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C. A. 93.

SECRET

NOTES OF A MEETING
HELD AT QUAI D'ORSAY, PARIS
THURSDAY, NOVEMBER 18, 1920
10:30 A. M.

C O R R I G E N D A

1. Page 4 (English text)

Delete paragraph 4 of the Resolution and substitute:

(4) that arrangements should be made for the division, as soon as possible, of property connected with the port, waterways or railways and services to be administered under the Polish-Dantzig Convention by Poland.

2. Page 14 line 21 (English text)

Delete: There is a loophole in the stipulations and substitute:
There is a loophole in the forecast.

3. Page 26, line 1 (English text)

Delete: LORD DERBY: Lord Derby is present and substitute:
MR. CAMBON: Lord Derby is present

For American Secretariat:

B. WINTHROP.

American Embassy,

December 1, 1920.

18
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十一月十八日
大德會議議事錄 (第 五) 頁

98
大正七年 五月十三日

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APPENDIX "F"
TO G.A. 32,

TELEGRAM.

Oppeln, November 17, 1920
at 2:30.

URGENT.

From the Commission
For the Conference of Ambassadors.

The Governing Commission has received, up to this day, more than 90 telegrams from the principal Polish centres of (garbled group) to protest against the eventual admission of voters from abroad. This manifestation which appears, up to the present, to have gathered behind it more than 100,000 Poles of Upper Silesia, is sufficiently grave, of account of the threats of bloody reprisals which are repeated in all these telegrams, for the Commission to deem it necessary to inform the Conference of Ambassadors about it without delay.

The Commission is unanimous in considering that, full account being taken of the police forces in course of reorganisation, the military forces at its disposal would be wholly insufficient to insure the maintenance of order in the event of the arrival in Upper Silesia of about 300,000 voters from abroad.

The events of the month of August last, a feeble echo however, of the troubles of the past year, leave no doubt in this respect. Under these conditions, the Commission begs the Conference of Ambassadors to be good enough to decide upon the immediate reinforcement of the corps of occupation.

(Signed) LE ROND, MARINIS, PERCHVAL.

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APPENDIX "E"
C.A. 93.

AMERICAN EMBASSY, PARIS.

Confidential.

E. S. H. Bulletin No. 1211

November 17, 1920.

MEMORANDUM FOR THE CONFERENCE OF AMBASSADORS.

The British Embassy, acting under instructions from His Majesty's Government, has the honor to request that Note No. 119, of October 29 last, submitted by the Upper Silesia Plebiscite Commission with reference to the interpretation of paragraph 4 of the annex to Article 88 of the Treaty of Versailles, be placed on the agenda of the next session of the Conference of Ambassadors, the 18th instant. The preparations for the plebiscite have, it appears, been put off until a solution to that question is found.

The considerations set forth by the British and Italian Commissioners with respect to the interpretation of the paragraph in question appear to His Majesty's Government as conclusive. The British Embassy takes the liberty, in order to show that there was also little doubt in the minds of those who drafted the Treaty, to call attention to the extract below which is taken from the Minutes of a meeting of the Commission for the Eastern Frontiers of Germany (by which the clauses concerning the plebiscite in Upper Silesia were drafted) held on June 8, 1919:

"He (General Le Rond) read the text of Article 95 of the Treaty referring to the region of Allenstein, which concludes as follows:

"Every person, irrespective of sex, will be entitled to vote who:
(a) is 20 years of age at the date of the coming into force of the present Treaty, and

(b) was born within the area where the vote will take place or has been habitually resident there from a date to be fixed by the Commission.

"The President (General Le Rond) was of the opinion that, with respect to the points regulated by that article, there existed no reason for introducing appreciable modifications in their application to Upper Silesia.

British Embassy, Paris
November 14, 1920.

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The date of the entry of the troops will be made known later.
I make the Sector Commanders personally responsible in case of
the divuligation of the secret of this order.

It is notified by the present communication that all the
troops under the Command of the 6th Army Corps shall hold them-
selves ready for action four days before the vote in Upper Silesia.
Fuller indications will follow later.

Commander-in-Chief:

By order... Signed: Hoefler,
Brigade General.

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Artillery Commander, 3th, 1st detach.	at Konigsruhe
2d detach. of the 4th Reg. of Field Art.	" Pless
3d detach. of the 3th Reg. of Field Art.	" Kattowitz
Park of light ammunition	" Kattowitz
3th Reg. of heavy Art.	" Konigsruhe
1st battery	" Konigsruhe
2d battery	" Bautzen
3d battery	" Kattowitzh
Battl. of pioneers, 3 St. and 1st Comp.	" Hindenburg
2d Company	" Kattowitz
Searchlight Section	" Cosel
Detach. of pioneers	" Cosel
Information Detach. 8	" Hindenburg
Aviation squadron 3	" Gleiwitz
Motor truck detach. 3	" Gleiwitz
Motor truck detach. 103	" Konigsruhe
Motor truck park 215	" Bautzen
Motor truck park 216	" Kattowitz
Transport train 3	" Hindenburg
Equipment train 303	" Hindenburg
Automobile park 3	" Pless
Technical Comp. 3	" Hindenburg
Armored train 32	" Kattowitz
Bielow detach.	" Bautzen
Fampel detach.	" Pless
Amann detach.	" Hindenburg
Cavalry reg. St. 1st, 2d, 3d squadrons	" Gleiwitz
4th squadron and reserve squadron	" Imbilitz
Cavalry reg., 1st, 2d, 3d squadrons	" Oppeln
3d and 4th squadron and reserve squadron	" Krenzburg
2d cavalry reg.	" Gross Strahlitz

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The Staff of the 5th brigade of Reichswehr will proceed from
Luegnitz to Oppeln.

1st and 9d batteries of the 11th Reg. of Inf.	at Oppeln
12th Reg. of Inf.	" Lublinitz
Artillery Commander 6 (Artill. Fuhrer)	" Kreuzburg
3d and 4th battalions of the 11th Reg. of Inf.	" Kreuzburg
1st battery of heavy artillery, 3d detach.	" Oppeln
2d and 3d batteries of heavy artill., 3d detach.	" Lublinitz
Information Service, 6th detach.	" Oppeln
6th battalion of pioneers, 1st comp.	" Vossowska
6th battalion of pioneers, 2d comp.	" Lublinitz
Searchlight Section 106	" Kreuzburg
Column of pioneers 206	" Kreuzburg
6th aviation squadron	" Gross Streh- litz
Motor truck detach. 6	" Lublinitz
Motor truck comp. 106	" "
Motor truck park 211 and 212	" Gross Streh- litz
Equipment train 306	" "
Motor truck train 6	" Lublinitz
Armoured train 20	" Vossowska
Armored Train 24	" Grelwitz
1 detach. of the 6th Reg. of Art.	" Kreuzburg.
Brieg Headquarters	" Grelwitz
15th Reg. of Inf., 1st battalion	" "
15th Reg. of Inf., 2d and 3d battl.	" Beuthen
Staff of the 1st and 2d battl. of the 16th Reg. of Inf.	" Kattowitz
3d and 4th battl. of the 16th Reg. of Inf.	" Pless
Artillery Commander 6	" Grelwitz
4th(?) detach of the 6th Reg. of Field Art.	" Grelwitz
3d " " " " "	" Beuthen
Park of light ammunition	" "

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attention to the fact that the military occupation proposed by the German Government, by constituting a manifest violation of the Treaty of Versailles, might have very serious consequences and create a real danger for the maintenance of peace.

The Polish Delegation will transmit shortly to the Conference of Ambassadors the documents concerning the putting into minute and systematic execution of the plan set forth in the document hereto annexed.

Please accept.....

Maurice Zamoycki.

HEADQUARTERS OF THE 6th ARMY CORPS.
N. 347/7.20 Personnel.

Relative to: Ministry of National Defence.

R.L.Nr. 47/465/7.20
Concerning the future of Upper Silesia.

STRICTLY CONFIDENTIAL.

To Sector Commanders at.....	NEISSE	GLATZ
	LIEGNITZ	ODELS
	BRIEG	LANSDORF
	NEUSTADT	NEUHAFNER
	SCHWEIDNITZ	

(The regiment and battalion commanders shall be informed of the following dispositions eight days before the plebiscite in Upper Silesia).

In connection with the Reichs, Wehr, Ministr. R.L.Nr. 47466/7.20 Pers., the following supplementary dispositions from Headquarters shall be communicated:

- 1) In case Upper Silesia shall remain with Germany, the secret detachments of the Sicherheitswehr-Polizei of Kattowitz, Beuthen, Hindenburg, Gleiwitz, Tarnowitz, Oppeln, shall imprison all the Polish agents and leaders. (The lists of agents and leaders in question have been transmitted to the secret detachments.)
 - 2) If Upper Silesia must fall to Poland, proceedings shall be immediately taken according to the indications of figure 1.
- In both cases, the Headquarters of the 6th Army Corps, conjointly with the cavalry divisions, will proceed to the occupation of Upper Silesia in the following manner:
-

AMERICAN EMBASSY, PARIS. APPENDIX "D"
to C.A. 93

E.S.H. Bulletin No. 1215

Confidential. November 23, 1920.

Note from the Polish Delegation, Sept. 23,
1920 - German Military Preparations in Up-
per Silesia.

POLISH DELEGATION Paris, September 23, 1920.
to the
PEACE CONFERENCE.

Mr. President:

In its Note of the 21st instant relative to the plebiscite in Upper Silesia, the Polish Delegation had the honor to draw the attention of the Conference of Ambassadors to the methods employed by the Germans to falsify the plebiscite and to the means which are used by the German Government to prevent the population from expressing itself in favor of Poland.

The documents annexed to the said Note show that the German Government, far from being unaware of this action, lends its effective support thereto by giving it the help of its administration and by taking care of the expenses in connection therewith.

Not limiting itself to these measures, and foreseeing the possibility of the result of the plebiscite being favorable to Poland, the German Government has conceived the project of a military occupation of Upper Silesia.

The order of the Headquarters of the 6th Army Corps at Breslau is proof of this, and shows, besides, that preparations for this purpose were already made in the month of July of the present year.

The Polish Delegation, in annexing the copy of the above-mentioned order, has the honor to bring these facts to the notice of the Conference of Ambassadors for such purposes as may be useful, and to draw its

The President
of the Conference of Ambassadors attention
at Paris.

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It follows from the correspondence exchanged between the Associations of the Faithful of Upper-Silesia (Heimatstreue Oberschlesier) of Iochum and Dortmund (Annex 13) that this Association criticises the refusal to the persons named above - at the moment of their departure - of the indispensable papers, and that these papers shall not be delivered to them.

The originals of the documents, copies of which constitute the annexes to the present letter, are in the Legation of Poland at Paris.

If it is taken into consideration that there will be a total of 804,216 voters of the native population, and that - according to the official statistics - there are 350,000 emigrants, it is easy to appreciate the importance of the methods used with a view to falsifying the result of the plebiscite in Upper-Silesia. The voice of the inhabitants would be stifled by the participation of the so-called emigrants who would be, as a matter of fact, only agents employed and paid to take part illegally in the plebiscite. As the administration of the country is now in the hands of German officials, any efficacious control of abuses committed outside of the plebiscite territory would be practically impossible.

The Polish Delegation to the Peace Conference takes the liberty of calling to the attention of the Conference of Ambassadors the fact that by virtue of Article 88 of the Treaty the right to take part in the plebiscite can only belong to the inhabitants, that is to say, to those who, by virtue of Article 91 of the Treaty, are alone qualified to acquire Polish nationality ipso facto in case Upper Silesia should be definitely attributed to Poland. Consequently, the Polish Delegation begs of the Conference of Ambassadors that the regulations as to the plebiscite in Upper Silesia grant the right to vote only to inhabitants of the territory submitted to the plebiscite who have completed their twentieth year on.....

