

Dr. VAN HAMEL said he had merely wished to express the hope that this question would be examined as quickly as possible, but had not wished to suggest that any extraordinary procedure should be adopted.

The conclusions of the report were adopted.

1936. Free City of Danzig: Appointment by the Secretariat of the League of a President of the Arbitral Tribunals provided for in Articles 7 and 9 of the Agreement concluded between Danzig and Poland on March 31st, 1927 with reference to the Tobacco Monopoly at Danzig.

M. VILLEGAS read the following report ¹.

“The High Commissioner of the League of Nations at Danzig has communicated to the Secretary-General an agreement concluded between Danzig and Poland on March 31st, 1927 with reference to the tobacco monopoly at Danzig. Articles 7 and 9 of this agreement provide that certain questions which may arise in future shall, in case of any difference of opinion between the Danzig and Polish authorities, be submitted to Arbitral Tribunals. If necessary the President of each of these Tribunals shall be appointed by the Secretariat of the League of Nations. The High Commissioner has also forwarded to the Secretary-General a request from the Government of the Free City of Danzig and from the Polish Government desiring the Secretariat to inform the two Governments whether it is prepared to make these appointments should need arise. The full text of the articles in question has been communicated to the Council by the Secretary-General.

“The High Commissioner has informed the Secretary-General that he sees no objection to the establishment of a special Arbitral Tribunal between the parties on a purely technical question. It is clear, says the High Commissioner, that the establishment of such a Tribunal cannot encroach upon the general duties entrusted to the organs of the League.

“Under Article 103 of the Treaty of Versailles and Article 39 of the Treaty of November 9th, 1920, between Danzig and Poland, the High Commissioner is entrusted with the duty of dealing in the first instance with disputes between the two Governments, though an appeal against his decision may be made to the Council. I see no objection, however, to the establishment of special Arbitral Tribunals in the case now under consideration. I have accordingly the honour to propose that the Council instruct the Secretary-General to return a favourable reply to the request submitted to him by the Governments concerned.”

The conclusions of the report were adopted.

1937. Free City of Danzig: Storage and Transport of War Material in the Territory of the Free City

M. VILLEGAS read the following report and draft resolution ².

“At its meeting on March 7th, 1927 the Council dealt with a question raised by the High Commissioner of the League of Nations at Danzig, who had asked for some further explanation with regard to the following paragraph of the Council’s resolution of June 23rd, 1921, concerning the manufacture, sale, storage and transport of war material in the territory of the Free City of Danzig:

“2. The transit and temporary storage of the above-mentioned material should be prohibited unless the consent of the Council of the League of Nations has previously been obtained.

“The High Commissioner stated that, when he arrived at Danzig at the beginning of 1926, he found that it had become an established custom for the High Commissioner, acting as the representative of the Council, to judge of the expediency of granting permission to convey war material through the territory of Danzig to a country other than Poland. As he did not know whether this tacitly recognised procedure would be in conformity with the Council’s wishes, he had asked the Council for instructions on the subject.

“Before coming to a decision on the question, the Council requested the Permanent Advisory Commission for Military Naval and Air Questions to submit to it a report on the point raised by the High Commissioner. Pending its final decision in the matter, the Council further authorised the High Commissioner provisionally to issue on its behalf the requisite permits in accordance with paragraph 2 of the Council resolution mentioned above.

At its meeting on April 6th, 1927 the Permanent Advisory Commission unanimously agreed as follows:

From the technical point of view the Permanent Advisory Commission for Military Naval and Air Questions sees no objection to the High Commissioner being authorised to deal, on behalf of the Council, with applications that may be submitted to him with a view to obtaining the previous consent required under the terms of paragraph 2 of the Council’s resolution of June 23rd, 1921.

¹ Document C.284.1927.I.

² Document C.283.1927.I.

The Permanent Advisory Commission for Military Naval and Air Questions would point out that it is desirable that the Council should be informed of the results of such applications.

The Permanent Advisory Commission's opinion is in conformity with the provisional decision reached by the Council on March 7th, 1927, and I think that the Council may decide that the High Commissioner should be authorised to deal, on behalf of the Council, with applications that may be submitted to him on the subject. The Permanent Advisory Commission points out that it would also be desirable for the Council to be informed of the results of such applications. The Council will certainly agree with this.

" I have the honour therefore to propose the following resolution:

The Council, taking into consideration the opinion of the Permanent Advisory Commission communicated to it on April 6th, 1927, decides that:

(1) The High Commissioner of the League of Nations at Danzig shall be authorised to deal, on behalf of the Council, with applications for the transport and temporary storage of war material in the territory of Danzig which may be submitted to him with a view to obtaining the previous consent required under the terms of paragraph 2, of the Council's resolution of June 23rd, 1921.

(2) The High Commissioner shall inform the Council of the results of such applications. "

The draft resolution was adopted.

Dr. Sahn and Dr. van Hamel withdrew.

1938. Progressive Codification of International Law. Reports of the Committee of Experts on the Work of its Third Session.

M. ZALESKI submitted to the Council the following report¹.

The Committee of Experts for the Progressive Codification of International Law was appointed by the Council in compliance with a resolution adopted by the Assembly on September 22nd, 1924, which laid down the Committee's terms of reference. The resolution was as follows:

The Assembly:

Considering that the experience of five years has demonstrated the valuable services which the League of Nations can render towards rapidly meeting the legislative needs of international relations, and recalling particularly the important conventions already drawn up with respect to international conciliation, communications and transit, the simplification of Customs formalities, the recognition of arbitration clauses in commercial contracts, international labour legislation, the suppression of the traffic in women and children, the protection of minorities, as well as the recent resolutions concerning legal assistance for the poor:

Desirous of increasing the contribution of the League of Nations to the progressive codification of international law:

Requests the Council:

To convene a Committee of Experts not merely possessing individually the required qualifications but also as a body representing the main forms of civilisation and the principal legal systems of the world. This Committee, after eventually consulting the most authoritative organisations which have devoted themselves to the study of international law, and without trespassing in any way upon the official initiative which may have been taken by particular States, shall have the duty:

(1) To prepare a provisional list of the subjects of international law the regulation of which by international agreement would seem to be most desirable and realisable at the present moment;

(2) After communication of the list by the Secretariat to the Governments of States, whether Members of the League or not, for their opinion, to examine the replies received; and

(3) To report to the Council on the questions which are sufficiently ripe and on the procedure which might be followed with a view to preparing eventually for conferences for their solution.

Reports presented by the Committee to the Council.

At its present session, the Council has before it a report from the Committee recommending seven subjects as being, in certain of their aspects, sufficiently ripe for discussion in international conference; a general report on the procedure which might be followed to prepare for such conference; and two reports on special procedure recommended with regard to two particular subjects. It has also before it a letter from the Chairman of the Committee to the Secretary-General which

¹ Document C.254.1927.V.