

N° 153.

DANTZIG ET POLOGNE

Convention entre la Pologne et la
Ville libre de Dantzig, signée à
Paris le 9 novembre 1920.

DANZIG AND POLAND

Convention between Poland and the
Free City of Danzig, signed at
Paris, November 9, 1920.

No. 153. — CONVENTION BETWEEN POLAND AND THE FREE CITY OF DANZIG, SIGNED AT PARIS, NOVEMBER 9, 1920.

English and French official texts communicated by the Polish Representative accredited to the Secretariat of the League of Nations. The registration of this Convention took place on August 25, 1921.

POLAND AND THE FREE CITY OF DANZIG,

Taking into consideration the Treaty negotiated by the Principal Allied and Associated Powers in accordance with Article 104 of the Treaty of Peace signed at Versailles on June 28, 1919, by the Principal Allied and Associated Powers and Germany,

And desiring to see this Treaty concluded between them in accordance with the said Article of the said Treaty,

Have for this purpose appointed their Plenipotentiaries as follows :

THE POLISH REPUBLIC :

M. Ignace J. PADEREWSKI, formerly President of the Council of Ministers ;

THE FREE CITY OF DANZIG :

Oberbürgermeister SAHM,

Deputy SCHÜMMER ;

Who, having communicated their Full Powers, found in good and due form, have respectively agreed to the following stipulations :

CHAPTER I.

Article 1.

A diplomatic representative of the Polish Government stationed at Danzig shall act as intermediary between the Polish Government and the Government of the Free City.

Article 2.

Poland shall undertake the conduct of the foreign relations of the Free City of Danzig as well as the protection of its nationals abroad. This protection shall be assured in the same conditions as the protection of Polish nationals.

Passports issued to nationals of Danzig will not assure to them Polish protection unless they have been visaed by the representative of the Polish Government at Danzig.

Article 3.

In foreign towns where the Free City of Danzig has important economic interests, one or more nationals of the Free City of Danzig, placed at the disposal of the Polish Government by the Free City, shall be included in the staff of the Polish consulates.

These officials shall be responsible to the Polish Government and shall, under the direction and superintendence of the Polish Consul, be charged with matters specially affecting the interests of nationals of the Free City of Danzig.

Article 4.

Exequaturs for foreign consular officers residing at Danzig shall be issued by the Polish Government in agreement with the authorities of the Free City.

Article 5.

The costs of the diplomatic and consular representation of the Free City of Danzig and of the protection of its nationals abroad shall be borne by Poland.

All dues and fees levied by the diplomatic and consular services shall belong to the Polish Government.

Article 6.

Poland shall conclude no treaty or international agreement affecting the Free City without previous consultation with the Free City; the High Commissioner of the League of Nations shall be informed of the result of this consultation.

The High Commissioner shall in all cases have the right to veto any treaty or international agreement, in so far as it applies to the Free city of Danzig, which, in the opinion of the Council of the League of Nations, is inconsistent with the provisions of the present Treaty or with the status of the Free City.

Article 7.

The Free City may not contract foreign loans except after previous consultation with the Polish Government, which shall communicate its reply within fifteen days. In case of any objection being made on the part of the Polish Government, the question may be submitted by the Free City for consideration to the High Commissioner, who shall decide under the conditions laid down in Article 39 of the present Treaty.

It shall be the duty of the High Commissioner to assure himself that the conditions of the loan are not inconsistent with the provisions of the present Treaty or with the status of the Free City.

Article 8.

The right to fly the Danzig merchant flag shall be restricted to ships which are owned exclusively by nationals of the Free City, including companies or associations which are registered in the Free City and in which nationals of the Free City have a predominant interest.

The Free City shall notify to the Polish Government all registrations of ships under the Danzig flag, stating the rights of ownership and other rights *in rem* to which the said ships may be subject.

The Polish Government shall be free to establish at Danzig the necessary Polish administrative organisation which shall be attached to the establishment of the Polish representative referred

to in Article 1, for the registration and for the inspection of the seaworthiness of Polish ships, and for the engagement of crews.

Questions on which there may be disagreement between the Free City and Poland relative to this Article may be the subject of appeal to the High Commissioner of the League of Nations in the conditions laid down in Article 39.

Article 9.

The Free City of Danzig and Poland undertake to bring into accord so far as may be possible in consideration of their special economic interests their legislation regarding the right to fly their respective flags.

