

As, however, the question had only been examined by the Committee of Jurists in respect of a particular incident, and as the Committee had decided to attenuate that part which was too categorical in the terms of its first postulate by admitting the possibility of certain "special attributions of competence" which M. Comnène himself considered to be closely related to the terms and principles of the Covenant; as, moreover, the Committee had had in mind a special case which had no connection with the rules of the Covenant and, consequently as their opinion could not be held to constitute a general rule for the interpretation and application of the terms of the Covenant nor as creating a precedent, which he would consider dangerous, M. Comnène was able to give his assent to the report submitted to the Council.

M. POLITIS, on behalf of the Greek Government, accepted the report submitted by the representative of Colombia and, thereby, the report prepared by the jurists.

He had had the honour of assisting in the preparation of the latter report and was aware of the difficulties which the Committee of Jurists had had to overcome. He thought that it was a very happy event, and one which deserved special mention, that fourteen jurists, including the representatives of the two countries concerned, had succeeded in obtaining a unanimous and acceptable solution. The spirit of conciliation which existed in the League of Nations had won a victory over scientific adherence to rule of thumb by which some of those who had examined the question might have been guided, and M. Politis was much gratified at the triumph of the League's spirit of conciliation.

The PRESIDENT thought he would be expressing the feelings of all his colleagues when he said that the Council felt great satisfaction at the words spoken by M. Politis in accepting M. Urrutia's report and the report of the jurists.

*The report of the Committee of Jurists was approved, together with the conclusions of the report by M. Urrutia.*

The PRESIDENT, on behalf of the Council, warmly thanked the Committee of Jurists, who had arrived at an equitable solution which gave satisfaction to the parties concerned.

M. Politis withdrew.

2099. Free City of Danzig. Transport of Munitions and Polish War Materials in Transit through Danzig Utilisation of the Westerplatte (*continuation*).

Dr Sahm, President of the Senate of the Free City of Danzig, and Dr. van Hamel, High Commissioner of the League of Nations at Danzig, came to the Council table.

M. VILLEGAS, Rapporteur, read the following draft resolution <sup>1</sup>.

"The Council:

Having taken note of the report submitted by the Chilean representative on December 8th, 1927 concerning the question of the utilisation of the Westerplatte;

"Decides to invite the Governments of the Free City of Danzig and Poland to open direct negotiations with regard to the practical settlement of the questions mentioned in Chapters III, IV and VI of the report by the Chilean representative, dated September 27th, 1927"

"Recommends the two Governments to take into consideration all the material contained in the documents on the question, including the views expressed in the legal opinion submitted to the Council in the report of December 8th, 1927.

"The negotiations will be presided over by the High Commissioner of the League of Nations at Danzig, who, in accordance with the procedure established by the Council resolution of June 11th, 1925, may call upon technical experts.

"If these negotiations do not lead to any result before the next Council session, the Rapporteur will submit proposals to the Council for a definite settlement."

Dr. SAHM said that, in the course of the previous negotiations, he had already given his assent to the draft report submitted by the Chilean representative. He wished now to express the hope that the direct negotiations between the Free City of Danzig and Poland, on the basis of the report of the legal experts, would result, at the earliest possible date, in an agreement affording such guarantees as could be secured, in present circumstances, for the life and property of the inhabitants of the Free City.

He took the opportunity to thank the Rapporteur for the great trouble he had taken in the matter.

M. STRASBURGER said that he was convinced that the League's organs which had been instructed to assist Poland and the Free City in the negotiations which were to take place would devise suitable measures, and he hoped that a satisfactory result would be obtained. He wished to thank the Rapporteur for the way in which he had carried out his task.

Dr. VAN HAMEL said that the Council's recommendation that the question of the Westerplatte should be settled in a practical manner by an agreement between the parties on the spot, and, if need be, with expert assistance, was in conformity with his most sincere wishes. The questions relating to the Westerplatte had been for so long a source of misunderstanding and criticism that it would be very important to have done with them. He believed that, given the will for effective co-operation on which the Council reckoned in its resolution, it should not be impossible to conclude, in regard to

the various points in question, practical arrangements which would be advantageous to Danzig, to the Port of Danzig, to Poland and to the relations between Danzig and Poland.

