

The Polish Government, therefore, appeals to the high authority of the Council of the League, in the confident hope that the Council, as the trustee of the special regime established at Danzig and the special position of the Free City in its relations with Poland, will endeavour to find a solution of all the points at issue in conformity with the principles embodied in the Treaty of Versailles. The Polish Government will thus be enabled to establish the closest relations with the Free City of Danzig.

Should, however, the Council consider, for any reason, that it cannot settle in their entirety all the disputes between Poland and Danzig, the Polish Government would be obliged to consider the advisability of making its own proposals at a later date.

Annex 531 b.

C. 469. 1923. I.

GENERAL SITUATION IN THE FREE CITY OF DANZIG.

Report by M. Quiñones de León and Resolution adopted by the Council on July 7th, 1923.

The Council has examined the Note from the Polish Minister for Foreign Affairs dated June 20th, 1923, regarding the general character of the differences which have arisen between Poland and Danzig. The Council has also considered the Note from the High Commissioner of the League of Nations at Danzig of June 4th, 1923, concerning the question of the High Commissioner's competence and other cognate questions, as well as the letter from the President of the Senate of the Free City of Danzig, dated July 1st, 1923, containing certain comments on the Note from the Polish Minister for Foreign Affairs. At the meeting held on July 4th, 1923, the Council heard the verbal explanations offered by the High Commissioner and by the Polish and Danzig representatives.

I feel that the Council will agree with me in saying that it is anxious to assure the Polish Government of its solicitude for the development of the relations between the Polish Republic and the Free City of Danzig and that it is extremely desirous that Poland's legitimate aspirations should be realised in their entirety. The Council is, as hitherto, firmly resolved to enforce respect for Poland's rights in regard to the Free City in conformity with the Treaties, and at the same time to maintain the statute of the Free City intact. The economic expansion of Poland is a cause of gratification to all Members of the League of Nations. The Council does not forget that it is a necessity for Poland that she should be able to develop her internal economic life at the same time as her facilities for foreign trade and her free access to the sea through the Free City of Danzig. The Council desires that all questions that have been raised between the Free City and Poland should be regarded from the point of view of the common interests of the two States. The future of Danzig is closely bound up with that of Poland and all antagonism between Danzig and Poland should be removed by mutual endeavours to understand one another and to co-operate in the common task of developing the port of Danzig to the great advantage of both countries. The authorities of the Free City will certainly endeavour to avoid any justified ground for complaint as regards their attitude towards Poland. I hope that this remark will not be regarded as implying any criticism of the attitude hitherto adopted by the Free City, but I think it essential that the Council should make a clear pronouncement in favour of reconciliation between the Free City and Poland. This is the only condition under which Poland's rights can be realised in their entirety and the Free City's interests entirely safeguarded.

Many of the disputes between Poland and the Free City of Danzig have already been settled either by direct agreement between the two Governments or by a decision of the High Commissioner, or, finally, by a decision of the Council of the League. A few disputes, which have not yet been finally settled, are at present under consideration by the High Commissioner, or have been laid before the Council as the result of an appeal by one or the other of the two parties.

The Polish Note of June 20th draws our attention to a general feeling of uneasiness with regard to the settlement of the various disputes pending. To meet this situation I venture to propose that the Council should recommend that Poland and the Free City submit promptly, and in conformity with the procedure specified in the Treaties, any serious grievance to the High Commissioner which they still entertain. The Council will, as hitherto, always be ready to examine without delay the circumstances of any question submitted to it, after it has first been dealt with by the High Commissioner. I might perhaps also suggest that the Secretary-General should inform the High Commissioner that the technical services of the Secretariat are at his disposal and at the disposal of the two parties for assistance at any negotiations which may take place under the auspices of the High Commissioner. Their co-operation in this manner might be particularly advantageous, if the High Commissioner decided to refer certain questions to the Council direct in virtue of Article 39 of the Treaty of November 9th, 1920. In this case he might perhaps propose to the two parties that the negotiations, or certain parts of the negotiations, should take place at Geneva.

