

## 1181. Polish Minorities German Minority Schools in Polish Upper Silesia.

M. Skirmunt, representative of Poland, came to the Council table.

M. de SOUZA DANTAS read two reports, one on the primary German school of Kopalnia Boera (Annex 618) and the other on the question of the secondary and high schools for German minorities (Annex 618a).

*The Council took note of these two reports.*

M. Skirmunt withdrew.

## 1182. International Arrangements for Legal Assistance for the Poor.

The SECRETARY-GENERAL read his report (Annex 619) and submitted the following resolution

“ The Council, having considered the Assembly’s resolution of September 27th, 1923, relating to international arrangements for legal assistance for the poor, and being informed by the Secretary-General that financial assistance for the conduct of an enquiry in connection with this question may be available from a private source, authorises the Secretary-General to consult experts and to convene a meeting of experts to consider the question, with a view to preparing the report asked for by the Assembly on the understanding that no expenditure of League funds will be incurred.”

Lord PARMOOR said the question was of great importance. It was obvious that poor persons had every right to assistance. He hoped that a favourable solution of the question would be found.

*The resolution was adopted.*

## SEVENTH MEETING (PUBLIC)

*Held at Geneva on Friday, March 14th, 1924, at 11 a.m.*

Present All the representatives of the Members of the Council, and the Secretary-General.

## 1183. Free City of Danzig Question of the Harbour Board Flag.

M. Skirmunt, representative of Poland M. Sahn, representative of the Free City and Mr. MacDonnell, High Commissioner, came to the Council table.

M. QUIÑONES DE LEÓN referred to the appeal which had been made by the Danzig Government against a decision of the High Commissioner concerning the question of the Harbour Board flag. He was happy to say that the representative of the Free City had decided to withdraw this appeal.

He would be interpreting the feeling of all his colleagues in expressing to the Government of Danzig the sincere satisfaction of the Council at the spirit of goodwill which it had shown on this occasion. The same spirit would doubtless lead to the solution of many other problems which were the subject of dispute between Danzig and Poland. The Council much preferred not to intervene in such questions.

*The Council noted the withdrawal of the Danzig appeal.*

## 1184. Free City of Danzig Deptt for Polish War Material in Transit.

At the request of M. Skirmunt, Admiral Zwierkowski took his place at the Council table.

M. QUIÑONES DE LEÓN read his report (Annex 620).

Admiral ZWIERKOWSKI spoke as follows “ The peninsula of Westerplatte, which the Committee of Experts of the League of Nations has proposed to put at the disposal of the Polish Government for the guarding, discharge and provisional storage of Polish war material in transit, doubtless presents considerable advantages. There are, in the opinion of the Polish Government, two very serious objections, however, to accepting this solution. It is very burdensome for the finances of Poland and it cannot be immediately realised.

“ The construction of the necessary basin for unloading the vessels and extending the railway line to the basin will occasion an expenditure of about 6,000,000 gold francs, and it will be necessary to add to this sum the expenses of the necessary expropriations. Poland is at the moment making great efforts to reform her finances and the time does not seem opportune for imposing such financial charges for the development of a site situated beyond the limits of her territory, particularly as these expenses can be avoided by attributing a site to Poland on the Island of Holm.

“ According to the arguments, which are unanswerable, of the pyrotechnical member of the Committee sent to Danzig by the League of Nations, the danger arising from the presence of explosives on the Island of Holm will not be greater than that arising from the future employment of Westerplatte for this purpose. Further, the solution proposed cannot

be carried out for a long time. The Committee of Experts believed that the necessary work of development would last for one year. Taking into account, however, the expropriation formalities, this period will doubtless have to be increased. I would remind the Council that the dispute relating to the allocation of this site has already lasted for three years, and the Polish Government now asks that a site may be attributed to it which can be used immediately.

“ As regards the use of the basin of the Free Port for explosives during the period necessary for developing the site on the peninsula of Westerplatte, such an arrangement cannot be accepted by the Polish Government for the following reasons.

“ The entry of ships loaded with munitions into the Free Port calls for measures of security necessitating the interruption of traffic and the removal of all other boats from the basin. Very considerable loss of time and money for Polish commerce, which amounts to 95 per cent of the total commerce of the port, will result from such an arrangement.

