THE MEMEL CONTROVERSY

By John A. Gade

THE little town of Memel lies in the southeast corner of the Baltic at the northern outlet of the large, shallow Kurisches Haff. An ever-shifting sandbank, a little more than a mile in width, separates the lagoon from the sea excepting in front of Memel, where the wide Niemen River (known as the Memel in its lower course) breaks through the sandbank as it empties into the Baltic.

Teutonic Knights of the Order of the Sword built a fortress on the site of the present city of Memel in the thirteenth century, and throughout the Middle Ages the Niemen was navigated by traders with Lithuania and White Russia. In later times, as the most northerly city of East Prussia, Memel lay in an isolated cul-de-sac, separated from its natural sources of trade and supply. Tilsit, of Napoleonic fame, about forty-five miles further up the river, had quite another importance. Koenigsberg, further to the south, threw Memel into the shade as a valuable fortress, and like Dantzig had a harbor with which Memel could not compete.

Memel was equally insignificant in comparison with the Russian Baltic ports of Libau and Riga. Her harbor equipment was old-fashioned and inadequate, her port was shallow, and before her separation from Prussia her budget showed a large deficit. As she belonged to Prussia, Russian-Lithuanians preferred to ship through Libau and Riga, while Koenigsberg was the natural outlet for Germany's eastern provinces. With a population of some 30,000 and her commerce in the hands of a provincial chamber, Memel's small lumber merchants carried on business principally with Germany. The lumber which had been floated down from Kovno, Vilna, and Grodno, and the vast Russian forests to the southeast, was shipped to England as well as to the Rhenish cities via Dutch ports. They also exported flax, seed, cereals, and cattle, and imported oil, British coal, and Norwegian chemical fertilizers. Owing to political conditions no railroad connected Memel with her hinterland. The only line ran south to Tilsit, though during the war the Germans built another line north through Polanga, connecting at Prekuln with the Libau-Mitau route. But though Memel was always a Prussian step-child, the Russians regarded her with covetous eyes.
Memel—or in Lithuanian, Klaipeda,—awoke after the World War to find herself famous as an apple of discord. In the great European vivisection which took place at the Peace Conference the city and a narrow strip of territory to the southeast, situated on the right bank of the Niemen, were separated from the German Empire. The total area thus separated was some 945 square miles, with a population of about 150,000.

Article 99 of the Treaty of Versailles stated:

"Germany renounces in favor of the Principal Allied and Associated Powers all rights and title over the territories included between the
Baltic, the northeastern frontier of East Prussia as defined in Art. 28 of Part II (Boundaries of Germany) of the present Treaty and the former frontier between Germany and Russia. Germany agrees to accept the settlement made by the Principal Allied and Associated Powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants."

To Count Brockdorf-Rantzau's protests, the Allied and Associated Powers replied:

"The Allied and Associated Powers reject the suggestion that the cession of the district of Memel conflicts with the principle of nationality. The district in question has always been Lithuanian; the majority of the population is Lithuanian in origin and in speech and the fact that the city of Memel itself is in large part German is no justification for maintaining the district under German sovereignty, particularly in view of the fact that the port of Memel is the only sea outlet for Lithuania. It has been decided that Memel and the adjoining district shall be transferred to the Allied and Associated Powers for the reason that the status of the Lithuanian territory is not yet established."

While other portions of Germany (as for instance North Schleswig and the Polish Corridor, with Dantzig) could be placed at once under some government or sovereignty satisfactory to the Allies, if not to the districts themselves, Memel-land could not be transferred to Lithuania because the de jure recognition of that country by the Powers was continually delayed by Lithuania's quarrel with Poland and the dispute of those two states as to their precise frontiers. The temporary administration of Memel-land early in 1920 was entrusted to the French General Odry, supported by a battalion of Chasseurs Alpins. This military occupation proved unfortunate, being galling to Lithuania and a thankless task for the French, who at first were accused by the Lithuanians of following too closely the advice of the pro-German Landes-Directorium, and later of yielding to the local Polish military and civil representatives. The suppression of the local Lithuanian press only made matters worse. General Odry left in disgust, handing over his powers to M. Petisné, as High Commissioner.

While negotiations between Lithuania (recognized de jure December 20, 1922) and the Allies were dragging on interminably, the German population of the city did its utmost to further the creation of an independent Memel state, somewhat
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analogous to Dantzig, being convinced that this was the shortest road to reunion with Germany. The Polish residents, on their part, hoped in some way to dislocate the newly-created Lithuanian machinery. And the Lithuanians themselves, forming some 125,000 of the total population of Memel, were "spoiling for trouble." There existed stagnation in the port's trade, onerous custom barriers between the territory and Lithuania, smuggling on all sides, and a diversion of Lithuanian traffic to Latvian and German ports.

