

following the dispute in this new phase and making a report to the Council as soon as the Committee thinks fit.

*The conclusions of the report were adopted.*

#### FOURTH MEETING (PUBLIC, THEN PRIVATE)

*Held on Tuesday, March 14th, 1933, at 10.30 a.m.*

*President* Baron ALOISI.

The Members of the Council were represented as follows:

<i>United Kingdom of Great Britain and Northern Ireland.</i>	Sir John SIMON.
<i>China.</i>	M. Wellington KOO.
<i>Czechoslovakia.</i>	M. KÜNZL-JIZERSKY.
<i>France</i>	M. PAUL-BONCOUR.
<i>Germany</i>	M. VON KELLER.
<i>Guatemala.</i>	M. MATOS.
<i>Irish Free State</i>	Mr. LESTER.
<i>Italy</i>	Baron ALOISI.
<i>Mexico</i>	M. PANI.
<i>Norway</i>	M. LANGE.
<i>Panama.</i>	M. AMADOR.
<i>Poland</i>	M. BECK.
<i>Spain.</i>	M. DE MADARIAGA.

*Secretary-General* Sir ERIC DRUMMOND.

#### 3249. Free City of Danzig. Questions of "Direct Action" Guard Detachment for the Polish War Material Depot on the Westerplatte.

M. ZIEHM, President of the Senate of the Free City of Danzig, and M. Rosting, High Commissioner of the League of Nations at Danzig, came to the Council table.

Sir John SIMON, Rapporteur, said that the first item on the agenda was an appeal from the Free City of Danzig regarding the reinforcement of the Polish guards at the Westerplatte, which had been submitted to the Council by the High Commissioner at Danzig.<sup>1</sup>

As Rapporteur, he had prepared a report on this subject; but as the result of a conversation which he had had with his Polish colleague, M. Beck, he had not yet circulated that report to the members of the Council, as he understood that M. Beck desired to make a statement to the Council.

M. BECK said he would venture, before making his statement, to ask the President of the Senate of the Free City of Danzig to be good enough to inform the Council whether the Senate of the Free City could guarantee that adequate measures had been taken to prevent any prejudice to the rights enjoyed by Poland on the Westerplatte Peninsula.

M. ZIEHM, President of the Senate of the Free City of Danzig, said that, although he could discover no sufficient reason why this question should be put to him, he did not hesitate for a moment to answer it in the affirmative.

M. BECK desired, in view of the reply of the President of the Senate, to inform his colleagues on the Council that his Government had decided to reduce the guard on the Westerplatte to its normal effectives without delay. The Polish Government's decision would, he thought, enable the Council to dispose of the question raised by the High Commissioner's letter of March 7th, 1933 (Annex 1433).

M. Beck desired to point out that, in accordance with the statement made by the Commissioner-General for Poland to the High Commissioner of the League of Nations at Danzig on March

<sup>1</sup> See Annexes 1433, 1433a, 1433b and 1433c.

6th, the Polish Government had always considered the reinforcement of the effectives of the guard on the Westerplatte as provisional.

Moreover, it had never contemplated, by this measure, any change in the *de jure* situation existing on the Westerplatte. Consequently, the Polish Government did not consider that the said measure, which was not in accordance with the provisions in force, in any way created a precedent.

M. Beck said there was no need for him to convince his colleagues on the Council that the Polish Government, in taking the decision he had just announced, was animated, as always, by a keen desire to facilitate the League's task.

Sir John SIMON said he was sure that his colleagues on the Council would be glad to hear the declaration which had just been made on behalf of the Polish Government. He desired to make one or two observations upon it, since he trusted that the Council might find a means of concluding the matter which would make it unnecessary for him to circulate the report he had prepared.

There was, however, one question he would like to put most respectfully to M. Beck, in order that both he himself, as Rapporteur, and also the Council might quite clearly understand what was the intention and effect of M. Beck's declaration. M. Beck had just stated that he was in a position to inform the Council that the Polish Government had decided to withdraw the additional guards without delay, but it would be desirable to enquire of M. Beck, so that there might be no possible misunderstanding, how the words were to be understood. Sir John Simon apprehended that the decision of the Polish Government, having regard to the assurance which had been given by the President of the Danzig Senate, must be understood to be that the withdrawal would take place immediately.