“ The representatives of commerce have on several occasions declared that they have no objection to the import of munitions through Danzig, provided their discharge is not effected in the Free Port, which is the centre of traffic, and provided it is understood that the necessary measures of security will be strictly observed.

“ The quays of the Free Port are continuously busy particularly as the area available is limited. Considerable quantities of goods of every kind are deposited in the warehouses surrounding the basin. Numbers of workmen are continually passing to and fro, a fact which proportionately increases the danger.

“ The regulations of the port do not admit of the discharge of explosives upon a quay where there are warehouses in which inflammable materials are stored. Still less is the warehousing of explosives allowed even temporarily. It would accordingly be contrary to the local regulations for explosives to be discharged in the Free Port.

“ It is true that three members of the Committee of Enquiry have proposed that explosives should be unloaded in the basin of the Free Port while the site on the peninsula of Westerplatte is being developed, but the Polish Government would point out that the fourth member of the Committee, who does not share this opinion, is the only pyrotechnical expert on the Committee (inspector of munitions in his own country) and that his competence on the particular point of the handling of explosives cannot be questioned. For this reason, the Polish Government does not think it is possible to disregard his opinion without incurring very serious responsibility in the future.

“ Colonel Rémond considers that the Free Port cannot be chosen as a site for the unloading of munitions, even as a temporary measure.

“ For the above reasons, the Polish Government believes that the Free Port cannot in any case be chosen as a depot for transit since the unloading of munitions would have to be effected there, and, moreover, it would not be possible to apply the ordinary rules of security. Present conditions in the Free Port are such that it is impossible for the Polish Government to accept, even for its nationals, any responsibility for events which may occur.

“ None of these serious objections arise if the Holm is used during the period which will elapse before Westerplatte is developed. Apart from its distance from the more densely inhabited districts, and apart from the fact that it fulfils the necessary conditions of security the Island of Holm has the following further enormous advantages even as a temporary site

“ The basin, as well as the railway line, is already constructed and a large number of buildings are available to serve as warehouses, so that the cost of installation will be very small. The site may in fact, be immediately used. Since, moreover, a part of the island has been allocated to the Polish Government, which has been installed there for the last fifteen months, it will merely be necessary to increase the area of the site already allocated, by the addition of a few pieces of land which are at the disposal of the Harbour Board.

“ If, in spite of all these reasons, the Council of the League of Nations cannot assent to the request of Poland that the Holm be finally attributed for this purpose, the Polish Government, desiring the prompt realisation of the new scheme in regard to Westerplatte, asks for a few modifications to be made in the resolution proposed by the Rapporteur.

“ In view of the fact that the negotiations for the fixing of a definite site have lasted for three years, that the arrangement in regard to Westerplatte proposed by the Council is full of difficulties and may take a long time to effect, and that the responsibility for the conduct of the necessary work is entirely beyond the control of Poland, the Polish Government desires at least to be assured that the *status quo* will be preserved until the development of the site at Westerplatte is finished.

“ The financial resolution (c) (see Annex 620) appears to be acceptable providing the following clause is added

.....it being understood that the two Governments must reach an agreement within a period of one month on an estimate of the total expenses, determining the value of the sites and of the property which will be put to the credit of the owners.

“ In default of some such stipulation, the Polish Parliament will not be able to vote the necessary credits.

"The point of view of the Polish Government has already been explained in regard to resolution (d) concerning the choice of the site for the unloading of explosives, and I ask the Council to consider the danger and responsibility which would arise from the transitional arrangement in regard to the Free Port advocated by the Rapporteur.

"Resolution (g) contemplates that the responsibility for accidents arising owing to the transit of munitions will fall on the Polish Government irrespective of the place of the accident or of any proof of negligence on the part of the Polish authorities.

"All possible reservations in regard to this part of the report must be made. The Polish Government, relying on the legal principle that the question of responsibility must be the result of established and proved negligence, cannot admit a presumption of its negligence. Before any responsibility is to be incurred, the negligence of Poland must be proved. This is an essential point. Nevertheless, in view of the supervision over certain sites entrusted to the Polish Government, the latter of its own free will is prepared to admit presumption of its responsibility for accidents arising on these sites, but this presumption, in view of the fact that it is fundamentally opposed to the principle that proof of negligence is necessary must not apply to sites other than those mentioned above."