1. who were born in the territory submitted to the plebiscite,
2. who have lived there since at least.....
3. who have been expelled from Upper Silesia for political reasons.

The inhabitants belonging to the 1st and 2nd classes should vote in the locality in which they are resident; those in the 3rd class should vote in the locality where they were born.

Kindly accept.....

(Signed) Maurice ZAMOYSKI.

It is thus that the order of the President of Police of Bochum, dated June 4, 1920, indicates that all persons suspected of having Polish sympathies will be subject to strict surveillance (Annex 6). He who is suspected of having sympathy for the Polish cause will be inscribed on the list of those having the right to vote, but will not receive the necessary documents at the time of his departure for Upper Silesia, and, as a result, cannot take part in the plebiscite. The vacant places thus left by persons dismissed of their rights will be filled by agents of the German organization provided with false papers or papers which do not belong to them.

The photographic reproduction of some counterfeits prepared for this purpose permits an idea to be formed of some of the methods used to falsify the plebiscite. These papers are legalised beforehand by the police and the very signature of the holder is certified as authentic when it does not yet exist (Annex 8). The papers are evidently prepared for the time when the agent designated to represent the person in question shall himself affix the signature of this person.

The order of the Prussian Minister of the Interior concerning the facilities to be accorded for obtaining birth certificates contains a paragraph according to which the registrar is obliged to mention on the birth certificate the fact that this paper is to be used only for the plebiscite (Annex 9).

To the Poles thought to be desirous of voting for Poland, the authorities deliver documents filled with voluntary errors (Annex 10: the holder of the document is named Anna Dorothy, and not Anna Genevieve; she was born in 1896, and not in 1897; these two errors are enough to include this person from the right to vote).

From the order originating with the police administration in Berlin there also results the fact that the police are preparing to survey closely and to arrest any person suspected of being in favor of Poland (Annex 11). The police are acting in the same manner everywhere in Germany, (register of persons imprisoned for imaginary misdemeanors, Annex 12).

The juridical arguments in favor of the request of the Polish Delegation constitute the subject of a memorandum attached to the present letter (Annex No. 1).

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Concerning the practical bearing of the question, it is important to emphasize the fact that many abuses, with a view to falsifying the results of the plebiscite in Upper Silesia, have already been noticed in Germany. Also the intimate collaboration of the German Government with special German organizations, such as the "Association of the Faithful of Upper Silesia", whose duty consists, by using any means, in preventing the Poles from taking part in the vote, and in substituting for them German agents provided with false documents and paid by the State (Annex 7), has been proved.

The Polish Delegation has the honor to draw the attention of the Conference of Ambassadors to the consequences that these same methods have already produced in the plebiscite territories of Allenstein (Claztyn) and Marienwerder (Kwidzyn). A long list of abuses which the Interallied Commissions were powerless to suppress or even to control for they were committed outside of the said territories - has permitted the German Government to prevent the plebiscite being what the Treaty of Peace had wished it to be: the frank and loyal expression of the will of the inhabitants.

The official documents that the Polish Delegation takes the liberty of attaching to the present letter give an idea of these abuses (Annexes 2,3,4).

Thus there was obtained in the plebiscite district of Allenstein the result (Annex 5) that the number of emigrants having the right to vote and figuring on the lists was 141,486; while, according to the most detailed statistics, the maximum number of emigrants who would have had the right to vote was 115,390. In the district of Jansbork 20,000 persons were inscribed on the lists as emigrants, whereas, according to the official German statistics, the number of emigrants was not superior to 10,000.

The German Government is preparing to use the same methods in Upper Silesia.

It is thus

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The purpose of paragraph 4 is to specify who, among the inhabitants, are the persons who will have the right to vote: They are those (leaving aside the age condition) who were born in the region or else, if they were not born there, living in the region for a determined length of time, or further, those who are not now living in the region solely because they were expelled by the authorities and have not been able to retain their domicile in the region.

In the matter of the plebiscites in the regions of Allenstein (Olsztyn) and of Marienwerder (Kwidzyn), the German and Prussian Governments interpret, in their common manifesto of October 14, 1919, the similar - although, formally, not identical - provisions of Articles 94 and 95 of the Treaty, in such a way as to give the right to decide the destiny of the country to elements which are absolutely foreign to it. The manifesto affirms that the right to vote is granted to all those who were born in the plebiscite area, even if they left the country some long time ago, if they have definitively broken all ties with the country of their birth, or even if they have never had any other ties with it except the sole fact of birth. Thus, the single fact of having been born in the plebiscite area would establish, according to the thesis held by the German and Prussian Governments, the right to take part in the plebiscite.

It was at this time that the Polish Delegation had the honor to request the Supreme Council to dispel the doubts caused by the purely formal contradiction in the drawing up of Article 95 by specifying that the question is really one of "inhabitants".

The Supreme Council, however, did not feel that it should take action in respect of this representation on the part of the Polish Delegation.

After the experience gained during the plebiscite of Allenstein and Marienwerder, the Polish Delegation feels it its duty to insist very particularly on the necessity of stating precisely - in view of the plebiscite of Upper Silesia - that the Treaty, in Article 88, gives the right to vote to the inhabitants, that the inhabitants only are called upon to determine the fate of their country, and that those who do not live there and have no tie with it cannot be considered as inhabitants. The juridical

APPENDIX "C"
AMERICAN EMBASSY, PARIS. C.A. 93.

ESH BULLETIN No. 1232,

November 26, 1920.

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CONFIDENTIAL.

Note from the Polish Delegation
relative to conditions for the
plebiscite in Upper Silesia.

POLISH DELEGATION.

Paris, September 21, 1920.

From: Count Maurice Zamoyski

To: The President of the Conference of Ambassadors, Paris.

Mr. President:

At the moment when the Interallied Commission is about to take steps to resolve upon the conditions for the plebiscite in Upper Silesia, the Polish Delegation to the Peace Conference desires to call the attention of the Conference of Ambassadors to the necessity of defining the exact scope of Article 88 of the Treaty which grants the right to vote to the inhabitants of this province. Paragraph 5 of the Annex also mentions the desire expressed by the inhabitants, while paragraph 4 stipulates:

"The right to vote shall be given to all persons without distinction of sex who:

- a) Have completed their twentieth year on the 1st January of the year in which the plebiscite takes place;
- b) Were born in the plebiscite area or have been domiciled there since a date to be determined by the Commission, which shall not be subsequent to January 1, 1919, or who have been expelled by the German authorities and have not retained their domicile there".

It is clearly evident that the word "persons", used in paragraph 4 of the Annex, whose purpose is the development of the stipulations of Article 88, cannot mean anything else than the inhabitants, since, under the terms of the said article, it is "the inhabitants" who "will be called upon to indicate by a vote whether they wish to be attached to Germany or to Poland."

The purpose

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of the Treaty.

3. My personal opinion is that, according to clauses (II) and (III) of the said references, all persons born in the plebiscite area and above the age of 20 have the right to vote.

(Signed) H. F. P. PERGIVAL,
British Commissioner.

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the right to vote persons born in the plebiscite area, but who have not had their domicile in that area for several years, by arguing that the term "inhabitants" implies "residence."

On the other hand, it is equally argued that clauses (II) and (III) clearly grant the right to vote to the persons mentioned above.

2.- It is difficult to understand how the interpretation, which has been given in the almost identical cases of Schleswig, Allenstein and Marienwerder, can be escaped in the case of Upper Silesia, unless the same terms used in the body of the same Treaty have been interpreted in a different sense by the representatives of the Allied Governments, and it may be said with good reason, that one of these interpretations must necessarily be incorrect.

b) The Annex defines clearly the persons comprised in the term "inhabitants", but does not fix the duration of the domicile of the persons born on the territory, as it does in the case of those who, not having been born there, have acquired the right to vote through their residence. It is inferred therefrom that all persons born in Upper Silesia have the right to vote.

c) In a general way, it would appear equitable not to allow any person who has broken all bonds with Upper Silesia to play a part in the vote which will decide the fate of the country. This is an argument which might be employed as a reason for not granting to the electors coming from outside the right of suffrage without any restriction. But I must observe that the terms of the Treaty do not take this consideration into account; and as the Treaty itself has been signed by Germany, as well as Poland, the former country might reasonably consider the elimination of the electors coming from outside as in infraction of the.....
of the.....

BRITISH SECTION
INTERNATIONAL PLEBISCITE COMMISSION IN UPPER SILESIA.

Oppeln, October 27, 1920.

MEMORANDUM OF COLONEL PERCIVAL, BRITISH COMMISSIONER ON
THE INTERNATIONAL COMMISSION OF UPPER SILESIA.

Interpretation of the Treaty as to the right to vote of persons born in the plebiscite area, but not having had their domicile there during recent years.

References. Extracts (hereafter) from Article 88 of the Treaty of Versailles which relate specially to this question.

(1) "In the portion of Upper Silesia included within the boundaries described below, the inhabitants will be called upon to indicate by a vote whether they wish to be attached to Germany or to Poland".

(II) "The regime under which this plebiscite will be taken and given effect to is laid down in the Annex hereto".

(III) "Annex..... the right to vote shall be given to all persons without distinction of sex who:

- a) Have completed their twentieth year on the 1st January of the year in which the plebiscite takes place;
- b) Were born in the plebiscite area or have been domiciled there since a date to be determined by the Commission, which shall not be subsequent to January 1st 1919, or who have been expelled by the German authorities and have not retained their domicile there",

1. The thesis has been maintained that the term "inhabitants" used in the first (I) of the clauses cited above, excludes from the right.....

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from the exclusion of the voters in question in the zones whose the voting has already taken place (Merlenwerder, Allenstein, Sphleswig) would have the right to contest the validity of the plebiscite and to demand its revision.

I may add that even the clause which may eventually be agreed upon for giving the vote to those who, being born in the country and residing elsewhere still preserve family interests or property in this country, would not be admissible. Apart from the fact that it would imply an arbitrary interpretation in the restrictive sense of the Treaty, it would create very grave practical difficulties, which would assuredly give rise to complaints and disorders and might interfere with the equity and peaceful carrying out of the plebiscite.

The Italian Commissioner,
A. DE MARTINI.

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For the plebiscite in the Saar Basin, where it is desired ... that only persons inhabiting the territory shall vote, the word "inhabitants" has been left without the addition of any particular specification. This diversity in the drafting is quite consistent with the difference in the intention of the legislator.

If it had not been desired that the fact of being born in the country was sufficient in itself to confer the right to vote, there would have been absolutely no sense in inserting in paragraph 4 of the Annex to Article 88 the words which, in comparison, were expressly added: "were born in the plebiscite area".

I do not ask if it is right or not to give the vote to those who were born in the plebiscite area, and who are living elsewhere. As a Commissioner, I have the duty to apply the Treaty as it stands. Nevertheless, even in this respect, there are considerations to be taken into account; for it is not doubtful that inalienable spiritual bonds always exist between the nationals of a country and their native land. These bonds are indestructible. Rights may be acquired in a territory where one has not been born; but certain rights which birth confers are never lost. In the same way, one may become a member of a family, but this quality can never be abrogated for those who are bound by blood ties. Also the desire amongst emigrants to return is presumed and cannot a priori be despised.

In conclusion, my opinion is that to deny the right to vote to those who are born in the country, because they are not living there, would be to disavow the Treaty. And this fact would certainly be taken into consideration by the Power which would believe itself to be injured by such an interpretation. On the other hand, the Powers who may have been able to derive advantages from the...

Oppeln (Opole) October 27, 1920

Note as to paragraph 4 of the Annex to Article 88 of the Treaty of Versailles, which ordains that persons have the right to of vote in the plebiscite in Upper Silesia, drawn up by General de Martini, Italian Commissioner in Upper Silesia.

