

2146. Free City of Danzig. Jurisdiction of Danzig Courts in Actions brought by the Danzig Railway Officials against the Polish Railways Administration: Advisory Opinion of the Permanent Court of International Justice.

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

M. VILLEGAS read the following report¹

" At its opening meeting the Council reserved its decision on the question whether the matter of the jurisdiction of Danzig tribunals in actions brought by Danzig railway officials against the Polish railways administration should or should not be placed on the agenda of this session. The text of the Court's advisory opinion given on March 3rd, 1928, has now been communicated to the members of the Council. They have also received the text of an agreement concluded at Danzig on March 2nd between the Danzig and Polish Governments, to the effect that the Council should be asked not to place the question on the agenda because the parties had decided to accept the Court's opinion in advance.

I feel that since, in view of the agreement between the parties, the Council is not obliged to examine the Court's opinion in detail, but can merely take formal note of it, we might perhaps decide to place the question on the agenda of this session. In case the Council should agree to this, I have ventured to prepare a draft resolution, annexed hereto."

M. Villegas asked the Council in the first place whether it agreed to include this question in the agenda of the session.

It was so agreed.

He then read the following draft resolution:

" The Council:

" Having received from the Government of the Free City of Danzig an appeal against the decision given on April 8th, 1927, by the League of Nations High Commissioner at Danzig in the matter of the jurisdiction of Danzig tribunals in actions brought against the Polish railways administration by Danzig railway officials who have passed into the Polish railway service;

" Having by its resolution of September 22nd, 1927² asked for an advisory opinion from the Permanent Court of International Justice on this subject;

" Having received the opinion given by the Court on March 3rd, 1928;

" And having also had communicated to it the text of an agreement concluded between Danzig and Poland on March 2nd, and formally signed on March 6th, 1928:

" Takes note of the advisory opinion given by the Permanent Court of International Justice on March 3rd, 1928, and of the agreement concluded between Danzig and Poland on March 2nd, 1928, and formally signed on March 6th, 1928."

He added that he was happy to note that, in the present case, as well as in the matter of the Westerplatte and that of the access to and anchorage of Polish war-vessels in the port of Danzig, it had been possible to achieve an agreement between the two parties. The Council would undoubtedly rejoice at this result, for it was owing to its advice that this agreement had been reached. This was still further evidence of the advantage of concluding direct agreements between the parties concerned and, in the view of the Rapporteur, the efforts of the Council should be directed preferably to this form of agreement, when it was called upon to find a solution for the problems submitted to it.

M. Villegas said that he felt sure he was interpreting the feelings of his colleagues in proposing that the Council should take note of the great spirit of conciliation shown by both parties in arriving at this agreement and of the efforts of the High Commissioner, Dr. van Hamel, which had been crowned with success.

The draft resolution was adopted.

Dr. Sahn and Dr. van Hamel withdrew.

2147. Economic Organisation of the League: Appointment of an American Member on the Economic Committee.

Dr. STRESEMANN read the following report³:

" The Council, in its decision of September⁴ and December⁵ last reconstituting the Economic Committee of the League, provided a place for a member of United States nationality but reserved the actual appointment for subsequent enquiries as to the most suitable and acceptable person.

Document C.115.1928.

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

Document C.123.1928.II.

See *Official Journal*, October 1927, page 1467.

See *Official Journal*, February 1928, pages 132 and 170.