M. SAHM, representative of the Free City of Danzig, made the following statement

"With an anxiety which cannot be realised here, and oscillating between fear and hope, the inhabitants of the Free City await the decision which will be taken to-day by the Council of the League of Nations. This is not the first occasion on which I have had the honour to represent the interests of Danzig before you in this important matter. I beg of you to believe that I am keenly conscious of my responsibility, not only towards the Danzig Parliament and my Government, but more especially towards the inhabitants of the threatened quarters of the City. Moreover, I fully realise the difficult situation in which I am placed by the fact that the Council has before it an opinion given by the Committee of Experts which was sent to Danzig by the Council to investigate the circumstances on the spot. The objections to this opinion which I venture to raise are of considerable weight, and are based on an intimate knowledge of local circumstances, on reasons of a legal character, which it was not for the Committee to consider, and, finally on certain facts which did not exist at the time when the opinion was given.

"The opinion of the experts is founded on two conditions laid down by the Council

"(a) The site must be at a sufficient distance from all dwelling-houses

"(b) It must be as isolated as possible.

"From these two conditions, the Committee of Experts evolved the following general principles

"(1) The traffic interests of the port in its present condition and the possibility of future development must not be endangered

"(2) The inhabitants of adjacent quarters of the City, industries, wharves and warehouses must not be endangered by explosions of munitions in the depot or by bombardments from the air directed against the depot

"(3) The channel leading to the munition wharf must be such as to make explosions, occasioned by collisions with vessels carrying munitions and similar navigating accidents, impossible

"(4) The site must be administered in such a manner that it can be supervised without causing friction with interested parties in the neighbourhood.

"Acting on these principles, the Committee, after careful investigation, decided that the Holm Island was unsuitable. This unequivocal decision was received in Danzig with great satisfaction, as it fully justified the view which the Free City has consistently and energetically upheld before the Council. A heavy weight of anxiety has been lifted from the minds of the inhabitants. It is further stated, in the opinion of the Committee — and I would draw particular attention to this decision — that the Holm Island should never again be used for military purposes, but exclusively for peaceful purposes, namely trade and shipping.

"There is, however, a new cause for anxiety, although it is less serious than the other. The Committee declares an alternative site in the Danzig area, namely, the Westerplatte peninsula, to be a suitable site.

"I feel I must bring the following considerations to your notice. The site in question is not at a sufficient distance from all dwelling-houses in the City. There are, indeed, on the Westerplatte as many as 58 dwelling-houses, inhabited by over a hundred families. It would be essential to build at once new houses for these families in view of the housing shortage at Danzig. The populous suburb of Neufahrwasser is situated in the immediate vicinity of the peninsula, and is accordingly seriously endangered by the possibility of explosions. The explosion which occurred in the citadel of Warsaw showed that the effects of an explosion are devastating over an area of several kilometres. The distance from the site of even the furthest portion of the suburb of Neufahrwasser is only a few hundred metres.

"Such an explosion would also constitute a danger to the approach to the port and the neighbouring free zone. Situated as it is by the open sea, this spot positively invites attacks from the air, which would be bound to endanger all the neighbouring districts. For all these reasons I must frankly declare that the Free City cannot regard the proposal to establish a munitions depot on the Westerplatte as an acceptable solution of the problem.

"The representative of Poland has pointed out the grave danger involved in handling munitions. Danzig entirely agrees with the Rapporteur as to the draft scheme concerning the free zone.

"The view which Danzig takes of the Committee's opinion with regard to the Westerplatte site is shared by the President of the Harbour Board, who has stated that there is no site in the port which would fulfil the conditions laid down in the Agreement. In the memorandum by the High Commissioner of the League of Nations dated August 21st, 1922, the following passage occurs

"There is no site in the port of Danzig where explosives could be handled with safety... I am quite sure that if Danzig belonged to the Polish State the Polish Government would certainly not expose its commerce to this grave risk.

