

## FREE CITY OF DANZIG.

### GENERAL REPORT BY THE SECRETARY-GENERAL FOR THE PERIOD FEBRUARY-OCTOBER, 1923<sup>1</sup>

October 11th, 1923.

In forwarding this report, which is intended to serve as a reference document to the Council and to the Members of the League, the Secretary-General has the honour to call attention to the general review of Danzig and Polish-Danzig questions for the year September 1922 to August 1923, which is contained in the Report and the Supplementary Report to the Fourth Assembly on the work of the Council<sup>2</sup>

#### I. QUESTIONS CONSIDERED BY THE COUNCIL AT ITS TWENTY-FOURTH, TWENTY-FIFTH AND TWENTY-SIXTH SESSIONS.

M. Quiñones de Leon, representative of Spain, acted as Rapporteur at each session at which representatives of Poland and Danzig, as well as the High Commissioner, were present. The Rapporteur's reports, and the resolutions adopted by the Council on each question, will be found in the *Official Journal* as Annexes to the Council Minutes.

At its twenty-fifth Session in July 1923, the Council considered the general problem of Polish-Danzig relations and left over for final settlement at its twenty-sixth Session those specific differences which had not been settled at the twenty-fourth.

#### I. SPECIFIC POLISH-DANZIG QUESTIONS CONSIDERED AT THE TWENTY-FOURTH SESSION<sup>3</sup> (Geneva, April 17th – 23rd, 1923).

On April 19th, 1923, the Council confirmed agreements<sup>4</sup> concluded between the Danzig and Polish Governments with regard to three questions:

##### (a) *Principles to be applied in the Leasing of Property by the Harbour Board.*

Appeal by Danzig against the decision of October 27th, 1922<sup>5</sup> By an agreement of April 16th, 1923, the appeal was held over for a period of two years.

##### (b) *Establishment of a Letter-Sorting Office by the Polish Postal Service in the Main Railway Station at Danzig.*

Appeal by Poland against the decision of December 23rd, 1922<sup>6</sup> An agreement of April 18th, 1923, replaced the decision.

##### (c) *Official Languages to be used by the Harbour Board.*

Appeal by Danzig and Poland against the decision of December 5th, 1922<sup>7</sup> An agreement of April 17th, 1923, superseded the decision.

On April 20th, 1923, the Council postponed the fourth Danzig question on its agenda:

##### (d) *Establishment of a Railway Direction in Danzig for Polish Railways outside the Territory of the Free City.*

Appeal by Poland against the decision of December 12th, 1922<sup>8</sup> A provisional agreement<sup>9</sup> of June 23rd, 1923, which provided that the decision should be regarded as inoperative at least until December 31st, 1923, was brought to the attention of the Council on July 4th, 1923<sup>10</sup>

<sup>1</sup> For preceding report, see *Official Journal*, February 1923, pages 151-160.

<sup>2</sup> A. 10 and A. 10 (a), 1923.

The decisions of the High Commissioner will be found in the *Official Journal*, February 1923, p. 153-155, as well as in the special documents indicated in the separate footnotes.

<sup>3</sup> The text of the agreements will be found in the *Official Journal*, June 1923, page 640-642.

C. 227, 1923, I.

<sup>5</sup> C. 271, 1923, I.

<sup>7</sup> C. 230, 1923.

<sup>8</sup> C. 228, 1923, I., and C. 292, 1923, I.

For text of this agreement, see annex to the present report.

<sup>10</sup> *Official Journal*, August 1923, page 1000.

## 2. THE GENERAL PROBLEM OF POLISH-DANZIG RELATIONS DISCUSSED AT THE TWENTY-FIFTH COUNCIL SESSION

(Geneva, July 2nd-7th, 1923).

At the twenty-fifth Session in July the following points in the general problem of Polish-Danzig relations were considered<sup>1</sup>

(a) The general situation created by the various disputes between Poland and Dantzic, and in particular the procedure to be adopted in the case of such disputes.

(b) The relation between the terms of Article 104 of the Treaty of Versailles and the terms of the Danzig-Polish Treaty of November 9th, 1920

(c) The competence of the High Commissioner.

The views of the High Commissioner and of the Danzig and Polish Governments were given orally as well as in correspondence which was circulated for the consideration of the Council<sup>2</sup>

The views of the Council on these points were set forth in a report by M. Quiñones de León<sup>3</sup> which expressed the desire that Poland's legitimate aspirations with regard to Danzig should be realised in their entirety, and that both countries should co-operate in the common task of developing the port of Danzig. In principle the Council considered that the High Commissioner should himself decide in each case whether he was competent or not, the governments retaining the right of appeal to the Council. The Council was of opinion also that the Polish-Danzig Treaty of November 9th, 1920, constituted a valid basis for Polish-Danzig relations, recourse being had to Article 104 of the Treaty of Versailles in order to dispel doubts as to the interpretation of any clause of the Treaty of November 9th.

