

1514. **International Federation for Mutual Assistance in the Relief of Peoples overtaken by Disaster · Composition of the Preparatory Committee.**

The Council decided to nominate M. Dräudt, Vice-President of the German Red Cross, to be a member of the Preparatory Committee.

EIGHTH MEETING (PUBLIC).

Held at Geneva on Thursday, June 11th, 1925, at 10.15 a.m.

Present: All the representatives of the Members of the Council, and the Secretary-General. M. Paul-Boncour was the representative of France in the place of M. Briand.

1515. **Free City of Danzig The Question of Procedure in connection with Article 39 of the Treaty of November 9th, 1920.**

M. Strasburger, representative of Poland, M. Sahn, representative of the Free City of Danzig; and Mr. MacDonnell, High Commissioner of the League of Nations, came to the Council table.

The PRESIDENT, Rapporteur, read the following report and resolution.

"In Council Document C.263.1925.I, the Members of the Council had laid before them the proposals which I drew up, in conjunction with the High Commissioner and the Secretary-General, with regard to the procedure to be followed in cases of differences between the Free City of Danzig and Poland. It will be seen from the same document that the Free City and Poland have been requested by me to submit any observations which they may desire to make with respect to these proposals.

"The observations of the two Governments, with the High Commissioner's remarks upon them, have been communicated to the Members of the Council in Documents C.295.1925.I and C.341.1925.I.

"I am very glad to find that the observations offered by the parties relate merely to secondary points, and that, taken as a whole, the proposals may be said to have met with their approval. I have considered the observations of the parties in great detail and I have endeavoured, in the final proposals which I venture to submit to you in the present report, to take these observations into consideration as far as possible.

"As regards Article I, I propose to maintain the rule that the High Commissioner should have power to invite the representatives of the parties to a meeting with him in order to discuss matters. He should also have power to invite the representative of either party to conversations. I am further of opinion that the representatives of the parties must be bound to comply with such requests. While maintaining the principle of my first draft, I have slightly modified the wording.

"In Article II, I am suggesting certain amendments, in order to reconcile, as far as possible, the proposals of the two parties. I am adding a final paragraph, which embodies certain Polish suggestions.

"The remaining slight modifications in the draft do not, I think, need any further explanation than will be afforded by a study of the suggestions put forward by the two parties.

"The Polish Government suggests that, for financial reasons, the experts should not be required to go to Danzig, or anywhere else, except in cases of undoubted necessity. I see no reason for including a clause to this effect in the Rules of Procedure. In my view the principles of economy on which the Polish Government bases this suggestion should be followed in all the work of the League of Nations.

"I therefore propose the following draft Rules of Procedure.

"Article I.

"When the High Commissioner of the League of Nations at Danzig is requested by Poland or the Free City of Danzig to deal with a dispute, he shall make sure that the dispute cannot be settled by direct negotiations between the two parties through the mediation of the High Commissioner.

"If at any point in the proceedings the High Commissioner desires to discuss the matter with either party whether separately or both together, with a view to a friendly settlement, or in order to obtain further information, he shall invite the representative of that party to attend a meeting for the purpose. The representatives of the parties shall, if invited by the High Commissioner in virtue of the present clause to meetings or discussions, be bound to comply with such request.

"Article II.

"The High Commissioner, on receipt of a request asking him to deal with the dispute, shall communicate such request to the other party which shall submit its observations in writing within a period of forty days. Such reply shall be communicated to the representative of the first party who shall submit his answer to it within a further period of twenty days, whereafter a third period of twenty days shall be granted to the other party to submit its reply to that answer. All these time-limits may be reduced or extended in exceptional cases by a decision taken *ex officio* by the High Commissioner.

"If, on the expiry of any fixed time-limit, the party concerned has not submitted its reply the High Commissioner shall give his decision without waiting for it.

"All documents submitted by either party to the High Commissioner shall be forwarded by him to the other party before he issues his decision.

The High Commissioner's decision shall relate only to the questions formulated for his decision by the parties.

"Article III.

"If the High Commissioner finds, at any point in his examination of a dispute between Poland and Danzig which has been submitted to him, that the dispute has given rise to questions for the settlement of which it would be desirable for him, before giving his decision on the dispute, to obtain an independent technical or legal opinion, he shall address to the Secretary-General of the League of Nations a request to that effect. When communicating such a request he must clearly state the points on which he desires to obtain an opinion. He shall forward copies of his request to both parties for their information.

"Article IV

"The Secretary-General, on receipt of a request submitted by the High Commissioner in virtue of Article III above, shall apply to the Chairman of the Technical Committee of the League which he considers competent to deal with the matter and shall request him to submit to this Committee, for an advisory opinion, the points indicated in the High Commissioner's request. The Committee (or its Chairman) may if it thinks fit, submit the matter to a Sub-Committee, or to such individual experts as it (or its Chairman) may appoint. The Committee (or its Chairman) will then decide whether the Sub-Committee or the experts should submit their report to the Secretary-General direct or through the Committee (or its Chairman).

