

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.

2. Letter from the diplomatic representative of Poland to the High Commissioner, in reply to his letter of March 6th (see Appendix II, document C.184).
3. Letter from the diplomatic representative of Poland to the High Commissioner, dated March 7th, in reply to letter No 1.
4. Letter from the High Commissioner to the diplomatic representative of Poland, dated March 8th, in reply to letter No. 3.
5. Letter from the diplomatic representative of Poland to the High Commissioner, dated March 9th, in reply to letter No. 4.

(Signed) Helmer ROSTING,
High Commissioner

Appendix I.

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

[Translation.]

Danzig, March 7th, 1933.

I have the honour to forward you herewith a letter which was addressed to me yesterday evening by the Senate containing a request under Article 39 of the Paris Treaty and an application to decide that direct action has been taken in the case of the increase of effectives of the Polish guard on the Westerplatte.

I venture to hope that the reply I am to-day expecting from you to my letter of yesterday evening requesting you to take the necessary steps for the effectives in question to be withdrawn from the Westerplatte without delay will render the Senate's request unnecessary.

Meanwhile, I fix the time-limits at forty-eight hours for the answer and at twenty-four hours for the replication and the rejoinder, and I am forwarding to the Secretary-General of the League of Nations the application for a decision that direct action has taken place, asking him to place it on the agenda of a Council meeting in the course of this week.

(Signed) Helmer ROSTING,
High Commissioner

Appendix II.

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

[Translation.]

Danzig, March 7th, 1933.

With reference to your letter of March 6th, No. 9/D/5/D, and to our conversations of yesterday, I desire once more to draw Your Excellency's attention to the purely provisional character of the reinforcement of the effectives of the Westerplatte guard detachment. Furthermore, the Polish Government wishes once more to give Your Excellency the firm assurance that it is not refusing to engage in conversations with the competent authorities regarding the substance of the question. The Polish Government has no intention of modifying in any way the relevant provisions now in force, which, moreover, could not in its opinion be modified by any provisional measures.

(Signed) PAPEE,
Commissioner-General of the
Polish Republic.

Appendix III.

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

[Translation.]

Danzig, March 7th, 1933.

I have the honour to acknowledge receipt of your letter No. 9/D/5/D, of to-day's date, in which you are good enough to forward to me the request of the Senate for a decision in the matter of the reinforcement of the effectives of the Westerplatte guard detachment.

I desire to inform you that I am unable to examine the substance of this request, as the Senate has seen fit to use with reference to the Polish Government expressions which are offensive and not usual in official correspondence.

I therefore venture to attach to this letter the request referred to and to beg you to return it to the Senate and take what measures you may consider desirable in this matter.

The period within which a reply must be forwarded, to which you refer, will therefore begin to run as from the time when I receive the Senate's request in an amended form.

(Signed) PAPÉE,

Commissioner-General of the Polish Republic.

Appendix IV

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

[*Translation.*]

Danzig, March 8th, 1933.

I have the honour to acknowledge receipt of your letter No. 368/T/33, of March 7th, 1933, regarding the transmission of the Senate's request of March 6th, 1933, in the matter of the reinforcement of the guard detachment on the Westerplatte.

I hasten to inform you that I consider the Danzig request of March 6th to have been transmitted in due form, according to the procedure of June 11th, 1925. It appears from the provisions of Article II of the Rules of Procedure that the time-limit fixed for the other party's reply begins to run from the transmission of a request through the High Commissioner. The other party is, of course, entirely free to make, in its reply, any observations it may think fit regarding the presence, in the documents coming from the applicant party, of expressions which, in its opinion, give rise to objections.

This being so, I am obliged, referring to my letter of yesterday, to request you to present your reply within the period fixed—that is to say, before noon on Thursday, March 9th.

I have, however, duly brought to the notice of the Senate your observations on certain expressions used in the last paragraph of the Senate's request.

The Senate informs me that it does not consider that it has made use of any offensive expressions regarding the Polish Government. The terms in question amount to no more than a statement of the effects that the measures taken by the Polish Government would have on the population of Danzig; they do not involve any expression of the Danzig Government's opinion.

(Signed) Helmer ROSTING,

High Commissioner

Appendix V

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

[*Translation.*]

Danzig, March 9th, 1933.

In reply to your letter No. 9/D/5/D, of March 8th, 1933, I have the honour to bring the following to your notice:

To my sincere regret, I cannot agree with your opinion that the request of the Senate of the Free City, which has been forwarded to me in due form according to the procedure of June 11th, 1925, should be accepted by the Polish Government regardless of the offensive expressions concerning that Government which it contains.

I do not consider that that procedure can compel either party to undertake an examination of the substance of documents put in by the adverse party in an offensive form, not customary in official correspondence.

I am therefore obliged once more to enclose the Senate's request of the 6th instant and to ask you to return it to the Senate. At the same time, I must inform you that I shall continue to maintain my view that the procedural time-limits assigned by you in your letter of the 7th instant cannot begin to run until I have received the Senate's request in a modified form.

Lastly, I would observe that the explanations given you by the Senate and referred to in the final paragraph of your letter of the 8th instant are not of such a nature as to remove my objections.

(Signed) PAPÉE,

Commissioner-General of the Polish Republic.