With a view to dispelling a general feeling of uneasiness to which attention had been drawn, the Council requested the two parties to submit all their disputes immediately to the High Commissioner, so that the Council could at its next session take a decision on all outstanding questions including those which were then on their agenda<sup>4</sup>

## 3. GENERAL POLISH-DANZIG SETTLEMENT RECORDED AT THE TWENTY-SIXTH COUNCIL SESSION

(Geneva, August 31st-September 29th, 1923).

As a result of the negotiations which were held in response to the recommendation made by the Council in July a long series of agreements<sup>5</sup> were submitted to the Council by the High Commissioner, and noted by it on September 1st, 1923. Certain of the Agreements are final or for a definite period of time, others are provisional or partial settlements and in numerous instances provision is made for further negotiations. In other cases it was merely decided that the problems should be held in abeyance. The various questions are mentioned below with indications as to their effect on previous decisions by the High Commissioner<sup>6</sup>

### (a) Harbour Board.

(i) General Status. — Agreement still to be concluded with regard to the procedure to be employed in the case of appeals against decisions by the Harbour Board.

(ii) Finances. — Agreement replacing the decision of April 29th, 1923. (A provisional agreement had been reached at the July Council session<sup>7</sup>

(iii) Civil suits in which the Harbour Board is a party (Further agreement required to settle the execution on Danzig territory of sentences of the Polish Courts connected with the Harbour Board.)

(iv) Power to raise loans. — Decision of May 24th, 1923, left in abeyance.

Power to sell property — Left in abeyance.

Status of property transferred to the Harbour Board under Article 25 of the Polish-Danzig Treaty of November 9th, 1920 (This question had been referred to the Council at the request of the Polish Government<sup>8</sup> but no special action was taken on it.)

(v) Employment of Polish nationals. — Agreement to hold good for seven years.

(vi) Police. — Appeals by Poland and Danzig against the decision of June 6th, 1923, withdrawn — Decision to be in force for two years.

(vii) Flag. — Negotiations to continue.

(viii) Administration of the Vistula<sup>9</sup> — Negotiations to continue.

### (b) Customs Administration. — Agreement interpreting the existing treaties and conventions, in particular in regard to

(i) Customs legislation, Customs tariffs and Customs Statistics. (ii) Recruiting, discipline and general organisation of the Danzig Customs unit. (iii) Relationship between the Danzig unit and the central Polish administration. (iv) Import and export of prohibited goods under Polish Law.

<sup>1</sup> Minutes 986, 995, 996 and Annexes 531, 531 (a), 531 (b) and 535. (See *Official Journal*, August 1923.)

<sup>2</sup> C. 409. M. 196. 1923. I., C. 425. M. 195. 1923. I., C. 456. M. 197. 1923. I., C. 471, 1923. I., and Minutes of the 25th Council Session.

<sup>3</sup> *Official Journal*, August 1923, pages 1007-1008.

<sup>4</sup> *Official Journal*, August 1923, pages 1000-1001 and 1015-1016.

<sup>5</sup> C. 579. 1923 and Minutes of the 26th Council Session (*Official Journal*, November 1923).

<sup>6</sup> The decisions will be found under Part II below.

<sup>7</sup> *Official Journal*, August 1923, pages 927-928.

<sup>8</sup> C. 382. M. 174. 1923. I.

<sup>9</sup> *Official Journal*, October 1922, page 1102.

(c) *Article 33 of the Danzig-Polish Treaty of November 9th, 1920 (Status of Polish Citizens in Danzig).* — Final agreement postponed. Provisional settlement reached with regard to the following questions:

(i) The expulsion of Polish nationals from Danzig. (ii) Police regulations for reporting arrival, departure, etc. (iii) Danzig law of December 30th, 1922, regarding the acquisition of property and the application of this law. (iv) Deposits for taxes due by Polish nationals. (v) Procedure in the event of differences of opinion.

(d) *Conduct by Poland of the Foreign Affairs of the Free City, in particular:*

(i) Consultation of the Free City by Poland and participation of Danzig in Treaties and international agreements (Art. 6 of the Treaty of November 9th, 1920). (ii) Judicial relations between Danzig and Germany (iii) Transmission of documents to Danzig through Poland. (iv) Employment of Danzig Nationals in Polish consulates.

