Geneva, July 2nd, 1925.

NOTE ON POLISH WAR MATERIAL IN TRANSIT.

DELIMITATION OF THE WESTERPLATTE.

Note by the Secretary General

The Secretary-General has the honour to forward to the Council the following documents regarding the delimitation of the Westerplatte, placed at the disposal of the Polish Government for the unloading, storage and despatch to Poland of war material and explosives in transit, in conformity with the Council's resolution of March 14th, 1924:

1) Letter dated June 19th, 1925 from the High Commissioner of the League of Nations at Danzig, asking that the question should be placed on the agenda of the Council's session in August.

2) Letter and report dated June 4th, addressed to the High Commissioner of the League of Nations by the Chairman of the Danzig Harbour Board.

(x) C.327.1925.I.

Minutes of the 8th meeting of the 24th session of the Council. June 11th, 1925.
Sir,

I have the honour to advert to the Minutes of the Council Meeting held on 11th inst., regarding the question of the delimitation of the Westernplatte and to request that the matter may be placed on the agenda of the next meeting of the Council, as the question is still open and requires settlement.

The way in which it could normally find its solution would be:

1. By an agreement of the parties to request the Council to modify its resolution of 14/3/24, if a modification is agreed on as being necessary and to consent to supplementary delimitations not foreseen by the Council, where these can be shown to be necessary. I assume that the Council would have no objections to such a modification and supplementary delimitation if both parties were agreed, the more especially as the modifications envisaged do not, in my opinion, run counter to the report of the Commission of Enquiry or the spirit of the Resolution of the Council. I am hopeful that the two parties will themselves agree on the matter, and that the Council will only have to give its formal consent to a matter of which the importance does not warrant a detailed examination by the Council.

2. By a decision of the Harbour Board given, in this case, by the casting vote of the President. The reasons why/
he does not feel disposed to give a decision are set out in his report to me and with them I am in agreement. As he does not propose to give a decision the case cannot come before me on the request of either party to upset his decision and even if it could I should not be disposed to give a decision partly for the same reasons as advanced by the President of the Harbour Board, partly because the matter is one of secondary importance, and partly because if I did the matter could not come up to the Council at the next session, if the delays allowed by the new procedure were to run their course.

3. By my referring the matter direct to the Council as constituting a difference between the two parties. It is true that technically the matter is not yet a difference between the two Governments but rather a difference between the two delegations to the Harbour Board, which, however, is "de facto" a difference between the two Governments, and if it cannot be settled by the casting vote of the President of the Harbour Board, as in this case, or by me, it will remain an unsettled difference between the representatives of the two Governments. I know of no other solution than a resolution of the Council if the parties do not come to an agreement.

The matter, while not of an importance to engage the attention of the Council in its details, is still of sufficient local interest to require an early settlement, which should in my opinion follow the lines indicated in the report of the President of the Harbour Board, the body which is indisputably the authority responsible for the Port of Danzig. As the Council has already left the details of the execution of the work on the Westerplatte to the final decision of the Harbour Board. I suggest that in the absence of an agreement between the parties such minor modifications as these might be left to the same authority.
It should perhaps be mentioned that the points at issue were never reported on by the Commission of Enquiry and that the only delimitation approved by the Council was a line agreed to by both parties drawn upon a map which did not give the full details of the ground in question.

I have therefore the honour to request that this letter and the report of the President of the Harbour Board and his letter to me dated 4th June, 1925, may be circulated to the Council in sufficient time to enable it to examine the question at the next session if agreement is not reached before then.

I am sending a copy of this letter to the Polish and Danzig representatives and requesting them to let me have the point of view of their Government in sufficient time for all the papers to be prepared by the Secretariat for the next Session.

(signed) M.S. MacDonald.
Translation, Danzig, June 4th 1925.

Sir,

I venture to send you the following communication as we find ourselves at the moment faced with a particular question which I do not feel competent to settle on my own initiative.

The question concerns the decision adopted by the Council of the League of Nations on March 14th 1924 regarding the Westerplatte. In my humble opinion this decision requires to be modified as regards the single boundary which it fixes and also to be supplemented by fixing other limits to the territory assigned to the Polish Government on this peninsula.

The report which I enclose will give you information not only regarding the main factors of the problem, but also regarding certain additional details.

On May 14th the delegations were informed of the suggestions and arguments contained in this report. They were asked to discuss them and to endeavour to reach an agreement by May 26th, on which date they would be called upon to give a final answer on the results of their conversations.

The Danzig delegation was at once able to express a preliminary opinion. The Polish delegation also referred the matter to its Government, but as the letter did not send it any instructions before May 25th, the delegations were unable to confer together before that date.
Instructions were not received from Warsaw until June 2nd.

After a conversation between the delegations, a general discussion took place at a plenary meeting held for this purpose on June 4th.

The differences of opinion between the delegations are so great that there is no possibility of an agreement. They may be summarised as follows:

1. **South East Boundary (Weichselrunde).**

The Danzig delegation agrees with the conclusions of the attached report.

