



UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE
COMMITTEE ON JERUSALEM
FREE CITY OF DANZIG

The following extract from "Ten Years of World Cooperation" (League of Nations, 1930), pp. 382-387, is circulated herewith:

"The Peace Treaty articles¹ relating to the Free City of Danzig² are summarised in the covering letter that the Peace Conference sent to the German delegation on June 16th, 1919:

'The City of Danzig shall receive the constitution of a free city, its inhabitants shall be autonomous; they shall not pass under Polish rule, and shall not form part of the Polish State. Poland shall obtain certain economic rights in Danzig; the city itself has been taken away from Germany because there was no other possible way of providing that "free and safe access to the sea" which Germany had promised to grant.'

With the exception of a common origin in the Treaty, there is little resemblance between the League's functions in Danzig and those in the Saar. Whereas the Saar is governed by a Commission on behalf of the League of Nations, the Free City of Danzig is 'placed under the protection' of the League, which guarantees its constitution.

Constitution of the Free City and Powers of the League.

The Constitution of the Free City is based upon two texts — the Treaty of Versailles and the supplementary Polish-Danzig Agreement of November 9th, 1920. The position of Danzig, the right of Poland and the duties of the League of Nations are defined by this agreement.

Danzig is a Free City placed under the protection of the League. Its Constitution, framed by representatives of the Free City in agreement with a High Commissioner of the League, is guaranteed by the League. The port is administered by an autonomous organisation known as the Harbour and Waterways Board and composed equally of Polish and Danzig members, with a chairman appointed by agreement between the parties, or, in default of such agreement, by the Council of the League of Nations. The Board is responsible for the working of the port and for assuring to Poland, which should always have the right to export and import goods of any kind, the free use of its equipment and services. Poland has the control of the main through railway lines and the right to establish in the port a post, telegraph and telephone service in direct communication with her own telegraphic system. Danzig is included within the Polish Customs frontier, but its Customs service forms a separate administrative unit and is administered by officials of the Free City under the supervision of the central Polish Customs Administration. The supervision is exercised by Polish inspectors attached to the Danzig Customs personnel. A proportion of the total Polish Customs revenue (both from the Free City and from Polish territory) is paid to Danzig.

The Polish Government is responsible for the foreign relations of the Free City. No treaty or international agreement affecting the Free City may be concluded by the Polish Government without previous consultation with the Free City. The High Commissioner has the right to veto any treaty or international agreement in so far as it affects Danzig if the Council of the League decides that it is incompatible with the constitution of the Free City. The Free City cannot contract foreign loans without previously consulting the Polish Government and without the cognisance of the League High Commissioner.

The Free City undertakes to apply in its territory provisions similar to those contained in the Minorities Treaties and to see that there is no discrimination against citizens of Poland and other persons of Polish origin or speech. The principal duty of the League of Nations is to protect the Free City and to guarantee its Constitution. This was defined by the Council in the report of the Japanese representative, Viscount Ishii, which was adopted on November 17th, 1920:

'The "protection" of the Free City by the League of Nations would appear to mean that the League shall undertake to respect and maintain against all foreign aggression the territorial integrity and the political independence of the Free City of Danzig in the same way as it does for all Members of the League under Article 10 of the Covenant.

'This collective protection by the League implies the exclusion of all individual interference by other Powers in the affairs of Danzig.

'The provision of the Treaty of Versailles, according to which the Constitution of the Free City shall be placed under the guarantee of the League of Nations, implies:

(1) that this Constitution will have to obtain the approval of the League of Nations; (2) that the Constitution can only be changed with the permission of the League of Nations; and (3) that the constitutional life of the Free City of Danzig must always be in accordance with the terms of this Constitution.

'It is obvious that the guarantee of the Constitution and the protection given by the League are intimately connected. The fundamental idea is that the Free City should form, in the international organisation of Europe, a community which must be protected against all undue interference on the part of any country and which must have its own regular existence. It is, of course, understood that it would accept in their entirety the terms of the Treaty of Versailles and the rights which this treaty confers upon Poland.

The League of Nations appoints a resident High Commissioner with power to settle Polish and Danzig disputes in the first instance, both parties retaining the right of appeal to the Council of the League.

Work of the Council of the League of Nations.

The Free City came officially into existence on November 15th, 1920, and the problem of the League's guarantee and protection was immediately raised in the Council under two aspects — the approval of the Constitution of the Free City and the protection of the Free City in case of an international armed conflict.