Article 10.

The Free City agrees to accord to ships flying the Polish flag the same treatment in the port of Danzig as to ships flying the flag of the Free City.

Article 11.

Direct relations between the local administrative and judicial authorities of the Free City of Danzig and the neighbouring districts of East Prussia shall be permitted under the same conditions as direct relations between the Polish and German authorities and as may be laid down in a convention to be concluded between Poland and Germany.

Article 12.

Subject to the rights belonging to Poland and referred to in Article 2, the control of foreigners in the territory of the Free City of Danzig shall be exercised by the authorities of the Free City.

CHAPTER II.

Article 13.

The Free City of Danzig is included within the Polish customs frontier ; Poland and the Free City form one customs area under the Polish customs legislation and tariff.

Article 14.

The territory of the Free City of Danzig shall for customs purposes form one administrative unit under the charge of officials of the Free City and under the general direction of the Polish central customs administration ; the Polish Government shall, through Polish inspectors attached to the Danzig personnel, participate in the inspection of the customs service. These inspectors, who shall be paid directly by the Polish Government, shall communicate their observations to the Polish central customs administration.

Customs forms, the printed part of which shall be drawn up in German and in Polish, may be filled in alternatively in German or in Polish.

In order to assure the service, the Free City shall provide a sufficient number of persons acquainted with the Polish language.

Article 15.

The Danzig customs administration shall be answerable to the Polish customs administration for customs receipts and shall be responsible for levying them, as also for the execution of the customs laws.

The expenses of administration borne by the Free City shall be met out of the total customs receipts levied in the territory of the Free City.

Customs dues shall, at the choice of the persons discharging them, be paid alternatively in Danzig or Polish currency.

The accounts shall be audited at the end of every quarter, and Poland shall allow the Free City a fixed percentage of the net receipts; this percentage shall be determined in accordance with the provisions of Article 17.

Article 16.

The provisions of this chapter shall come into force within a period of three months from the coming into force of the present Treaty; until that time the provisional agreement of April 22nd, 1920, shall remain in force.

Article 17.

Within a period of one month from the coming into force of the present Treaty negotiations shall take place between Poland and the Free City with the object:

(a) Of examining measures to be taken with a view to the application to the Free City of the Polish customs legislation and tariff and to the adaptation as far as possible of the Danzig legislation to the Polish legislation in so far as concerns monopolies and, in general, all dues and indirect taxation. The Free City undertakes to carry out, and to ensure the execution of the said measures;

(b) Of making regulations, for so long as the two States possess separate monetary systems, concerning the rate of exchange for the levying of customs duties in the port of Danzig in Danzig currency according to a tariff equal to the Polish tariff;

(c) Of fixing the percentage of net receipts to be allocated to Danzig in accordance with Article 15. In fixing this percentage, the proportion of the customs duties levied on goods destined for consumption in Poland and in the territory of the Free City respectively shall be taken into account.

Article 18.

The free zone at present existing in the port of Danzig shall be maintained.

This zone shall be placed under the control and administration of the Board referred to in Article 19, which shall have power to determine the modification or extension of the limits of the said free zone or the modification of its internal regime, subject to the right of the Government of the Free City and of the Polish Government to state their objections, if any, within fifteen days. In case of disagreement such objection shall have suspensive force, and the said Governments shall have the right to exercise the appeal to the High Commissioner of the League of Nations in the conditions laid down in Article 39.

CHAPTER III.

Article 19.

A Board shall be appointed, entitled "The Danzig Port and Waterways Board," composed of an equal number (which shall not exceed five) of Polish and Danzig commissioners to be chosen

by the Polish Government and by the Free City respectively from representatives of the economic interests of the two countries.

The President of this Board shall be chosen by agreement between the Polish Government and the Government of the Free City. In the event of no such agreement being reached within one month of the coming into force of the present Treaty, the Council of the League of Nations shall be requested by the High Commissioner of the League at Danzig to appoint a president of Swiss nationality. In case of a vacancy in the office of President, the same procedure shall be adopted in the month after the going out of office of the former President.

The President shall be appointed for three years and shall be eligible for reappointment.

The President shall preside over the discussions and shall endeavour to promote an agreement between the parties ; he shall vote only after he has exhausted all possible means of bringing about such an agreement ; his vote shall be decisive in case of an equal division.