"If the Secretary-General considers that the question comes within the competence of more than one Technical Committee, he shall ask the Chairmen of the Committees in question to decide jointly as to the action to be taken.

"If the opinion calls for expert knowledge, both legal and technical, the Secretary-General shall request the Rapporteur to the Council on Danzig questions and the Chairman of the Technical Committee concerned to decide jointly as to the action to be taken.

"If no Technical Committee is competent to deal with the question (as, for example, in the case of purely legal questions), the Secretary-General shall request the Rapporteur to appoint experts.

"Article V

"The Secretary-General shall inform the High Commissioner of the steps taken in virtue of Article IV. The High Commissioner shall then inform the two parties. He shall communicate with the Committee or the experts through the Secretary-General, he shall supply them with the information necessary for carrying out their work and shall make arrangements with them for any meetings which may be considered desirable and also regarding the circumstances in which the Committee or the experts should, if necessary communicate direct with the parties.

"Article VI.

"The expenses incurred through the employment of Technical Committees or of experts shall be borne by the two parties in equal shares.

"The ordinary rules regarding the payment of travelling expenses and subsistence allowance of Advisory Commissioners of the League of Nations shall, as far as possible, be applicable to Commissioners and experts appointed under the present rules.

"The necessary payments shall be made by the Secretary-General, who shall be reimbursed by the two parties.

“Article VII.

“The opinion of the Technical Committee or experts appointed in accordance with the above procedure shall be given in writing and communicated to the High Commissioner through the Secretary-General. The High Commissioner shall communicate it to the two parties and shall consider the question whether, in view of the opinion given, an agreement could be reached which would render it unnecessary for him to give a decision on the dispute.

“If an appeal is lodged against the High Commissioner’s decision after he has consulted a Technical Committee or experts appointed in accordance with the above procedure, he shall communicate the opinion of the experts to the Secretary-General together with the other relevant documents.

“Appeals against the High Commissioner’s decision, together with the reasons for the appeal, must be lodged with him within forty days from the date on which the decision was notified in writing to the representative of the party in question.

“An appeal against the High Commissioner’s decision shall be placed on the agenda of the first Council session beginning not less than forty days after the Secretary-General has received the appeal and the reasons therefor. In cases of extreme urgency the President of the Council may place the appeal on the agenda even if the condition regarding the period of forty days has not been observed.

“If the Council is in agreement with the above Rules of Procedure, I beg to propose the adoption of the following resolution.

“The Council adopts the present report, approves the proposals contained in Articles I-VII of the report, and requests the Secretary-General to take the necessary steps to carry these articles into effect. ”

M. STRASBURGER, representative of Poland, expressed the hope that the new procedure would contribute to a large extent to diminishing the number of disputes, which were often technical and local in character. The opinion of the Technical Committees of the League of Nations would be especially useful. The experts on these Committees were familiar with the questions dealt with at Danzig.

He would also emphasise the importance of the last paragraph of Article II of the new regulations concerning the matters to be dealt with by decisions of the High Commissioner. He hoped that this provision would enable any misunderstanding to be avoided in future.

As regards the meetings with the High Commissioner, the Polish authorities were prepared to delegate representatives, as they were convinced that the rules laid down in the decision of the Council of July 7th, 1923, would be observed.

He would like to thank the Rapporteur for the care he had taken in framing the proposed procedure.

M. SAHM, representative of the Free City was happy to state that the Government of the Free City of Danzig had no observations to make on the draft report which had been submitted to the Council. He accepted the report in its entirety

The report and resolution were adopted.

1516. Free City of Danzig. Polish Postal Service in the Territory of Danzig. Advisory Opinion of the Permanent Court of International Justice.

The PRESIDENT, Rapporteur, read the following report and resolution.

“I.

“On March 13th, 1925, the Council addressed a request to the Permanent Court of International Justice for an advisory opinion on certain questions concerning the Polish postal service at Danzig¹

“It may be well briefly to recall the facts of the case. According to the treaties, Poland is entitled to establish a postal, telegraph and telephone service in the port of Danzig communicating directly with Poland. For the purposes of this service, Poland possesses premises in the Heveliusplatz at Danzig. On January 5th, 1925, Poland set up letter-boxes at various points outside the premises of the Heveliusplatz. These letter-boxes were intended for the reception of correspondence to be sent to Poland by the Polish postal service. Poland also claimed to be entitled to distribute correspondence coming from Poland outside the Heveliusplatz premises. On February 2nd, 1925, the High Commissioner, before whom the question had been laid by the Danzig Senate, gave a decision in which he stated that the points under dispute had been finally settled by certain decisions of his predecessor, General Haking. Poland appealed to the Council against this decision of the High Commissioner.

“The incident having assumed a certain importance in the eyes of the public, the Council decided to submit the following questions to the Court for an advisory opinion.

“I. Is there in force a decision of General Haking which decides, in the manner stated in paragraph 18 of the present High Commissioner’s decision of February 2nd, 1925, or otherwise, the points at issue regarding the Polish postal service, and, if so, does