"I would also like to recall the fact that it has been expressly agreed by both States that any site decided upon should not possess an ex-territorial status, but should be in every respect subject to the laws and administration of the Free City

"I would also submit the following legal considerations. It cannot be too often repeated that neither the Treaty of Versailles nor the Polish-Danzig Treaty contains any clause conferring upon Poland the right to possess a munitions depot, nor does it impose upon Danzig the obligation to provide a site and funds for that purpose. Danzig has not the means to do so. Further, I would point out that a great change has taken place since the question first came before the Council of the League — a change which, in my opinion, must bring about a revision of the decision taken at the time, and, indeed, of the Agreement itself. At that time, Poland was granted a site in the port of Danzig on the plea that Danzig was the only port to which Poland had access. Now, however, Poland has constructed a port of her own, Gdynia, which provides ample accommodation for the storage of munitions. I would also refer you to the decision of the Warsaw Cabinet taken at the end of February of this year.

"For all these reasons, I feel compelled to urge once more the proposal submitted at the last session of the Council of the League, namely that the Council should definitely state that there is no site in the territory of the Free City suitable for a Polish munition depot which would at the same time fulfil the conditions which had been agreed upon.

"I urgently appeal to the Council of the League to save the Free City of which it is the guardian, from this impending danger and to ensure that the efficiency of the Danzig Harbour shall remain unimpaired, since its preservation is essential both to the Free City and to the Republic of Poland."

M. HANOTAUX thought that the observations of the President of the Senate of Danzig did not affect the subject-matter of the report, and the reservations which he appeared to make as to the general position did not in any way weaken the conclusions of the report of M. Quiñones de León. Otherwise, the Council would find itself in a peculiar position, in that proposals resulting from a previous decision were being discussed anew.

M. SAHM said that the Free City of Danzig could not accept the conclusions presented by the Rapporteur. Danzig was not obliged to have a depot for war materials on its territory. He could not, on behalf of the Free City, accept a solution which jeopardised the lives of the inhabitants, for which the Government was responsible. His conscience compelled him to speak so frankly.

M. HANOTAUX reminded the Council that the representative of France on the Committee, who was a specialist in pyrotechnical matters, had declared that, even as a provisional measure, the unloading of explosives in the Free Port could not be justified, as it was against all safety regulations. If the Council wished to rectify the present system (which was a bad one) for the short transitional period pending the development of the Westerplatte, the Free Port, which merely constituted a danger, would have to be abandoned as a site, and all the operations would have to be concentrated on the Holm site already attributed to Poland.

In the opinion of the pyrotechnical expert, the establishment of a depot for explosives in the Free Port, *i.e.*, in a place where there was considerable commercial activity presented the gravest dangers. A very serious responsibility to which he would draw the attention of his colleagues, was accordingly incurred by modifying the present position. He was not himself competent to form an opinion, but would draw the attention of the Council to the very formal reservations made by the only really technical expert on the Committee.

Lord PARMOOR asked M. Hanotaux whether he agreed with the conclusions of the report, except in regard to the question of the Free Port.

M. HANOTAUX replied in the affirmative.

M. SAHM said he wished to observe that there was a slight misunderstanding in regard to this question. The decisions which the Committee had reached were in conformity with the present position. By a decision of the Council of the League of Nations, a part of the Island of Holm had been attributed provisionally to Poland as a depot for war material, but for two years the unloading of war material had taken place in the Free Port and not on the Island of Holm, in accordance with a special Agreement between the two Governments concluded for practical reasons. The maintenance of the *status quo* would therefore imply that munitions would continue to be unloaded in the Free Port.

Lord PARMOOR asked whether Admiral Zwiernowski wished to continue the arrangement hitherto in force. At the present moment the Free Port was used for unloading munitions. If this system were to continue, he did not see how the solution proposed by Admiral Zwiernowski could mean the maintenance of the *status quo*.

