

LEAGUE OF NATIONS.

Communicated to  
the Council.

C.802.1932.I.

Geneva, November 26th, 1932.

FREE CITY OF DANZIG

DANZIG-POLISH AGREEMENT OF NOVEMBER 26th, 1932.

Note by the Secretary-General.

The Secretary-General has the honour to communicate to the Council a letter of November 26th, 1932, from the Acting High Commissioner of the League of Nations at Danzig transmitting the text of an Agreement concluded between Poland and Danzig on the same date, together with letters exchanged between the Parties on this subject.

Translation).

Geneva, November 26th, 1932.

To the Secretary-General of the  
League of Nations.

Sir,

I have the honour to inform you that the negotiations instituted, under the auspices of the High Commissioner, between the representatives of the Republic of Poland and the Free City of Danzig, regarding certain questions outstanding between the two Governments have led to the conclusion of an Agreement which was signed to-day. Among the questions which have thus been settled is that relating to the introduction of the zloty as the sole means of payment on the railways in the territory of the Free City, a question which, as the result of my letter of November 4th, was placed on the agenda of the present session of the Council. I have accordingly the honour to request you to be good enough to take the necessary steps to have this question removed from the Council agenda.

I should be grateful if you would be so good as to communicate the text of the Agreement and the letters exchanged between the parties on this matter to the Council for information.

(Signed) Helmer ROSTING,

Acting High Commissioner.

A G R E E M E N T

I.

Treatment of Polish Nationals and other Persons of Polish Origin  
or Speech in the Territory of Danzig.

The Parties accept the conclusions of the Opinion given by the Permanent Court of International Justice on February 4th, 1932 (Annex). The Polish request submitted to the High Commissioner on September 30th, 1930, and the documents relating to the procedure to which this gave rise have been replaced by the following provisions:

1. The Parties will enter into direct negotiations under the auspices of the High Commissioner (who will, if necessary, call in the assistance of experts) regarding the questions which the Polish Government wishes to be discussed. The Polish Government will communicate its desiderata in the matter to the Danzig Senate before December 20th, 1932.

2. The Polish Government reserves the right, should the negotiations not be completed before April 1st, 1933, to have recourse to the procedure laid down in Article 39 of the Treaty of Paris. In this case an accelerated procedure will be applied.

II.

Expenditure on Schools.

1. As regards expenditure on schools, in accordance with Article 7 of the Agreement of September 23rd, 1921, the Parties, while reserving their respective legal standpoints, have agreed as follows:

A. The Polish Railway Administration is not obliged to contribute to the following expenditure on schools:

(a) Expenditure relating to the attendance at school of persons (children of railway employees) who have completed their eighteenth year and who have thus finished their compulsory education (for instance, expenditure on the "Technische Hochschule");

- (b) Expenditure relating to the attendance at school of children of pensioned employees (Pensionäre), persons in receipt of railway annuities (Rentenempfänger) and temporary workmen (Zeitarbeiter);
- (c) Expenditure relating to subsidies for private societies for sport and instruction;
- (d) Expenditure on new buildings (including the purchase of furniture and libraries), on changes in school buildings (with the exception, naturally, of school buildings used exclusively for the Polish minority). Expenditure on the purchase of land and immovable property and the refund of mortgage debts.
- (e) Expenditure on the maintenance of the Education Department of the Senate (Schulabteilung).

The above-mentioned rules shall be applied as from the year 1928, but shall not have retroactive force for the previous years.

The date of October 1st in each year is regarded as the decisive date for ascertaining whether the conditions mentioned under (a) and (b) are applicable.

B. The Polish Railway Administration is obliged to contribute, in accordance with Article 7 of the Agreement of September 23rd, 1921, to all expenditure on schools, other than that mentioned above, relating to the attendance at school of the children of railway employees.

The Polish Railway Administration shall pay before January 1st, 1933, to the Danzig Senate the total amounts due under this heading for the years 1928-1930. In future the payments referred to in Article 7 of the Agreement of September 23rd, 1921, shall be made in the following manner: a sum of 200,000 gulden shall be paid each year on April 1st, July 1st and October 1st; the balance shall be paid on the 1st of January following on the basis of accounts relating to the school expenditure established as on March 31st, and submitted to the Railway Administration on September 1st. The amounts due from the Polish Railway Administration for the budget year 1931 shall be paid not later than March 15th, 1933.

2. The Danzig Senate withdraws the request which it submitted to the High Commissioner on February 1st, 1932.

III.

Sale of Newspapers.

The prohibition to sell the Polish newspapers "Gazeta Gdanska", "Gazeta Polska", "Kurier Illustrowanny", "Kurier Godzienny", "Kurier Poranny" in the territory of the Free City and to sell the Danzig newspapers "Danziger Neueste Nachrichten" and "Danziger Allgemeine Zeitung" in the territory of the Republic of Poland shall be cancelled.