(e) *Property, Departments and Personnel of the Polish State in Danzig Territory.*

(i) Taxation of buildings, the property of the Polish State in Danzig. — Agreement replacing the High Commissioner's decision of May 22nd, 1923. (ii) Collection of taxes from Polish Government officials in Danzig. (iii) Polish Government departments in Danzig: the "military" section of the staff of the Polish diplomatic representative; Polish meteorological station in Danzig; Polish wireless station in Danzig (agreement to be concluded). (iv) Polish diplomatic personnel in Danzig — a consideration of the appeal against the decision of May 23rd, 1923, postponed until the December 1923 Council Session.

(f) *Various questions.*

(i) Transfer of certain buildings to Poland by Danzig. (ii) The handling of emigrants. (iii) The acceptance by Poland of Danzig Notgeld (emergency currency). — Negotiations to continue. (iv) Establishment of a Polish Commercial Academy in Danzig. — Negotiations to continue. (v) Passport control of foreigners other than Polish citizens in Danzig. (vi) Visa fees for Danzig nationals when crossing Polish frontiers. — Danzig appeal against the High Commissioner's decision of May 1st, 1923, left in abeyance.

#### 4. FINANCIAL SITUATION OF THE FREE CITY.

This problem continued to occupy the attention of the Financial Committee<sup>1</sup> and the Council of the League during this entire period. Various communications on the subject were received from the Danzig and Polish Governments<sup>2</sup>

Negotiations were continued with the Reparations Commission and the Conference of Ambassadors<sup>3</sup> to assure for the Free City a priority for credit operations up to 500,000 gold marks, which was required to secure working capital. The Reparations Commission on May 18th, 1923<sup>4</sup> stated that it would not claim any special security for the debt due to it and the Conference of Ambassadors on August 25th<sup>5</sup> said that it would not oppose the flotation of the proposed loan.

On September 22nd the Council took note of a plan for the establishment of a new stable currency in Danzig. This plan had been examined by the Financial Committee and had formed the subject of an agreement with Poland<sup>6</sup>

## II. DECISIONS OF THE HIGH COMMISSIONER.

At the request of the Danzig Senate copies of the booklet prepared by the Danzig Government, and containing the High Commissioner's (General Haking) decisions given during 1922, have been circulated to the Council and to the Members of the League for their information<sup>7</sup>

Since his arrival in Danzig Mr. MacDonnell has given seven decisions which are referred to below in chronological order, as in previous reports.

### I. FINANCIAL SITUATION OF THE HARBOUR BOARD.

Decision: April 29th, 1923.

Appeal by Poland.

Decision was replaced by Polish-Danzig Agreement (see under I 3 (a) above.

### 2. VISA FEES FOR DANZIG NATIONALS WHEN CROSSING POLISH FRONTIERS.

Decision. May 1st, 1923<sup>8</sup>

Appeal by Danzig<sup>8</sup>

According to Polish-Danzig Agreement appeal has been left in abeyance. (See under I 3 (f) above).

<sup>1</sup> *Official Journal*, August 1923, page 941, and Minutes of 26th Council Session. (*Official Journal*, November 1923.)

<sup>2</sup> Communications from the Polish Government — C. 150. 1923. I., and from the Danzig Government—C. 232. M. 132. 1923. I., C. 363. 1923. I., and C. 304. M. 150. 1923. I.

<sup>3</sup> C. 455. 1923. I.

<sup>4</sup> C. 393. 1923. I.

<sup>5</sup> C. 549. M. 222. 1923. I.

<sup>6</sup> C. 626. 1923. II.

<sup>7</sup> C. 216. M. 124. 1923. I.

<sup>8</sup> C. 402. 1923. I., and C. 454. 1923. I., also containing other papers on the question.

3. TAXATION OF PROPERTY OF THE POLISH GOVERNMENT USED FOR GOVERNMENTAL PURPOSES IN THE TERRITORY OF THE FREE CITY.

Decision: May 22nd, 1923.

Appeal by Poland.

Decision was replaced by Polish-Danzig Agreement (See under I 3 (e) above).

4. POLISH DIPLOMATIC PERSONNEL IN DANZIG<sup>1</sup>

Decision. May 23rd, 1923.

Appeal by Poland.

According to Polish-Danzig Agreement (see under I 3 (e) above), consideration of appeal by Council has been postponed until the Council Session of December 1923.

