to-day almost one year later, for the Governing Commission, which considers that three to four thousand men are required for the local gendarmerie, has, according to its own report, only 570 men at its disposal at the beginning of 1925.

These facts speak for themselves. The German Government cannot acquiesce in the postponement year after year of the settlement of such an important question. It has the right to claim that the Treaty provisions regarding the Saar Territory should be carried out, and that conditions contrary to the Treaty should not prevail indefinitely in this Territory. The text of the Treaty is quite clear: "Only" a local gendarmerie for the maintenance of order may be established. This provision does not permit the presence of French troops for several years for the purpose of maintaining order. Moreover, as the German Government has constantly had to point out, the presence of French troops is not in any way compatible with the character of the Saar Basin as a plebiscite territory since France is interested in the result of the plebiscite.

In view of its clear right, and of the experience of the last five years, the German Government must therefore emphatically oppose any further postponement of this question. It expects that the League of Nations will now see that the Treaty of Versailles and its own previous decisions are at last complied with.

(Signed) STRESEMANN.

Annex 745.

C. 189. 1925. I.

FREE CITY OF DANZIG CERTAIN GENERAL QUESTIONS AND IN PARTICULAR, THE QUESTION OF PROCEDURE IN CONNECTION WITH ARTICLE 39 OF THE TREATY OF NOVEMBER 9TH, 1920.

Report by M. Quiñones de León, adopted by the Council on March 13th, 1925.

I. In a note dated February 4th, 1925,³ which you have before you, the Polish Government drew the Council's attention to the Danzig-Polish question as a whole, and requested the

¹ See *Official Journal*, October 1924, page 1311.

² See *Official Journal*, August 1924, pages 1058 and 1059.

³ Document C.55.1925.I.

Council to study this matter at the earliest possible moment. Further, the High Commissioner of the League of Nations at Danzig drew the Council's attention at its meeting in December last to the number of decisions which he had had to take and the number of appeals brought before the Council. He has submitted to us, in a report dated March 9th, 1925,¹ certain detailed suggestions on this subject, and he also makes proposals with a view to preventing any question from being prejudiced through the taking of direct action and with a view to preventing direct action from giving rise to incidents which might have serious political consequences. Further, the President of the Senate of the Free City has communicated to us, through the High Commissioner, a letter which it sent to him on February 14th, 1925, pointing out that the present strained relations between Poland and Danzig are seriously affecting the economic life of the Free City.

II. The general problem of the relations between Danzig and Poland was considered by the Council in July 1923. On that occasion I had the honour to submit to the Council a report dated July 7th, 1923,² and I now quote the following passage from this report, which was approved by the Council.

“ The Council is, as hitherto, firmly resolved to enforce respect for Poland's rights in regard to the Free City in conformity with the Treaties, and at the same time to maintain the statute of the Free City intact. The Council does not forget that it is a necessity for Poland that she should be able to develop her internal economic life at the same time as her facilities for foreign trade and her free access to the sea through the Free City of Danzig... The future of Danzig is closely bound up with that of Poland, and all antagonism between Danzig and Poland should be removed by mutual endeavours to understand one another and to co-operate in the common task of developing the port of Danzig to the great advantage of both countries. The authorities of the Free City will certainly endeavour to avoid any justified ground for complaint as regards their attitude towards Poland. I hope that this remark will not be regarded as implying any criticism of the attitude hitherto adopted by the Free City but I think it essential that the Council should make a clear pronouncement in favour of reconciliation between the Free City and Poland. This is the only condition under which Poland's rights can be realised in their entirety and the Free City's interests entirely safeguarded.”

The Council will, I think, confirm and duly emphasise these statements.

The very term “ Free City ” and the fact that the constitution of the City is guaranteed by the League of Nations imply that the administration of the Free City must be carried on in the sole interests of the inhabitants of Danzig itself, subject, of course, to the Treaty and conventional rights of Poland.

III. The report of July 7th, 1923, recommended that the Governments of Poland and Danzig should institute direct negotiations under the auspices of the High Commissioner in order to settle the large number of outstanding disputes. Negotiations were set on foot, and we were gratified to find that this step was crowned by success with the signing of the Agreement of September 1st, 1923, by which a large number of disputes were settled.

Unfortunately the situation has again become serious. The “ reconciliation ” referred to in the report of July 7th, 1923, is far from being realised. It is true that at two sessions of the Council — those in June and September last — the Council was not required to deal with any disputes between Danzig and Poland, but at the session in December 1924 we had before us a considerable number of these questions. Some of them were referred to the present session, and in the meantime further questions have been added to the already long list, so that we now have before us a whole series of problems awaiting settlement. I am sure all my colleagues will agree that it is essential to bring to an end a state of affairs by which the Council is constantly obliged to deal with a number of technical details of secondary importance, and which — a much more serious matter — is embittering the relations between Poland and Danzig.

IV I have examined the various proposals and suggestions laid before us. It is hardly possible, I think, to submit a final report to you at the present session, and for the moment I can merely lay down certain guiding principles.