The Polish delegation does not accept these. It is willing however to make a concession and not to include the repairshops of the Harbour Board in the strip 150 m. wide assigned, subject to certain reservations, to its Government by the decision of March 14th 1924 and delimited on three sides by the red line. Poland is willing to leave the ground on which these repairshops are situated to the Harbour Board and to have it surrounded with a fence.

The suggestion that these repairshops should thus form an enclave in Polish territory seems to us an unfortunate one, the more so since the proposed reservation of a strip of 200 m. (blue line) is fully justified by the fact that on the ocean side it touches one of the points on the beach which has the greatest need to be watched (see N.E. Boundary), and that within the space of 200 m. are situated materials for the repair of the defences against the waves, a small railway to carry these materials to the places where they are required, and the only path which can be utilised for this purpose.

2. **South West Boundary (Vistula).**

The Danzig delegation is also in agreement with the conclusions of the memorandum.
The Polish delegation, on the other hand, objects to the proposed path, 20 m. in width being left to the Harbour Board. All that it is willing to concede is that vessels should be moored along the wharf in question, but it demands that the iron fence should be placed on the edge of the water and not 20 m. back.

In these circumstances there would no longer be 600 ms. of wharves available along the inner course of the Vistula (Hafenkanal) and the port would suffer enormously. With an iron fence on the edge of the water, the mooring of vessels would be practically impossible, and the supervision and particularly the upkeep of the walls, embankments, piles &c. would be very difficult as would be the work of dredging. It is the Harbour Board however, which is necessarily responsible for the supervision and upkeep of this wharf.

3. **North West Boundary (Mole)**

The two delegations agree that the Mole and its approaches should remain under the complete authority of the Harbour Board. Nevertheless the Polish delegation does not recognise the necessity of the land on to which the Mole is built remaining at the disposal of the Harbour Board and consequently does not accept the proposed path 25 m. wide.

4. **North East Boundary (sea)**

The Danzig delegation agrees that all the ground in question should be left to the Harbour Board for the purposes stated in the memorandum.

The Polish delegation does not consent to this. It insists that this ground must be transferred to it in its entirety, but is ready to allow the employees of the Harbour Board to enter it with the permission of the Polish authorities.

This view betrays a failure to realise the constant and minute care which the defences against the sea on this beach must be watched. Visits of inspection have constantly to be made and it
is inadmissible that the Polish Government’s permission should have
to be asked for such visits and each time work has to be undertaken.
In many cases the work may be so urgent that there will be no time
to ask for permission. I wish to lay stress once more on the vital
importance of the Westerplatte for the protection of the whole
port from the sea.

In view of these differences of opinion, it would be for me
to settle the question myself. I could not pronounce an arbitral
decision, however, without contravening that which was given on
March 14th 1924 by the Council of the League of Nations regarding
the south-eastern boundary, since, as it is now fixed, this
boundary is undoubtedly detrimental to the administration of the
port. Furthermore, as only this single south-eastern boundary
has been fixed, I do not know how far I am entitled to determine
a boundary for the other three sides.

Two methods of procedure are open to me:

(a) That in virtue of the powers conferred on me I should
arbitrate on the question and take a decision. But an appeal
would undoubtedly be made against the latter, if only because it
would be contrary to the decision of March 14th 1924.

(b) That I should take no decision, but that, in consideration
of the attached memorandum, the Council of the League of Nations
should modify and supplement its decision of March 14th 1924.

The second alternative would have the advantage of being
expeditions and would quickly settle a question which has remained
in suspense for more than a year, and which demands an immediate
solution, since it is on the determination of the boundaries
of the Westerplatte that depend other questions of some urgency,
i.e. that of the installations to be set up on the peninsula and of
determining the strength and duties of the military detachment
which the Polish Government will be authorised to maintain there.

I therefore have the honour to submit to you for
consideration, the enclosed memorandum, and I hope that in view
of the explanations I have given above you will ask the Council
of the League of Nations to consider the question and to settle
it on the lines proposed.

(Signed) H. De Loss.

Chairman of the Danzig Harbour Board.

Annex: One memorandum with plan.
On March 14th, 1924, the Council of the League of Nations adopted a report by H.R.H. Princes de Leon, in accordance with which the ownership of the Westerplatte Peninsula was to be transferred to the Harbour Board, which, in its turn has to lease this area permanently to Poland for her exclusive use for unloading war material.

This decision only fixes the boundaries of this territory at a single point, i.e. on the S.Z. (Weichselmünde) and at first sight it seems reasonable to delimit a peninsula only at its base.

Nevertheless, the delimitation is not as accurate as might be desired owing, no doubt, to the fact that it was drawn on a map of too small a scale and therefore not sufficiently detailed or accurate.

Moreover, there can be no doubt that it would also be advisable to determine at what distance from its shores the peninsula will be at the disposal of the Polish Government.