The High Commissioner's decision was as follows:

- “(a) The personnel of the Diplomatic Representative of Poland at Danzig which is entitled to diplomatic status is to be limited to officials employed strictly on diplomatic duties and shall be composed, in addition to the Diplomatic Representative himself, of a number of officials not exceeding six, to whose number the Diplomatic Representative is entitled to add the head of the Polish Postal and Telegraphic Service at Danzig, and the head of the Polish Customs at Danzig, as already provided in the Agreement;
- “(b) All other Polish staff employed in Danzig by the Polish Government shall be treated as provided in paras. 3 and 4 of the Agreement of May 17th, 1922
- “(c) The families and households of those officials with diplomatic status shall be treated by analogy with the families and households of the personnel of an Embassy or Legation,
- “(d) Nothing in this decision shall prevent the Government of the Free City from granting any further extension of extra-territorial rights to Polish officials in Danzig in view of the special interests which Poland has in Danzig.

5. THE RIGHT OF THE HARBOUR BOARD TO RAISE LOANS.

Decision. May 24th, 1923.

Appeal by Poland.

In accordance with Polish-Danzig Agreement, appeal has been left in abeyance. (See under I 3 (a) above).

6. POLICE FOR THE HARBOUR BOARD.

Decision. June 6th, 1923.

Appeal by Poland and Danzig.

Appeals withdrawn. According to Polish-Danzig Agreement, decision was accepted for two years. (See under I 3 (a) above).

The High Commissioner's decision was as follows:

“(a) The Harbour Board will apply to the Senate of the Free City of Danzig for the police personnel which, in the light of past experience, the Harbour Board considers necessary for the proper policing of the Port, as regards pure port duties.

“They will be employed on the following services:

“Pilotage and traffic, and such other duties as may be detailed by the Harbour Board, or may be required by the existing laws. Sanitary and quarantine police are not to be included in this arrangement;

“(b) The police personnel mentioned in sub-para (a), in addition to such numbers as the Senate considers necessary for public security will be transferred by the Senate to, and placed under the direct control of, the Harbour Board,

“The Commander of this force will be instructed that for all matters affecting the carrying out of this decision which concerns the police, he will take his orders from the Harbour Board,

“The manner in which the Government of the Free City shall communicate with this force is a matter for arrangement between the Senate and Harbour Board, provided always that direct control over the force for work in the Port remains in the hands of the Harbour Board,

“(c) The police will be engaged, trained and equipped by the Free City. For purposes of interior economy and discipline they will remain a part of, and subject to the regulations of, the police of the Free City of Danzig. Payment for the services of this force will be a matter for arrangement between the Free City and the Harbour Board,

<sup>1</sup> See *Official Journal*, February 1923, page 156, for temporary agreement of February 1st, 1923, on this question.

"(d) Any bye-laws or regulations considered necessary by the Harbour Board will be given legislative effect by the Free City on the written demand of the Harbour Board, provided that such bye-laws or regulations are not contrary to the Constitution and the laws of the Free City.

"(e) Any judicial procedure resulting from offences under either of these sets of laws or regulations will be triable by the Courts of the Free City.

"(f) Should the Harbour Board consider it necessary to give any of its own officials police status, the Senate will, on the written request of the Harbour Board, appoint such officials as "Hilfspolizei-Beamten"

"(g) As public health and quarantine services are of a technical and specialised nature, sanitary and quarantine police have been excluded from this arrangement. The method of their employment in the Port is to be arranged directly between the Harbour Board and the Free City.

"In the event of special health arrangements becoming necessary for immigration and emigration through the Port of Danzig, a special agreement will have to be arrived at on the subject between Danzig and Poland in consultation with the Harbour Board."

#### 7 RIGHT OF THE POLISH GOVERNMENT TO LIQUIDATE CERTAIN PROPERTY OF A DANZIG NATIONAL IN POLAND.

Decision: June 21st, 1923.

Appeal by Danzig.

No final decision has yet been reached.

This question concerns the property of a German national which passed by inheritance in 1922 to a Danzig national. The High Commissioner decided that the right of the Polish Government to liquidate this property was not contrary to Articles 43 and 233 of the Polish-Danzig Agreement of October 24th, 1921.

### III. OTHER QUESTIONS.

#### I. HIGH COMMISSIONER'S POST.

##### (a) Staff.

During this period the High Commissioner's staff has consisted of the following:

	Monthly Salary.		
	£	s.	d.
Major Bertie, Secretary (from Aug. 16th, 1923)	50	0	0
Mr. Ryan, Secretary (to September 1923)	41	13	4
Miss Greenop, Stenographer (from June 1923)	21	13	4

##### (b) Contributions.

Poland and Danzig have, since the last report<sup>1</sup> paid to the financial administration of the League a total of 85,000 gold francs, the sum requested to meet the advances made by the League of Nations for the upkeep of the High Commissioner's post from the end of September, 1922, up to June 30th, 1923.

