

(Annex to the Procès Verbal of the 15th Session of the Council).

LEAGUE OF NATIONS.

FREE CITY OF DANZIG.

Transit Convention between Poland and Danzig of the one
Part and Germany of the other part.

Report presented by Viscount Ishii, Representative of Japan,
and adopted by the Council on June 10th., 1921.

Article 6 of the Treaty of November 9th., 1920
between Poland and the Free City of Danzig stipulates :

"Poland shall conclude no treaty or international agreement affecting the Free City without previous consultation with the Free City: the High Commissioner of the League of Nations shall be informed of the result of this consultation.

"The High Commissioner shall in all cases have the right to veto any treaty or international agreement, in so far as it applies to the Free City of Danzig, which, in the opinion of the Council of the League of Nations, is inconsistent with the provisions of the present Treaty or with the status of the Free City."

The High Commissioner of the League of Nations in Danzig has in reference to this Article, forwarded to the Secretary-General a copy of a Convention between Germany on the one hand and Poland and the Free City/ on the other, concerning the regulation of the freedom of transit provided for by Article 89 and 98 of the Treaty of Peace of Versailles. The copy was transmitted to the High Commissioner with a note of April 7th 1921, from the Polish Ministry of Foreign Affairs, together with a copy of the Procès-verbal of April 5th relating to the consultation with the Free City of Danzig on the subject of this Convention.

The High Commissioner of the League of Nations in Danzig, in forwarding the note from the Polish Ministry for Foreign Affairs with its Annexes, states that he has not yet taken any action under Article 6 of the Polish-Danzig Treaty regarding this Convention. As the consultation provided for in the first paragraph of Article 6 has been held, and as the High Commissioner has been officially informed of the result of the consultation, he will have to inform the Polish Government at his earliest convenience whether he will make use of the right of veto given him by this article. It would seem that the procedure adopted by the High Commissioner in not communicating his view until after the Convention has been considered by the International Secretariat and submitted to the Council, should be followed as a general rule.

The Council is not at the moment called upon to express an opinion on the merits of the Transit Convention. The only question before the Council is whether the Transit Convention between Germany on the one hand and Poland and Danzig on the other is inconsistent with the provisions of the Treaty of November 9th., 1920, or with the status of the Free City. The Legal Section of the International Secretariat and the Administrative Commissions Section have considered the Treaty, and come to the conclusion that it is not inconsistent. The High Commissioner has called the attention of the Secretariat to Chapter I. of the Treaty, in which the establishment of a Tribunal of Arbitration is provided for to settle all disputes on the interpretation or application of the Convention. It should be noted that this Tribunal will be competent in cases of differences between Germany on the one hand, and Poland and (or) Danzig on the other, but it will not be competent in cases of differences between Poland and Danzig, and will therefore not interfere with the

stipulations of Article 103, paragraph 2, of the Treaty of Peace of Versailles, and Article 39 of the Treaty of November 9th. 1920, between Poland and Danzig, whereby differences between Poland and Danzig are referred to the High Commissioner of the League of Nations, with appeal to the Council.

The Council might therefore decide to instruct the Secretary-General to authorise the High Commissioner of the League in Danzig to inform the Polish Government that he will not exercise any veto, under Article 6 of the Treaty of November 9th. 1920, with regard to this Convention.