

R. 8232

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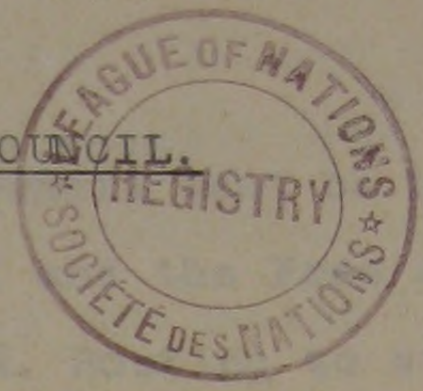
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Secret & confidential.

LEAGUE OF NATIONS.

SEVENTY-SEVENTH SESSION OF THE COUNCIL.



Provisional Minutes

FIRST (SECRET) MEETING,

Held on Saturday, October 14th, 1933, at 7.30 p.m.

President: M. AMADOR

The members of the council were represented as follows:

Handwritten: 11.10.33

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|---|---------------------|
| Australia: | Mr. OFFICER |
| United Kingdom of Great Britain & Northern Ireland: | Mr. CARR |
| China: | Mr. WELLINGTON KOO |
| Czechoslovakia: | M. BENES |
| Denmark: | M. de SCAVENIUS |
| France: | M. PAUL-BONCOUR |
| Italy: | M. BIANCHERI |
| Mexico: | M. CASTILLO NAJERA |
| Panama: | M. AMADOR |
| Poland: | M. BECK |
| Portugal: | Dr. de VASCONCELLOS |
| Spain: | M. de MADARIAGA |

The Secretary-General: M. AVENOL.

APPOINTMENT OF THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG.

The PRESIDENT suggested that in view of the ^{urgency} ~~importance~~ of this nomination it would be ^{prudent} ~~opportune~~ and even advantageous to make an appointment that evening, ~~because the matter was urgent.~~

M. de MADARIAGA was not prepared to vote on the question if put theoretically. If, on the other hand, it were put from the practical point of view, that was to say, if the name of a candidate was to be proposed, he saw every advantage in making the nomination that evening.



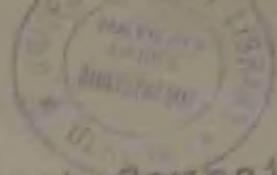
The PRESIDENT replied that there were two candidates -
1) Mr. Lester, whose name had been proposed by the Rapporteur,
and 2) M. Rosting.

The SECRETARY-GENERAL reminded the Council that he had already informed the Governments of Poland and the Free State that he regretted he could not authorise M. Rosting to stand for the High Commissionership as long as he held the position of Director of the Minorities Section. The Secretary-General read a copy of correspondence between Sir Eric Drummond and M. Rosting on the subject, from which it was plain that M. Rosting understood the situation. To clear up any possible doubts the Secretary-General had put the question to M. Rosting very directly last week and M. Rosting had replied that he would remain at his post in Geneva and give up any idea of being a candidate for the High Commissionership.

Mr. CARR said that half an hour ago he had asked M. Rosting, for the information of the Rapporteur, whether he was a candidate and M. Rosting had replied in the negative.

M. BECK reverted to his declaration ^{of} that afternoon. He had proposed the ~~name~~ ^{nomination} of M. Rosting as High Commissioner until a certain date for two reasons, - 1) to ensure continuity in the office of the High Commissioner for a certain period of time, and 2) in order to afford a better opportunity for finding a candidate who would be unanimously approved. There was no question of M. Rosting being appointed for several years.

Mr. CARR reminded the Council that the question had been pending ever since the death of Count Gravina one year ago. M. Rosting had been appointed Acting High Commissioner because of the failure to reach agreement between the parties. His term of office had been renewed on the understanding that it was only temporary and for the reason that no agreement had



then been reached. Since the last Council meeting on September 23rd the Rapporteur had tried almost continuously to find a High Commissioner acceptable to both parties. A large number of names had been considered but ~~the matter~~ had never gone beyond ^{the stage of} initial soundings. At one moment the representatives of the parties had stated that they would discuss the matter together and endeavour to submit a joint name. The only result had been the suggestion for M. Rosting's candidature, and that, as the Council now knew, was impossible, because M. Rosting was not available.

Mr. Carr did not think that the Rapporteur would object on technical grounds to extend M. Rosting's appointment for two or three days if there ~~was~~ ^{were} any prospect of finding a permanent High Commissioner in that time, but there was no such prospect, ~~whatever~~. In those circumstances the Rapporteur had done his best. He had agreed to put forward the name of a candidate who was not his own choice but who was enthusiastically approved by a number of members of the Council. That name had been communicated privately to the parties two or three days ago and more or less officially on Thursday. So far no valid objection had been put forward against this candidature.

In these circumstances it did not seem that anything further was to be gained by delay. The Council must take its responsibilities and if no decision were reached to-night the Rapporteur must adhere to his ~~decision~~ ^{resolution resolve} to regard his task as finished.

Mr. OFFICER took it that the Polish representative's proposal was that there should be a further delay and that M. Rosting should continue to act as High Commissioner. The Secretary-General, however, he understood, had stated that M. Rosting was not available to ~~act as~~ ^{continue as acting} High Commissioner any more than he was available to be a candidate for a permanent appointment ~~as such~~ ^{to the post}. It followed that there would in any case

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have to be a new appointment and the continuity of service desired by the Polish representative would be broken. Hence only one name was before the Council and there was every reason for making the appointment at once.