##### (c) Audit.

As provided for by the Council Resolution of November 17th, 1920, the accounts of the High Commissioner's post from August 20th, 1922 to July 31st, 1923, have been audited by the Financial Administration of the League. A copy of the full report on these audits has been communicated to the Polish and Danzig Governments for their information as well as to the High Commissioner.

The situation for the period from August 20th, 1922, to July 31st, 1923, may be summarised as follows:

RECEIPTS			
	£	s.	d.
Balance in hand on August 20th, 1922	177	5	8
Advances from the League of Nations	4,700	0	0
Banking interest	1	10	2
Total	4,878	15	10
EXPENDITURE			
	£	s.	d.
<i>Salaries and Wages</i>			
High Commissioner's salary	2,893	17	7
Salaries of staff	1,208	15	10
Employees (engaged locally)	54	0	10
<i>Other Expenses.</i>			
Travelling expenses and allowances	591	15	5
Hire of Cars	18	6	2
Other expenses (light, fuel, etc.)	51	14	0
Office supplies (postage, telegrams, etc.)	48	13	0
Total actual expenditure	4,867	2	10
Balance in hand on July 31st, 1923	11	13	0
Total	4,878	15	10

<sup>1</sup> Official Journal, February 1923, page 160.

## 2. PARTICIPATION OF DANZIG IN INTERNATIONAL CONVENTIONS<sup>1</sup>

Information has been received from the Swiss Federal Council of the adhesion of Poland, on behalf of Danzig, to (1) the Agreement of April 14th, 1891, as later revised, concerning international registration of trade marks, and (2) the Agreement of April 14th, 1891, as later revised, for the prevention of false indication of origin on goods. These adhesions have been registered with the Secretariat.<sup>2</sup>

## 3. MISCELLANEOUS QUESTIONS.

Correspondence has also been received on a number of other questions, including *the question of German officials employed in Danzig on liquidation work* — these officials ceased work on July 1st, 1923, the business being carried on by the German Consulate in Danzig; *the right of the Polish Government to purchase certain property situated in Poland and in the possession of a Danzig Association marks to be used on Danzig aeroplanes.*

Information for the Committee on Intellectual Co-operation concerning *the intellectual life in the Free City* has also been received through the Polish Government, as well as from certain scientific institutions in Danzig.

The situation as regards *the opium and dangerous drugs problem in the Free City* has also been the subject of communications received through the Polish Government.

The following publications are received regularly in the Secretariat:

1. Official Law Bulletin and Journal of the Free City (in German)
2. The Record of the Meetings of the Volkstag (in German)
3. The Official Journal of the Harbour Board (in German and Polish).

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## Annex.

### MINUTE ON THE ESTABLISHMENT OF A POLISH RAILWAY DIRECTION AT DANZIG.

[Translation from the German.]

The Polish Government has appealed to the Council of the League of Nations against the Decision, dated December 12th, 1922, of the High Commissioner of the League of Nations regarding the establishment of a Polish Railway Direction at Danzig.

As a result of further negotiations, the Senate of the Free City of Danzig and the Government of the Polish Republic have agreed that, for the present, this Decision shall be regarded as in-operative.

The two parties have agreed to conduct further negotiations on the following lines:

The Polish Railway Direction shall retain the offices it has hitherto occupied at Danzig and, in principle, the sphere of operation and extent of the railway system under its management shall remain unchanged. The Polish Government declares that the retention of the Railway Direction at Danzig is intended to serve economic and technical, but not political purposes, such as the naturalisation of Polish officials in Danzig.

The Polish Railway Administration shall re-organise the Polish Railway Direction at Danzig on the lines laid down by the experts during their discussions on June 12th and 13th, 1923.

In particular, the sphere of activity of the existing Danzig Railway Departments: General Management, Traffic Department and Engineering Department shall be limited to the Danzig lines, including the through lines Marienburg-Tczew and Danzig-Strzebielin and subsidiary lines.

Further, without prejudice to the organisation and activities of the Railway Direction, and having regard to the fact that it also manages railway lines situated outside the territory of the Free City no special economic burdens shall be placed on the Free City of Danzig.

The questions of the obligation of the Free City to provide housing, and of the railway officials to pay taxes shall be settled on these lines.

The Senate of the Free City reserves the right to state its wishes regarding traffic development and improvement in the course of the further negotiations which are to take place.

Should the final agreement proposed in this memorandum not be reached by December 31st, 1923, the Senate of the Free City of Danzig and the Government of the Polish Republic reserve the right to revert to the legal position.

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<sup>1</sup> *Official Journal*, February 1923, page 159.

<sup>2</sup> *Treaty Series*, Volume XV pages 324 and 325; 338 and 339.