

THE FREE CITY OF DANZIG

SUMMARY OF OFFICIAL REPORTS ON QUESTIONS CONCERNING THE FREE CITY OF DANZIG, FOR THE 16TH COUNCIL SESSION.

This summary covers the period from the Fourteenth to the Sixteenth Council Sessions (September 1921 to January 1922).

I. QUESTIONS CONSIDERED BY THE COUNCIL.

These questions are treated in the Minutes of the Sixteenth Council Session, which are printed in the *Official Journal*, 3rd Year, No. 2.

They are

- (1) Control and Administration of the Vistula in the Territory of the Free City.
- (2) Constitution of the Free City
- (3) Acquisition and Loss of Danzig Nationality
- (4) Agreement of October 24th, 1921, between the Free City and Poland.
- (5) Proposed Provisional Agreement between Poland, Danzig and Norway.
- (6) Port d'Attache for Polish War-Vessels in Danzig.
- (7) Appointment of the High Commissioner.

II. RESULTS OF ACTION TAKEN AT THE FOURTEENTH SESSION OF THE COUNCIL.

The reports of the Fourteenth Council Session will be found in the *Official Journal*, 2nd Year, Nos. 10-12, pages 1157-1161. Certain supplementary information with regard to some of the questions considered at that session, but which have not been mentioned above, is given herewith

(1) *Defence of the Free City.*

In accordance with the Resolution adopted by the Council on September 16th, 1921¹, the report of the High Commissioner was referred to the Permanent Advisory Commission on Military, Naval and Air Questions, whose observations were subsequently circulated to the Members of the Council.

(2) *Financial Situation of the Free City.*

As a result of the Resolution adopted by the Council on September 16th, 1921², a special Committee, appointed by the Provisional Economic and Finance Committee, investigated the financial situation of Danzig during a visit of some days there in the autumn. Their report will be submitted to the main Committee at its next meeting and is now in preparation.

(3) *Manufacture of Aeroplanes in Danzig.*

In pursuance of the Resolution adopted by the Council on October 6th, 1921³ the Report of the Air Sub-Committee of the Permanent Advisory

¹ See *Official Journal*, 2nd Year, Nos. 10-12, page 1158.

² See *Official Journal*, 2nd Year, Nos. 10-12, page 1159.

³ See *Official Journal*, 2nd Year, Nos. 10-12, page 1160.

Committee with regard to this matter was forwarded to the High Commissioner. Other documents are shown in the footnote ¹

III. DECISIONS BY THE HIGH COMMISSIONER.

The High Commissioner, since he took office, has given eleven decisions under the Treaty stipulations providing for the settlement of differences between Poland and the Free City of Danzig in this manner. They are all listed below, together with an indication of the action taken with regard to each, and a summary of the decisions in the more recent cases.

(1) *Retention of Polish Military Guards at Danzig for the Supervision of Transport of War Material.* (Document C. 12. 1921.)

Decision, February 4th, 1921.

Appeal by Poland, April 12th, 1921.

In view of a joint declaration by the Polish and Danzig representatives submitted to the Council on June 23rd, 1921, the appeal was withdrawn ²

(2) *The Puppel — Deutsche Bauern Bank Case.*
(Document C. 51. M. 38. 121. I.)

Decision, February 28th, 1921.

Appeal by Poland, April 26th, 1921.

Representatives of the two parties undertook to attempt to arrange a direct settlement ³

(3) *Railways in the Territory of the Free City of Danzig* ⁴

(a) First Decision, August 15th, 1921. (Document C. 320. M. 232. 1921. I.)
Appeal by Danzig.

Appeal withdrawn on conclusion of Polish-Danzig Railway Agreement of September 23rd, 1921.

(b) Second Decision, September 5th, 1921 ⁴ (Document C.328.M.236. 1921. I.)
No appeal.

(c) Polish-Danzig Agreement ⁴ of September 23rd, 1921, concerning the First and Second Decisions of the High Commissioner. (Document C. 374. M. 264. 1921. I.)

