

The members of the Committee of Three have given grave consideration to the question thus raised. They have held certain exchanges of views with their colleagues, the purport of which they will explain to the Council when the meeting which they have requested by the first paragraph of this letter takes place.

(Signed) Sean LESTER,
S. DE MADARIAGA,
J. MATOS.

ANNEX 1433.

C.184.1933.I.

FREE CITY OF DANZIG.

GUARD DETACHMENT FOR THE POLISH WAR MATERIAL DEPOT ON THE
WESTERPLATTE. QUESTION OF "DIRECT ACTION"

NOTE BY THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Geneva, March 10th, 1933.

The Secretary-General has the honour to communicate for the consideration of the Council a letter, with three appendices, from the High Commissioner of the League of Nations at Danzig, dated March 7th, 1933, transmitting a request of March 6th, 1933, in regard to direct action from the Senate of the Free City (Appendix III).

In order to unify the procedure and thus facilitate the Council's examination of the question, the High Commissioner also submits to the Council the question which forms the subject of point 1 of the Senate's request of March 6th (Appendix III), in the exercise of the right conferred on him by Article 39 of the Treaty of Paris to refer to the Council matters which are submitted to him for decision under the terms of that article.

LETTER FROM THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG TO THE
SECRETARY-GENERAL.

[Translation.]

Danzig, March 7th, 1933.

On the morning of March 6th, M. Papee, Polish Minister and diplomatic representative at Danzig, informed me that the Polish Government had decided, in view of the situation created by the attitude recently adopted by the Senate in the affair of the policing of the port and in view of the danger which existed, according to the Polish Government, of a sudden attack on the Polish munitions depot at the Westerplatte by certain Danzig elements, provisionally to reinforce the guard detachment for the Polish munitions depot on the Westerplatte. M. Papée added that the guard would not go outside the Westerplatte area and that it would be entrusted exclusively with the duties assigned to the Polish guard detachment under the Council resolution of December 9th, 1925.

I drew M. Papée's attention to the provisions in force, more particularly the Danzig-Polish Agreement of June 22nd, 1921, and the report submitted to the Council of the League of Nations on December 9th, 1925, and also to the statements made by the Polish representative on that occasion. It is quite clear from the aforesaid provisions that the strength of the Westerplatte guard detachment could not be increased until the Polish Government had submitted an application to that effect to the High Commissioner and the latter had given the necessary authorisation.

I informed M. Papée that, such being the case, I must protest against the decision which the Polish Government had taken without first applying to the High Commissioner, and must ask him to take the necessary measures to remedy the situation thus created.

A few hours later, the Senate of the Free City of Danzig addressed a letter to me (Appendix I) informing me that the Senate had noted that the strength of the Polish guard detachment on the Westerplatte had been increased by upwards of 100 units armed with machine-guns and other weapons, who had arrived that very day on the s.s. *Wilja*.¹ The Senate requested me to inform it whether that increase in effectives had taken place with the High Commissioner's authorisation and, if so, for what reasons. In reply, I informed the President of the Senate that I had given no authorisation to that effect, and, in transmitting to the Polish diplomatic representative a copy of the Senate's letter, I requested him, if the information contained in the Senate's

¹ The arrival of this vessel in the Westerplatte basin for the purpose of unloading munitions had been announced previously, and the High Commissioner's representative, Vice-Consul West, was present, as usual, at the unloading (40 cases containing 1,720 kilogrammes of explosives were unloaded).

letter was correct, to take the necessary measures in order that the effectives in question might be withdrawn from the Westerplatte without delay, since the increase in effectives had taken place without the Polish Government first having submitted an application to that effect to the High Commissioner and without the latter having given the necessary authorisation (Appendix II).

During the evening, the Senate requested me to decide, under the terms of Article 39 of the Paris Treaty that the Polish Government was bound to re-establish without delay the legal status based on the Treaties and to reduce the Westerplatte guard to the effectives fixed. The Senate requested me further to take the necessary measures in order that it might be established that the increase in effectives on the Westerplatte without the High Commissioner's authorisation constitutes "direct action" (Appendix III).

When transmitting this request to M. Papée, I expressed the hope that the reply which I was expecting from him to my letter of the previous day would make the Senate's request without object.

Not having obtained from the Polish Government an assurance that the effectives in question would be withdrawn without delay, and in view of the gravity of the present affair, I am obliged, referring to the Council decision of March 13th, 1925, in which the Council reserved the right in principle itself to take a decision in cases relating to "direct action", to ask you to be good enough to take the necessary measures in order that the question of "direct action" raised in the Senate's request of March 6th, 1933, may be placed on the agenda of a meeting of the Council at the earliest possible date.

In order to unify the procedure and thus facilitate the Council's examination of the question, I venture to submit to the Council also the question which forms the subject of point 1 of the Senate's request of March 6th, in the exercise of the right conferred on me by Article 39 of the Treaty of Paris to refer to the Council matters which are submitted to me for decision under the terms of that article.

(Signed) Helmer ROSTING,
High Commissioner

Appendix I.

