

4. After receiving the summons, the Military Commandant took no steps to place the civil refugees in safety in the available subterranean chambers of the fortress.

5. When the first volleys were fired by the artillery, the Commandant of the garrison left his post in civilian clothes.

In addition to the above information, it should be mentioned that

(1) An investigation was made within the fortress in order to identify the place where the projectile burst which was the cause of the death of various persons

(2) The projectile in question burst in the corner of an internal window of the fortress, where the office of the Commandant was and where soldiers were habitually quartered

(3) Refugees from Armenia and Anatolia were also housed in the same quarters

(4) The Commandant, although declaring that he would oppose the disembarkation by force, did not cause the refugees to take shelter in the subterranean chambers of the fortress and gave them no advice before his departure.

The Commanding Officer of the Italian fleet, after visiting the wounded in the Greek Hospital and in the American Orphanage, made arrangements for giving them assistance.

As soon as particulars regarding the families of the wounded and of the killed are known, assistance will also be granted to them.

(Signed) SALANDRA.

Annex 555.

C. 580. 1923. I.

FREE CITY OF DANZIG QUESTIONS STILL OUTSTANDING BETWEEN POLAND
AND THE FREE CITY.

Report by M. Quiñones de León and Resolution adopted by the Council on September 1st, 1923.

The Council of the League of Nations adopted a report, dated July 7th, 1923¹ which recommended that the Polish Republic and the Free City of Danzig should submit all their outstanding disputes promptly and in conformity with the procedure specified in the Treaties, to the High Commissioner of the League of Nations at Danzig, with a view to enabling the Council at its next session, if necessary to pronounce upon all such disputes.

At the same time, the Council decided to adjourn to its next session the consideration of certain disputes between Danzig and Poland which were inscribed on the agenda of the July Council session.

The High Commissioner suggested to the Polish Diplomatic representative at Danzig and to the President of the Senate of the Free City that they should meet forthwith at Geneva, under the auspices of the High Commissioner, to discuss the various questions, with the assistance of the competent officials of the Secretariat.

The representatives of both parties accepted this suggestion, and these negotiations took place at Geneva from July 9th to 11th.

The following subjects were discussed

- I. The Danzig Harbour Board.
- II. Customs Questions.
- III. The *de facto* and *de jure* position of Polish nationals in the Free City of Danzig.
- IV Various questions relating to the administration of the foreign affairs of Danzig by Poland.
- V Questions relating to the position of Polish diplomatic and other officials in Danzig.

The discussion of these questions was reopened at Danzig on August 20th, 1923, and continued at Geneva from August 28th to September 1st, 1923. The results of the negotiations have been laid before the Council by the High Commissioner (Annex 555 *a*). They indicate that an agreement has been reached on practically all of the outstanding questions, and it has been definitely agreed to adjourn other problems for the moment.

The High Commissioner's report indicates that about thirty questions have been settled during the last two weeks.

I think that this is a remarkable record, and I know that my colleagues will join me in expressing our sincere approval of the successful efforts of the representatives of the Polish Government and of the Free City of Danzig in carrying out the recommendations made by the Council last July. We are also greatly indebted to the High Commissioner, who has done much to bring about this result.

¹ See *Official Journal*, August 1923, page 927.

I propose the following resolution

“ The Council takes note of the agreements reached between August 20th and September 1st, 1923, by the representatives of Poland and Danzig on the different questions outstanding between the two Governments. It desires to express to both parties its approval of the successful results thus achieved. ”

Annex 555 a.

C. 579. 1923. I.

FREE CITY OF DANZIG POLISH-DANZIG QUESTIONS STILL OUTSTANDING.

Letter dated August 31st, 1923, from the High Commissioner in Danzig to the Secretary-General, submitted to the Council on September 1st, 1923.

1. I have the honour to refer to the resolution of the Council dated July 7th, 1923, and to make the following report for the information of the Council.

2. Immediately after the last session, the representatives of Poland and the Free City met with experts of the Secretariat under my chairmanship and proceeded to an examination of all the differences at that moment outstanding between the two Governments. In the course of conversations lasting three days, the views of both parties were carefully examined, and a foundation, on general lines, established upon which further negotiations could be based. As a result of these further negotiations, every difference outstanding in July last has been settled except one, and the appeals against the seven decisions given by me have either been withdrawn or their execution left in abeyance.

3. Attached to the present report will be found agreements on the cases which have been settled.

4. The only question on which it has not been possible to arrive at an agreement is one of vital importance to both parties. It is the question of the legal status of Polish citizens in the territory of the Free City which is dealt with in paragraph 33 of the Treaty of Paris and the respective paragraph of the Treaty of Versailles.

5. Upon this the views of the two Governments are so widely divergent as not to offer any common basis for an agreement, and both have requested that it be settled by the machinery provided for the settlement of differences between the two Governments. The matter turns upon two different and perfectly *bona fide* interpretations of certain paragraphs in the Treaties, on which there will, I think, be required an opinion or a decision of some judicial authority. It is certain that whatever decision I may give will be appealed against by one and possibly by both parties, so that the Council will have the matter brought before it in the normal case of procedure.

6. It will probably be of assistance to the Council if the argument of each Government is set out at length and the ground prepared for further examination of the problem in the form of a decision by me. I therefore have the honour to suggest to the Council that, unless it desires to give an immediate decision on the matter, the normal procedure be employed for dealing with this difference between the two parties.

7. I wish to make it clear that, in this particular case, there is no animosity or strained relationship between the two Governments, but both feel that, until this very important question is settled, it will be impossible for each to know what should be its correct and legal attitude towards the other side in cases falling within paragraph 33.

8. A temporary procedure has been agreed upon by which it is hoped to regulate provisionally any difference of opinion which may arise pending a final decision on the matter.

9. It will, I feel confident, be a matter of great satisfaction to the Council to learn that the negotiations have been conducted throughout in an atmosphere of goodwill and that both the parties have shown a desire for a complete understanding on the whole Danzig-Polish relationship. In the interests of a settlement, both parties have necessarily had to abate some of their claims, and have done so not so much on the merits of any particular case as in the interest of a general composition of differences and in pursuit of their common interests.

10. I wish to express, on my own behalf, my gratitude to both parties for the way in which they have enabled me to negotiate agreements, and to the members of the Secretariat for the expert and understanding manner in which they have handled the various problems.