Finally, on January 10, 1923, the Lithuanians took matters into their own hands. They contended that the government, composed of Germans and Germanized elements, made life in Memel unbearable; that for four years the legitimate aspirations of the Lithuanian majority in the territory had not been taken into account; and that the High Commissioner was favorable to the creation of Memel as an independent free state, quite separate from Lithuania. Flouting the authority of the League of Nations as completely as had Żeligowski in seizing Vilna, the so-called "Committee for the Welfare of the Territory of Memel" seized the city and interned the French soldiers after an engagement in which there were a few casualties on each side. Telegraph wires between Paris, Geneva, Memel, and Kovno buzzed, and the Allied representatives at Kovno remonstrated. The Lithuanian Government at Kovno,—though protesting its innocence,—was accused of having smuggled its soldiers, ammunition and funds into Memel-land in order to bring about the coup-de-force and was held responsible for the whole outrage. Most of the funds were alleged to have come from Lithuanian-Americans. Meanwhile, a local diet consisting of representatives of the whole territory's various organizations met at Heydekrug, and after providing for a certain amount of local autonomy voted unanimously for the union of Memel with Lithuania. Lithuanian currency was introduced, the Memel-Lithuania frontiers and the independent Memel customs duties were abolished. Allied men-of-war then arrived before the city, but, failing to intimidate the Lithuanians, were withdrawn, as were also the members of the French garrison. The next step was the appointment of an extraordinary inter-allied commission, which after much labor entrusted the administration of the territory to a body controlled by the Lithuanians.

On February 16, 1923, the Conference of Ambassadors decided
to transfer to Lithuania the rights and titles held in Memel by the Principal Allied Powers, on the following conditions:

"1. The renunciation in favor of Lithuania of all rights and titles over the territory defined in Article 99 of the Treaty of June 28, 1919.

"2 The establishment in the Memel territory of an autonomous government and popular representation, together with institutions officially recognizing the two languages in common use and respecting the principle of equality of all the inhabitants, whatever their race, language or religion, as well as promising equality of treatment as between nationals and foreigners in the exercise of civil rights and in commerce.

"3. Organization of freedom of sea, river and land transit, due regard being paid to the interest of the Lithuanian and Polish districts for which Memel is the natural outlet; the port of Memel to be placed under an economic administration, which will continue its development and which will provide every guarantee (in particular by the establishment of a free zone and by the appointment of duly qualified representatives) that the Lithuanian and Polish districts concerned will be given at Memel the necessary commercial facilities.

"4. The Memel territory to refund, under the guarantee of Lithuania, the expenditure incurred on account of its administration and occupation, and not yet recovered.

"5. All goods and property situated in the territory and formerly belonging to the German Empire or to other German States to be transferred to Lithuania or to the territory, provided that Lithuania take over for herself and for the territory the charges laid down in Articles 254 and 256 of the Treaty of Versailles.

"6. As soon as Lithuania accepts sovereignty of the Memel territory upon the foregoing conditions, the Conference of Ambassadors, with the assistance of representatives of Lithuania and of the territory concerned, to draw up at Paris an Organic Statute for the Memel territory and conclude a Convention with Lithuania in conformity with the present decision."

These conditions were accepted by the Lithuanian Government and negotiations were at once opened between the Conference of Ambassadors and representatives of the Lithuanian Government and of the population of Memel with a view to the preparation of a Convention establishing the definite status of the Memel territory. The negotiations continued during the

\(^1\text{See "Documents Diplomatiques: Question de Memel," Vol. I., published by the Lithuanian Republic, Kaunas, 1923, p. 92.}\)
spring and early summer of 1923. Finally a draft convention was submitted by the Commission representing the Conference of Ambassadors. Lithuania withheld approval on certain points, but on other points, many of them most important, full agreement was reached. The points agreed upon were as follows:

Memel should constitute, under the sovereignty of Lithuania, a territory enjoying legislative, judicial, administrative, and financial autonomy within certain prescribed limits.

The Lithuanian Government should be represented at Memel by a Governor appointed by the President of Lithuania.

The Council of Ministers of Lithuania should include a Minister for the Affairs of the Memel Territory.

The Government of Memel should be representative, and democratic; both the Lithuanian and German languages should have official recognition; all inhabitants should be equal before the law; there should be freedom of press and meeting, and foreigners and natives should have equality of treatment both as to civil and commercial rights.