M. BECK desired to make it clear that the Polish Government did not bear all the responsibility for the difficulties of the case. Some of the names submitted had been approved by his Government but, he regretted to say, had been discarded later. He pointed out that in paragraph 2 of the Rapporteur's draft resolution (1) M. Rosting was to be requested "to continue in office as High Commissioner until the date on which the new High Commissioner entered upon his duties." That being so, M. Beck would have thought that it ^{might} ~~would~~ be possible for the Secretary-General to allow M. Rosting to go to Danzig and stay ^{there} for some time.

M. PAUL-BONCOUR asked whether it would be in order for the High Commissioner to be appointed by a majority vote.

The SECRETARY-GENERAL replied that ~~in~~ the opinion of the Legal Section was that the Council's decisions must be taken unanimously except in ^{the} ~~the~~ cases stipulated in the Covenant or treaties. There was no exception to cover the present case.

M. BIANCHERI observed that there was a more important practical question involved. What possibility would there be for a candidate adopted by a majority to carry out efficiently his functions as High Commissioner when one of the parties was opposed to his appointment?

Mr. CARR entirely agreed with M. Biancheri. It was probably for that reason that the principle had grown up

(1) Document C.592.1933.1



that the parties concerned did not take part in such votes. It was, however, in practice an intolerable situation to admit that one of the parties could indefinitely hold up the execution of the treaties.

M. BECK, without desiring to touch on the legal question, was unable to admit that there were two equal parties in the present case. The High Commissioner was, so to speak, the Governor of Danzig, while ~~the Polish representative~~ ^{Poland} was a ~~League~~ member ~~of the League of Nations~~ of the League of Nations. He could not allow Poland to be placed on the same footing legally as the Free ^{City} State of Danzig.

In reply to a question by M. Biancheri, the SECRETARY-GENERAL observed that M. Rosting's appointment to the Directorship of the Minorities Section had been made some time ago. M. Avenol could not accept the responsibility for leaving the Directorship vacant for a longer period.

Mr. OFFICER understood that in the Rapporteur's resolution the idea was that it would be at the most a matter of weeks before the High Commissioner took up his duties. An adjourning on the other hand would mean postponing ^{ing} the question till January.

Mr. CARR appealed to his Polish colleague's spirit of conciliation. The League was at present in a particularly difficult situation and it would create a bad impression if the Council were unable to settle this matter to-night. Could not M. Beck accept the unanimous views of his colleagues on the Council?

M. BECK, while not indifferent to his British colleague's appeal, pointed out that compromise was a bilateral matter. He repeated that the extension of M. Rosting's appointment



for a certain period would give time to search for other candidates. M. Rosting must not be regarded as the Polish candidate. M. Beck would be prepared later to propose several names.

Mr. OFFICER asked whether in the event of the Polish representative having any alternative names to propose he could ~~not~~ place them before the Council *at once*.

M. BECK said that while he could name other candidates he did not think that that would help but rather, ~~on the contrary~~, complicate the discussion. With regard to the present situation of the League, he did not think it necessary to proceed to the limits of despair.

Mr. CARR said that he had formal instructions from Sir John Simon ^{to say} that if a decision were not taken to-night Sir John Simon would consider that he had done everything in his power and must place the matter in the hands of the Council. He would take no further part in the discussion.

To state the position quite clearly, ^{Mr. Carr} ~~he~~ would add that when previous names had been suggested, the objections on the part of Poland had been to candidates coming from certain groups of Powers. Most members of the Council would agree that that was an unjustifiable objection. The Rapporteur had, however, now put forward the name of a member of a small Power, ~~one~~ who might indeed be described as a protagonist of the small Powers. The Rapporteur when he put forward that name had been under the impression and hope that he was meeting the wishes of the Polish representative in every respect. No reasons had been stated for the opposition to that name and ^{in the circumstances} Mr. Carr did not see how the Rapporteur could be expected to find another candidate.



M. PAUL-BONCOUR appealed to Mr. Carr to urge Sir John Simon not to press his resignation of the function of Rapporteur.

Mr. CARR regretted that Sir John Simon had been called away to reply to a telephone call from the British Prime Minister and was unable to attend the meeting. He was not hopeful that Sir John Simon would re-consider his decision.

Although it was contrary to his instructions, Mr. Carr would make one more proposal. If the Council adjourned its decision until Monday and agreement were not found by then, would the Polish representative fall in with the wishes of his colleagues?

M. BECK, while willing to do his best to find agreement before Monday, could not commit himself to any definite engagement.

Mr. CARR said that in that case he must formally lay down the functions of Rapporteur on behalf of his chief.

M. de MADARIAGA ^{considered} ~~expressed~~ that it would be disastrous if Sir John Simon resigned his functions. If the Council were to adjourn, leaving the whole matter open until Monday, there might be some chance of coming to an agreement. He did not think a 48 hours adjournment excessive.

M. PAUL-BONCOUR and M. BIANCHERI agreed.

M. CARR consented to transmit M. de Madariaga's message. At the same time, in his opinion what was disastrous was not Sir John Simon's resignation but the inability of the Council to select a High Commissioner for Danzig.

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M. PAUL-BONCOUR thought that Sir John Simon had too much respect for the rules of the Council not to accept the latter's unanimous wish that he should continue to hold his office.

Mr. CARR understood that the Council wished to adjourn its decision until Monday and that the other members would undertake to ^{try and} find a solution *in the meantime.*

Mr. OFFICER said that he had formal instructions to protest against further delay. Australia felt that it would reflect severely on the League if it failed to decide this matter. He therefore agreed to the adjournment until Monday and hoped that M. Beck would see his way to help the Council to reach a unanimous decision.

The Council decided to adjourn the decision until Monday.

The Council rose.