In my opinion, the drafting of paragraph 4 is so clear and so precise that it cannot give rise to any question of interpretation

The application of the provisions of this paragraph appears from the letter itself. This application can only be the same as that which was made at Schleswig, Marienwerder and Allenstein, and approved by the same Powers who signed the same Treaty.

The fact that in Article 88 and paragraph 5 of the Annex the word "inhabitants" is used to indicate the citizens who have the right to vote, in no way invalidates what is made clear in paragraph 4.

Paragraph 4 was expressly drawn up to enumerate and specify the categories of persons who have the right to vote. Now, there would have been reason to ask, apart from this paragraph, whenever it was necessary to describe in a general way, synthetically the whole of the voters, how, by what word, by what expression, other than the word "inhabitants" they could have been indicated?

It is to be noticed that Article 109, which refers to the plebiscite in Schleswig, instead of calling the persons who have to vote "inhabitants" describes them in a still more precise way, as "the population inhabiting the territory", and, in spite of this, in Schleswig all the persons born in the region have voted. Why? Simply because, in the following lines, the persons having the right to vote are specified.

For the...

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have been established in all the communes, the Polish Committees would have received the satisfaction which they demanded. But the regulations provided explicitly only for agglomerations of at least 600 voters. It was only at the last moment, after a long resistance on the part of the German Officials, that the principle of special voting sections for list No. 2 was extended, with all kinds of restrictions, to the small circumstances.

The effect of this measure was null, and remains only as a precedent.

For the sake of scrupulous accuracy, in order to explain the claims and to deal with them, those technical details have been set out in the present report. The figures show that, even if the persons registered on list No. 2 had not taken part in the plebiscite, the result of the vote would have been the same in the immense majority of the communes, 157,047 names were registered on this list; 112,152 voted.

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power to annul them, in the absence of any stipulation to the contrary in the regulations. The efficacy of this measure was practically null, for proofs could not be supplied within so short a time. The principle alone remained confirmed.

The sub-Commission formed exclusively of Allied officials and charged to examine the doubtful registrations, came to the conclusion, on July 8, just before the vote; that there exists evident presumptions that registrations had been made without demand, and that "voting letters have been transmitted to third persons without demand. This method of procedure may allow persons other than the true voters to vote. It will be sufficient, in fact, to present one's self before the ballot boxes with the letter of advice which will serve as a legitimization. Now, anyone may hold these letters since they were sent to third persons, and the recipient may have neither the opportunity nor the idea of a protest, since he had not shown any desire to vote and will perhaps not come himself. This question might have been cleared up if it had been possible to foresee the revision of every collective demand or unsigned demand, the communication of list No. 2, even without a claim, and also the obligation to produce, in order to be allowed to vote, besides the letter of advice, an identification card with photograph".

The difficulties, impolitic and contrary moreover to the letter of their engagement, which the Polish authorities caused in allowing to pass into the corridor the voters of list No. 2 who arrived from Germany, are better explained under those conditions. All these complications would have been avoided if the Poles had not kept apart during the period when the lists were drawn up.

If special voting sections for the voters of list No. 2 could have been.....

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claims. The seats of the Polish members in the Commissions of Control had been reserved and the Germans who occupied them retired everywhere where there were Polish candidates to replace them. But the Plebiscite Committees continued to act, except in a few cases where the initiative of certain district officers obtained a change in their composition. It may be understood that, under these conditions, the revision procedure had not much efficacy.

The Commission decided that the claims might be received not only up to the 14th, but to the 27th June, and the revision took place from the 21st to the 29th. On the initiative of the French representative, it was officially decided by the Commission on June 23rd, that the registrations made without individual demand and without signature ought to be put on list No. 2 for verification. This decision was abandoned the next day, owing to the keen opposition of the German officials, who observed that the registrations once made had already been notified to the interested parties, a great many of whom were in France, that the Commission was bound by the terms of the regulations published six weeks before. The Commissions of Control could only decide on the claims where there were no claims, the registered persons were duly registered. On French initiative, it had been decided also that the voters of list No. 2 should be bound, although the regulations said nothing on this point, to prove their identity, and an ordinance was about to be published on this sense. This project was also abandoned by the Commission for the same reasons as mentioned above.

It was, nevertheless, decided that, if the instructions, even carried out in due and regular form, could before the vote be proved as tainted with fraud, the Commission would have the power to.....

As to the replies the Plebiscite Committees were, according to the terms of the regulations, to inform the interested party by letter. These letters were indeed sent, but to the German agency of the Schutzbund without distinctive marks of authenticity, often without signature, and on printed forms supplied by the association. It was on these documents, the origin and sincerity of which could consequently be suspected, that the persons registered on list No. 2 were allowed to come and vote. The German representatives replied that the letter to the interested party is not necessarily a letter addressed to him directly. They invoke on this point the explanation text published on April 30, 1920, Article 8, in fine: "the reply must be sent to the applicant himself, or to any other indicated address." But the same explanation states at the beginning of Article 9: "no reply shall be sent to the requests emanating from other persons". Without an individual request no reply, moreover, shall be given.

The Poles having kept apart from the Plebiscite Committees or Commissions of Control during the establishment of the lists, which were completed on June 1st, the circumstances of this establishment were known only during the course of the month of June. It was, therefore, only by the procedure of revision that the remedy could be made. But, as the regulations themselves once having been adopted, rendered the establishment of the lists automatic, without any possible intervention of the Commission, so the revision could not be carried out, except on a written demand made to the President of the Plebiscite Committee, with proofs in support, before June 14, 1920. The Commission of Control had not even the right to cause lists to be sent to it by the Plebiscite Committees. It could only decide on the claims....

THE PLEBISCITE AT ALLENSTEIN.

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Vote of the emigrants

according to the General Report of the Plebiscite Commission
of August 16, 1920.

.....
The chief difficulties which the application of the regulations caused relate:

.....
3) To the establishment of list No. 2 and the vote of the non-residents.

.....
The complaints relative to the establishment of list No. 2 deserve to be borne in mind. This list comprised persons natives of the territory but who were not residing there. The regulations provided that the registration could be effected only on the written request of the interested party. But associations under official patronage had been formed in Germany to ensure the verification and transit of this category of voters and a justification of their rôle was furnished to the Commission by Baron von Gayl. It was through the intermediary of their offices in Prussia especially at Karkhoff and Rastelburg, that the great majority of the registrations of this category took place, often without personal and individual requests, on simple lists having on the back a printed and unsigned request for registration. The German representatives have maintained that by the terms of the regulations the "written demand" of the interested party was not necessarily a direct and individual demand. They could not maintain that the registration was valid when there had not been even a demand.

As to the.....

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without distinction of sex, shall have the right to vote in this plebiscite. Only the persons who, one year before the conclusion of peace, were domiciled in the commune, shall have the right to vote. The vote shall be strictly secret and measures shall be taken to ensure its regularity. This result can only be obtained by withdrawing all troops from the contested territories, by placing the plebiscite itself and the administration of the territory up to the time of voting, under the control of a neutral authority formed of Danish, Dutch, Norwegian, Swedish, Swiss and Spanish nationals. If enclaves arise from the plebiscite these shall be mutually exchanged. In the fixation of the frontiers, care must be taken that the number of German nationals in the voting area passing under the domination of the acquiring State, shall not surpass that of the nationals belonging to the latter and passing under German rule. No material advantage ought to be promised with a view to influencing the vote; especially no promise in respect of eventual exemption from material obligations in case a German territory should pass under another sovereignty. The liberty of vote implies the exclusion of punishment for activity in connection with the plebiscite. The plebiscite itself shall take place only after the conclusion of peace, and when circumstances shall have again become normal. The date shall be eventually fixed by the League of Nations.

"3.- It is desirable that every territorial question raised by this war should be settled in the interest and for the benefit of the population concerned, and not considered as a part of a simple arrangement or compromise between the pretensions of rival States.

"4.- All clearly defined national aspirations ought to receive the largest possible satisfaction, without creating new subjects of disagreement or of conflict, or without perpetuating old conflicts, which, in the long run, would probably disturb the peace of Europe, and consequently of the world".

The second point of the speech made at Mount Vernon, on July 4, 1918, by President Wilson, ought also to be referred to here. It begins thus:

"The settlement of all questions; territorial questions, questions of sovereignty, economic agreements, political relations, ought to be made on the basis of the free acceptance of this settlement by the people directly interested, and not in conformity with the interests or material advantages of any other nation or any other people which might, in view of its external influence or its supremacy, desire another settlement".

It follows from this principle that:

1.- The separation of territories like Upper Silesia, which since 1163 has belonged to the German State, or like the Saar Basin which, excluding recent exceptions of a very short period due to force of arms, has never been subject to any non-German sovereignty, cannot be claimed.

2.- In cases where Germany can resort to cessions of territory, these cessions must at least be preceded by a plebiscite by commune.

All nationals of the German Empire above the age of 20 years, without distinction.....

EXTRACT FROM THE REMARKS OF THE GERMAN DELEGATION
ON THE PEACE CONDITIONS.

May 29, 1920.

2nd part: The German proposal.

II. Territorial questions.

1. Right of self-determination of the populations.

A.

Germany shall not be deprived of any territory in respect of which it is incontrovertibly shown that it has formed part of her national patrimony for centuries, without any conflict ever having arisen between it and the German State to which it was united. In every other case, she shall not be deprived of any territory the population of which shall not have declared its acceptance of separation from her.

These principles are in harmony with the juridical basis accepted by both parties for the settlement of territorial questions, a basis contained in the four points which we refer to again hereafter, and which are contained in the speech of President Wilson before Congress on February 11 1918.

The principles to be applied are as follows:

"1.- The final settlement must, in all its parts, be founded on the inherent justice of the case in question, and on adjustments which will be most likely to bring about a lasting peace.

"2.- Peoples and provinces must not be transferred from one sovereignty to another as if they were mere chattels or pawns in a game, even the game, now forever discredited of the equilibrium of the Powers; on the contrary,

"3. It is...

ANNEXES TO THE FRENCH MEMORANDUM.

1. Extract from the Remarks of the German Delegation on the Peace Conditions, May 29, 1919.
2. The plebiscite at Allenstein - The vote of the emigrants according to the general report of the Plebiscite Commission of August 16, 1920.

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opposed to the case of Upper Silesia, and the decision of the Council of the Powers, which would set aside the vote of the non-residents, in conformity with the interpretation which the French Delegation proposes, would not even have a retrospective effect on the decision of the plebiscites of Schleswig and East Prussia, since however, regrettable may have been the admission of a category of voters which appears to us excluded by the express terms of the Treaty, it has not had, in the end, a decisive influence on the result of the vote.

The texts, taken by themselves, as we think we have demonstrated, in no way contradict the interpretation of the French Delegation; the preliminary studies, whether it is a question of German or Allied documents, do not authorize, in the most evident way, any other interpretation. The problem of the plebiscite was finally placed by the Covering letter to the President of the German Delegation of the Reply of the Allied and Associated Powers, on incontestable ground. In fact, the following is the last text, under date of June 16, 1919, devised and agreed upon by the Powers:

"The German Note has established a case for rectification, which will be made; and in view of the contention that Upper Silesia, though inhabited by a two to one majority of Poles, (1,250,000 to 650,000, 1910 German census) wishes to remain a part of Germany, the Powers are willing that the question of whether Upper Silesia should form part of Germany, or of Poland, should be determined by the vote of the inhabitants themselves."

Signed: LE ROND.

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the pen of the person drawing up the General Report, melancholy statements as to the inefficaciousness of the contemplated remedies.

Is it a question of the striking out of the registrations tainted with fraud? "The efficacy of this measure was practically null, for proofs could not be supplied within so short a time. The principle alone remained confirmed".

Is it a question of the establishment, decided upon at the last moment, after a long resistance by the German officials, of special voting sections for list No. 2? "The effect of this measure was null, and remains only as a precedent".