(d) Agreement between the Free City of Danzig and the Polish Railway Administration, November 24th, 1921 ⁵

(e) Agreement between the Polish Railway Administration and the Danzig Port and Waterways Board, November 24th, 1921 ⁵

(4) *Passport Visas for Foreigners entering Danzig.*

Decision, August 30th, 1921 ⁶

No appeal.

¹ (a) Letter of September 21st from the High Commissioner Letter of September 23rd from the President of the Council (C. 364. M. 258. 1921. I) (b) Report from the Air Sub-Committee dated September 30th, 1921 (C. 385. M. 274. 1921. I.).

² Minutes of the 13th Council Session, No. 406, Annex 214, and *Official Journal*, 2nd Year, No. 7, pages 673 and 674.

³ Minutes of the 14th Council Session, No. 484, and *Official Journal*, 2nd Year, Nos. 10-12, pages 1157 and 1158.

⁴ See *Official Journal*, 2nd Year, No. 9, pages 971-980.

⁵ The two Agreements of November 24th, 1921 (d) and (e), concern the execution of the two decisions of the High Commissioner and the Agreement of September 23rd.

⁶ See *Official Journal*, 2nd Year, No. 9, p. 970.

(5) *Control and Administration of the Vistula in the Territory of the Free City.*

Decision, September 1st, 1921.

Appeal by the Polish Government, October 5th, 1921.

This question was considered at the Sixteenth Council Session¹

(6) *Interpretation of the term "domicilié" and "ordinarily resident" in Articles 105 and 106 of the Treaty of Versailles.*

Decision, November 26th, 1921, accepted by both parties.

According to the summary of the situation contained in the decision, Danzig maintained that the law in force in Germany and in Danzig permitted domicile in several places, whereas Poland wished this system of double domicile to cease, so far as the Free City was concerned, in its international relations. The High Commissioner, having explained the legal difficulties of the situation, stated that the system of double domicile would appear to be undesirable from the standpoint of the League of Nations, and that the loss to Danzig, if the system were prohibited, would not appear to be great. He therefore decided

"That the word 'domicilié' or 'ordinarily resident' as used in Articles 105 and 106 of the Treaty of Versailles, so far as the relations between Danzig and any foreign State are concerned, shall be interpreted to mean that an inhabitant of Danzig at the date of the coming into force of the Versailles Treaty can only have a domicile or ordinary residence either in a foreign State or in Danzig, but not in both, and that such inhabitant, in accordance with the terms and spirit of Articles 105 and 106 of that Treaty, must opt for one of these two domiciles or ordinary residence."

(7) *Status of Polish Government Property, Officials and Ships in Danzig.*

Decision, December 6th, 1921.

Appeal by Poland (Text of appeal not yet received).

The High Commissioner's decision stated that the main point in dispute was as to whether or not Poland was to secure certain extra-territorial rights for her Government property, officials and ships in Danzig. After reviewing the position at some length, he decided

"I. That the Harbour Board must retain its full administrative powers and activities as laid down in the Treaty dated November 9th, 1920. That Polish ships using Danzig Port and its waterways are subject to the administration of the Harbour Board and to the Danzig Tribunals and Authorities like all other vessels, Danzig or foreign, using those waters.

"II. That Polish property situated in the territory of the Free City of Danzig is to be treated in the same manner as laid down in paragraph 11 of my decision dated September 5th, 1921, regarding the railway property, the details to be settled between the two Governments on the same lines as those were settled, except that Polish ships are not exempt from the harbour dues, or any charges or regulations imposed by the Harbour Board (*vide* paragraph I above).

"III. That all persons of Polish nationality entering the territory of the Free City of Danzig or her territorial waters, being already protected under Article 33 of the Polish-Danzig Treaty dated November 9th, 1920, must be subject to the laws and judiciary system of the

¹ See *Official Journal*, 3rd Year, No. 2, pages 95 and 103.

