

FIRST MEETING (PRIVATE, THEN PUBLIC).

Held on Monday, March 5th, 1928, at 11 a.m.

Present: All the representatives of the Members of the Council, and the Secretary-General.

2103. Adoption of the Agenda of the Session.

Questions concerning the Free City of Danzig.

The PRESIDENT read the following note:

*Access to and Anchorage in the Port of Danzig for Polish War-vessels.
Transport of Polish Munitions and War Material in transit through Danzig Utilisation
of the Westerplatte.*

The High Commissioner has informed the Council, in a letter dated February 6th, 1928, that the Danzig and Polish Governments have agreed to discuss these two questions in a friendly manner with a view to settling them without resorting to the formal procedure laid down by the Council in December 1927. This may mean that the questions will not come before the Council again for discussion.

I am sure that the Council, far from making any objection to the desire of the two Governments to settle these disputes by means of direct negotiations, without recourse to the procedure laid down by the Council in December last, will, on the contrary welcome such a proposal with satisfaction. Consequently there is no need to keep these two questions on the agenda of the present session.

The Council will naturally be informed, when the time comes, of the result of these negotiations, as indeed is clear from the High Commissioner's letter of February 6th. In the name of my colleagues, I desire to express the hope that it will be possible, at a subsequent session of the Council, to register a final agreement with regard to these two questions.

*Jurisdiction of Danzig Courts in Actions brought by Danzig Railway Officials against
the Polish Railway Administration Advisory Opinion of the Permanent Court of
International Justice.*

In September last¹ the Council submitted this question to the Permanent Court of International Justice for an Advisory Opinion. The session of the Court opened on February 7th, 1928.

The Permanent Court only gave its Opinion on Saturday March 3rd, and it has not yet been possible to communicate it to the members of the Council. In these circumstances, I think it may be better not to place the question on the agenda of the present session. As in a preceding case, the text of the Opinion will be communicated to the High Commissioner for transmission to the Danzig Government."

Dr. STRESEMANN was happy to note that an agreement had been reached by the two parties regarding the first two questions, with which the Council would not therefore have to deal.

As regards the third question, the Advisory Opinion given by the Hague Court had already been published in the Press. In these circumstances, public opinion would not understand why the Council should decide to adjourn the question under the pretext that the members had not received the text of the Opinion. Dr. Stresemann proposed, therefore, that the Advisory Opinion should be distributed immediately to the members of the Council, who would decide at one of the private meetings whether the question should be considered or not during the present session.

M. VILLEGAS, as Rapporteur on the questions now under consideration, desired to associate himself with the observations of the President and Dr. Stresemann regarding the arrangement made so far as the first two questions were concerned. The Council would be glad to note that the two parties had been able to come to an agreement between themselves.

He agreed with the German representative's proposal that the third question should be adjourned to one of the subsequent private meetings, in order that the Council might take official note of the Advisory Opinion of the Court.

The SECRETARY-GENERAL explained that the Advisory Opinion had been received by the Secretariat too late for distribution before the present meeting. It would be distributed immediately.

M. ZALESKI considered that the question was somewhat complicated, and thought that it might be useful to give the two parties the opportunity of examining the Opinion of the Hague Court a little more in detail.

¹ See *Official Journal*, October 1927, page 1422.

He also desired to inform the Council that Poland had begun negotiations with the Senate of the Free City of Danzig on the matter. For this reason, he would associate himself with the proposal of the President that the question should be postponed to a later session — for example, the June session.

M. BRIAND shared the satisfaction felt by his colleagues at the possibility of an agreement between the two parties regarding the first two Danzig questions. The Council was aware that the French representative had expressed on every possible occasion the desire that the number of Danzig questions coming before the Council should be as limited as possible, and that friendly negotiations should be carried on between the two parties. He was glad to know that this procedure was meeting with success.

As regards the third point, it might, generally speaking, be undesirable, under the pretext that the Press had published texts of which the Council had not been officially informed, for the Council to begin the discussion of problems which were sometimes complex in character and which required study on the part of the members. Further, it was possible, as the representative of Poland had just said, that the two parties might, on this point as on the two others, reach agreement by direct negotiations. M. Briand, therefore, thought that no obstacle should be raised to this procedure unless it was of primary importance that the Council should take an immediate decision. He thought it would be desirable to leave the parties free to reach a conciliatory agreement.

M. SCIALOJA thought that, in reality his colleagues were in agreement. Since the Advisory Opinion of the Court had been officially communicated to the Secretariat, it appeared to him to be necessary for the Council to take note of it during the present session. Very probably when the Council had received the Opinion officially, it would decide to postpone the matter to another session. It seemed indispensable, however, for the Opinion of the Court to be communicated to the Council.

Dr. STRESEMANN thought that all the members of the Council were agreed that the Opinion given by the Permanent Court ought to be communicated to them. The Council found itself in the following strange situation: while the Press already possessed the Opinion of the Court, or, at any rate, some parts of that Opinion, the members of the Council were ignorant of it.

The German representative proposed that the Council should examine later, at a private meeting, the following question as regards procedure: Should the examination of the Advisory Opinion be postponed or was it sufficiently clear to make it possible to settle the question immediately?

The PRESIDENT noted that all the members of the Council were in agreement. As regards the question of the jurisdiction of Danzig courts, he thought that the proposal of Dr. Stresemann, which was similar to that of M. Scialoja, could be adopted. The Advisory Opinion of the Court would be distributed by the Secretariat to the members of the Council as soon as possible. The Council would decide at a future meeting whether it would deal with the matter during its present session.

M. BRIAND said that the only question which he desired to reserve was whether the Council would examine the Opinion with a view to discussing it, for he feared that it might, by so doing, discuss it without sufficient preparation. It was obvious that the Opinion should be communicated to the Council and that the Council should consider whether it was possible to place it on the agenda of the present session. This latter point, however, should not be decided in advance.

The PRESIDENT said it was understood that the Council would only discuss in the first place the point whether the question would or would not be placed on the agenda of the session.

The proposal of the President was adopted as regards the jurisdiction of Danzig courts, and the two remaining items regarding Danzig were removed from the agenda of the present session.

The agenda, thus amended, was adopted in principle.

2104. Financial Reconstruction of Portugal.

The PRESIDENT recalled that, at its last session¹ the Council, at the request of the Portuguese Government, decided to cause an investigation to be made into the financial position of Portugal. This investigation had taken place, and the Financial Committee was in process of discussing, with the representative of the Portuguese Government, the conditions under which a future loan might be floated if the Council authorised the Committee to take such action.

Since this plan had certain political aspects, the Council would probably desire to appoint a Committee of the Council, as had been the procedure in other cases. The President proposed that the representative of Finland, who was Rapporteur for financial questions, and the representatives of the British Empire, France, Germany and Italy should be members of this Committee. The representative of the Portuguese Government would be the sixth member.

The Committee could meet immediately and in the name of the Council give the necessary instructions to the Financial Committee, it being understood that any plan which might be recommended would be submitted to the Council for approval.

¹ See *Official Journal*, February 1928, page 115.