Admiral ZWIERNOWSKI believed there was a slight misunderstanding. He recalled that the decision of the Council of September 1st, 1922, approving a decision of the High Commissioner of April 7th, 1922, had transferred the ownership of the site on the Holm to Poland. At this time Poland had been obliged to import from the United States 7,500 unmounted trucks. She had been unable to find in the port of Danzig any other place for unloading these trucks than the Island of Holm. In order not to lose the extremely important profits resulting from mounting the trucks, an operation which had lasted for more than a year, and in response to a request from the Danzig dock authorities, who had been entrusted with the work of mounting the trucks, the Senate of the Free City had, without Poland having taken any initiative in the matter, granted permission for the unloading to be effected in the Free Port, in spite of the difficulties and dangers existing during the period at which the trucks were mounted.

The jetty on the Island of Holm which had been given to Poland, under a decision of the High Commissioner of April 7th, 1922, was not more than 1,000 metres long and 200 metres broad. It was accordingly impossible to store upon it 7,500 trucks as well as munitions. The Polish Government had thought that, as this site had been attributed to it, it had no right to unload material in another part of the port. On the other hand, the Free City had not wished the mounting of the trucks to be carried out elsewhere — for example, at Stettin or at Königsberg — and had assumed responsibility for having munitions unloaded in the Free Port, as it had, in exchange for the risk it assumed, been given the work of mounting the trucks in the Danzig docks. The Polish Government had raised no objection to this arrangement.

In view of this attitude of the Senate of the Free City the Polish Government had done everything possible to ensure the transport of explosives by railway in order to diminish the danger of the transit of munitions through the Free Port. The Polish Government was able to make this arrangement because there was then a considerable quantity of explosives coming from war stocks in the neighbouring countries.

Now there were no more war stocks available in neighbouring countries and Poland was obliged, since she did not manufacture explosives herself, to import by sea the explosives which she needed. The Polish Government knew that it was not only dangerous for the Free City to unload explosives in the Free Port, but dangerous for its own citizens, since this basin was surrounded by warehouses filled with goods, belonging to Poles, which were more or less inflammable. Cotton, for instance, was very inflammable and there were often a dozen vessels transporting such goods in the Free Port.

If Lord Parmoor meant by the *status quo* the continuation of what had hitherto been the practice, he could not accept this point of view. He supported entirely the opinion of the pyrotechnical expert, who had said that there could be no more dangerous site for unloading explosives than the Free Port. If it was necessary to choose between two sites, Poland, of course, would choose the less dangerous, and the Island of Holm was much less dangerous than the Free Port.

The regulations of the port of Danzig were to the effect that unloading might not take place on a quay where there were inflammable goods. The new port was surrounded with warehouses filled with goods which were inflammable, as, for example, cotton. It was inadmissible and quite impossible to empty these warehouses in order that munitions might be unloaded.

M. SAHM had said that the site for munitions in transit did not enjoy the privilege of extra-territoriality, and that therefore it came under the laws and regulations of the Free City. The Polish Government understood that, in these circumstances, it would be quite impossible to unload munitions in the Free Port, seeing that the regulations of the port did not allow this. All that had hitherto been done had been contrary to the law. This fact had been pointed out many times during the last three years.

Lord PARMOOR asked whether munitions had ever been unloaded or stored on the Island of Holm.

Admiral ZWIERNOWSKI replied that, during the war between Poland and the Bolsheviks in 1920, there had been as many as eighteen vessels at one time in the port of Danzig unloading war material on the Island of Holm.

In front of the quay of the Island of Holm the water had a depth of 10 metres. This was the only place where large vessels could be unloaded. In a ship loaded with material, the munitions, being the heavier cargo, were loaded in the hold, whereas horses and lighter goods were on the upper deck. In unloading a large boat in the basin, which was not as deep as the basin on the Island of Holm, part of the goods had first to be unloaded on another quay where there was sufficient depth of water and then the vessel had to be taken to the Free Port in order to finish the operation of unloading. For two years the work had been done in this way. The larger vessels entering the port of Danzig had been obliged first to unload a portion of the war material on the Island of Holm, then to unload the rest in another basin.