Such was the precedent of Altonstein.

It is thus that 112, 152 persons coming from Germany, perhaps natives of Altonstein, but no one, according to the preceding statements, could affirm it, gave their votes, thus contributing the expression of the sentiment of the population.

259,565 inhabitants voted on their side and Poland received in all only 7,980 votes, which allowed the Altonstein Commission to conclude that, even if the persons registered on list No. 2 had not taken part in the plebiscite, the result of the vote would have been, however, the same, in the immense majority of the communes.

It was not otherwise at Marlenwerder or Schleswig. It was in fact, the common feature of the three plebiscites already taken that the issue of the debate has not been, in the end, directly affected by the vote of the non-resident natives, and this proves the supposition, which we made above, that the question has not been, up to now, entirely considered, because it was of a secondary interest.

In conclusion, there does not exist a precedent which can be opposed to...

from associations under official patronage which were formed in Germany to ensure the verification and transit of this category of voters.

By the terms of the regulations, registered persons were to be advised of their registration by a letter which was to take the place of a voting card. In fact, the report reads, "those letters were indeed sent, but to the German agency of the Schutzbund, without distinctive marks of authenticity, often without signature, and on printed forms supplied by the association. It was on these documents, the origin and sincerity of which could consequently be suspected, that the persons registered on list No. 2 were allowed to come and vote".

Could the procedure for the revision of the lists provided for in the regulations admit, at least, of a remedy? Not yet, "As", states the report, "the regulations themselves, once having been adopted, rendered the establishment of the lists automatic, without any possible intervention of the Commission, so the revision could not be carried out, except on a written demand made to the President of the Plebiscite Committee, with proofs in support...." It is understood, the report concludes, that under these conditions, the revision procedure, cannot have been very efficacious.

On the voting day, finally, any person producing a letter of advise, under the conditions mentioned above, was admitted without any proof of identity. Now, "anyone could hold these letters", states the report,

A principle admitted without discussion, applied without control "for want of means". All the measures devised by the Commission to remedy this evil immediately it arose, annulled immediately they were agreed upon "on the strong opposition of the German officials", which called forth on two occasions, from the pen of...

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require to be examined.

Perhaps, in fact, the question of the vote of the non-resident natives did not present any practical interest in Schleswig as in Allenstein and was not of a character to modify the results of the plebiscite, or at least the Interallied Commissions were of this opinion before having had any experience.

And if an incorrect interpretation has prevailed, in fact, as we believe, what conclusion must be drawn for the case of Upper Silesia? Why should a doubtful precedent, or at least a questionable one, decide a matter which being one of indifference to Schleswig or Allenstein, and therefore neglected, will have perhaps a decisive influence on the result of the plebiscite of Upper Silesia?

These are not mere suppositions. The Conference of Ambassadors possesses all the elements of the problem, since it has been called upon to follow the work of these Commissions and to solve the difficulties which arose. But it may be permitted to us, in support of our thesis, to invoke the very complete statement respecting the vote of the emigrants contained in the general report of the Administration and Plebiscite Commission of Allenstein, dated August 16, 1920.

In making so complete a report, the Commission of Allenstein obeyed, in its own terms, a "scrupule of correctness" which corresponds to a profound sense of justice.

By the terms of the regulations, registration was only to be granted on the individual request of the interested parties. In fact, acknowledges the Commission, "the great majority of the registrations of this category took place, often without personal or individual requests, on simple lists having on the back a printed and unsigned request for registration". These requests emanated

from the following associations...

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THE PRECEDENTS.

Two plebiscites which may be invoked as precedents, those of Schleswig and Allenstein, have already taken place. At Marienwerder, the Commission was simply called upon to conform as far as possible to the provisions of the Treaty concerning the plebiscite in the Allenstein zone.

Article 109 for Schleswig, Articles 94 and 95 for Allenstein, decided the right to vote of the inhabitants on the terms which Article 88 for Upper Silesia has only taken over. The right to vote having been effectively exercised in Schleswig as well as in Allenstein by non-resident natives, it may appear at first view that an interpretation already twice given as to identical texts ought to settle the matter without further discussion.

The matter, however, requires examination.

In spite of the analogy of the texts, it is important, in fact, to remember, in the first place, that it is a question of different matters. The interpretation given for Allenstein might bind Marienwerder in a certain measure, but it could not involve as a necessary consequence, the decision in the matter of Upper Silesia. The interpretation given by the Commissions of Schleswig and Allenstein is for the plebiscite of Upper Silesia a simple element of appreciation and nothing more.

Moreover, it is not within our knowledge that the question has even been raised, still less brought before the Council of the Powers charged in the last resort to give an authoritative interpretation of the Treaty. If this interpretation has not been given, the question remains to be regarded solely from the juridical point of view, and there exists, in the true sense of the word, no precedent applicable to the case of Upper Silesia. There is simply a de facto situation, the elements of which now require..

wo cannot expect, even with a secret ballot, to have a wholly uninfluenced vote, as long as the region is subjected to the administrative guardianship of the Prussian authorities, and as long as the inhabitants will be exposed to constant pressure leading, in many cases, to the direct intimidation to which they have been for a long time subjected. If the German troops and the Prussian officials are taken away, if the inhabitants are put under the protection of an International Commission and of Allied troops for a period of six months, is it not certain that everything will have been done to permit them to express their real wishes?"

The accord was complete, in the two systems, to do away with the "influence", the "administrative guardianship", the "constant pressure" of the Prussian authorities, the "indirect intimidation" to which the inhabitants of Upper Silesia had so long been subjected and this agreement destined, according to the very words of the Italian Delegate (page 18) to permit the Poles "to react against this systematic work of denationalisation", from which they have so long suffered, would have established the right of non-resident natives to return in a solid mass on the day of the vote, to annihilate this modest endeavor of impartiality entrusted to the Interallied Governing and Plebiscite Commission!

This agreement would have permitted a solid mass of three hundred thousand persons, whose destiny is closely bound to that of Germany, and who, for the most part, have left Upper Silesia with no idea of returning, to come, on the day of vote, and contest the right of the inhabitants who have remained attached to the soil to determine their fate!

There is no probability of this, and everything in the preliminary studies is inconsistent with it.

Will the precedents lead to another interpretation?

A single divergence of principle arose in the Commission responsible for the working out of the general conditions of the plebiscite, it was on the subject of the period within which the popular vote was to be carried out, the majority of the Commission being favorable to a long-term plebiscite (United States, Italy, France), the minority (England) preferring a short-term plebiscite. It was on the occasion of this debate that there would have been brought to light a difference of opinion as to the right of suffrage. No such thing happened. Both projects are inspired by the same considerations in regard to the population of the territory, in terms which add a testimony more and more in favor of our interpretation.

"A plebiscite taken now or in a near future," so reads the Memorandum (page 56) concerning the long-term plebiscite, "would be unjust. This would mean, in fact, that the population would be asked to decide between two parties, one of whom has had unlimited opportunities, even the most unjustifiable, to assert its point of view, whereas the other has had none. This would mean that the population would be asked to decide the future of the country for generations, without having had a free and complete discussion, without having had a clear and intelligent idea of the solution proposed to it, without being sufficiently freed from the moral terrorism and false conceptions to which it has been so long subjected".

The Memorandum concerning the short-term plebiscite does not vary in regard to the desire to obtain an adequate expression of the sentiment of the population (page 59): "It is admitted that the object of the plebiscite is to obtain a real expression of the sentiments of the country as they are at present, and not as they will be at an indeterminate date in the future. It is clear that we cannot.....

inhabiting Upper Silesia at the time of the conclusion of the Treaty.

The Commission for the Eastern Frontiers came to an agreement in a few moments as to the conditions of the right to vote, the vote by communes, and the modalities relative to the definite fixing of the boundary between Germany and Poland after the plebiscite.

On the proposal of the Delegate of the United-States of America (Page 16), the Commission had taken as the basis of its work the clauses relating to Allenstein and Schleswig. Now, how does Article 109 begin?

"The frontier between Germany and Denmark shall be fixed in conformity with the wishes for the population. For this purpose, the population inhabiting the territories, etc....."

Besides, it was with reference to Article 109 that there was inserted in Article 86 the stipulation which grants the right to vote to persons who have been expelled by the German authorities.

In rereading these pages (pages 20-21) and by keeping in mind the German memorandum which served as point of departure in the deliberations of the Commission, it will not occur to anyone that there was a desire to grant the right to vote to any but inhabitants the exception made in favor of expelled persons proves it clearly. Can it be said, in consequence, that Article 109, relative to Schleswig, was interpreted in such a way that the right to vote was accorded to non-resident natives? The texts, like the words have an exact meaning which withstands, and even survives the varying interpretations of which they may be the object. No interpretation had yet been given, and the text presented itself to the authors of Article 86 in its original clearness: "the frontier shall be fixed in conformity with the wishes of the population.... inhabiting the territories".

In this respect, there can be no doubt.
A single.....

plebiscite. ONLY THE PERSONS WHO, ONE YEAR BEFORE THE CONCLUSION OF PEACE, WERE DOMICILED IN THE COMMUNE, SHALL HAVE THE RIGHT TO VOTE". The whole text is given in the annex; in order to do justice to the German point of view, it is not sufficient to read a few phrases only of this statement.

Further on, in pages 36 to 37, of the Remarks, the German Government rejects the idea of the cession of Upper Silesia, referring specifically to the sentiment of the inhabitants:

"..... The INHABITANT OF UPPER SILESIA is ignorant of everything concerning Poland's ancient history".

"..... The territories of Upper Silesia which are claimed for Poland ARE NOT INHABITED BY AN INCONTESTABLY POLISH POPULATION".

According to the repeated admission of the German, this is, in fact the only question, and it is the only one that the plebiscite has to solve. The sentiment of the persons who do not inhabit the territory is not under discussion. The slightest doubt is not possible, especially when the German proposal, in view of an eventual plebiscite, expressly restricted the right to vote to "the persons who, one year before the conclusion of peace, were domiciled in the commune".

The only question which remains to be elucidated is whether the authors of Article 86, meant to depart from a principle which had been unquestioned till then.

ALLIED POINT OF VIEW.

It would be vain to seek, in this respect, as well in the minutes of the eight meetings as in the Report presented to the Council of the Principal Powers and in the answer to the German Memorandum, for the slightest allusion, the most unimportant reference on which would be based, with any degree of reason, an interpretation which would give the right to vote to persons not inhabiting....

drawn up in "Remarks of the German Delegation on the Peace Conditions", remitted on May 29, 1919.

"With regard to territorial questions", reads page 4 of the Covering Letter "Germany identifies herself without restrictions with the WILSON programme... She cedes to Poland the greater part of Posnania, territories incontestably inhabited by Poles..."

The 13th point of President Wilson in fact said:

"Poland should form an independent state constituted by all the territories inhabited by an incontestably Polish population."

No ambiguity can be ascribed to these terms and in fact, it is sufficient to refer to the German proposal set forth in pages 26 and 27 of the Remarks to learn exactly the methods admitted by Germany for the popular vote by means of a plebiscite.

It must not be understood by this that Germany renounced keeping Upper Silesia without a plebiscite. "Germany" reads page 26 "shall not be deprived of any territory in respect of which it is incontestably shown that it has formed part of her national patrimony for centuries, without any conflict ever having arisen between it and the German States to which it was united".

And further on: "The separation of a territory like Upper Silesia, which since 1163 (1) has belonged to the German State cannot be claimed".

But in the case where a plebiscite must precede the cession of a territory, the German theory concerning the modalities of the vote forms the subject of a statement as clear as it is precise: The plebiscite will be carried out by commune.

"All nationals of the German Empire, above the age of 20 years without distinction of sex, should have the right to vote this.