The existing treaties, and in particular the clauses of the Treaty of Versailles, by which the Free City of Danzig was created and its legal statute established, and the Treaty of Paris, which was concluded under the auspices of the Powers in execution of the Treaty of Versailles, must be maintained and applied in their entirety if there have not been specific agreements between Poland and the Free City on particular points. While avoiding any infringement of the treaties, therefore, we must endeavour to find some modification of the procedure at present employed in order to deal with disputes between Poland and the Free City and to prevent such disputes from assuming a serious character, endangering public security in the Free City or jeopardising good relations between Danzig and Poland.

For this purpose, I propose that the Council should entrust me with the task of submitting to it, in good time before its next session, and in any case not later than May 10th, 1925, a report containing detailed proposals. In order to bring this work to a successful conclusion, the

¹ Document C.155.1925.I.

² Document C.186.1925.I.

³ See *Official Journal*, August 1923, page 1007.

Rapporteur might obtain the assistance of the High Commissioner and of the Secretariat of the League.

V There is one matter, however, on which the Council could take a decision now. I refer to the question of preventing a dispute between Danzig and Poland from being prejudiced by means of direct action of any kind, and of preventing such action from giving rise to incidents which might involve serious political consequences. The Council certainly realises the importance of this question, and I am sure we all agree that the Governments of the Free City and of the Republic of Poland should never resort to direct action against each other. This necessarily follows from the special relations created by the treaties between Danzig and Poland. The real difficulty is to decide what constitutes direct action in any particular case. Such an action would, I consider, be one which might endanger or prove a serious obstacle to the maintenance of public security in Danzig or which might jeopardise good relations between Danzig and Poland. Such direct action might take the form of passive resistance as well as active measures.

The Council, which is the final court of appeal in disputes between Danzig and Poland, is also, of course, the competent organ to decide whether either Government has resorted to direct action instead of employing the methods of redress provided for in the treaties. If, however, any serious case of direct action arose, it might be dangerous to wait for a Council meeting. The Council should then, I think, leave it to the High Commissioner at Danzig to decide provisionally whether there has been direct action or not. The Government concerned would, of course, be entitled to appeal to the Council, but the High Commissioner's decision should be accepted until the Council has either confirmed, modified or rejected it.

I need hardly add that the High Commissioner would naturally exercise his authority with great discretion, in order to avoid any undue restriction of the freedom of action either of the Polish Republic or the Free City.

C. 177 1925. I.

Annex 746.

FREE CITY OF DANZIG POLISH POSTAL SERVICE IN THE FREE CITY OF DANZIG.

Report by M. Quiñones de Leon, adopted by the Council on March 13th, 1925.

The High Commissioner of the League of Nations, in a decision dated February 2nd, 1925, adjudicated upon a dispute between the Free City of Danzig and Poland with regard to the Polish Postal, Telegraph and Telephone Service at Danzig, particularly in regard to the installation of letter-boxes and the employment of Polish postmen in the Free City.

The Government of Poland appealed against the High Commissioner's decision. The document containing the Polish Government's appeal was circulated to the Members of the Council at the end of February. The annexes to the appeal, which are very bulky documents, together with the Danzig Government's observations on the Polish appeal, were only communicated to the Members of the Council in the course of our meeting here. I have, however, examined the voluminous file on this question as carefully as was possible under the circumstances. The affair in question is not perhaps in itself of very great importance, but it has given rise to a violent discussion in the Press and has now assumed a certain political importance. Under these circumstances, both parties must, in my opinion, be given the fullest assurance that all aspects of the question will be thoroughly considered. I therefore propose that the Council should ask the Permanent Court of International Justice for an advisory opinion.

The Court will hold its next ordinary session in June. The Council will in all probability not be in a position to take cognisance of the Court's opinion at the next Council session, which is to open about June 10th, unless the question is dealt with by the Court in an extraordinary session. Under these circumstances the Council will not be able to consider the Court's opinion and take a definite decision on the question until September next. Should, therefore, the present *de facto* position, involving, as it does, the presence of certain Polish letter-boxes and a service of Polish postmen at Danzig, be maintained until the above date? I venture, in regard to this question, to refer you to the information given in the High Commissioner's report of January 17th, 1925. I feel it my duty to state that Poland's action in proceeding to instal these letter-boxes, without endeavouring beforehand to come to an agreement with the authorities of the Free City and without the knowledge of the High Commissioner, might well call for comment, and the Council might consider the possibility of requesting Poland to discontinue the letter-box service in question pending a definite settlement of the matter.

His Excellency the Brazilian representative, as acting President of the Council, expressed, in agreement with me, an opinion on this question in a letter to the High Commissioner dated February 7th, which was communicated to the Members of the Council. The Brazilian representative considered that the Council could trust the prudence and goodwill of all the parties concerned, and in particular the population of Danzig, and might rest assured that the continuance of the present position for a further period of a few weeks, until the Council meeting, would not lead to further complications. He added that he trusted the Government of the Free City and the Government of the Polish Republic would await with confidence, and without resorting to any