

3269. **Presentation to the Secretary-General, as representing the League of Nations, of a Portrait of Viscount Cecil of Chelwood.**

Sir John SIMON said that he must express his best thanks to the President for permitting a variation in the normal procedure and for allowing him, before the Council entered upon the prescribed agenda of the day, to comply with a request which had been made to him, the discharge of which would, he was sure, give satisfaction to all present.

The Committee for the fund for a tribute to Viscount Cecil of Chelwood and the Chairman of the Committee—Sir John Stavridi—had asked him on their behalf and in their name to present to the League of Nations a portrait of Lord Cecil as an addition to the portraits of League personalities which already hung on the walls of the Secretariat. The original of that portrait painted by a very distinguished artist—Mr. Philip de Laszlo—had, he believed, already been presented to the eminent person it so well represented, and everyone would, he was sure, feel that there could be no more suitable home for the replica, which was now behind the President's chair and would be unveiled in a moment, than the Secretariat of the League of Nations.

In different circumstances, Sir John Simon might have hesitated to take upon himself that task and to say any word of praise for the work of a man who was one of his own compatriots; and, indeed, they in Britain had every reason to be grateful to Lord Cecil for his services in many domestic fields. But he felt no embarrassment on the present occasion. In the best sense of the term Lord Cecil was an international man, and, memorable as was his contribution in other and varied fields at home, those who were his fellow-countrymen were especially proud to think of him—as Sir John Simon was sure everybody in the League of Nations thought of him—as a man who had contributed much to the development and growth of the League of Nations, to the organisation of peace and to the spread of international good understanding.

From the very first days of the League until the present time, he had made that notable contribution, alike at the Council table, in the Assembly and as the Chairman or member of innumerable Commissions and Committees of the League of Nations. The Council rejoiced to feel that that most valuable work was still going on, and Sir John Simon trusted that for many years Lord Cecil would continue to discharge his great service to the League of Nations and to the world.

There was no reason for him to say more. It was natural to dwell there on what he might call the Geneva side of Lord Cecil's work. In England, and in connection with international affairs, he was thought of also as the President of the League of Nations Union, which had done so much to explain and popularise the fundamental conceptions which the Council was gathered at Geneva to sustain and develop.

In those days, no nation could live for itself alone, and when one thought over the great names which were associated with the first generation of the work of the League of Nations, that of Lord Cecil sprang to all lips as the name of a man who was doing everything that man could to prove that all were necessarily involved together in a common and international task.

Sir John Simon now had the pride and satisfaction of speaking in the name of the Committee which had provided the portrait and of inviting the League of Nations and the Secretary-General, Sir Eric Drummond, on its behalf, to accept the portrait and to place it on the walls of the Secretariat.

The SECRETARY-GENERAL said that it fell to his lot as Secretary-General of the League of Nations and as custodian of its buildings to thank Sir John Simon for the very generous gift made by a Committee of British citizens of a copy of the portrait of Lord Cecil.

When the original of that painting was presented to Lord Cecil in London last year, the Prime Minister of the United Kingdom, who was at the time in Geneva, wrote that he was in Geneva in an endeavour to push a little further the way to peace which Lord Cecil had pioneered. He added that in that city, the home of the League of Nations, Lord Cecil was pictured as the internationally minded man of peace and as the architect of disarmament.

The Secretary-General could not but feel that the moment selected for the presentation was peculiarly appropriate. The architect of disarmament had more subtle obstacles to overcome than those which lay in the path of his technical colleagues in that calling. His difficulties arose from human nature and out of national psychologies; but, nevertheless, the building was progressing. It was true that the workmen had not yet begun upon the roof, but the structure was making steady and even rapid progress, and during those long years since the digging of the foundations Lord Cecil's faith in the ultimate execution of his design had never been shaken. It was good that all those who worked for the League should have his portrait as an encouragement in well-doing. They would be proud to possess it.