(1) It is by virtue of the Treaty of Breslau of July 11, 1742 that a part of Upper Silesia was given to Prussia with the exclusion of the Principalities of Teschen, Troppau and Jagerndorf, which remained with the Austrian Crown.

for themselves not for their descendants. They have already decided their destiny by transferring elsewhere their domiciles and their interests.

The non-resident natives are not directly affected by the plebiscite and to revert again to the very terms of Article 88, the fact that they are not "called upon to indicate by vote whether they wish to be attached to Germany or to Poland" means in fact, that their fate will not be modified by the result of the plebiscite whatever it may be; not being domiciled in Upper Silesia they will remain what they are to-day, Germans, Poles or even foreign to these two nationalities.

The inhabitants alone are concerned. They alone have the right to vote.

II. PRELIMINARY STUDIES.

The history of the negotiations which led to the drawing up of Article 88 of the Treaty and of its Annex confirms on all points the interpretation which has just been presented, on the basis of a simple juridical commentary on the texts.

This is also true with respect to the exchange of Notes which took place between the German Government and the Allied Powers in the months of May and June of 1919, as well as of the exchange of views carried out between the Allies on June 6, and 10, the results of which are set forth in the Report presented to the Council of the Principal Allied and Associated Powers by the Boundary Commission for the Eastern Frontier of Germany.

GERMAN POINT OF VIEW.

According to the first text of the Treaty, Upper Silesia should be attributed to Poland without a plebiscite.

The German protests was included in the terms in which it was drawn up.....

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It is provided that "German nationals or their descendants who became resident in these territories after January 1, 1908, will not acquire Polish nationality without a special authorisation from the Polish States".

From which it results, again, that the INHABITANTS alone are directly concerned in the result of the plebiscite, they alone being liable to a change of nationality, to the exclusion of the non-resident natives. The rights of the latter are in no way prejudiced.

Furthermore the protection of minorities, assured by Article 93, only provides for the "interests of the INHABITANTS who differ from the majority of the population in race, language or religion".

Briefly, the examination of the texts which refer directly or indirectly to the plebiscite of Upper Silesia enable it to be affirmed that nothing contradicts the interpretation given, in so far as the right to vote is concerned; that this interpretation is quite the contrary, in perfect harmony with the principles which constitute the recognised basis of the Treaty of Versailles, and in particular, with the right of self-determination of peoples as it was defined by President Wilson before Congress on February 11, 1918,

"It is desirable that every territorial question raised by this war should be settled IN THE INTEREST AND FOR THE BENEFIT OF THE POPULATIONS CONCERNED, and not considered as a part of a simple arrangement or compromise between the pretensions of rival States".

The population concerned in the present case is that of Upper Silesia, as it is constituted today, without any blending of foreign elements, for the latter, after all, would vote neither for themselves...

since a date to be determined by the Commission;

3. The persons who have not retained their domicile in Upper Silesia, if they were expelled by the German authorities.

On the other hand the right to vote is not enjoyed by persons born in the plebiscite zone who left Upper Silesia of their own accord and fixed their residence abroad under conditions which no longer allow them to claim the character of inhabitants of Upper Silesia, conditions which, moreover, remain to be determined.

On the simple ground of the texts, this interpretation has the advantage of not introducing into the definition of persons having the right to vote any element which is not expressly mentioned, as also of not setting aside an element which is formally inscribed, that of the inhabitant of the plebiscite zone.

The context clearly bears out this interpretation.

The paragraph which immediately follows the definition of the right to vote, paragraph 5 of the Annex, stipulates in fact, that the definitive frontier line will be proposed by the Commission "with due regard to the wishes of the INHABITANTS as shown by the vote", and to the geographical and economic conditions of the locality. It is the inhabitants and the inhabitants alone who are in question, in the text of the Annex as in the body itself of Article 88.

If it were necessary, by invoking the texts only, to proceed with the demonstration of this idea that the plebiscite interests only the inhabitants of the country, and that, consequently, they alone are called to decide their own destiny, Articles 91 and 93 might also be cited.

According to the terms of Article 91, Polish nationality can only be acquired of right by "German nationals HABITUALLY RESIDENT in territories recognised as forming part of Poland". Furthermore, it is provided....

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Oppeln, October 29, 1920.

FRENCH MEMORANDUM.

R E M A R K S

ON THE INTERPRETATION OF ARTICLE 88 OF THE TREATY OF VERSAILLES
WITH RESPECT TO THE RIGHT OF SUFFRAGE IN THE PLEBISCITE OF
UPPER SILESIA FOR PERSONS NATIVES OF THIS TERRITORY BUT NOT
INHABITING IT.

I. T H E T E X T S.

Are called upon by Article 88, paragraph 1 "to indicate by a vote whether they wish to be attached to Germany or to Poland", the "inhabitants" only of Upper Silesia who fulfill the conditions defined in paragraph 4 of the Annex, that is, to say, "all persons without distinction of sex who":

- a) Have completed their twentieth year on the 1st January of the year in which the plebiscite takes place;
- b) Were born in the plebiscite area or have been domiciled there since a date to be determined by the Commission, which shall not be subsequent to January 1, 1919, or who have been expelled by the German authorities and have not retained their domicile there".

By taking into account the first paragraph of Article 89 and paragraph 4 of the Annex, which form a whole, the text should accordingly read as follows:

Are called upon to indicate by a vote whether they wish to be attached to Germany or to Poland,

1. The inhabitants born in the plebiscite area;
2. The inhabitants domiciled in the plebiscite area since a date.....

in opposition attach to the decision of this fundamental question, and of the fact that it is primarily a matter of interpreting the Treaty, the Commission deemed that it was advisable to submit this legal dispute to the Conference of Ambassadors for a decision.

The question does not only present an immense theoretical interest, since the point finally at issue is to decide by means of an interpretation of the Treaty, on what persons the right to decide the destiny of Upper Silesia devolves; it presents a practical importance not less considerable since the parties are unanimous in considering that if the number of inhabitants called upon to vote must be about 800,000, the number of voters originally coming from Upper Silesia residing outside the territory would not be inferior to 300,000.

You will find enclosed herewith the memorandums drawn up by each of the Commissioners. These memorandums are not the result of a contradictory debate, to which the parties concerned were called; they are solely based, with a view to impartiality, on abstract considerations respecting the interpretation of the texts.

Finally, the Commission cannot dissimulate the importance which is attached to a prompt decision being reached concerning this matter. The immediate preparation of the plebiscite is held in abeyance on account of this decision. Consequently, I will beg Your Excellency to be good enough to recognise its extremely urgent character, as you will not fail to recognise its capital importance.

Signed: LE FOND.

APPENDIX "B"
TO C.A.93.

INTERNATIONAL GOVERNING AND
PLEBISCITE COMMISSION
OF UPPER SILESIA.

Opole (Opolo) October 29, 1920.

Secretariat General
No. 119.

From: General LE ROND, President of the Inter-
allied Governing and Plebiscite Commission
of Upper Silesia,

To: The President of the Conference of Ambassadors,
Paris.

At a time when the labors necessary in the preparation of the plebiscite are approaching their conclusion, a fundamental question concerning the interpretation of the Treaty arises for the Governing and Plebiscite Commission, namely: to find out whether, referring only to paragraph 4 of the Annex to Article 88 of the Treaty of Versailles, any person born in the plebiscite area possesses the right to vote, even if he no longer lives there, or if by virtue of the first paragraph of Article 88 of the Treaty, which stipulates that the "inhabitants will be called upon to decide by a vote whether they are to be attached to Germany or to Poland", the persons born in the plebiscite area, who have not retained their domicile therein will be able to claim the right to vote only to the extent to which the attribute of inhabitant is accorded them by virtue of the plebiscite regulations.

On this question, as on all those raised by the administration and government of the territory, as well as by the preparation of the plebiscite, the Treaty accords to the Commission the power to decide. Nevertheless, on account of the important interests involved, and of the importance which the two parties in opposition....

APPENDIX "A",

C.A. 93.

E. S. H. SULLIVAN 1164

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CONFIDENTIAL

AMERICAN EMBASSY, PARIS

Memorandum from the British Embassy No. 5, 1920.
regarding proposal to sell surplus
German aeronautical material.

URGENT

Acting by virtue of instructions received from His Majesty's First Secretary of State for Foreign Affairs, the British Embassy has the honor to inform the Secretariat General of the Conference of Ambassadors that His Majesty's Government is examining the following proposal:

That the surplus German aeronautical material which has been attributed to it according to the terms of the Peace Treaty and which is now deposited at Antwerp should be sold as old iron. The necessary measures would be taken in order that the purchasers proceed to the demolition of this material in the presence of the local representative of the British Ministry of War Munitions.

The disposal of this material is regulated by the Resolution of the Supreme Council, dated Aug. 1, 1919, by which it was decided that any Allied Government accepting material of this category, will pledge itself "not to allow this material to leave the bounds of its jurisdiction afterwards".

In the opinion of His Majesty's Government, this resolution clearly excludes the sale of any part whatsoever of the material delivered, in good condition, or under any other form than that of old iron. This opinion is shared by the Aeronautical Commission of Control. Considering the circumstances of this affair, and more particularly the motives which guided the Supreme Council in taking this decision, His Majesty's Government is of opinion that the terms of the resolution do not prevent the sale of the material as old iron.

Consequently, the British Embassy is instructed to inform the Conference of Ambassadors that, unless the other Governments see any objection thereto, His Majesty's Government intends to give its consent to the proposal to sell as old iron the material in question.

Paris, November 5, 1920.

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APPENDIX "A",

C.A. 93.

AMERICAN EMBASSY, PARIS

E. S. H. SUPPLETIN 1164

274

CONFIDENTIAL

Memorandum from the British Embassy
Regarding proposal to sell surplus
German aeronautical material.

Nov. 5, 1920.

SECRET

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Paris, November 5, 1920.

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Lord Derby's farewell
to the Conference.

LORD DERBY: Lord Derby is present
for the last time at the meeting of the

Conference of Ambassadors. His discussions have been marked
by a skill that has won from his colleagues at the Conference
so much confidence and esteem. In the name of the Conference
I wish to express the regret that we feel at his departure
and to assure him that he leaves here not only colleagues but
friends.

LORD DERBY: I thank the President for those words. I
regret now having to say farewell to the Conference, at least
as an official, but I hope I am only saying an revoir to the
members of this Conference as a friend.

MR. CAMBON: We will remind you of those words.

LORD DERBY: I expect I have shown obstinacy at times
during our discussions. I apologise for that. But I hope I
have never exceeded the bounds of courtesy and I thank the
Conference for the welcome I have always had from it. I also
thank the Secretariat. In spite of the work that I have
often imposed upon it, I have never met anything other than
goodwill. I am very grateful to it for the services it has
rendered to me.

The Conference rose at 12:30.

COURT BOVIN LONGARE: It concerns the whole question, political and legal.

LORD DERBY: This means telling the Governments to re-examine the whole question of Upper Silesia and of knowing, in view of the terrible difficulties which the plebiscite will encounter, if the territory of Upper Silesia should not be administered as if it were independent.

MR. CAMBON: It is possible, in view of Marshal Foch's observation, that a war between Poland and Germany will result. That is quite evident to me. In deciding which is the exact legal bearing of a small Article of the Annex, we would open the door to such a danger

MR. DE PERRETTI DE LA ROCCA: There is no unanimity on this interpretation.

MR. CAMBON: In these circumstances it seems to me that we should advise the Governments of the situation they are faced with, and let them deliberate between themselves. Each of the Delegates will therefore bring the matter to the notice of his Government, informing it of the observations that have been made here (approval).

It was decided:
that each Ambassador should draw the attention of his Government:

(1) to the fact that the participation in the plebiscite of a considerable number of German voters who were originally of Upper Silesia is calculated to endanger to a large extent the peace of Europe in general and the security of the forces of occupation in particular.

