

of that argument. If, however, the rights of the minorities were to be bargained away in the negotiations between Germany and Poland, there was a strong reason why the Council should take action immediately.

M. DE MODZELEWSKI said that there was no question of bargaining regarding minorities, but simply of reaching agreement regarding practical arrangements. The negotiations between Poland and Germany concerned a large number of complex questions upon which agreement could be reached by means of direct negotiations. The problem before the Council was connected with other questions of nationality in Germany and Poland, and for this reason a reference of the matter to the Permanent Court of International Justice might interfere with the negotiations.

Lord ROBERT CECIL requested the Council not to take any decision at the moment but to postpone the question to a later meeting of the present session in order to allow time for the members of the Council to examine the question in greater detail.

After an exchange of views, *the Council adopted the proposal of Lord Robert Cecil.*

SIXTH MEETING (PUBLIC)

Held at Geneva on Wednesday, July 4th, 1923, at 4.30 p.m.

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

986. Free City of Danzig. General Situation.

M. SAHM, representative of Danzig, M. PLUCINSKI, representative of Poland, and Mr. MAC DONNELL, High Commissioner of the League at Danzig, came to the Council table.

M. QUIÑONES DE LEÓN read a report (Annex 531).

The PRESIDENT invited the High Commissioner of the League of Nations to make a statement.

Mr. MAC DONNELL, High Commissioner, said that the present matter was less a difference between the Polish Government and the Free City of Danzig than between the Polish Government and the High Commissioner. He was therefore obliged to bring it before the Council, as he could not very well be judge in a case to which he was himself a party.

He would take first the question of the relation between the terms of Article 104 of the Treaty of Versailles and the terms of the Treaty between Poland and the Free City of Danzig of November 9th, 1920. His own views were contained in his letter of June 4th, 1923. He found it difficult to accept the Polish view. It was intended by the Treaty of Versailles that Poland should secure certain rights in Danzig. The Treaty of Versailles contemplated that these rights would be defined and settled in a subsequent treaty to be concluded between the two Governments. It did not follow that all the rights mentioned in the Treaty of Versailles were necessarily to be secured to Poland by the Treaty of November 9th, 1920, and in certain cases, as in the creation of the Harbour Board, the Treaty of November 9th represented a compromise. The Allied Governments had supervised the negotiation of this treaty between the two parties, but had not intended to impose specifically defined terms on one party or the other. This view was supported by the terms of the decision taken by the previous High Commissioner on December 6th, 1921, in which the legal position of the port of Danzig was defined in relation to the question of Poland's access to the sea.

He would deal next with the question of the competence of the High Commissioner. The competence of the High Commissioner was covered by the phrase "Danzig regime" which could be used to define the relations between the two States. The phrase was a recognition that the position of Danzig was unusual and required the intervention of a High Commissioner. Any difference arising out of this special "Danzig regime" was, in his view, a difference contemplated by the Treaty of Versailles with which he was competent to deal. It should be noted that Article 39 of the Treaty of November 9th, 1920, appeared to give even wider powers to the Commissioner than Article 103 of the Treaty of Versailles. The Polish Government, however, took the view that any matters of Polish internal administration were outside the competence of the High Commissioner. He could not accept this view, as such matters might fall into the class of differences definitely arising out of the "Danzig regime"

He would pass to the general situation created by the disputes as a whole between Poland and the Free City, and the procedure to be adopted in such cases. He thought that the reasons given in the Polish note of June 20th, 1923, for drawing the attention of the Council at this stage to the relations between the two Governments were inadequate. Cases should be brought in the first instance to the High Commissioner. In due course they would come before the Council, either in the form of an agreement between the two parties or in the form of a decision of the High Commissioner, to be maintained or possibly reversed.

It must be admitted that the machinery for settling differences had of late failed to work. This was due to three reasons

- (1) The Polish Government had introduced the practice of direct action.
- (2) The Polish representative had refused to meet the representatives of the Senate in order to negotiate.

(3) Relations between the parties had been strained owing to a violent official and press campaign in Poland.