The governing body should consist of an economic Council of Surveillance with the following members: the President of the Directorate, the Mayor of the Town of Memel, the President of the Chamber of Commerce, the Chief of the Landesrat, and the Presidents of the Chamber of Agriculture and the Workmen’s Cartel.

The port of Memel should be governed by an economic administration and a free water and dock zone should be established for the loading, unloading and storage of articles in transit. The port should be considered a port of international concern and should be regulated by the recommendations relating to ports adopted by the Barcelona Convention.

All the states whose commerce must traverse the territory of Memel should be assured a free passage by water and rail for transports coming from or going to Memel, or in transit through its territory, in conformity with the statutes of the Convention of Barcelona. Postal and telegraphic communication should be insured the same freedom of passage. All states should have the free use of the port, its free zone and its navigable routes for imports as well as for exports. Timber, and particularly that coming from the Niemen basin and imported into the Memel territory, should be free of all customs duties and other taxes, excepting such amounts as are chargeable to surveillance and administrative expenses.

But regarding those specific clauses of the draft convention dealing with the protection of Polish interests Lithuania remained adamant. In one respect only was she willing to make a concession in the interests of the economic revival of Europe,
namely, in agreeing to restore promptly the freedom of timber-floating on the Niemen.

The Lithuanian Government being unwilling to sign the entire proposed convention (and attached protocol), and the Council of Ambassadors rejecting Lithuania's amendments as embodied in a modified convention (September 21, 1923), Lithuania now suggested submitting the entire matter to the Permanent Court of International Justice.

The Conference of Ambassadors, however, adopted a resolution towards the end of September in which it enumerated at length the various reasons why it felt the Lithuanian Government had rendered impossible the transfer of Memel to Lithuanian sovereignty. It announced its decision to exercise its friendly right, under Article 11, Paragraph 2, of the Covenant, to call the attention of the League of Nations to the matter. This having been done, the Council of the League just before Christmas decided to appoint a Committee to report (if possible before the March, 1924, meeting of the Council) a practicable basis of compromise. This Committee, it was arranged, should consist of an American chairman and two other members from nations other than those at present holding sovereignty over Memel. It was stipulated that the last two should have special technical knowledge of the problem.

The United States having up to the present time declined to join the League of Nations, no official request for the nomination of the American delegate could be made of the State Department. The League instead turned directly to former Under-Secretary of State Norman H. Davis, who fortunately felt it his duty to accept and so indicate American sympathy with the League's work. He therefore has now gone to Memel in a private and quasi-arbitral capacity. No better choice could have been made.²

The basic reason why the Memel question remains unsettled lies in the Polish-Lithuanian controversy. The bitterness engendered by this quarrel has during more than four years poisoned the relations of the two neighbors, who once had been united for over three hundred. Without some form of compromise or reconciliation between them the status of Memel cannot be defined. Both have refused to see the reasonableness of a certain

²It has recently been announced that the other members of the commission are A. J. Kroller, of the Economic Council of the Dutch Foreign Office, and Dr. Hoermelle, a Swede.
amount of economic federation. Though the immediate issues involved may not appear large, their non-settlement is having an unfortunate effect throughout the whole Baltic region and the dispute might easily once more light the torch of war in that part of Europe. Up to the present, Poland and Lithuania have refused to attend simultaneously the several important Baltic conferences which have taken place. Both sides are naturally at fault. It was more than galling to Lithuania to lose her largest city and ancient capital, Vilna, as well as large tracts of her southeastern territory. She lost them despite the decision and protest of the League of Nations. On the other hand, she has indignantly repulsed every subsequent overture towards peace on the part of Poland.

Possibly the failure of the Council of Ambassadors to bring about a settlement between Poland and Lithuania has been due to the fact that the Council has made the mistake of assuming some sort of union between the two states as a basis of understanding. This may be highly desirable in the future, but today it is politically impossible owing to Lithuania’s distrust of Poland and her yearning for complete independence.

There is no actual fighting going on at present between Poland and Lithuania, but the frontiers are still guarded by troops. The Lithuanian Government insists that a state of war still exists between the two countries, and systematically repulses all proposals to establish diplomatic and consular relations. Lithuania blocks the Niemen and opposes the opening of the Polish-Lithuanian frontier. She will not even allow postal or telegraphic communication with Poland. No Polish citizen is allowed to enter Lithuania and, consequently, no Lithuanian can go to Poland. Lithuania does, however, promise to open her frontiers as soon as the Vilna question is settled.

