

FREE CITY OF DANZIG.

AGREEMENT BETWEEN THE GOVERNMENTS OF POLAND AND OF THE
FREE CITY OF DANZIG, RELATING TO HARBOUR POLICE, WITH
PROTOCOL.

C.345.1934.VII.

LETTER FROM THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG TO THE SECRETARY-GENERAL, TRANSMITTING THE TEXT OF THE AGREEMENT (WITH PROTOCOL), DATED JUNE 23RD, 1934, BETWEEN THE GOVERNMENTS OF POLAND AND THE FREE CITY OF DANZIG RELATING TO HARBOUR POLICE.

Danzig, July 17th, 1934.

At its meeting on March 14th, 1933, the Council adopted the report of the representative of the United Kingdom in the matter of the Danzig Harbour Police.¹

In accordance with the conclusions of the report, the system governing the work of the police in the harbour of Danzig, as established by the Council resolution of March 13th, 1925, has since been restored and maintained without change. Direct negotiations subsequently took place between the parties concerned, which led to the conclusion, on June 23rd, 1934, of an agreement regulating the question of the Harbour Police. This agreement, which will come into force on October 1st, 1934, is valid for three years. If not denounced six months before its expiry it will be renewed automatically for one year at a time.

I have the honour to forward to you herewith for information a copy of the agreement signed on June 23rd, 1934, by the representatives of Poland and of the Free City together with a copy of the protocol signed at the same date.

(Signed) Sean LESTER,
High Commissioner

AGREEMENT.

[Translation from the German.]

The Senate of the Free City of Danzig and the Polish Government hereby conclude the following Agreement with regard to the operation of the police service in the harbour and on the waterways subject to the administration of the Harbour Board, without prejudice to their respective legal standpoints; and, in so doing, they record that the decision of the Council of the League of Nations of March 14th, 1933, ceases to be valid with the entry into force of this agreement.

Article 1.

The order and safety of traffic in the harbour and on the waterways of Danzig subject to the administration of the Harbour Board of Danzig shall be governed by the attached Police Regulations, to which the authorities of the Free City of Danzig shall give legal effect on the application of the Harbour Board.

The Harbour Board shall be entitled to ask for amendments and additions in respect of matters dealt with in these Police Regulations provided such amendments and additions do not go beyond the local limits within which the Regulations are applicable. The Danzig authorities shall give legal effect to amendments or additions desired by the Harbour Board, in so far as they do not conflict with the Constitution or laws of Danzig.

In all matters relating to the police service not specified in the annexes to paragraph 1, the Danzig police shall be the competent authority unless otherwise provided under the present Agreement.

- *Article 2.*

Before a decision is taken with regard to amendments or additions to the Police Regulations referred to in Article 1, paragraph 1, the Harbour Board shall invite the chief of police to state his opinion. Similarly before the issue of Police Regulations in connection with the matters specified in Article 1, paragraph 3, the chief of police shall invite the Harbour Board to state its opinion, in so far as proposed regulations affect the interests of the administration or utilisation of the harbour and waterways by the Harbour Board.

Both parties shall be entitled to fix a reasonable time-limit within which such statements of opinion must be made.

¹ See *Official Journal*, April 1933 (Part II), page 629.

Article 3.

The Police Regulations to which Article 1, paragraph 1, relates shall be enforced by a body of Harbour and River Surveillance Police, to be established by the Harbour Board.

Article 4.

The Harbour and River Surveillance Police shall consist of twenty-four officials to be appointed by the Harbour Board, subject to dismissal. The Danzig and the Polish delegations on the Harbour Board shall each have the right to nominate twelve of these officials.

Article 5.

Officials of the Harbour and River Surveillance Police shall be officials of the Harbour Board, and shall be amenable exclusively to the latter for purposes of duty and discipline. Their immediate superior shall be the officer in command of pilots.

They shall wear an official uniform distinguishable by special marks. A separate agreement shall be concluded as to the nature of the uniform and as to the arms to be carried by the officials.

Article 6.

The authorities of the Free City of Danzig shall confer on the officials of the Harbour and River Surveillance Police the grade of auxiliary police officers. The grant of this grade shall confer the powers of executive police officials in respect of the matters specified in Article 1, paragraphs 1 and 2. Officials of the Harbour and River Surveillance Police shall, in the performance of their duties, comply with the regulations relating to the executive police service of Danzig.