The Constitution, which had been drafted in co-operation with the High Commissioner, was finally approved by the Council in May 1922, with certain amendments, of which the most important was probably the stipulation that the Constitution cannot be modified without the League's permission, and that the Free City cannot, without the previous consent of the League, serve as military or naval base, set up fortifications, or authorise the manufacture of munitions or war material on its territory. The Constitution provides for a Popular Assembly of 120 members elected every four years; and a senate of twenty-two members, divided into two groups. The eight principal senators, who are elected every four years, act also as heads of administrative departments. The other fourteen do not have such administrative duties and go out of office on an adverse vote in the Popular Assembly.

Legislative measures must be approved by the Popular Assembly and the Senate, although, in the case of a deadlock, the Senate must either yield to the Popular Assembly or appeal to the decision of the people by referendum.

Poland is entrusted with the defence of Danzig in case of need, as well as with the maintenance of order in the territory should the local police force prove insufficient. The High Commissioner, if the need for protection arises, must formally request instructions from the Council and if he thinks fit, propose to it what action should be taken. In case of urgency, he is authorised to ask directly for Polish assistance; the Polish troops must be withdrawn when he considers they are no longer required. Whenever Poland has defended the Free City, the Council may arrange for the collaboration of one or more of the other Members of the League.

The Council has prohibited the manufacture, transit and temporary storage in the Free City of war material other than that intended for Poland, except by the previous

consent of the competent League authorities.

The chief duty of the Council and its High Commissioner during the past years has been to settle a considerable number of disputes that were bound to occur owing to the nature of the constitutional relations between the Free City and Poland.

Most of them arose out of matters which the Peace Treaty and the agreement between the parties had left in abeyance or insufficiently defined; railway questions (the ownership and administration of the railways, the seat of the Polish railway management, the jurisdiction of Danzig Courts in suits brought by Danzig railway officials against the Polish railway administration and the Free City, etc.); waterways and ports (control and administration of the Vistula in Danzig territory, transfer of property of the former Prussian administration of the Vistula; the Danzig harbour police; the Harbour Board flag; financial position of the Harbour Board; leasing of certain property of the Harbour Board, etc.); the postal service (creation of a Polish postal service in Danzig); nationality questions (expulsion of Polish nationals from Danzig territory, expulsion of Danzig nationals from Polish territory, protection of the interests of nationals and organisations in Poland, etc.); foreign relations (conduct by Poland of Danzig foreign affairs, visas and passports, the representation of Danzig at international conferences, the participation of Danzig in international treaties and agreements, etc.); military questions (transport of Polish war material in transit, establishment of the munitions depot on the Westerplatte Peninsula, access of Polish war vessels to Danzig, anchorage of such vessels in Danzig harbour, etc.).

The Treaty of Versailles provides that the High Commissioner shall pronounce in the first instance on any disputes that may arise between Poland and the Free City with regard to the Treaty itself or supplementary agreements and arrangements. The Danzig-Polish Convention of 1920 further provides that the authorities shall retain the right to appeal to the Council against a decision of the High Commissioner. As a matter of fact, one or other of the parties appealed to the Council against most of the decisions of the High Commissioner, so that, before December 1927, there was hardly any session of the Council at which Danzig affairs did not appear on the agenda. The settlement of these questions has always been prepared by experts belonging to various League organisations, such as the Permanent Advisory Commission on Military, Naval and Air Questions, and the Advisory Committee for Communications and Transit. On two occasions, the Council sought the opinion of the Permanent Court of International Justice, with a view to defining certain legal questions. Since 1925, the Council has adopted a new procedure for the settlement of disputes, with the object of lessening the number of appeals. The technical organisations of the League of Nations or experts appointed by these bodies play an important part in this new method of settlement, which had been applied several times before becoming a general rule. Since December 1927, no dispute has been submitted to the Council, as all questions have been settled by direct negotiations between the parties.

One of the most valuable services which the League has rendered the Free City is the assistance given in re-establishing its financial position. On a programme prepared by the Financial Committee, the Danzig Government undertook a series of reforms for the purpose of stabilising the currency. Two loans — one issued by the Danzig municipality, the other by the Free City itself — were successfully floated under the auspices of the League. The purpose of both was to finance public works.”

Endnotes

¹Articles 100 to 108.

²The territory of the Free City has an area of 1,900 sq. kms. and a population of about 400,000.