The Council could then take a decision at its next session on all the of disputes still pending, and it may be confidently hoped that in the future many occasions of misunderstanding will be avoided and the ground prepared for the intimate and fruitful co-

operation between Poland and Danzig intended by the Treaties. It is needless to emphasize the importance, in order to achieve this object—which is desired equally by the Council of the League of Nations and by the Governments of Poland and of the Free City of Danzig,—of doing nothing which might prejudice the solution of the disputes by the means indicated above. I am quite convinced that when the problem has been formulated in its general aspect, the two Governments concerned will endeavour to help us to clear the ground and to prevent further occasions of conflict which might envenom the atmosphere and render more difficult the task of conciliation on the Danzig question, which the League of Nations so ardently desires to conduct to a satisfactory conclusion.

It seems to me to be useful, at the present time, to deal with certain questions raised by the High Commissioner and by the Polish Government, which are of a general character and are independent of specific disputes.

In the first place the question must be determined as to what is the exact relation between Article 104 of the Peace Treaty of Versailles and the Treaty concluded at Paris on November 9th, 1920. I am of opinion that the Treaty of November 9th, 1920, constitutes an entirely valid legal basis for the relations between Danzig and Poland, but that in the event of doubt as to the interpretation of any clause in the Treaty of November 9th recourse may be had, in order to dispel such doubt, to Article 104 of the Treaty of Versailles in virtue of which the Treaty of November 9th, 1920, was concluded. If I rightly understand the position, the Polish representative appears to accept this standpoint, as a result of the exchange of views which took place at the meeting of the Council on the 4th inst.

As regards the question of the competence of the High Commissioner, I feel, that that is an extremely delicate matter in regard to which I should not like to express a definite opinion at the present time. It seems to me that the High Commissioner himself should in principle decide in each case whether he is competent to pronounce a decision in a dispute between Danzig and Poland. The terms of the stipulations contained in paragraph 2 of Article 103 of the Treaty of Versailles and in Article 39 of the Treaty of November 9th, 1920, are very wide, and I think that in practice it would perhaps be possible to establish certain more definite rules in order to avoid any appearance of interference by the High Commissioner in affairs, for example, which should be reserved for decision by the courts of the two countries. If in any particular case the one Government or the other feels bound to dispute the competence of the High Commissioner, it will be able to appeal to the Council. In this situation I do not think it is absolutely necessary for the moment, to attempt to lay down any general rules.

I view in somewhat the same light the question raised by the High Commissioner regarding the procedure to be followed, when discussions take place before him between the two parties, with a view to the settlement of a dispute. The High Commissioner drew the attention of the Council to the fact that no stipulation is contained in the Treaties as to the method to be employed by him in these discussions and that the choice of method was left to him. He said that he would continue to consult the representatives of the two Governments before fixing the date and hour of the meetings which he might judge necessary either in order to try to negotiate an agreement between the two parties or to obtain information himself on all the details of the disputes which had arisen between the two Governments. It would appear from the documents before us that the Polish representative at Danzig declares that he is always ready to furnish personally or through a representative, any oral or written explanation that the High Commissioner may consider necessary, and that he is ready to take part in the conference convened by the High Commissioner after arriving at a preliminary agreement with the latter, as to the advisability of holding these meetings and as to their agenda. I do not think that the slight divergence between the view expressed by the High Commissioner and this declaration by the Polish representative at Danzig is very important. It is the momentarily strained relations between Danzig and Poland which appear to have caused the Polish representative to adopt an attitude of some reserve as regards meeting a Danzig representative in the presence of the High Commissioner. I therefore hope that no fresh difficulty will arise with regard to procedure and I am sure that the High Commissioner will not experience any difficulty in bringing the two parties together, if necessary in order to obtain co-operation.

I have the honour to propose to the Council the following resolution

“The Council adopts the present report and gives instructions that copies of it be forwarded by the Secretary-General to the Governments of Poland and Danzig and to the High Commissioner of the League of Nations at Danzig.”

Annex 532.

C. 436 (1) 1923. I.

FREE CITY OF DANZIG. FINANCIAL SITUATION OF THE FREE CITY.

Report by M. Quiñones de León, and resolutions adopted by the Council, on July 4th, 1923.

Since the last session of the Council, the financial situation of the Free City of Danzig has been again considered by the Financial Committee, and you have now before you the portions of its general report to the Council which deal with this question. The negotiations which