Direct action was strongly to be deprecated, both parties accused one another of the practice, which was excluded both by the letter and spirit of the Treaty of Versailles. Finally, he would insist to the Council on the impossibility of conducting negotiations, when differences arose, if one or other party refused to attend the meetings. It was impossible to settle these differences by correspondence. Appeals had been lodged against the majority of the decisions of the High Commissioner, though many of these cases had been settled afterwards by negotiations before the appeals were heard. The machinery for settling differences had been in operation for two and a half years, had proved satisfactory, and had received the approval of the Council. It was obviously better to obtain an agreement at Danzig than to give a decision, and for this purpose it was essential that the parties should negotiate their differences with the High Commissioner. It was clearly better to obtain a decision at Danzig than to bring the matter before the Council.

He would ask the Council to express the opinion that the High Commissioner must be free to choose his own method of dealing with differences and to settle them by negotiation.

M. PLUCINSKI, representative of Poland, read a statement (Annex 531*a*) in which he showed that there was an important divergence between the legitimate claims of the Polish Government in relation to Danzig, based on the Treaty of Versailles and on the Treaty of November 9th, 1920, and the position that actually obtained at Danzig. In respect of customs, the Free City of Danzig did not consider that it was bound to apply the Polish laws and regulations. The Treaty of Versailles and the Treaty of November 9th, 1920, had not been executed, with the result that, in the Danzig section, there was an extensive breach in the Customs frontier of Poland.

The Harbour Board had, under the Treaty of November 9th, 1920, the sole task of assuring to Poland an unlimited use of the port of Danzig. Looking, however, at the activity of the Harbour Board as a whole, one was forced to the conclusion that, while it had not arrested the immense national development of Polish commerce in Danzig, it had not helped to facilitate its development. The position of Polish citizens in Danzig had been regulated by the Treaty of Versailles and the Treaty of November 9th, 1920, but the regime applied to Poles living in Danzig did not correspond with the principles contained in these treaties.

The Polish Government held that the Treaty of Versailles must be regarded as the legal source of all further agreements, and that reference must be made to the Treaty of Versailles in order to interpret such agreements. This opinion had been expressed by Viscount Ishii in his report of 1920. If the argument of the High Commissioner were admitted, any acts of the Polish Government on Polish territory might, under Article 39 of the Treaty of November 9th, 1920, be made the subject of a decision of the High Commissioner. This seemed inadmissible if reference were made to Article 104 of the Treaty of Versailles. If the Council believed that it was impossible, for any reason, to decide all disputes between Poland and Danzig, the Polish Government would feel itself called upon to seek a further opportunity of presenting to the Council its own proposals on the subject.

M. SAHM, representative of the Free City said he would deal with only one or two points in the statement made by the representative of Poland. The complaints of the Polish representative might convey the impression that the position of the Polish inhabitants in the territory of the Free City was intolerable. This was far from the case, and, if the Poles believed that they had cause of complaint, they might at any time approach the High Commissioner.

The Harbour Board worked regularly and impartially under the supervision of a neutral, appointed by the Council of the League, as was shown in several reports which drew attention to the progressive development of the harbour. The Polish Government, in addressing complaints to the Council before having submitted them to the High Commissioner, was following an irregular procedure.

The point of view of the Danzig Government agreed entirely with the declarations of the High Commissioner, whose impartiality was deserving of all praise. The Treaty of November 9th executed and completed the Treaty of Versailles and formed part of it. It was true that the Treaty of November 9th went further than the Treaty of Versailles, but the High Commissioner must intervene in all disputes resulting from the application of both treaties. The Free City of Danzig, more than any other State, stood in need of the support of the League of Nations, since Poland represented the Free City in foreign affairs. The Free City had no diplomatic representative at Warsaw. It was necessary that Danzig should be able to resort in all cases for a decision to the High Commissioner. Poland had begun a policy of direct action and even of reprisals, to the detriment of the economic interests of the Free City. It was therefore desirable that the powers of the High Commissioner should be clearly defined and that a decision of the Council should be taken at once. This decision should, in addition, cancel the effects of direct action in the past and prevent its recurrence in the future.