Free City, excepting the Diplomatic Representation referred to in Article 1 of the Treaty of November 9th, 1920, and also subject to any agreement arrived at by the two Governments under paragraph IV below

“ IV That, in the light of this decision, the terms of Article 35 shall be carried out by negotiation between the two States as early as possible, and nothing in this decision shall prevent the Government of Danzig from granting in a liberal spirit any judicial exceptions or extensions required by Poland as regards the Polish buildings, property or inhabitants in the territory of the Free City, provided always that such judicial exceptions or extensions in no way limit or interfere with the rights of the Harbour Board (*vide* paragraph I above.) ”

(8) *Expulsion of Polish Nationals from Danzig.*

Decision, December 16th, 1921.

Appeals by Danzig and Poland (Texts not yet received).

As reported by the High Commissioner, this question arose on an order of expulsion from Danzig which was issued by the Danzig Government, in accordance with its usual procedure, against a certain Polish citizen. Poland claimed that this was an infringement of her Treaty rights in the Free City, and in particular that it was contrary to Article 33 of the Treaty of November 9th, 1920, which provided against discrimination by Danzig to the detriment of Polish nationals and other persons of Polish origin or speech. Danzig explained the unfortunate effects of the influx of foreigners on the economic condition of the Free City and its population, showed that expulsions, which were decreed sparingly and only after exhaustive enquiry, were not confined to Polish nationals (46 were Germans out of a total of 130 who had been expelled during the preceding three months), and cited Article 12 of the Treaty of November 9th in support of the position taken by the Free City

The High Commissioner upheld the procedure adopted by the Danzig Government in the case of expulsions, but decided that, as an act of courtesy, the Danzig Government should, in the case of Polish nationals, allow the Polish Diplomatic Representative in Danzig seven days to take up any individual case before actually decreeing expulsion. An appeal, in any individual case, could of course be made to the High Commissioner.

In this particular instance the High Commissioner decided that the individual concerned should be permitted to remain in Danzig.

(9) *Conduct of Foreign Relations of the Free City.*

Decision, December 17th, 1921.

Appeal by Danzig (Text not yet received).

After reviewing the arguments on both sides, the High Commissioner decided

“ I. That Poland, when called upon by Danzig to conduct any of the foreign relations of the Free City, has the right to refuse the application if the matter involved is clearly to the detriment of the important interests of the Polish State.

“ II. That Poland has no right to initiate and impose upon Danzig a definite foreign policy which is clearly opposed to the well-being, prosperity, and good government of the Free City. Moreover, it is apparent from the Polish statement of the case that she has no desire to do so.

“ III. That, on the request of the Danzig Government to conduct any foreign relations of the Free City the Polish Government will, as fully agreed to in her own statement of the case, at once take cognisance of the demand, and will either carry out the wishes of Danzig without delay and in a complete and loyal manner, or will inform the Government of the Free City as soon as possible, and in any case within a delay of thirty (30) days, that the Polish Government is unable to

carry out the wishes of the Danzig Government. Poland will also give her reasons for this refusal, and will suggest to the Danzig Government how far she is prepared to go, or what alternative she would accept, to meet the wishes of the Danzig Government in the matter.

“ IV In this, as in all other matters connected with the Treaty of November 9th, 1921, both Governments retain their rights under Article 39 of the Treaty of November 9th, 1921.”

(10) *Judicial Relations between the Free City and Germany.*

Decision, December 18th, 1921.

Appeal by Danzig (Text not yet received).

The High Commissioner's outline of the question shows that judicial relations were provided for by a Germano-Danzig Agreement concluded during the temporary Allied administration of the territory of the Free City (August 27th, 1920), and that Article 11 of the Polish-Danzig Treaty of November 9th, 1920, provided for direct relations between the local administrative and judicial authorities of Danzig and the neighbouring districts of East Prussia. Poland was willing provisionally to permit such direct relation under the provisions of the Treaty of August 27th, but not direct relations between the two Central Governments, which were desired by Danzig for practical reasons.

After reviewing these considerations, the High Commissioner decided that

“ The Government of Poland should give Danzig facilities for arranging a treaty with Germany dealing with such judicial affairs as she proposes to arrange herself with Germany.”