If a criminal offence is discovered, the officials of the Harbour and River Surveillance Police shall report the circumstances to the competent Danzig police authorities through the officer in command of pilots. If an offence involves liability to police penalties, the officer in command of pilots shall be entitled to make proposals with regard to the amount of the penalty and such proposals shall receive consideration as far as possible.

Article 7.

Police inspection duties in connection with public health in the case of emigrants from Poland and immigrants returning to Poland shall be exercised by the Harbour Board under the terms of a separate agreement to be concluded.

Article 8.

The above agreement shall come into force on October 1st, 1934, and shall be valid for three years. It shall be prolonged for one year at a time, unless denounced not less than six months before its expiry

Danzig, June 23rd, 1934.

For the Polish Republic:

(Signed) PAPEE.

For the Free City of Danzig:

(Signed) Dr. RAUSCHNING.

PROTOCOL.

With reference to the Agreement signed this day in regard to the exercise of police duties in the harbour and on the waterways subject to the administration of the Harbour Board, it is hereby recorded that both parties are agreed on the following points relating to the practical application of the Agreement:

1. Persons nominated for service in the Harbour and River Surveillance Police who have not previously served in the Danzig Shipping Police shall take a course of police training. The training shall be given at the cost of the Harbour Board, by the officer in command of pilots and by the chief of police, or by such persons as those officers may appoint for the purpose. On the conclusion of the course the candidates shall be examined by a Board composed of the officer in command of pilots and the chief of police, or such representatives as those officers may appoint, and one representative of each of the two delegations on the Harbour Board.

The Examining Board shall decide as to the qualifications of candidates for service in the Harbour and River Surveillance Police, and shall be entitled to make official enquiries in regard to the persons of candidates. Decisions as to qualifications shall be taken by the unanimous vote of the Board. At the request of either of the delegations on the Harbour Board, the President of the Harbour Board shall be asked to join the Board as Chairman with a right to vote. In such case, decisions with regard to the qualifications of candidates shall be taken by a majority vote. Candidates found unsuitable may not be appointed.

Each of the two delegations on the Harbour Board may nominate more candidates than the number of places to be filled on its nomination, but not more than twice that number. Candidates

shall be given subsistence allowances by the Harbour Board during the period of their training, if and in so far as the delegation nominating them finds that they need such allowances.

2. The chief of police shall be entitled to report to the Harbour Board conduct on the part of officials of the Harbour and River Surveillance Police indicating unfitness for police service. The Harbour Board shall examine such communications, and shall take such remedial action as may be required. If the chief of police considers that the continued service of the official in question in the Harbour and River Surveillance Police would seriously impair the operation of the service, the Harbour Board shall suspend the official from duty pending its decision on his case.

The chief of police shall further be entitled to apply to the Harbour Board for the institution of disciplinary proceedings for derelictions of duty on the part of officials of the Harbour and River Surveillance Police. The Harbour Board shall give effect to such application without prejudice to its own rights or those of its own disciplinary authorities. The chief of police shall be entitled to be informed as to the course of the disciplinary proceedings and shall, if he so requests, be heard at any stage of such proceedings. While the disciplinary proceedings are pending, the Harbour Board shall suspend the official from the service, and the chief of police shall provisionally deprive him of his status as an auxiliary police officer.

Should the Harbour Board dismiss an official of the Harbour and River Surveillance Police for unfitness, or should it be decided, as the result of disciplinary proceedings, that he be dismissed from his post, the chief of police shall deprive him of his status as an auxiliary police officer.

3. In the matter of procedure in the case of appeals and administrative disputes in connection with actions or orders of officials of the Harbour and River Surveillance Police, the existing procedure in respect of actions or orders of the Shipping Police shall be retained, subject to the proviso that in appeal proceedings the chief of police shall, before taking his decision, give the Harbour Board an opportunity of stating its views.

Should the Free City of Danzig be liable to payment of damages on account of orders or acts of officials of the Harbour and River Surveillance Police, the Harbour Board shall indemnify the Free City

4. By agreement with the Harbour Board, officials of the Harbour and River Surveillance Police may if the chief of police so desires, perform permanently or in particular cases duties other than those for which Article 3 of the Agreement provides.

5. At the request of the Harbour Board, the authorities of the Free City of Danzig shall confer the status of auxiliary police officer on pilots and on the staff of the Harbour Board on watch duty in magazines or harbour installations. The arrangements made with regard to officials of the Harbour and River Surveillance Police shall not be applicable to such auxiliary police officers.

Danzig, June 23rd, 1934.

For the Polish Republic:
(Signed) PAPÉE.

For the Free City of Danzig:
(Signed) Dr. RAÜSCHNING.