IV.

Currency in which railway charges shall be paid in Danzig.

1. The Senate of the Free City withdraws its request of November 3rd, 1932, relating to "direct action" in the matter of the introduction of the zloty as the sole means of payment on the railways in the territory of the Free City.

2. The Polish Government undertakes not to put into force the Decree of October 25th published in the "Dziennik Ustaw", No. 95, of October 31st, 1932, poz. 822, and all the measures resulting therefrom.

Done at Geneva on November 26th, 1932.

For the Polish Republic:

For the Free City of Danzig:

(Signed) BECK.

(Signed) Dr. ZIEHM.

A N N E X.

CONCLUSION OF THE OPINION GIVEN BY THE PERMANENT  
COURT OF INTERNATIONAL JUSTICE ON FEBRUARY 4th, 1932.

The Court,

by nine votes to four,

is of opinion:

(1) that the question of the treatment of Polish nationals and other persons of Polish origin or speech in the territory of the Free City of Danzig must, as between Poland and the Free City, be decided solely by reference to Article 104: 5 of the Treaty of Versailles and Article 33, paragraph 1, of the Convention of Paris (as also, if necessary, by reference to other treaty provisions in force or rules of ordinary international law) and not by reference to the Constitution of the Free City, with the result that the Polish Government cannot submit to the organs of the League of Nations disputes concerning the application to the aforesaid persons of the Danzig Constitution and other laws of Danzig by the method provided for in Article 103 of the Treaty of Versailles and Article 39 of the Convention of Paris except in the case of disputes concerning the violation, as a result of such application, of an international obligation of Danzig towards Poland arising either from treaty provisions in force between them or from ordinary international law;

(2) a: that Article 104:5 of the Treaty of Versailles contains a mandate, entrusted to the Principal Allied and Associated Powers and accepted by them, to ensure that the treaty to be concluded between Poland and Danzig (Convention of Paris) should include provisions binding on the Free City and safeguarding Polish nationals and other persons (including Danzig

nationals) of Polish origin or speech in the territory of Danzig against any differential treatment to their detriment on the ground of their Polish allegiance, origin or speech; that this provision, which is purely negative in character, does not establish any standard of comparison for the application of the prohibition of discrimination;

b: that as between Poland and Danzig, the question of the treatment of Polish nationals and other persons of Polish origin or speech in the territory of the Free City is governed by the provisions of Article 33, paragraph 1, of the Convention of Paris, but that in case of doubt as to the interpretation of that article, recourse may be had, in order to dissipate such doubt, to Article 104:5 of the Treaty of Versailles;

c: that, under Article 33, paragraph 1, of the Convention of Paris, Danzig has undertaken

to apply to Polish nationals and other persons of Polish origin or speech in the territory of the Free City the minority system contemplated by Chapter I of the Treaty of June 28th, 1919, between the Principal Allied and Associated Powers and Poland, as that system is actually applied in Poland by the Polish Government,

and to avoid in her legislation or in the conduct of her administration any differential treatment to the detriment of the aforesaid Polish nationals and other persons, on account of their Polish allegiance, origin or speech, either in the application to the minorities in her territory of provisions similar to those applied to minorities in Poland by the Polish Government, or in the grant of more extensive rights to these minorities or to foreigners not belonging to minorities;

d: that the question whether, in a given case, an act of failure to act constitutes a breach of the provisions of Article 33, paragraph 1, of the Convention of Paris is essentially one of fact to be decided on the merits of each case.

(Translation).

Geneva, November 26th, 1932.

Your Excellency,

As the question of Article 36 of the Treaty of Paris was referred to in conversations which took place in regard to the point mentioned under No. IV of the Agreement signed this day, I venture herewith to express the hope that, if the Polish Government invites the Free City to enter into negotiations on the subject of the said Article 36, the Government of the Free City will be prepared to accede to this request as soon as circumstances permit.

I have the honour, etc.

(Signed) BECK.

His Excellency  
Monsieur le Dr ZIEHM,  
President of the Senate of the  
FREE CITY OF DANZIG.

Geneva, November 26th, 1932.

Your Excellency,

In reply to your letter of to-day's date, I have the honour to state that the Free City of Danzig does not question, and has never questioned, the rights conferred on Poland by Article 36 of the Treaty of Paris, and that accordingly the Free City of Danzig, under the terms of the said Article 36, has undertaken to enter into negotiations, at the request of the Polish Government, as soon as circumstances permit.

I have the honour, etc.

(Signed) Dr. ZIEHM.

His Excellency  
Monsieur Joseph BECK,  
Minister for Foreign Affairs  
of the Polish Republic.