M. BECK replied that the Polish Government was prepared to get into touch with the High Commissioner immediately to fix the exact date and hour at which the measure would be carried out, in order to prevent any delay.

Sir John SIMON said he desired to offer to the Council the view which he formed, and which he would invite his colleagues to adopt, in this new development.

He took what had just been said by the Polish representative to mean that what was in contemplation was withdrawal without delay, in the sense that there was nothing more to be done than to get into communication with the High Commissioner for the purpose of fixing the date and hour. That being so, he felt that it was unnecessary for him to circulate or to read to the Council the report which he had prepared.

The members of the Council would observe that, in withdrawing the reinforcements, as the Polish Government had announced its intention to do, that Government would have complied with the request made by the High Commissioner on March 6th to the Polish representative at Danzig, and thus the purpose of the appeal from the Danzig Senate would have been achieved.

In those circumstances, which were satisfactory, no action seemed now to be required on the part of the Council, other than to take note of the Polish Government's declaration, and he thought that the Council might congratulate itself on the withdrawal of this affair from its agenda. For the matter stood as follows. The Polish Government, having recognised that the measures taken by it were not in conformity with the stipulations in force, and having declared expressly that those measures would not constitute a precedent, it was not in those conditions necessary for the Rapporteur to enter into the legal aspects of the question or to discuss the substance of those anxieties which he had no doubt were the motive of the Polish Government's action. The Council need not, in these circumstances, consider either the juristic or the substantial aspects of the matter.

The essential thing was—and he would beg to have it noted—that neither party to any of the agreements governing the status of the Free City was entitled, on its own behalf, to take the law into its own hands. That principle had been fully vindicated in the settlement of the question as now proposed, and he thought most reasonably proposed, by the Polish Government, and he therefore submitted that it was not necessary for the Council to pursue the matter further.

There was, however, one concluding observation which he ventured to make and in which he was sure all his colleagues on the Council—and not least his Polish colleague—would be most anxious to concur. The Council ought not to let the present occasion pass without expressing its approval of the action taken by the High Commissioner in the difficult situation which had confronted him, or without assuring him of the full measure of the Council's confidence and support.

M. ZIEHM said he was in the fortunate position of being able to accede to all the points in the Rapporteur's statement. He was able to approve all Sir John Simon had said, and was glad to note, after the declaration of the Polish representative and the Rapporteur's statement, that the Danzig Government's request had been met. The incident was therefore closed.

M. Ziehm expressed the hope, however, that the words "without delay" used by the Polish representative meant that the troops in question would be withdrawn that very day. He believed there was no technical difficulty, as the vessel which had conveyed them to the Westerplatte was still there, and the Polish port of Gdynia was only half an hour away from Danzig.

That being so, M. Ziehm believed he could say that this settlement would relieve the Free City of Danzig and its inhabitants of the serious anxiety they had felt during the past few days.

He hoped that, after the declarations of the representative of Poland, the regulations relating to the transport of war material to the Westerplatte, which the Danzig population had always regarded as weighing heavily upon it, would now be fully respected in accordance with the existing treaties and with the resolutions of the Council.

It was M. Ziehm's pleasant duty, on behalf of his Government, to thank the Council, and especially the Rapporteur and all who had co-operated in the settlement of this very troublesome dispute. He readily associated himself with the appreciative words the Rapporteur had just addressed to the High Commissioner. The task of the Council and of all concerned in this very important case related to the protection of the political independence and territorial integrity of the Free City of Danzig. The way in which this matter had been settled by the Council would reinforce the confidence of the Free City of Danzig in the League's protection and would also, in M. Ziehm's opinion, increase the authority of the League of Nations and all its organs.