In order to obviate any possibility of misunderstanding, Dr. van Hamel wished to raise a small question of form. The resolution stated that the assistance of technical experts might be sought in accordance with the rules of procedure of June 11th, 1925. Those rules applied, in principle, to cases of arbitration before the High Commissioner. In the matter under consideration, however, there was no question of arbitration, there was not even a decision by the High Commissioner against which an appeal had been lodged, since, in so far as he was concerned, he had merely given a provisional *de facto* ruling, while referring the actual questions in dispute to the Council. In the present instance, recourse to experts would therefore be needed solely for the purpose of negotiations, a fact which might involve certain essential differences.

Dr. van Hamel accordingly thought it right to point out that the Council had contemplated the application of the rules of procedure only by analogy.

M. VILLEGAS noted with satisfaction that the representatives of Danzig and Poland accepted the draft resolution which he had submitted to the Council. He hoped that the matter would be settled between the two parties on the lines indicated in the report, and that the Council would not be called upon to deal with the matter again.

With regard to the observation made by the High Commissioner M. Villegas agreed with him that the Council's resolution of 1925 had been mentioned by analogy. M. Villegas hoped that this would suffice to dissipate the doubt felt by the High Commissioner.

Before concluding, he wished to offer his warmest thanks to Sir Cecil Hurst and M. Pilotti for the assistance they had given him in the examination of the question.

The PRESIDENT thanked M. Villegas for his successful endeavours to settle a question which had occupied the Council's attention for so long.

*The draft resolution was adopted.*

Dr. Sahn and Dr. van Hamel withdrew

#### 2100. Agreement relating to Greco-Bulgarian Emigration.

M. Mikoff, representative of Bulgaria, M. Dendramis, representative of Greece, and Colonel Corfe, Vice-President of the Greco-Bulgarian Mixed Emigration Commission, came to the Council table.

M. HOLSTI read the following report and draft resolution <sup>1</sup>

On September 3rd, 1927<sup>2</sup> the Council asked the Financial Committee to advise the President of the Greco-Bulgarian Mixed Emigration Commission, should he so request, as to the manner in which the financial obligations incumbent upon the Greek and Bulgarian Governments as the result of the emigration might be settled.

"In September, the President of the Mixed Commission submitted the whole problem to the Financial Committee. The latter, at its December session, approved the general lines on which an attempt might be made to find a solution. Negotiations have since taken place, and came to a successful conclusion on December 9th, when the Governments concerned signed an Agreement drawn up on the lines approved by the Financial Committee (Annex 1006) the Agreement is signed by the Finance Ministers of the two countries and by the President of the Mixed Commission. We must congratulate the parties concerned and the Financial Committee on the satisfactory result of their negotiations.

The representatives of the Bulgarian and Greek Governments have submitted the agreement to the Council for acceptance so far as the League of Nations is concerned.

Four of the articles of this Agreement impose certain obligations on the League. The Chairman of the Financial Committee informs us in his letter that there is no objection to these articles being accepted. They are as follows:

(a) Article 5 provides that the Council of the League shall appoint a neutral bank to which certain bonds shall be delivered by the debtor State. The appointment of a neutral bank, which is a formality of no great urgency might be deferred until the Agreement has been ratified by the two Governments.

"(b) Article 7 provides that the Council may transfer to another body the functions devolving on the Mixed Commission under this agreement.

"(c) Article 8 provides that any differences as to the interpretation of this Agreement shall be settled by the Council of the League of Nations.

"I see no reason why the Council should not undertake the duties defined in these two articles.

(d) Article 6 provides that the League organisations for the settlement of refugees in both countries shall, under certain conditions, accept in payment from the refugees bonds issued under the Agreement.

The Chairman of the Financial Committee informs us that the Chairman of the Refugee Settlement Commission in Greece and the Commissioner for the establishment of refugees in Bulgaria have been consulted in regard to this article and have agreed to it.

Document C. 642. 1927. II.

See *Official Journal*, October 1927, page 1135.