

2256. Free City of Danzig Danzig-Polish Agreements on the Westerplatte Question and on the Question of Access to and Anchorage in the Port of Danzig for Polish War-Vessels.

M. Sahm, President of the Danzig Senate, and M. van Hamel, High Commissioner in Danzig, came to the Council table.

M. VILLEGAS read the following report and draft resolution.¹

“ On March 5th, 1928,² the Council noted a communication from the High Commissioner to the effect that the Danzig and Polish Governments had agreed to carry on friendly negotiations in order to reach a final settlement of the questions of the utilisation of the Westerplatte and the access to and anchorage in the port of Danzig for Polish war-vessels, without resorting to the formal procedure laid down by the Council in December 1927. The Council expressed the hope that it would be possible, at a subsequent session, to register a final agreement with regard to these two questions.

In a letter dated August 10th, 1928 (Annex 1066), the High Commissioner has now communicated to the Council the text of the agreements concluded on August 4th, 1928, between the two Governments on these two questions. In his letter he also mentions a third agreement concluded on the same date concerning railway questions. The High Commissioner has also informed the Secretary-General of the conclusion of a number of other agreements between the two Governments. The High Commissioner states that the agreements concluded this summer afford the best augury for the settlement of other questions still outstanding. I feel sure that all the Members of the Council will desire to congratulate the parties on the result obtained, and to express the hope that all difficulties which may still impede a friendly settlement of other outstanding questions will be overcome in the same spirit of cordial co-operation.

As regards the question of the utilisation of the Westerplatte, the agreement specifies that my report submitted to the Council on September 27th, 1927 shall be applied with certain modifications in regard to police and Customs questions. The agreement, however, goes further than this. In Article 2 it lays down that:

The Polish Government agrees, subject to the reservation that this agreement may be terminated at six weeks' notice by either side, to the use of the Westerplatte munition basin not only for the transshipment and storage in transit of war material and explosives for the Polish Republic in conformity with the Council's resolution of March 14th, 1924, but provisionally also for general trade purposes, subject to the following provisions.

“ For this purpose it is agreed that the Harbour Board shall, at times when Poland does not require the basin for the transport of explosives, be entitled to utilise this basin and part of the peninsula, during such periods the exceptional regulations in force for the Westerplatte are to be suspended for this territory which is to be treated on the same footing as other portions of the harbour. Danzig also agrees that during the trial period consignments of war material and explosives despatched by the Polish Government for conveyance by sea shall be transhipped on the Westerplatte under the same conditions as war material and explosives consigned to the Polish Government by sea.

This arrangement therefore entails, so long as it remains in force, certain modifications of the system contemplated in the Council resolution of March 14th, 1924.³

The agreement is provisional, and may be terminated at any time after due notice has been given. Both parties have maintained their point of view in regard to the principles involved, and, after denunciation of the agreement, the legal situation will be the same as that existing in December 1927 before the opening of the negotiations.

With regard to the question of access to and anchorage in the port of Danzig for Polish war-vessels, the agreement just concluded consists in the extension of the provisional agreement concluded on October 8th, 1921, which was denounced by Danzig on May 20th, 1927. Danzig has withdrawn her denunciation, stating her readiness to allow the agreement to remain in force; no denunciation of this agreement can be made before July 1st, 1931. In this case also the parties have reserved their respective legal positions.

I venture to submit to the Council the following draft resolution.

The Council:

Notes the agreements concluded on August 4th, 1928, between Danzig and Poland with regard to the question of the Westerplatte and that of the access to and anchorage in the port of Danzig for Polish war-vessels;

Congratulates the parties on the conclusion of these as well as other agreements reported by the High Commissioner, and expresses the hope that the negotiations regarding the other questions still outstanding between Danzig and Poland will be brought to a successful conclusion.

Document C.462.1928.I.
See *Official Journal*, April 1928, page 368.
See *Official Journal*, April 1924, page 536.

M. Villegas added that it was with great satisfaction that he had learnt of the agreement which had been concluded. When he had dealt with the question the previous year he had come to the conclusion that it was desirable to make such an arrangement.

The draft resolution was adopted.

The PRESIDENT said that the Council could congratulate itself on the conclusion of these agreements and associate itself with the Rapporteur's wishes that the other negotiations in progress would be successful.

M. Sahm and M. van Hamel withdrew.

(The Council went into private session.)

2257. Election of a Successor to Judge Bassett Moore as a Member of the Permanent Court of International Justice.

The Council proceeded to the election of a judge of the Permanent Court of International Justice in place of Mr. John Bassett Moore, resigned.

M. VILLEGAS stated that his delegation associated itself with the feeling manifested in favour of the election of Mr. Charles Evans Hughes, who had been nominated as one of its two candidates by the Chilian National Group, and that accordingly the delegation did not put forward the candidature of the other candidate nominated by that group.

Mr. Charles Evans HUGHES *was unanimously elected.*

The result of the vote was communicated to the Assembly.

(The Council returned to public session.)

2258. Protection of Minorities in Polish Upper Silesia Petitions addressed to the Council in virtue of Article 147 of the German-Polish Convention of May 15th, 1922, concerning Upper Silesia.

(a) *Petition from the Deutscher Volksbund of Polish Upper Silesia, dated May 19th, 1928, relating to Conditions of Public Security in Polish Upper Silesia.*

M. URRUTIA read the following report, together with its conclusions: ¹

"The Council is called upon, in virtue of Article 147 of the German-Polish Convention of May 15th, 1922, relating to Upper Silesia, to consider a petition dated May 19th, 1928, from the Deutscher Volksbund of Polish Silesia concerning the conditions of public security in Polish Upper Silesia, with particular reference to the situation of members of the German minority (Annex 1067).

"The petitioner asserts that the lack of public security has now assumed a character which imposes extreme moral and material hardship on the members of the German minority. According to the petitioner, serious criminal offences go unpunished or are visited with wholly inadequate penalties; the offenders are very rarely discovered, and the failure of the authorities responsible for public security to take adequate measures is said to constitute a direct incitement to excesses against members of the German minority. The petitioner complains particularly of the activities of the Association of Insurgents, an organisation which dates from the period of the plebiscite and which, the petitioner alleges, receives the special support of the authorities. The petition states that complaints were made concerning this organisation in the Silesian Sejm in 1927 and 1928. Finally the petitioner declares that not only the police but also the judicial authorities, the Public Prosecutor and the Courts have failed to do their duty, because not only in numerous cases have the offenders not been discovered, but even when they are discovered and have been brought before the Courts they have been either acquitted or given light sentences. The minority holds that this situation constitutes a violation of Article 83 of the German-Polish Convention, which assures full and complete protection of life and liberty to all the inhabitants of the plebiscite territory without distinction of birth, nationality, language, race or religion, and requests the Council to consider the situation of the German minority in Polish Upper Silesia, and to ensure that this minority does in fact enjoy the rights conferred on it by Article 83 of the Convention.

"The Polish Government lays stress in its observations (Annex 1067a) on the fact that the offences mentioned in the petition are due to a great extent to the peculiar character of Upper Silesia itself, which is a pre-eminently industrial region. For this reason, it is stated, there occur in Upper Silesia many offences arising out of the relations between employers and workmen, the motives of which are economic. Alcoholism also plays no small part as the cause of acts of violence. Moreover, such offences are often the result of quarrels arising out of personal enmities or of more or less violent disputes between neighbours.

With regard to the Association of Insurgents, of which the petitioners complain, the Polish Government asserts that this association pursues no political aims, its objects being physical