

In reply to the President, Sir Edgar WALTON said that the procedure proposed by the South African Government with regard to South-West Africa only applied to the white population and not to the native inhabitants, with regard to whom there was no difficulty.

The PRESIDENT suggested that the proposal of Sir Edgar Walton should also be submitted to the drafting committee, which should take into account the fact that the Council considered it to be a special case.

M. HANOTAUX said that the French experts had carefully followed the problems raised by these mandates, but that the problem of the German settlers in South-West Africa had never been put before them. The question was so urgent and important that the Council would have to examine it and take a decision. The drafting committee should be instructed to endeavour to find a formula which would cover this particular case, and the Council could then discuss the text which would be submitted to it.

Sir Edgar WALTON said that the principle that a government could accord naturalisation to these persons who asked for it was admitted. What difference was there, therefore, between granting naturalisation to individuals at their request and naturalising the inhabitants of a territory *en bloc* while, at the same time, allowing them individually to decline that naturalisation if they so desired?

M. GARBASSO thought that it would be impossible for the drafting committee to reconcile the two principles — individual naturalisation and naturalisation *en bloc*.

M. QUIÑONES DE LEÓN agreed with M. Garbasso.

M. ADATCI said that he was not opposed to the President's proposal to send the question to a drafting committee on the condition that a definition in the text of the resolution such as "administered persons under mandates" or "protected persons under mandates" was accepted as a question of principle.

After a further exchange of views, *the Council decided, on the proposal of the President, to request the drafting committee to make the drafting alterations necessary for amalgamating the amendments proposed by the President and the recommendations of the Permanent Mandates Commission. The drafting committee would consider also the exceptional case of South Africa and the possibility of giving it satisfaction.*

It was agreed that Sir Edgar Walton should be a member of the drafting committee.

SEVENTH MEETING (PUBLIC)

held at Geneva on Friday, April 20th, 1923, at 4 p.m.

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

921. Free City of Danzig Establishment of a Railway Direction for the Polish Railways outside the Free City

M. Askenazy representative of Poland, M. Sahm, representative of the Free City, and Mr. MacDonnell, High Commissioner of the League at Danzig, came to the Council table.

M. QUIÑONES DE LEÓN reported that the High Commissioner had given a decision on this question on December 12th, 1922. It had since been examined at discussions between the representatives of the two Governments at the Secretariat of the League.

He submitted the following resolution

"The Council decides to postpone to its next session the discussion on the question of a direction of the Polish railways at Danzig on which the High Commissioner of the League of Nations gave his decision on December 12th, 1922."

The resolution was adopted.

922. Free City of Danzig Procedure for the Settlement of Differences.

The PRESIDENT asked the High Commissioner whether he desired to make any observations to the Council.

Mr. MACDONNELL, High Commissioner of the League at Danzig, said he wished to draw the attention of the Council to two important points. A great number of cases had come up for decision by the High Commissioner. The interested parties did not seem to show quite as much care in trying to come to an agreement when negotiating at Danzig as when they were at Geneva before the Council. He would like the parties to make a more serious effort to come to a friendly agreement among themselves before coming to him for a decision, and possibly to the Council later on.

Secondly there was a tendency when a question was *sub judice* for the parties to resort to direct action. Such conduct seemed to him contrary to the spirit and letter of the Treaty of Versailles, and he would beg the parties to abstain from any such action in future.

M. SAHM, representative of the Free City said that the Senate was ready to show a spirit of the utmost conciliation. He had no doubt as to the impartiality of the High Commissioner, and he hoped that, thanks to his mediation, a great many of the questions in dispute might be settled without difficulty.

As regards the second point raised by the High Commissioner, Article 39 of the Polono-Danzig Treaty empowered the High Commissioner, pending a decision, to take any preliminary measures which might be necessary with a view to settling questions which arose. In this matter the Government of Danzig would conform with the letter and spirit of Article 39 of the Polono-Danzig Treaty and Article 103 of the Treaty of Versailles.

M. ASKENAZY, representative of Poland, associated himself with the desire expressed by the High Commissioner in regard to the questions negotiated at Danzig. The Polish Government had always shown a spirit of conciliation at Danzig and Warsaw as well as at Geneva.

As to the second point, he said that he was not in a position to make any statement whatever before appreciating the exact sense and meaning of this suggestion of the High Commissioner. He thought, and he had no doubt that the High Commissioner agreed with him, that it was settled that the attitude of the two parties towards the decisions of the High Commissioner, including, for example, the procedure of appeal, was governed by the Treaty of Versailles and the Polono-Danzig Treaty of November 9th, 1920, and that no change could be made except by common agreement between the two parties, Poland and Danzig, in accordance with Article 40 of the Treaty of 1920.

The representatives of Poland and Danzig and the High Commissioner withdrew.

923. Eastern Carelia.

M. ENCKELL, representative of Finland, came to the Council table.

M. GARBASSO, on behalf of M. Salandra, Rapporteur, read a preliminary report (Annex 498) on this question and proposed that the Council should ask M. Enckell to formulate the definite proposals of the Finnish Government.

M. ENCKELL, representative of Finland, read a statement to the Council (Annex 498a).

The PRESIDENT suggested that the Council should consider the statement of M. Enckell at leisure, and discuss the question further at a later meeting.

The Council adopted this proposal.

The representative of Finland withdrew.

924. Expropriation by the Roumanian Government of the Immovable Property of Hungarian Optants.

M. Lakacs and M. Gajzago, representatives of Hungary, and M. Titulesco, representative of Roumania, came to the Council table.

M. ADATCI, Rapporteur, said that the Hungarian Government had addressed to the Council a request, the text of which had been circulated¹. He had come to the conclusion, after conversation with the parties, that, before drafting a report, it was necessary to hear the statements which they desired to make to the Council.

The PRESIDENT invited the representative of Hungary to address the Council.

M. LUKACS, representative of Hungary, said that the Hungarian Government attached great importance to maintaining friendly relations with Roumania, and regretted that Roumania had not responded to its overtures for direct negotiations on the question at issue. Hungary had lost two-thirds of her territory and her population, but had firmly resolved to conform entirely with the provisions of the Treaty of Peace. She hoped that the League of Nations would not confine itself to procuring respect for provisions which were to the disadvantage of Hungary but would also act as guardian of the few provisions which were to some degree favourable to Hungary.

He would deal first with the juridical aspect of the question. Article 3 of the Treaty between the Principal Allied and Associated Powers and Roumania, signed at Paris on December 2nd, 1919, stipulated that persons who had exercised the right of option should, within the succeeding twelve months, transfer their place of residence to the State for which they had opted and provided that they should be free to retain their immovable property in Roumanian territory. The preamble of the Treaty showed that the obligations laid by the Treaty upon Roumania, including the obligation to leave persons opting for Hungarian nationality in the enjoyment of their landed property, were to be regarded in the light of compensation for the large territorial acquisitions of Roumania. The Treaty of Trianon, particularly Articles 61, 63 and 65, also contained stipulations in complete conformity with those contained in the Treaty concluded between the Principal Powers and Roumania.

Legislation had been enacted in Roumania to secure agrarian reform. A legislative Decree of September 12th, 1919, provided for the expropriation of the landed property of foreign

See Document C. 244. M. 128. 1923. I.