(2) to the fact that if the Principal Allied Powers do not consider that they have sufficient legal ground in the Treaty of Versailles to prevent this participation they should consider reinforcing the troops of occupation to a strength of 60,000 men, the minimum necessary to ensure the maintenance of order.

(3) on the urgency of coming to a decision.

Lord Derby's . . .

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nationality. They will fight and we will be unable to prevent them. So, from a Treaty of Peace, we will produce a war. I am not a legal expert, but it is my opinion that it is the duty of the Conference of Ambassadors to interpret the Treaty of Peace in such a way as to avoid creating this fatal circumstance which will bring war.

LORD DERBY: I do not wish to discuss the numbers put forward by Marshal Foch, but in my personal opinion there are only 200,000 Germans, of which half are women. I am not speaking of the real danger pointed out by Mr. de Peretti de la Rocca and Marshal Foch. If the Conference must execute the Treaty as it exists, the Annex to Article 88 lays down that the emigrants have the right to vote.

COUNT BONIN LONGARE: I am quite of this opinion. I would remark to Mr. de Peretti de la Rocca that in other cases the Conference has not interpreted, but applied the Treaty. Allowing even that the Conference did interpret the Treaty, it did so by admitting the non-residents. It thus established a legal precedent upon which it will be difficult to go back today. In recognizing the gravity of the political situation, the Conference is leaving it to the Governments to take a decision.

MR. CAMBON: One element seems to me to dominate all. That is the question of the effectives which will be assembled in Upper Silesia. It is not for the Conference to decide if they can send 50,000, 70,000 or 80,000 men to Upper Silesia. We are absolutely incompetent. Besides, we cannot expose the men which France and Italy have in Upper Silesia to the danger which they might run if we do not know the decisions of the Governments. It seems to me that this question is of such a nature that it is essential that the Governments should be fully alive to their responsibilities.

COUNT BONIN . . .

therefore contestable and it cannot be considered as settled.

LORD DERBY: You should read the Annex.

MR. DE PERETTI DE LA ROCCA: The fact that agreement has not been reached proves that the Article is not clear. On the other hand, Count Bonin Longare declared that the Conference of Ambassadors could not interpret the Treaty to the extent of modifying it in that sense. Moreover, as Lord Derby said, the Conference has already interpreted the Treaty in the wrong way for the plebiscites of Allenstein and Marienwerder.

COUNT BONIN LONGARE: It did it in conformity with the text of the Treaty.

MR. DE PERETTI DE LA ROCCA: Since the Conference has interpreted the Treaty in one way, why could it not interpret it in another? You know that a condition from the Reparations point of view has been submitted to the meeting of the Conference which should take place at Geneva: it is that the question of Upper Silesia should be settled first. As the formalities for the plebiscite will be long, the Conference must decide as soon as possible.

MARSHAL FOCH: I would ask that if the Governments have this matter brought before them, they should understand: (1) that we cannot think of admitting the emigrants unless the minimum force of occupation is of 60,000 men in Upper Silesia; (2) that when we have these 60,000 men, we must not deceive ourselves as to the result: 300,000 Germans will arrive from one side and 100,000 Poles from the other, upheld by their national organisations. So, before our 60,000 men, a battle will rage between the Poles and the Germans which we will be unable to stop, and which will soon become war between Germany and Poland.

It is a situation which we will be unable to master, a situation which the adversaries will have to decide by their nationality . . .

When the Treaties wished to act differently, they made use of different expressions. To prove this it is sufficient to read the Articles concerning the plebiscite in the Basin of the Saar and the Klagenfurt Plebiscite.

Paragraph 4 of the Annex to Article 88 says: "Were born in the plebiscite area or have been domiciled there....." Were the condition of domicile essential, the authors of the Treaty would have put "and are domiciled there". I therefore think that we are not on the ground of the interpretation but on that of the application. The solution of preventing the non-residents to vote would be a modification and not an interpretation of the Treaty. Because of its gravity, the question is not within our competence.

If, by simply interpreting the Treaty we could exclude from the vote all people born in the zone but not resident there, I would immediately give this solution my support. But the terms of the Treaty are too clear and too precise; I do not think the Conference competent. I think we should put the matter before our Governments who will envisage political considerations and decide whether the troops of occupation should be reinforced in order to ensure the regularity of the vote and keep public order. If they consider these measures impossible the Governments will find other decisions which the Conference of Ambassadors has not the power to take itself.

MR. MATSUDA: I have no observations to make.

MR. DE PERETTI DE LA ROCHE: According to Lord Derby, without any doubt, the terms of the Treaty are precise: the non-residents should be allowed to vote. Residence means the presence of a person in a country. Of the five Powers here represented, two are of this opinion, two are of a different opinion and the other expresses no opinion. The matter is therefore . . .

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a great peril. Poland will likely be overrun, and this Conference and the Allies should give it the support it deserves and instead of knocking the props from under it, should prop it up. A liberal interpretation of the Treaty concerning the right of vote would be very desirable and would be everywhere considered as a desire of the Conference to strengthen the Polish point of view. I hope, that in spite of the fact that I am not entitled to a vote here I will be permitted in a personal way, and in view of the fact that my Government is deeply interested in the matter, to say that I hope that the Conference in a spirit of fairness and decency to Poland will give a liberal interpretation of this Treaty.

I might recall that about a month ago when we were discussing the Bessarabian Treaty, I predicted that a dismemberment of Russia at this time would serve to strengthen the Bolsheviks, and we have seen the results. I think the signing of the Bessarabian Treaty aroused the national spirit of Russia and brought about the defeat of Wrangel. I hope that this time a similar decision will not be taken by voting in the sense expressed by Lord Derby.

COURT BONIN LONGMARE: The arguments put forward by Mr. de Peretti de la Rocca and emphasized by Marshal Foch are of extreme importance and very striking. They justify Lord Derby's observation: we find ourselves in presence of one of the gravest decisions the Conference has ever had to take.

Looking at the question simply from a political point of view, I think we must consider the consequences of all the arguments that have been brought before us.

From the legal point of view, the question assumes a different aspect: there is no doubt, the Treaty wished to allow people born in Upper Silesia though not resident there to vote.

When the . . .

take in concert the measures that they judge necessary to render the maintenance of order possible.

I think that the French Government is quite justified in not accepting the responsibility in these circumstances since if there is battle it will be the French soldiers above all who will suffer. But apart from this I consider that legally the Conference can only state that out-voters are entitled to vote under the Treaty, then it can leave the Governments to decide what measures should be taken to maintain order during the voting proceedings.

MR. WALLACE: I deeply regret that, as usual, I can only make personal observations, but my justification for saying a few words is that my Government is very much interested in this question. I cannot, therefore, agree with the last opinion expressed by my British colleague regarding the legal question that there is only one decision to be taken by the Conference. As I understand it, this Conference is supposed to interpret the Treaty in a way which it thinks is for the welfare of the countries and the peoples of Europe and an interpretation of the Treaty giving an opportunity to the Germans to send in from 300,000 to 500,000 people who were simply born in Upper Silesia but who have no rights whatever, is equivalent to deciding the plebiscite in advance and would cause bloodshed, and create serious trouble, placing the French and Italian troops in jeopardy. To decide as Lord Derby suggests would be an injustice to France and a double injustice to Poland. I think you are opening the door wide for Germany to come in and by crooked means take possession of the country. It seems to me that the liberal and decent interpretation of this treaty would be to exclude from voting there the men who are manifestly ineligible to vote; and furthermore it strikes me and always has struck me that when the question of Poland arises we lean backwards and not towards Poland. Poland is facing

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signed protests and sent 90 telegrams. I consider that the aforesaid Poles are seeking to force the hand of the Conference and I pay not the slightest attention therefore to their protests.

As for the terms of the Treaty, they seem to me extremely clear and undoubtedly authorize German non-residents to vote. Apart from this, the terms of the Treaty with regard to Allenstein, Marienwerder and Schleswig, are precisely the same, and they have been interpreted in this way with regard to the different districts

Mr. de Peretti de la Rocca asked who decided in the case of Allenstein and Marienwerder whether out-voters should be allowed to vote and he answered his own question by saying that it was the Commission itself in each case who decided. But I think Mr. de Peretti de la Rocca overlooks a little point which is as follows: the Conference was asked to declare whether out-voters should vote in different urns from those allotted to people actually domiciled in the country. The mere fact that the Conference took a decision on that point gave the Commission the sanction of the Conference of Ambassadors to the principle that out-voters should vote. From the moment the Conference of Ambassadors agreed to the out-voters voting in the case of the Allenstein, Marienwerder and Schleswig plebiscites, it is bound to accept it in this case.

The question may be raised as to whether the Treaty is as perfect as it could have been. But in any case the Conference of Ambassadors has no right to discuss the terms of the Treaty; it has only to carry them out as it stands and not as it would perhaps like it to stand. Article 88 and its Annex both declare definitely that out-voters have the right to vote and I think therefore that the permission to vote should be granted to out-voters by the Conference. But the Conference should warn the Allied Governments at the same time of the very serious state of affairs brought to its notice this morning. It would then remain for the Allies to take in concert . . .

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face with what is probably the gravest decision that it has ever had to take.

There are two points that should be kept completely separate: the first is the question whether German emigrants should be authorised to vote; the second consists of the steps to be taken to maintain order during the plebiscite. I will deal with the second point first.

All that General Le Rond has declared in this respect is very striking and the words spoken by Marshal Foch only emphasize still further the declarations of General Le Rond.

I would like to make a reserve with regard to the signature of the British representative to the telegram read a short time ago. I am not quite sure that Colonel Percival's opinion altogether conforms with the points mentioned in this telegram.

In any case as far as concerns this second question, all that the Ambassadors here present can do is to put their respective Governments au courant of the danger brought to their notice. It rests with the Governments to take decisions regarding the eventual expedition of additional troops to Upper Silesia.

The first question is a legal question. Have the German non-residents the right to vote? The story of this point as I understand it is that the paragraph was introduced at the request of the Poles who thought that thousands and thousands of Poles settled in America would realise it their duty to return from America and take part in the vote. But we have since seen that these Poles found that they were better off in America than in their own country and they have refused to return.

Apart from this I do not want to take into account what has been said regarding the 100,000 Poles who have already signed . . .

insufficient even in moments of calm - we had proof of that during recent events when the troops of occupation had the greatest difficulty in keeping order. Still more will this insufficiency be felt in face of the movements that can be foreseen if, in view of the plebiscite, we authorise the intervention of a considerable number of Germans.

What is this number? They say 300,000, 350,000, no one knows and no one can know. Apart from this, how will these 300,000 Germans arrive? Where will they disembark? Pending an answer to these questions, what measures can we take to ward off a danger of which we know not the extent and which, thanks to German organisation, will appear suddenly at a certain point. It will of necessity mean a fatal battle arriving in unforeseen conditions.

Apart from these German forces we shall see Polish forces appear from the other side. They mention 200,000 Poles. We shall then see a battle of 200,000 Poles against 300,000 Germans with 13,500 unfortunate French and Italians to keep order.

It is undeniable therefore that France cannot take the responsibility of such a situation owing to the fact that there are only the French and Italian flags side by side, both involved with very weak forces. It asks therefore that the Allied strength should be reinforced to the amount requested not only by General Le Rond but by all the Allied Commissioners that is to say to a minimum force of occupation of 60,000 men, otherwise the plebiscite will be transformed into a battle that will break loose under the supervision of the French and Italian flags. I declare that my spirit and conscience make it impossible to realize such an undertaking in which 13,500 French and Italian soldiers are spectators.

LORD DERBY: Without any doubt the Conference is face to face with . . .

the Commission takes up its stand behind the Conference of Ambassadors and asks it to decide.

The French Government under these conditions cannot allow the non-residents to vote. They would agree to it if the military means demanded by General Le Rond are allowed to him. That represents 35,000 men over and above those at present in Upper Silesia, Marshal Foch and General Weygand from a military point of view will give all further information necessary and say whether the French Government can send these men. The opinion of the French Government is very definite: if these men are not sent they cannot agree to allow the non-residents to vote.