M. VON KELLER observed that the very serious and important matter before the Council at its present meeting had called for a prompt and complete solution. The attention of the entire world had been drawn to the incident in question and its development had been followed by the German people with great anxiety and some apprehension. The question on the agenda was perfectly clear and unambiguous.

M. von Keller had taken note of the Polish representative's statement that the guard detachment on the Westerplatte would be reduced without delay to normal strength. He entirely concurred in the observations by the President of the Senate of the Free City of Danzig concerning the date of withdrawal. He could therefore note that this grave incident had been settled in accordance with the requests made by the Free City of Danzig.

He had further taken note with great interest of the Polish representative's statement that the measures in question would not in any way be regarded as creating a precedent.

He had been very happy to listen to what the Rapporteur had said concerning M. Rosting, the League High Commissioner at Danzig, and he entirely associated himself with the appreciative reference to his attitude, which was calculated to enhance, not only the High Commissioner's authority, but also the guarantees enjoyed by the Free City of Danzig.

M. PAUL-BONCOUR thought that the happy conclusion of this incident would not have called for any commentary. As, however, the German representative had expressed his esteem for the President of the Danzig Senate and for the League High Commissioner, M. Paul-Boncour felt that there would be something lacking from the tribute paid by the Council to those concerned unless he in turn congratulated the Polish representative on the spirit of conciliation he had displayed.

Indeed, the incident that had occurred had been marked by its particularly serious character, to which the German representative had rightly drawn attention and which emphasised the more the happy solution contributed by the League Council. Its grave character, however, had not resulted solely from the act itself that had been brought before the Council. It had resulted from a special and general situation and also from the anxieties that were liable to be aroused, in the present circumstances, in certain parts of Europe.

He had heard with great satisfaction the President of the Danzig Senate give an assurance—to the terms and consequences of which the Council would certainly give all due weight—that order and respect for persons and property would be strictly maintained in what was undoubtedly one of the most sensitive points in Europe. He ardently hoped that the same might be the case everywhere.

It was because of these special and general circumstances that the Polish Government had believed itself to be in a position which necessitated urgent measures. Upon finding that these measures were not strictly in conformity with the agreements in force, it had, in view of the assurances given by the President of the Danzig Senate in regard to security, taken in the Council an attitude of which M. Paul-Boncour considered it his duty to express his appreciation.

The Council was bound to draw all the necessary inferences from this incident and its settlement. While the settlement had been facilitated by the spirit of conciliation displayed, it had only been feasible because, apart from the action taken for that purpose by the Government of the Free City, the Senate and its President, order in Danzig was under the supervision of the League of Nations, which had one of its immediate representatives to watch over it on the spot. That fact should, in the present circumstances, confirm the League in its determination to ensure respect for order and security everywhere, and thus to work for the restoration of a feeling of confidence, of which, to say the least of it, there was great need.

Mr. LESTER thought that, in view of the announcement made by the Polish representative, the Council would be glad to accept the Rapporteur's suggestion to take note of M. Beck's declaration. Mr. Lester desired to join in offering thanks to the High Commissioner, who represented in Danzig the authority of the League of Nations and in whom the Council had reaffirmed its complete confidence. The incident had been, in Mr. Lester's view, an unfortunate one, but it had now ended happily, thanks to the wisdom of the Polish Government, which fully merited the appreciation and congratulations of the Council. In the present circumstances, he regarded the declaration of the President of the Senate of the Free City, which was responsible for the continued good conduct of its citizens, as being of great importance.

Sir JOHN SIMON wished to say how deeply he, as Rapporteur, felt that congratulations were due to both the parties, the Polish Government and the Senate of the Free City of Danzig, and to the High Commissioner as well, for the happy conclusion of an undoubtedly disturbing incident. This was an example of the good work which the League Council could do by conciliation, by bringing the parties together and by insisting on the necessity of the strict observance of agreements that had been concluded. He trusted that this example might be fruitfully borne in mind.

The PRESIDENT concluded the discussion by expressing the gratification he felt at its having been possible to settle this very difficult question in a manner so satisfactory to all.