IV OTHER QUESTIONS.

Since the last report to the Council, certain other problems of importance concerning the Free City have been considered by the High Commissioner and have formed the subject of correspondence with the Secretariat.

(1) *The High Commissioner's Post — Financial Situation*¹

In order to supplement and to bring up to date the special report on this subject which was circulated at the time of the Fourteenth Session of the Council, the following information is given under the same headings as were used in that report. (Document C. 363. M. 257 1921. I.)

(a) *Period under Colonel Strutt AFTER the establishment of the Free City (November 16th, 1920, to December 15th, 1920).* After some correspondence, the Secretary-General, on November 30th, 1921, forwarded a cheque for £175 to the Secretary to the British Cabinet in payment for Colonel Strutt's services to the League of Nations. Payment of this amount in equal proportions by Poland and Danzig has been requested.

(b) *Period under Professor Attolico (December 16th, 1920, to January 24th, 1921).* The entire advance made by the League for this period has been refunded.

(c) *Period under General Haking (January 24th, 1921, to...).* Poland and Danzig have paid into the League of Nations 60,000 gold francs each toward their share of the advances made by the League of Nations for the upkeep of the High Commissioner's post since the beginning of General Haking's period in office. This approximately covers the advances made up to the end of September 1921.

¹ See *Official Journal*, 2nd Year, No 9, pages 968 and 969.

(2) *Manufacture and Storage of Arms and Munitions in Danzig.*

The High Commissioner, on October 3rd, 1921, informed the Secretary-General that he had taken steps with the Government of Danzig to ensure that any attempt by private persons to manufacture or to store war material would be discovered and reported to him, that the Government of Danzig were preparing a law to be passed by the Popular Assembly to make all persons who dealt in war material within the territory of the Free City subject to a fine with imprisonment, and that if the Council of the League were not satisfied with this arrangement he would no doubt be informed and be instructed what further steps to take.

The Secretariat has suggested one or two slight changes in the draft law.

With regard to certain remarks of the Polish Delegate in the Third Committee of the Assembly on September 28th, 1921, concerning the manufacture and storage of arms and munitions in Danzig, the High Commissioner also informed the Secretary-General on October 3rd that "the rifle factory at Danzig is closed and everything it contains has been handed over to Poland or is under Polish supervision. There is no other store of arms and munitions in Danzig so far as I know and I have made careful enquiry"

(3) *German Officials in Danzig.*

On October 18th, 1921, the High Commissioner informed the Secretary-General that he had authorised the President of the Danzig Senate to retain temporarily twenty-one German officials who were engaged upon the financial settlement between Germany and the Free City. He also stated that he hoped that more than half of these would have left Danzig territory by January 1st, 1922, and the remainder shortly afterwards. He added that, in view of the Railway Agreement, it was probable that almost all of the Danzig railwaymen would retain Danzig nationality, and that the others could return to Germany when the railways were definitely handed over to the Polish administration.

(4) *Complaint against the Danzig Senate by the Independent Social Democratic Party in Danzig.*

On October 13th, 1921, the High Commissioner forwarded a letter from the Independent Social Democratic Party in Danzig in which they complained against alleged violations of the Constitution by the Danzig Government, and requested the High Commissioner to submit the question to the Council of the League of Nations. The High Commissioner at the same time also communicated to the Secretary-General a statement from the President of the Danzig Senate with regard to this letter.

In forwarding these communications, General Haking, who has taken up the matter with the President of the Senate, expressed the opinion that it was unnecessary at present for the League of Nations to take any action.

(5) *Miscellaneous Questions.*

Correspondence has also been received by the Secretariat with regard to the following subjects, among others

- The disposal of aeronautical material in Danzig,
- The adherence of Danzig to various International Agreements,
- The status of international agreements concluded under the Temporary Allied Administration of the Free City
- The supply of coal to Danzig and
- The repairing of Polish warships in the Harbour of Danzig.