The costs and expenditure of the Board shall be covered by the receipts of the services administered by the Board.

Article 20.

The Board shall exercise within the limits of the Free City the control, administration and exploitation of the port and waterways, of the whole railway system specially serving the port, and of all property and establishments employed in such exploitation, excluding property and establishments employed in the general exploitation of the railways.

It shall rest with the Board to determine which railways shall be considered as specially serving the port, subject to the right of the Government of the Free City and of the Polish Government to state their objections, if any, within fifteen days. In case of disagreement, such objection shall have suspensive force, and the said Government shall have the right to exercise the appeal to the High Commissioner of the League of Nations in the conditions laid down in Article 39.

The Board shall come to an understanding with the Polish Government in order to bring into accord as far as possible the regime of the part of the Vistula placed under its administration and the regime of the Vistula in Poland.

The Board will retain as far as possible the officials, employees and workmen at present engaged in the services of the port, waterways and railways under its administration. In the introduction of new officials or workmen into the said administration, no discrimination shall be exercised against Polish nationals.

Article 21.

The railways not referred to in Article 20 shall, with the exception of the tramways and other railways serving primarily the needs of the Free City, be controlled and administered by Poland, which shall receive the profits and defray the expenditure.

Article 22.

Subsequent agreements to be concluded between Poland and the Free City within four months after the coming into force of the present Treaty shall settle any questions which may arise from the execution of Article 21, especially questions relating to the retention of officials, employees and workmen at present employed on the railways and to the maintenance of rights acquired by them, and questions relating to the guarantees to be accorded reciprocally for the use of the Danzig and Polish languages and currencies, and for the interests of the local population, in all matters concerning the administration, exploitation and services referred to in Article 21.

Failing such agreement, the decision shall be taken by the High Commissioner of the League of Nations in accordance with Article 39.

Article 23.

The Board shall collect all dues, taxes and receipts arising from the administration of the port, waterways and railways referred to in Article 20, and shall defray all costs of upkeep, control, exploitation, improvement and development. All profits and losses shall be divided between Poland and the Free City of Danzig in a proportion to be fixed in a financial convention to be hereafter concluded between them.

Account shall be taken of expenses incurred by the Free City from January 10, 1920, until the coming into force of Articles 20 and 21 and 23 to 26 in the maintenance of the services referred to in Articles 20 and 21.

Article 24.

The Board shall take all necessary measures to assure, in agreement with the Polish Government, the free passage of emigrants and immigrants from or to Poland.

No shipping company or other organisation, company or private person, may engage in any service of emigration or immigration from or to Poland without the authorisation of the Polish Government.

Article 25.

The Free City of Danzig and the Polish Government undertake to transfer to the Board the ownership of all property which belonged to the former German Empire or to any German State and which forms part of the port or is connected with the administration and exploitation of the port, waterways and railways referred to in Article 20; this property shall be designated by the Principal Allied and Associated Powers.

The ownership of all property formerly belonging to the German Empire or to any German State and connected with the administration or exploitation of the railways referred to in Article 21 shall be transferred to Poland.

The Board shall have the right to lease or to acquire such other property, movable or immovable, situated in the territory of the Free City as it may deem necessary for the control, administration of exploitation of the port, waterways and railways under its charge or for their development and improvement. The Free City of Danzig undertakes to carry out the necessary measures to give effect to the decisions of the Board, and in particular to proceed to any expropriations necessary for this purpose.

The Free City undertakes not to refuse the expropriation in favour of Poland, under equitable conditions, of such land and other property as may be necessary for the exploitation of the services referred to in Article 21.

In the event of this Article giving rise to any dispute between the Government of the Free City and the Polish Government, the disagreement shall be submitted for decision to the High Commissioner in the conditions laid down in Article 39.

Article 26.

It shall be the duty of the Board to assure to Poland the free use and service without any restriction, and in so far as may be necessary for Polish imports and exports, of the port and the means of communication referred to in Article 20. It shall be the duty of the Board to take all measures necessary to assure the development and improvement of the port and means of communication in order to meet all the requirements of this traffic.

In the event of the non-observance of the above provisions, the Free City of Danzig and Poland may exercise the right of appeal provided for in Article 39.

Article 27.

The provisions of Articles 20 and 21 and 23 to 26 shall come into force three months after the appointment of the President of the Board.

Article 28.