I would add that its attitude is not dictated by reasons of a general order only, but also by its own private interests, because public opinion would not be disposed to allow French troops to be placed in peril under such conditions.

MR. CAMBON: Can Marshal Foch make any remarks on the possibility of increasing the strength of the troops?

MARSHAL FOCH: I will say this with regard to the possibility of increasing the strength of the troops. When the question arose of occupying Upper Silesia, the contingent to be supplied was fixed at 25,000 men. These 25,000 men were to include a certain number of French, English, Italian and American troops.

The English and American troops not having been sent, the strength of the occupation is reduced to 13,500.

Hence the occupation of 25,000 men that was deemed necessary for Upper Silesia has not been realized and the question of whether foreigners should vote in the territory was not raised at that moment.

At the present moment, therefore, we find ourselves in presence of a reduced number in the occupation which is insufficient . . .

It is under these conditions that the Plebiscite Commission of Upper Silesia has just sent a telegram to the Conference of Ambassadors which was distributed this morning and reads as follows: (Appendix "F"). In this General Le Rond, commanding the troops, is very definite. There will be an insurrection, blood will flow, and he can do nothing to prevent it.

His colleagues of the Plebiscite Commission are of the same opinion and consider it necessary to reinforce the troops of occupation immediately in the lines indicated by General Le Rond.

That is why we discuss here the legal point of view and precedents.

From reports I have seen containing the opinion of General Le Rond and his colleagues regarding the legal aspects of the case, I would state that the French Commissioner is not in agreement with his two Allied colleagues. Unanimity is therefore lacking and the legal argument is itself contestable.

Must we take account of the legal point of view, when the situation is of pressing importance and the fuse is burning.

Precedents have been invoked, Schleswig, Allenstein and Marienwerder, but who decided in these three plebiscites that the non-residents should have the right to vote? The Plebiscite Commissions. The Upper Silesian Commission has the same power. It can easily decide the question. Why does it not decide? It is because it considers first of all that the legal argument is not incontestable, since out of three Commissions, two have a different opinion from the third, and also, apart from the legal questions involved there are extremely important political considerations in that the decision to be taken will certainly bring about civil war in Upper Silesia and might very well cause a European war. That is why the Commission . . .

when this police force is constituted and officered, it will comprise only 5,000 men, half Polish and half German, each having the closest connection with each of the parties in presence. Moreover, this force will necessarily be dispersed throughout the territory in small detachments, which will be lost among the population. Morally and materially, the service of such a force would be very limited in case of serious events. I consider it superfluous to insist and I conclude.

If, contrary to my expectations, the interpretation giving the vote to natives, not domiciled, should prevail, it would be necessary for the Allied Powers to prepare as soon as possible to place at the disposal of the Governing Commission, the necessary means of action to carry out the plebiscite. With the present means at my disposal, the maintenance of order is impossible and inconceivable; civil war is, on the contrary, almost certain. If we must face it, I beg Your Excellency to consider that an army of 60,000 men would seem to be necessary."

LORD DERBY: Why did they not foresee the possibility of the arrival of these 300,000 voters when the preparatory work for the plebiscite was carried out?

MR. DE PERETTI DE LA ROCCA: There is a loophole in the stipulations, that is all that it means.

This report from General Le Rond was dated November 4th. A telegram from General Le Rond, dated November 17, 1920, says that the movement of the Polish inhabitants protesting against the eventual admission to the plebiscite of natives of Silesia inhabiting Germany, is being vigorously carried on and if these emigrants are admitted to the plebiscite, a Polish insurrection against their entrance may be expected.

He adds, on the other hand, that the Interallied authorities continue to seize depots of arms and munitions from German partisans and in the bloody conflict which is expected, the French officials and French troops will be in danger.

It is . . .

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are very closely connected with practical reasons, and I do not see any possibility of maintaining order in case of such an influx of voters unless the strength of the Allied troops is increased to five times their present number.

Having been closely associated, in Paris, with the establishment of all of the provisions relative to the execution of the plebiscite in Upper Silesia, I wish to recall that at a time when no one would have foreseen the possibility, even remote, of outside voters coming to Upper Silesia, it had seemed necessary to fix the strength of the troops occupying this country, at 25,000 men. It is not necessary to say that this number has never been attained on account of the simultaneous defection of the Americans and British. The Italian Government sent a small number which it refused to increase, having had two opportunities: after the evacuation of Marienwerder and of Teschen. On the contrary, it has taken advantage of the first opportunity to reduce its numbers. In demobilizing its 1918 class, the Italian force was reduced from 3,000 to 2,500 men. Those who left will not be replaced.

Thus I have today at my disposal, for the maintenance of order and the guard of the frontiers, 13,500 men, for a population in an area of over 500 kilometres. Besides, during two whole months, the time necessary for the movement of such a mass, 350,000 people, half of whom are male adults with military training, would occupy the country, manifesting and reviving the zeal of German partisans, living, without working, at the expense of German propaganda organisations, and would disturb all the conditions of the country for several weeks.

Your Excellency will permit me to call to mind, in face of such a problem, the assistance I can expect from the reorganized police force of Upper Silesia. It must not be forgotten that
when this . . .

evidently powerless in face of such a veritable army against which General Le Rond estimates it will be necessary to oppose 60,000 men.

I am going to ask your permission to read extracts of a report sent by General Le Rond to the French Government.

"The extension of the right of vote, by an abusive interpretation of the Treaty, to a compact mass of 300,000 people who would come from Germany on the eve of the plebiscite, is as incompatible with the morality of this popular consultation as it is with the maintenance of public order. As French representative, on whom falls all the responsibility for the conduct of the plebiscite, I would not be able to assume such responsibility without bringing the question, in the most urgent manner, to the attention of the Government of the Republic, whose troops, 11,000 in number, together with 2,500 Italian troops, are the only and insufficient guarantee of the freedom of the vote from the moral point of view, and of the maintenance of order from the material point of view. The gravity of these dangers cannot be exaggerated."

In his report General Le Rond then points out what took place in Schleswig, Allenstein, and Marienwerder, and adds, in regard to Upper Silesia:

"The vote of natives, not domiciled here, represents votes of the sons of emigrants returned to Germany because this is not their country and their fathers came here merely to work toward the Germanization of the country. Natives not domiciled here are, for the greater part, sons of officials sent to Upper Silesia by Prussia and who today, on account of the industrial growth of the country, number at least 50,000."

He continues:

"Moreover, the moral reasons I have just pointed out are very . . .

MR. DE PERETTI DE LA ROCCA: The question is to know whether by referring only to Paragraph 4 of the Annex to Article 88 of the Treaty of Versailles any person born in the plebiscite area has the right to vote in the plebiscite of Upper Silesia even if he is no longer domiciled there, or whether, according to the first paragraph of Article 88 of the Treaty which stipulates that the inhabitants would be called upon to decide by a vote whether they wish to be attached to Germany or to Poland, people born in this plebiscite area but no longer domiciled there can only exercise the right to vote if their qualifications as being inhabitants are recognised according to the rules of the plebiscite. If the provisions of the Annex are applied to the letter, a very great number of people would be authorized to take part in the voting, especially the sons of officials who left Upper Silesia many years ago without ever thinking of returning and without having any interest in that place. There will be about 300,000 voters arriving from Germany whose intervention will falsify the results in the counting. This leaves the door open to every kind of fraud, since the Commission cannot possibly control in Germany the identity of individuals to whom the German authorities will give papers allowing them the right to take part in the vote, while people with Polish sympathies would be prevented by every means from entering Upper Silesia. The literal application of Paragraph 4 of the Annex to Article 88 will have for its first result the falsification of the plebiscite in Upper Silesia; its second result will be to render it practically impossible. The electors arriving from Germany will be marshalled as disciplined troops. We have seen what took place in Allenstein and Schleswig. The local population being terrorised will abstain from voting. The 13,500 men forming the troops of occupation will be evidently . . .

The clauses of the Peace Treaty and the present use to which the Geographical Institute is put can justify neither the division of the plant and instruments nor the other documents in its possession to the co-heriting States. On the other hand there is no doubt that all trigonometrical and topographical data and material for reproduction can be handed over to the co-heriting States as has been done by the agreement arrived at direct between the Government of the Austrian Republic and Czecho-Slovakia. In one word, it is not a question of refusing the co-heriting States to take what is theirs by the Treaty, but rather with notdispensing, by interpreting the Treaty in too large a sense, material which could be useful to everybody.

The best reply to give would be, therefore, to invite the Roumanian and Serb-Croat-Slovene Government to come to an arrangement with Austria in the same manner as has been done by Czecho-Slovakia.

MR. CAMBON: We have received a report from Marshal Foch on this question. I propose to adjourn the question to the next meeting.

COUNT BONIN LONGARE: I am quite willing. I would only ask that it might be marked No. 1 on the agenda. (General approval).

The question was adjourned.

7. Plebiscite in Upper Silesia. Vote of emigrants.
- The Conference had before it:
- (a) Report No. 119, of the Upper Silesian Commission, of October 29, 1920 (Appendix "B");
- (b) Notes from the Polish Delegation of September 21 and 23, 1920 (Appendices "C" and "D"); (c) a memorandum from the British Embassy of November 14, 1920 (Appendix "E").

MR. DE PERETTI . . .

(1) the Geographical Institute at Vienna is not in liquidation and although administered for some time by the Ministry of Public Works, it continues to supply on payment Geographical and topographical maps;

(2) the Austrian Government has earnestly manifested its intention to the Interallied Military Commission of Control at Vienna of continuing to run the Geographical Institute in consideration, perhaps, of the traditions of the establishment, perhaps of the ^{fight} to participate in international geodesical work and perhaps further of the considerable profit resulting from the sale of the numerous publications, the material for which is in the possession of the Institute;

(3) with a view to applying Article 93 and in part Article 195, Czecho-Slovakia and Austria signed a Convention last October laying down the manner in which should be handed to the Czecho-Slovak Government documents and acts regarding persons and property at present administered by the Czech Government. An Annex to the above Convention stipulates the manner in which trigonometrical and topographical documents and measures for reproducing maps should be handed over to the Czecho-Slovak Government.

Austria will surely not refuse the concession of similar facilities to the States dividing up the territory of the monarchy.

The request made by the Czecho-Slovak, Serb-Croat-Slovene and Roumanian Governments would not therefore seem to enter into the application of Article 93 since it does not limit itself to demanding the aforesaid documents from the Geographical Institute of Vienna but even the plant, instruments, historical documents, etc., as though the bulk of the Institute should be divided among the co-heriting States.

The clauses

5. Ex-German aeronautical material at Antwerp. British memorandum of November 5, 1920 (Appendix "A").

LORD DERBY: The memorandum of the British Embassy regarding the ex-German aeronautical material lying at Antwerp has been submitted to the Interallied Aeronautical Committee and to the Committee of Versailles who are both in agreement. I hope this question can be examined here as soon as possible.

GENERAL WEYGAND: As Lord Derby has just said, the Military and Aeronautical Committees are in agreement. Under these circumstances if the Conference will authorize us to this effect, we could proceed at once to the execution of this proposal. (General approval).

It was decided:
to authorize the British Government to sell as scrap the proceeds of the destruction of the surplus German aeronautical material allocated to them under the Treaty of Versailles and now lying at Antwerp.

COUNT BONIN LONGARE: We have had to deal with a question regarding the

Geographical Institute at Vienna raised in a Note from the Czechoslovak, Serb-Croat-Slovene and Roumanian Delegations. The latter request the distribution not only of material used in the process of reproduction, but also plates, measures and instruments of the Geographical Institute, basing their argument on a special interpretation of Article 93 of the Treaty of St. Germain.