It would be superfluous on his part to add any words to those spoken by Sir John Simon. The League, as everyone was aware, owed a profound debt of gratitude to Lord Cecil, but he had a special claim on the affection of the Secretariat, and the Secretary-General would like to take the opportunity of thanking him publicly for aiding many of its members to enjoy recreations which otherwise would have been beyond their reach.

Personally, he could never express sufficiently the gratitude which he felt to Lord Cecil for the unflinching help and sympathy he had always accorded him from the date when he was chosen to be Secretary-General up to the present time. He could only say that he was happy to be still holding the office of Secretary-General when the presentation was made.

He was happy to accept the portrait on behalf of the League of Nations, and begged Sir John Simon to convey to the donors the very best thanks of the League for their gift.

The PRESIDENT, after this tribute had been paid to the man who was perhaps the most representative figure of the present age, opened the discussion on the first question on the agenda.

3270. **Protection of Minorities: Application of the German-Polish Convention of May 15th, 1922, relating to Upper Silesia: Preliminary Question raised by the Polish Government with regard to the Petitions of the "Deutscher Volksbund", of M. Guido Blenek and of M. Gustav Koziolk.**

Mr. LESTER presented the following report:¹

"In virtue of the resolution adopted by the Council on February 1st, 1933,² the previous question raised by the Polish Government in regard to the Council's competence to examine these three questions was submitted to a Committee of Jurists composed of M. Max Huber (Chairman), M. Bourquin and M. Pedroso. The Committee, having taken note of the German and Polish Governments' views on the question, presented an opinion which I submit for the Council's approval.

"I feel sure I am interpreting the unanimous sentiments of the Council in expressing to the three members of the Committee our gratitude for the assistance they have been good enough to render us in the settlement of this matter.

"If the Council accepts, as I hope it will, the report submitted to us by the Committee of Jurists, I will lay before the Council, at a subsequent meeting of our present session, my conclusions on the questions dealt with in the three above-mentioned petitions.

Opinion of the Committee of Jurists.

"The previous question raised by the resolution of the Council of the League of Nations, dated February 1st, 1933, is whether the Council, acting in application of Article 147 of the Convention relating to Upper Silesia, can undertake the examination of a petition, when it is asserted that a decision on the claim or difference on which the petition in question is based falls exclusively within the competence of the judicial organs of the State subject to minority obligations, the parties concerned not having exhausted the remedies at municipal law.

"As the question raised relates to the application of Article 147, the undersigned have based their opinion on that article.

* * *

"Article 147 explicitly provides that the Council is competent to pronounce on all individual or collective petitions relating to the provisions of the third part of the Convention and directly addressed to it by members of a minority.

"The text is of a general nature; it covers all petitions, without any restriction other than such as might be imposed by Part III of the Convention.

"This part contains nothing which can be interpreted as limiting the action of the League of Nations in regard to the protection of minorities, in the sense that such action would only be legally possible when the judicial remedies had previously been exhausted.

"Against a provision so explicit as Article 147 it is not possible to invoke, in particular, the principle known as that of the 'exhaustion of remedies at municipal law'.

"Moreover, though that principle may be regarded as a rule of general international law in the matter of international responsibility—that is to say, in a question of a State desiring to obtain reparation for damage caused by another State in violation of its international obligations—it would be mistaking its significance and purpose to extend it, as a general rule necessarily applicable in case of doubt, outside the sphere of international responsibility. In the opinion of the undersigned, no conclusion with reference to the present case can be drawn from the fact that in certain treaties on subjects other than the protection of minorities the 'principle of the exhaustion of remedies at municipal law' is either expressly recognised or expressly rejected.

"In particular, it would be inadmissible to regard it as a principle of the regime for the protection of minorities. Between the latter institution and that of international responsibility there are profound differences. As evidence of this, it need only be remembered that, for example,

¹ Document C.323.1933.I.

² See *Official Journal*, February 1933, page 242.