We venture to adduce the following considerations in support of our view and to request the Council of the League of Nations to reconsider its decision of March 14th, 1924, and, if possible, to supplement it on the lines of our proposals.

1) S.E. BOUNDARY (WEICHSELMÜNDE).

This boundary is indicated on the lithographed plan attached to the text of the decision of March 14th, 1924...
by a red line which cuts across the Westerplatte Isthmus from S.W. to N.E. at a distance of 150 metres from the corner of the wall of the wharf of the Harbour Board's repair shops. This red line bends back towards the S.E. at each end and on one side follows the Vistula up to the corner of the wharf indicated above, and on the other side the sea for about the same distance. It thus encloses a strip of land 150 metres wide.

The decision of March 14th, 1924, says:

"It is understood that Poland will not make any construction on the strip of land 150 metres wide (marked in red on the map) which could interfere with the use of this area for a new entrance into the port, and that Poland will not raise any objection to the use of the area for this purpose."

But this strip of land includes part of the Harbour Board's repair shops which have just been referred to. If Poland had control of this strip of land the Harbour Board would be obliged to give up those workshops and evacuate them.

These workshops occupy nearly all the S.E. quarter of this strip of land (if we exclude the earth works along the sea).

It would therefore seem advisable not to include this strip in the land placed at Poland's disposal, even subject to the reservations provided for in the decision of March 14th, 1924, but simply to determine its S.E. boundary by means of a straight line 200 metres to the N.E. of the last repair shop, cutting the isthmus diagonally from S.W. to N.E.
In this way there would no longer be any strip of land subject to reservations for which there would be no further reason since the part of the isthmus across which a new entry to the port would have to be cut would thus be entirely under the authority of the Harbour Board.

Furthermore there would be no possibility of dispute regarding the workshops.

Along this boundary a barrier should be erected.

2) S.W. BOUNDARY (Vistula).

Most legislations provide that the shores of a lake, river or canal constitute over a given width what is known as a tow-path (Treidelweg) which is inseparable from the water along which it runs.

As towage has now practically become obsolete, these paths have lost all value from the point of view of boat traffic. They are, however, still necessary for the supervision and maintenance of the quays, walls, embankments, dikes and piles and for dredging facilities.

For this reason alone a path of a certain width should be reserved for the Harbour Board along the whole length of the Vistula (Hafen-canal) side of the Westerplatte.

Furthermore, the Harbour Board clearly cannot give up a length of nearly 1,500 metres (measuring from the repair shops to the new basin of the Westerplatte.

It requires these wharves in order that if the port becomes overcrowded it may there moor vessels which for any reason are unable to return to sea immediately after unloading.

It also requires them, even in ordinary times, for the vessels and barges which often encumber the free port and which, in view of the small size of the latter's basin, have to leave it and make room for others.
Vessels having brought war material for the Polish Government can naturally also be moored off this wharf.

It goes without saying that this wharf will not be considered as a wharf for loading or unloading. The crews of the ships moored off it, however, must be able to go on shore without having to cross the Vistula.

Conclusion: A tow-path of about 20 metres wide should remain at the disposal of the Harbour Board along the whole length of the Vistula (Hafenkanal) side of the Westerplatte and the Polish Government should have no voice in its maintenance or supervision.

An iron fence or barrier should separate this path from the territory placed at the disposal of Poland.

3) **W.I. BOUNDARY (HOLE)**

The Hole remains under the full authority of the Harbour Board. There can be no question of assigning it to the Polish Government as it forms part of the general equipment of the Port of Danzig.

The ground on to which it is built, as far as the new basin which is being constructed on the Westerplatte, must be left under the Harbour Board's authority. From this basin to the Hole a path about 25 metres wide should also be left along the Vistula for the unloading and storage of material for the upkeep of the Hole, and this path should be separated from the Polish Government's area by an iron fence.

4) **W.E. BOUNDARY (SEI)**

This boundary cannot be simply formed by the sea.

The Westerplatte as a whole constitutes a veritable bulwark to the port. It protects the latter from the force of the waves, which at this point is often so great that large stretches of beach have been encroached on by the sea. The old Harbour Administration was obliged on several occasions to construct
defensive works on this beach, which the Harbour Board must supervise, maintain and even improve.

In these circumstances it would be necessary to establish a zone varying according to places from 50 to 150 metres in width between the sea and the territory of the Polish Government.

This zone should include the earth works and particularly the dunes beside the hole. It is hoped that the Council of the League of Nations will see fit to leave it to the Harbour Board to define this protective zone more accurately.

An iron fence should also be erected along this zone, so that the Polish Government's area should be everywhere enclosed.

Finally, it should be understood definitely beforehand that free access to the Westerplatte must always be allowed to the Harbour employees in charge of the shipping lights already there, or which may be established there in future.

Poznań,
June 1925.

(Signed) H. de Lrs.
Chairman of the Harbour Board.

Annex:
One plan for the S.E. boundary.
(This plan is deposited in the archives of the Secretariat).