We are held up by a question of fact. It was stated that the Institute of Vienna was in liquidation. We decided to enlighten ourselves on this point in order to find out whether it was so and the Italian Delegation has just received the following information:

(1) the . . .

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COUNT BONIN LONGARE: There is no reason in this for Roumania not sending a representative to Budapest; on the contrary, if they had had one, the Roumanians, whose disappearance is feared, would not have been shot.

MR. CAMBON: I can reply to Prince Ghika that I have reported his grievances to the Conference and that we see there just a further reason why Roumania should send a representative to Budapest capable of acting there and of asking for explanations, since we have decided that Roumania and Hungary should no longer make use of us as intermediary. We shall therefore request the Roumanian Government to make use of this occasion for sending a minister to Budapest who can enlighten himself regarding all the deeds of which he complains. (Approval).

4. Ratification of the Treaty of the

LORD DERBY: While on this subject, can my colleagues tell me when they think the Treaty with Hungary will be ratified by the French and Italian Parliaments. The British Parliament proposes to ratify very soon.

MR. CAMBON: The French Government has placed the draft law regarding the ratification of the Treaty with Hungary before the Chamber, but it awaits the Hungarian ratification before asking the Chamber to vote.

LORD DERBY: The Hungarians have just ratified the Treaty.
MR. CAMBON: We shall therefore urge our Parliament to do likewise.

COUNT BONIN LONGARE: As far as concerns the Italian Government, I have no information, but everything leads me to suppose that we also will ratify as early as possible. If the Conference wishes, I could inform my Government of its desire to see this ratification brought in at the earliest possible moment.

5. Ek-German . . .

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nothing.

MR. CAMBON: Perhaps it is going too far to tell them there is nothing to be done. I would propose that for the present we authorize them to postpone all intervention. (Agreement).

It was decided:

to request the Allied representatives at Budapest to postpone the representation stimulated in Resolution I, Paragraph A, of C. A. 91.

3. Reopening of Diplomatic relations between Roumania and Hungary.

MR. CAMBON: I have just received a visit from Prince Ghika. The Conference of Ambassadors expressed

a wish for Roumania to hasten the resumption of diplomatic relations with Hungary. Prince Ghika told me that the Roumanian Government was very favorably inclined to this but there is something that causes difficulty: Hungarian subjects have been arrested and tried in Roumania for high treason and espionage and they are still in prison; on the other hand Roumanian subjects have been arrested and condemned in Hungary on the same account; the Roumanian Government hoped that it would be possible to carry out an interchange of the persons concerned: unfortunately Hungary does not reply to the proposals made to it and there are strong reasons for believing that the Roumanians condemned in Hungary have already paid the full penalty of death while the Hungarians condemned in Roumania are still alive. This is a situation, added Prince Ghika, that forms a difficult prologue to the resumption of relations.

Such is the situation that Prince Ghika has asked me to put before the Conference with a view to explaining the delay caused by Roumania in the resumption of friendly relations with Hungary.

COUNT BONIN . . .

We received a telegram from our representative at Budapest stating that he and his colleagues, both diplomatic and military, considered the moment unpropitious for representations. For one thing the Hungarian Government has for several days been taking vigorous measures against the various militarist organisations that could be considered as responsible for the intrigues in question. Further it seems that the Czecho-Slovak Government has been much alarmed by information emanating from a British subject, Mr. Trebitsch Lincoln, who once upon a time came to England and succeeded in getting into Parliament; who later rebelled against his King, became a spy and was pursued and imprisoned.

It is certain that this individual is much to be suspected. There is no need to attach importance to his information. It would therefore be a good thing to authorise the Allied representatives to warn the Czecho-Slovak Government that the manoeuvres of this man should in no way alarm it.

MR. CAMBON: We have received from the High Commissioner of the French Republic at Budapest, a telegram similar to that received by the British Ambassador; it states that no military coup d'etat is to be feared at present in Hungary, and that no concentration of troops is taking place on the Czecho-Slovak frontier: the Allied Military Commission has carried out an inspection at this point and has seen nothing suspicious. Under these circumstances, he adds, the Italian and British representatives have asked additional instructions from their Governments. It seemed difficult to him to intervene alone and he considered it advisable to suspend action.

COUNT BONIN LONGARE: We have, in fact, received a similar telegram from our charge d'affaires at Budapest. Under these circumstances we could perhaps warn our representatives to do nothing . . .

LORD DERBY: If we use the words "in principle" as I proposed, that will cover everything. Further, as regards paragraph 2, this, in my opinion, should be carried out immediately and without delay.

COUNT BONIN LONGARE: I have no objection to raise. I would only make a reservation regarding the right of my Government to be represented or not on this Commission.

MR. CAMBON: With this reservation, we therefore agree to adopt the resolutions proposed by Lord Derby.

It was decided:

(1) that the Allied troops in Danzig shall be withdrawn on November 23, 1920.

(2) that all war material, except certain limited quantities to be left, at the discretion of General Haking, for police purposes to Danzig, should be at once handed over to Poland.

(3) that all miscellaneous property unconnected with the port, waterways or railways or other services to be administered under the Polish-Danzig Convention by Poland, should in principle be allocated to Danzig.

(4) that arrangements should be made as soon as possible for the distribution of property connected with the port, waterways or railways and services to be administered under the Polish-Danzig Convention by Poland.

(5) that the duty of carrying out paragraphs 3 and 4 of this resolution should be entrusted to a Commission provided with full powers and composed of three members nominated by the British, French and Italian Governments.

The Italian Ambassador reserves the right of his Government to designate or not a representative on this Commission.

2. Reactionary
Intriagues in
Hungary.

LORD DERBY: On November 8th last the
Conference decided to instruct the Allied repre-

sentatives at Budapest to warn the Hungarian Government that it would be held responsible for any aggressive action on the part of Hungarian troops or subjects against Czechoslovakia. It was decided at the same time that representations should be made with regard to the excess strength of the Hungarian army in accordance with the resolution of October 20, 1920.

We received . . .

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understood that it will have to be divided up in advance.

LORD DERBY: Could we not use here the two words "in principle" and in this way allow the acceptance of these last two paragraphs. We could then decide that the Conference should nominate a Commission with full power to go there to arrange for the division of property.

MR. CAMBON: We can accept this proposal, especially as we shall thus meet the wishes of the Dantzigers and the Poles in nominating a Commission. I propose that it should be constituted of three members, English, French and Italian.

MR. PERETTI DE LA ROCCA: I believe the French Government has no objection to raise to this.

COUNT BONIN LONGARE: Does it mean sending Commissioners specially for this purpose? Are there no representatives on the spot who could be designated with the sole purpose of avoiding expense?

MR. CAMBON: We can leave each Government to designate its Commissioner.

MR. PERETTI DE LA ROCCA: We have our Consuls who could be entrusted with this mission.

MR. CAMBON: We agree therefore. Each of us will ask his Government to designate a Commissioner.

LORD DERBY: I would like it to be quite clear that the Commission thus nominated will have full power to carry out paragraphs 3 and 4 of the Resolution I have just suggested.

MR. CAMBON: It is certain that the Commission will have to have full power as they have as their duty the carrying out of our decisions. It may be difficult to appreciate what property shall be attributed to Dantzig or Poland. The Commission should be free to come to a decision without referring to us.

LORD DERBY . . .

asked the opinion of Marshal Foch, and we agree that the troops should be withdrawn. But it remains to be seen whether the French Government accepts this point of view.

MR. PERETTI DE IA ROCCA: I believe the French Government raises no objection to the withdrawal of these troops if Marshal Foch's opinion is favorable.

MR. CAMBON: It goes without saying that as far as concerns the division of property such division should be carried out according to the stipulations of the Treaty of Versailles: the Commissions so nominated should supervise it.

GENERAL WEYGAND: Since the British troops have to be withdrawn on the 23rd, it would be desirable for General Haking, being instructed to collect this material, or one of his officers, to remain on the spot and ensure that the material shall continue to be guarded. If it happens otherwise, Dantzig or Germany might be tempted to take hold of it.

LORD DERBY: What I would suggest is that General Haking should take the necessary steps to see that this material should be taken from Dantzig and given to Poland as soon as possible.

MR. CAMBON: We therefore agree with the first two paragraphs of the resolution suggested by Lord Derby.

On the other hand, as far as concerns the handing over of the property mentioned in the other two paragraphs, it is clear that this cannot be done until the distribution has been made. Who is responsible for making this distribution?

MR. MASSIGLI: The distribution has not yet been made. We have proposals before us. In conformity with the Treaty the distribution should be carried out by the Principal Powers, who have to nominate Commissioners.

MR. CAMBON: In order to distribute property it is understood . . .

1. Dantzig: Withdrawal of Allied troops and division of material and property.

LORD DERBY: Since Dantzig has now been established as a Free City,

the question of withdrawing the Allied troops

becomes of pressing importance. The British military

authorities wish to withdraw their troops by November 23rd at

the latest. It does not seem that from a military point of

view there is any objection to carrying out this decision. But

there are still some points to be decided regarding which I

have put forward the following text for a resolution to be taken

by the Conference of Ambassadors:

1. that the Allied troops at Dantzig should be withdrawn on November 23rd.

2. that all war material except certain limited quantities to be left at the discretion of General Haking for police purposes should be handed over at once to Poland.

3. that all miscellaneous property unconnected with the port, waterways or railways and other services to be administered under the Polish-Dantzig Convention by Poland should, in principle, be allocated to Dantzig.

4. that arrangements should be made for the distribution as quickly as possible of all property connected with the port, waterways or railways and services to be administered by Poland under the Polish-Dantzig Convention.

MR. CAMBON: With regard to this Dantzig question, I wish to inform the Conference that the Polish Delegation is going to sign the Convention today. We gave November 15th as our last date, while leaving the signature open: Mr. Paderewski returned from Geneva and will sign today.

With regard to the military proposals just made by Lord Derby, has Marshal Foch any remarks to offer?

MARSHAL FOCH: I have none, Mr. President. We declared that on our part it was not necessary to maintain Allied troops at Dantzig. We are awaiting a reply from the President of the Council.....

GENERAL WERYGAND: The French Government has, in fact, asked the . . .

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NOTES OF A MEETING
HELD AT QUAI D'ORSAY, PARIS
THURSDAY, NOVEMBER 18, 1920
10:30 A.M.

P R E S E N T

AMERICA,
UNITED STATES OF:

HON. HUGH WALLACE

GREAT BRITAIN:

LORD DERBY

FRANCE:

MR. CAMBON

Secretaries:

MR. HARRISON
MR. GORDON

Secretaries:

MR. SARGENT
MR. E. H. CARR

Secretary:

MR. MASSIGLI

ITALY:

COUNT BONIN LONGARE

JAPAN:

MR. MATSUDA

Secretary:

MR. GARBASSO

Secretary:

MR. KATO

Interpreter: MR. RANGES

JOINT SECRETARIAT:

AMERICA, UNITED STATES OF..... MR. WINTHROP
GREAT BRITAIN..... CAPTAIN BENOY
FRANCE..... MR. BRESSY
ITALY..... MR. ZANCHE

There were also present for items in which they were concerned:

GREAT BRITAIN:

Captain CONSERT, R. N.
Comdt. LUCAS, R. N.
General SACKVILLE WEST
General GROVES

FRANCE:

MR. DE PERETTI DE LA ROCCA
Marshal FOCH
Admiral LE VAVASSEUR
Captain ROPER
Mr. CHASTENET
Mr. LAGARDE

ITALY:

COUNT VANNUCELLI REY,
General MARIETTI
Colonel TAPPI
Mr. DELL'ABADESSA
Comdt. GABETTI.

JAPAN:

Captain KO.

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大正十年十一月十八日
陸軍省

陸軍省
大正十年十一月十八日

陸軍省
大正十年十一月十八日

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