He wished to thank the Rapporteur for the efforts which he had made and which had led to so happy a result. He was sure that all his colleagues on the Council would share the sentiments expressed by the Rapporteur concerning the work done by the High Commissioner.

### 3250. Free City of Danzig. Questions of "Direct Action" Harbour Police.

Sir John SIMON presented the following report<sup>1</sup>.

"In September 1921, the Harbour Board decided that it required a police force to maintain order in the port, and that this police force should be under its immediate control. The Polish and Danzig Governments not having been able to agree as to the manner in which this force should be constituted, the matter came before the High Commissioner, who decided, on June 6th, 1923, that the Harbour Board should apply to the Senate of the Free City to obtain such police as it might require, these police being placed under the immediate direction of the Harbour Board. Both parties appealed against this decision, but eventually they agreed to put it into force for a period of two years, on the expiration of which each party was to have the possibility of considering afresh its attitude in the matter of the harbour police.

"The two years for which the agreement was to run expired on May 23rd, 1927. Despite, however, the expiration of the agreement, the *de facto* situation remained unchanged down to February 15th last. On that date, the Danzig Senate informed the Polish representative at Danzig that it 'was no longer prepared to tolerate the present purely *de facto* position, which, since May 1927, had been without any legal basis' (Annexes 1434 and 1434 a). It therefore declared that it had given instructions to revert to the position existing before the coming into force of the said agreement, and the functions of the harbour police are now being exercised, as prior to 1925, by the police of the Free City.

"On receipt of this notification, the Polish Government, on February 20th, informed the Senate that it noted that the Senate had 'by unilateral action rescinded the agreement of September 1st, 1923', and that it regarded this action as contrary to the agreement in question. Nevertheless, the Polish Government consented to the rescission of the said agreement and regarded it, together with the proceedings of which it was the outcome, as legally null and void. It intimated its intention of communicating to the Harbour Board certain proposals as regards the safeguarding of order and security in the harbour area in the future. On the same day, the Polish Government did, in fact, submit to the Harbour Board proposals for the organisation of a force of police composed of Polish nationals which would be under the control of the Board.

"Notwithstanding the attitude thus adopted by the Polish Government, the Polish representative in Danzig on March 7th (the day after the submission of the Westerplatte matter to the High Commissioner by the Senate) requested the High Commissioner to decide that the action of the Senate in regard to the harbour police constituted direct action and should be immediately cancelled.

"The matter is now before the Harbour Board, and either party, which may have objections to the decision which will be taken by the Board, can make use of the normal procedure prescribed in such cases. Although the Polish Government has, by its letter of February 20th, accepted the termination of the regime established by the Council's decision of March 13th, 1925,<sup>2</sup> I think that it would be in the interest of both parties that that regime should be re-established and maintained unchanged, without prejudice to the final decision which will be reached, until the proceedings which have now been instituted have resulted in such a decision. I hope, accordingly, that the Council will agree that this course should be adopted. In that event, it will not be necessary for the Council to take any further action in the matter."

M. ZIEHM recalled that the Government of the Free City of Danzig had more than once told the Polish Government that the latter could clear up the legal situation regarding the harbour police by the means prescribed in the treaties. He agreed, therefore, to this problem being elucidated in accordance with the method suggested in the report submitted by the Rapporteur.

With regard to the *de facto* settlement proposed in the report, the Government of the Free City would, as invariably heretofore, conform to the decision of the Council, if the latter adopted the report.

He desired, however, to point out that the *de facto* settlement had no effect on the legal situation, and that the Council's resolution of March 13th, 1925, and the treaties on which it was based, could no longer have any legal consequences after the Polish Government's assent to the termination of the regime in question, and that similarly the *de facto* settlement of the organisation of the police could not be modified, in respect of the situation created in consequence of the resolution of March 13th, 1925, so long as the legal questions had not been finally elucidated.

M. BECK took note with satisfaction of the Rapporteur's conclusions, and thanked him for the efforts he had made for the settlement of this matter.

<sup>1</sup> Document C.191.1933.I.

<sup>2</sup> See *Official Journal*, April 1925, pages 475 and 569.