At all times and in all circumstances Poland shall have the right to import and export *via* Danzig goods of any kind whatever not prohibited by Polish law.

CHAPTER IV.

Article 29.

Poland shall have the right to establish in the port of Danzig a post, telegraph and telephone service communicating directly with Poland. Postal and telegraphic communications *via* the port of Danzig between Poland and foreign countries, as also communications between Poland and the port of Danzig, shall be dealt with by this service.

Article 30.

The Free City of Danzig undertakes to lease or to sell to Poland on equitable terms the necessary land or buildings for the establishment and working of the services provided for in Article 29 as well as in Article 21. The Free City undertakes to accord to Poland all the facilities necessary for the installation of the telegraph and telephone lines required for the application of the said Article.

Article 31.

All other postal, telegraphic and telephonic communications within the territory of the Free City, as also communications between the Free City and foreign countries, shall be the concern of the Free City.

Article 32.

Poland and the Free City of Danzig undertake to conclude, within a period of six months from the coming into force of the present Treaty, a special convention for the purpose of establishing uniform postal, telegraphic and telephonic tariffs for communication between the two States ; this convention shall at the same time lay down the necessary details for the application of this chapter.

CHAPTER V.

Article 33.

The Free City of Danzig undertakes to apply to racial, religious and linguistic minorities provisions similar to those which are applied by Poland on Polish territory in execution of Chapter I

of the Treaty concluded at Versailles on June 28, 1919, between Poland and the Principal Allied and Associated Powers, to provide, in particular, against any discrimination, in legislation or in the conduct of the administration, to the detriment of nationals of Poland and other persons of Polish origin or speech, in accordance with Article 104, paragraph 5, of the Treaty of Versailles.

The provisions of Articles 14 to 19 of the Treaty concluded at Versailles between the Principal Allied and Associated Powers and Poland on June 28, 1919, as also the provisions of Article 89 of the Treaty of Versailles with Germany, shall equally apply to the Free City of Danzig.

Article 34.

The conditions of naturalisation in the Free City of Danzig and the conditions under which foreign companies may be converted into Danzig companies shall be determined in agreement between the Free City and Poland.

Article 35.

A special arrangement shall be concluded with the least possible delay between Poland and the Free City of Danzig to provide for the execution in Poland and in the territory of the Free City of the judgments of Polish and Danzig tribunals respectively and for the arrest of criminals taking refuge on the territory of Poland or of the Free City of Danzig and for their extradition and for all other judicial questions.

Article 36.

Poland and the Free City of Danzig undertake to enter into negotiations, when circumstances permit, on the request of either of the two parties, with a view to unifying their monetary systems. An interval of one year shall be allowed before such unification, when decided on, comes into effect.

Article 37.

The Polish Government undertakes to enter into negotiations with the Free City in order to facilitate in every way the supply to the Free City of foodstuffs, fuel and raw materials.

Article 38.

Further agreements shall be concluded between Poland and the Free City on all questions not dealt with in the present Treaty.

Article 39.

Any differences arising between Poland and the Free City of Danzig in regard to the present Treaty or to any other subsequent agreements, arrangements or conventions, or to any matter affecting the relations between Poland and the Free City, shall be submitted by one or the other party to the decision of the High Commissioner, who shall, if he deems it necessary, refer the matter to the Council of the League of Nations.

The two parties retain the right of appeal to the Council of the League of Nations.

Article 40.

No modification in the present Treaty shall be made except by agreement between Poland and the Free City of Danzig.

The present Treaty, of which the French and English texts are both authentic, comes into force at the same time as the establishment of the Free City of Danzig.

In Faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at Paris, the ninth day of November, one thousand nine hundred and twenty, in a single copy which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to Poland and the Free City of Danzig.

(L. S.) I. J. PADEREWSKI.

(L. S.) HEINRICH SAHM.

(L. S.) W. SCHÜMMER.

PROTOCOL.

In the elaboration of the provisions provided for in Article 108 of the Treaty of Versailles, the Free City of Danzig shall have the necessary facilities to represent its views before the contracting Powers.

Done at Paris, the ninth day of November, one thousand nine hundred and twenty, in a single copy of which the French and English texts are both authentic and which will remain annexed to the Treaty signed on the same date by the undersigned Plenipotentiaries.

L. S.) I. J. PADEREWSKI.

(L. S.) HEINRICH SAHM.

(L. S.) W. SCHÜMMER.