LETTER FROM THE PRESIDENT OF THE SENATE OF THE FREE CITY OF DANZIG TO THE HIGH COMMISSIONER.

[Translation from the German.]

Danzig, March 6th, 1933.

According to statements in the Press, one hundred Polish police were yesterday despatched from Warsaw to Danzig for the alleged purpose of reinforcing the Westerplatte guard detachment. We have ascertained that a considerable reinforcement of the Westerplatte guard detachment—according to our information, considerably more than one hundred men, with machine-guns and other arms—did in fact arrive by the troop transport ship *Wilja*, which was reported as bringing military supplies for the Westerplatte. As, under the existing treaty regulations, no reinforcement of the Westerplatte guard detachment may be effected without the High Commissioner's assent, we beg to enquire whether Your Excellency's assent has been given and, if so, on what grounds.

(Signed) Dr. ZIEHM.

Appendix II.

LETTER FROM THE HIGH COMMISSIONER TO THE COMMISSIONER-GENERAL OF THE POLISH REPUBLIC AT DANZIG.

[Translation.]

Danzig, March 6th, 1933.

I have the honour to forward you herewith copy of a letter, dated March 6th, 1933, which I have just received from the President of the Senate. I have informed the President of the Senate in reply that the High Commissioner had not given any authorisation for an increase of the effectives of the Polish guard detachment on the Westerplatte. If the particulars contained in the attached letter of the Senate are accurate, I am obliged to request you to take the necessary steps for the withdrawal of the effectives in question from the Westerplatte without delay, in view of the fact that this increase in effectives has been carried out without any previous request by the Polish Government in the matter to the High Commissioner and without the issue of the requisite authority by the latter.

(Signed) Helmer ROSTING,
High Commissioner

Appendix III.

LETTER FROM THE PRESIDENT OF THE SENATE OF THE FREE CITY OF DANZIG
TO THE HIGH COMMISSIONER.

[Translation from the German.]

Danzig, March 6th, 1933.

As the Polish Government has proceeded, without your authorisation, to strengthen the garrison of the Westerplatte beyond the prescribed numbers, we beg you, with reference to our two notes of to-day's date on the same subject, (1) to decide, in accordance with Article 39 of the Paris Treaty, that it is the duty of the Polish Government immediately to restore the legal position as laid down in the treaties and to reduce the garrison of the Westerplatte to the prescribed strength (2) to take immediate steps to have this proceeding of the Polish Government established as a case of direct action.

Ad (1). — The establishment of a guard detachment on the Westerplatte is based on the Agreement of June 22nd, 1921, in which Danzig and Poland agreed to admit Poland's claim to maintain a staff for guard and supervisory duties in the munitions depot. Under this Agreement, the High Commissioner of the League of Nations at Danzig has the right to be kept informed of the strength of this staff, which he is empowered to fix in agreement with the Polish Government. On the completion of the munitions depot in 1925, the Polish Government, in a letter dated April 18th, 1925, informed Mr. MacDonnell, who was then High Commissioner, that immediately on taking possession of the Westerplatte area it intended to establish there a guard detachment of two officers, twenty non-commissioned officers and sixty-six men. The High Commissioner, fearing that the establishment of so strong a guard detachment might constitute an infringement of Article 5 of the Danzig Constitution, which stipulates that the Free City must not serve as a "military base", asked the Council of the League to give a decision in the matter. The Council's decision, which was adopted on December 19th, 1925, recognised that a guard detachment of the strength described, to be employed solely in dealing with war material in transit, was compatible with Article 5 of the Danzig Constitution. In accordance with this decision, the High Commissioner, on December 19th, 1925, gave his assent to the Polish request.

Since the High Commissioner's declaration, and in spite of the fact that, on occasion, very considerable quantities of munitions have been transported, the strength of the guard detachment has never been changed.

The recent increase in the strength of the detachment without the High Commissioner's consent contravenes the Agreement of June 22nd, 1921.

Ad (2). — The considerable increase in the strength of the guard detachment on the Westerplatte, without the consent of the High Commissioner, an increase at variance with the Agreement and other provisions, is a measure which seriously endangers the public security of Danzig and the good relations between Danzig and Poland, since the Polish Government's action must be regarded as a most serious provocation by the population and is attended with the risk of incidents.

(Signed) Dr. ZIEHM.

ANNEX 1433a.

C.188.1933.I.

FREE CITY OF DANZIG.

GUARD DETACHMENT FOR THE POLISH WAR MATERIAL DEPOT
ON THE WESTERPLATTE. QUESTION OF "DIRECT ACTION"LETTER FROM THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG
TO THE SECRETARY-GENERAL.

[Translation.]

Geneva, March 11th, 1933.

Further to my letter No. 0394/9/D/5/D, dated March 7th, I have the honour to enclose copies of the following letters exchanged between the diplomatic representative of Poland at Danzig and the High Commissioner regarding the Senate's request of March 6th, 1933, concerning the increase in the effectives of the Polish guard on the Westerplatte:

1. Letter from the High Commissioner, dated March 7th, forwarding the Danzig request to the diplomatic representative of Poland.