M. HANOTAUX thought that it would be well to consider first the legal side of the question. This, in fact, was the duty of the Council. The Council wished to safeguard the Free City

from the danger of explosives. To avoid this danger, a distant site had been chosen, namely the site of Westerplatte. From the legal point of view, the unloading of munitions at Holm implied the maintenance of arrangements made by a previous decision. The report of M. Quiñones de Leon laid down a very clear arrangement. It proposed allotting finally the site at the greatest distance from the town and affording the maximum of security. On the other hand, it proposed to continue provisionally the discharge of munitions in the Free Port. An objection had been raised to the discharge of these munitions on the Holm as recommended by the pyrotechnical expert. It had been said that, during the period which had just elapsed, no munitions had been unloaded on the Island of Holm. The reason for this had just been given. The mounting of 7,500 trucks which had been done on the Holm, as agreed by the Senate and in the interest of the working population of Danzig, had made it impossible to unload simultaneously the munitions. This fact, however, had not changed the legal position. M. Hanotaux considered therefore that regard must be had to the opinion of the pyrotechnical expert, who had declared that the unloading of explosives in the Free Port presented the utmost danger.

LORD PARMOOR was of the opinion that the question which arose was a practical matter rather than a legal one. It was above all necessary to avoid any danger of explosions.

M. SAHM, in reply to the question put to him by Lord Parmoor, said that, to his knowledge, no explosives had been unloaded on the Island of Holm since the decision of the High Commissioner of April 7th, 1922.

LORD PARMOOR said that M. Sahn's statement was in accordance with the information he had himself received.

MR. MACDONNELL, High Commissioner of the League at Danzig, said that in practice Holm Island had never been used for this purpose. It was by agreement between Danzig and Poland that the Free Port had come to be used, as a more desirable site in the opinion of the experts on the Harbour Board.

One of the main objections to the use of Holm Island for this purpose was that it prevented the Harbour Board from disposing of some of its most valuable properties by lease or by concession. The finances of the Harbour Board were extremely weak, and one of the causes of this weakness was its inability to let land on favourable terms and to erect modern installations. The question of the site for Polish war material in transit had remained in suspense for three years, and the development of the central port would be still further delayed. The development of the Westerplatte site would probably take some time. These considerations seemed to him to be of more weight than the arguments used by the Free City concerning the buildings on the Westerplatte site and also to outweigh the considerations of danger to the public. A considerable amount of explosives had already been imported from Danzig into Poland without disaster.

He would therefore urge, more on economical grounds than on any other, that the provisional arrangements which had been in force for the last two years should be maintained.

M. HANOTAUX said that, according to the opinion of the pyrotechnical expert, though munitions had been unloaded without accident, against all the rules of public security this was no reason why such immunity should continue.

M. QUIÑONES DE LEÓN said he knew that the solution which he was proposing would not satisfy either Danzig or Poland, but it was a just solution, and, in time, an agreement would doubtless be reached. The Council might, as a compromise, authorise the unloading of explosives in the Free Port according to the practice at present followed, and of non-explosive war material on the Island of Holm, for the period which must elapse before the carrying-out of the decision relating to Westerplatte, the say for six months.

ADMIRAL ZWIERKOWSKI said he wished to make only one observation on the statement of the High Commissioner. Mr. MacDonnell had only arrived in Danzig in January 1923, and the arrangement relating to the mounting of the trucks had been made before that date. He could not possibly therefore be fully aware of this arrangement. Admiral Zwierkowski had himself been Chairman of the Committee which had concluded the arrangement. It had merely been a question of providing work for three thousand persons in Danzig, and had nothing to do with finding a spot which, in the opinion of the Harbour Board experts, was more suitable.

M. BENES thought that it would be preferable to resume this discussion in the afternoon. In any case, he would be very happy to see an agreement reached on the lines indicated by the Rapporteur.

*The continuation of the discussion was postponed to a later meeting.*

M. Skirmunt, M. Sahn and Mr. MacDonnell withdrew.

#### 1185. The Question of Slavery.

M. BRANTING read his report (Annex 621) and presented the following draft resolution

" The Council of the League of Nations,

" In view of the resolution adopted on September 28th, 1923, by the fourth Assembly to the effect that a competent body should be instructed to continue the investigation of the question of slavery

" In view, moreover, of the decision taken by the Council on December 11th, 1923, to adjourn to its next session the question of this competent body