Lord ROBERT CECIL asked the representative of Poland whether the Polish Government considered that it would not be required to apply a clause of the Treaty of November 9th, 1920, if this clause were in contradiction with a clause of the Treaty of Versailles.

M. PLUCINSKI replied that, in case of a divergence, it would be necessary always to refer to the Treaty of Versailles, which was the legal source of any further agreements.

Lord ROBERT CECIL asked the representative of Poland whether the Polish Government considered that it was necessary in the first instance to appeal to the High Commissioner for

a decision if there were a divergence of opinion between Poland and Danzig in regard to an agreement which had been concluded.

M. PLUCINSKI replied in the affirmative.

Viscount ISHII said that, in his report of 1920, he had emphasised the view that the Treaty of Versailles was the legal source of the Treaty of November 9th, and of any further agreements, but, once the Treaty of November 9th had been concluded, it became the authority to which reference must be made when there was a doubt as to interpretation.

The Council thanked the High Commissioner and the representatives of Poland and Danzig for their explanations and asked the Rapporteur to present his conclusions at a later meeting.

987. Free City of Danzig. Financial Situation.

M. QUIÑONES DE LEON read a report (Annex 532) and submitted the following resolutions

“ (1) The Council takes note of the report presented by the Financial Committee regarding the financial situation of the Free City of Danzig.

“ (2) As regards the action which, in paragraph 2 of its report, the Committee recommends,

“ The Council has just been made acquainted with the letter of June 27th from the Conference of Ambassadors, stating that a questionnaire would shortly be drawn up and forwarded to the Secretariat of the League of Nations, with a view to obtaining exact information regarding the financial situation of Danzig.

“ The Council requests the Secretariat to send at once to the Conference of Ambassadors any information which might throw light on the question.

“ It hopes that, in view of the urgency of the question, the Conference will consider whether it cannot take a decision on the receipt of this information it trusts that the Conference of Ambassadors will be willing, so far as it is concerned, not to put any obstacle in the way of the issue of the loan which the Free City of Danzig proposes to raise, so that the assets necessary for securing the loan may be entirely released.

“ (3) The Council thanks the Reparation Commission for the sympathetic attitude revealed in its letter of May 18, 1923.

“ (4) Finally, the Council requests the Financial Committee to keep it informed of any schemes for currency reform which may be submitted to it.”

LORD ROBERT CECIL asked whether it would not be well to mention in the resolutions that the question had already been examined by the Financial Committee of the League. He feared that much time would be lost if the Conference of Ambassadors, before taking action, awaited the detailed reply to the questionnaire which it proposed to forward to the Secretariat.

It was decided that the report of the Financial Committee should be forwarded to the Conference of Ambassadors with the report of M. Quiñones de León.

The resolutions were adopted.

SEVENTH MEETING (PUBLIC)

held at Geneva on Thursday, July 5th, 1923, at 10 a.m.

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

988. The Question of Slavery

M. BRANTING read the following report and resolution

My colleagues will remember that, in pursuance of a request made by the third Assembly the Council of the League of Nations decided, at a meeting held on September 26th, 1922, to present a report to the Fourth Assembly on the question of slavery. The Council accordingly instructed the Secretariat to study the question and, in particular, to request the Governments of the Members of the League to supply the Council with any information on the existing situation which they possessed and which they might see fit to communicate to it.

Various memoranda have been received in reply to the letters sent for this purpose by the Secretary-General, dated October 9th, 1922, and May 5th, 1923. These memoranda were communicated to the Council on June 20th, 1923.

As was to be expected, the majority of the replies from European States contain no very definite information with regard to slavery, which is totally alien to the habits of their peoples. However, interesting information will be found in the replies from several colonial governments, and especially in the very comprehensive report with full references forwarded by the French Government. I am happy to pay my tribute to the remarkable preparation of this report.

As the information which has so far been collected is not such as to render possible the preparation at the present moment of a sufficiently complete report, but as, on the other hand, the Council no doubt desires to comply, in as large a measure as is possible with the available