Poland rather smiles at the attitude of her less powerful neighbor and declares that she cherishes the most peaceful and fraternal feelings towards the Lithuanian people. Her representative at Geneva, M. Skirmunt, has stated that “events, however, are often too strong for mankind and the unnatural situation might one day compel the Polish Government to take seriously the Lithuanian Government’s assertion that Lithuania is in a state of war with Poland.”

Minutes of the Twenty-seventh Session of the Council of the League of Nations, 10th Meeting, Dec. 17, 1923.
In this situation, the Council of Ambassadors has felt it clearly necessary before handing Memel over to Lithuania to determine not only the international rights of the countries not directly concerned in the dispute, but in particular the rights of Poland. The latter state advances no territorial claims to Memel and has stated that she will not cease seeking a peaceful solution of the Memel question, her only claims being based on the observance of Articles 99 and 322–44 of the Treaty of Versailles. Wishing, however, to make the most of the situation, Poland has not been backward in estimating the importance of her interests in the matter. She has urged that Memel constitutes the natural and sole outlet for about 60,000 square miles of territory belonging to Poland, as against some 20,000 belonging to Lithuania; that the grant of a privileged political position to Lithuania at Memel would render any economic collaboration impossible for Poland; that much of Poland's trade which now goes to Danzig should naturally go to Memel; that Poland has no ports of her own; that one-third of the Lithuanian forests previously exporting through Memel were destroyed by Germany; that the rights of Poland, as well as of all other states, would be best protected in the port of Memel if it were controlled by the Council of the League of Nations and if a free state, somewhat similar to Danzig, were created under the League's protection; that Poland could supply Memel with well nigh all her requisite imports, either by water or by the two connecting Polish railways; and, finally, that "Memel could not exist without economic relations with Poland."

Such arguments make the Lithuanians see red. One thing is certain, namely, that Memel cannot exist without economic union with its hinterland. The Niemen is the main artery of Lithuania. It was declared international by the Treaty of Versailles. Poland, Lithuania, and Germany all have territory along its banks and Russia also has an interest in its remaining open. The city of Bialystock, one of the centers of the Polish textile industry, is closely connected by rail with Grodno on the Niemen and is thus considerably concerned in the navigation of the river. Through its various canals the river is navigable by 300-ton vessels as far as Kovno, where it divides, the larger branch continuing south through Grodno into the heart of Poland, and the smaller, or Vilija, flowing east past Vilna. The larger portion of its Polish course is unnavigable.
The safeguarding of the international interests of both port and river is obviously essential, and some progress has unquestionably been made towards this end. A free zone for the city has been determined upon, and the necessity for a harbor board is recognized. (Although the Lithuanians prefer that this be named an "Advisory Economic Committee" and dispute over its composition.) The Lithuanian Government has, in general, shown itself willing to give the territory considerable political independence of a local nature, reserving to itself at the same time the economic control of the port. Transit facilities connecting port, river and adjoining territories, and true freedom of communications both by land and water, have also been agreed upon. In the development of Lithuania's commercial relations with Memel a direct railroad connection is the first and most important requisite. Such a connection has been planned by Lithuania for the immediate future. Not only will Kovno be connected with Memel, but it also will be linked up with the present Libau-Dvinsk line. But as Lithuania considers a state of war to exist between herself and Poland, the latter, according to Lithuania's contention, cannot yet benefit by any clauses now agreed upon. The Lithuanian position is that "Polish rights cannot be discussed in connection with the Memel question."

Lithuania's interests in the matter are by far the greatest. On the other hand, the present corridor and outlet to the sea through Dantzig seem to Poland none too permanent, added to which she considers that Memel is a necessary outlet for her White Russian territory as well as for the Vilna regions. Latvia would prefer that Lithuania be without a port of her own and consequently compelled, as has recently been the case, to pay some 35,000,000 gold marks a year in duties at the Latvian port of Libau. Germany is naturally highly interested in her lost Prussian city and Tilsit's water route. France's sympathies are Polish because she wishes to see strong barriers friendly to French policies erected between Germany and Russia. England sides with Lithuania.

Soviet Russia, temporarily acquiescing in the independence of her former Lithuanian province, does not wish Poland to have the disputed territory; as a matter of fact, Memel, though ice-free, is not nearly so important to Russia's future economic development as Libau, Riga, and Reval. The Soviet Government
has several times intimated to the Council of Ambassadors and the League of Nations that its interests and rights in the Memel question must be recognized, and after the Council of Ambassadors had settled on the present Committee it officially notified the Council, early in January, that it would in no way recognize any status that might be decided upon for Memel "by the so-called League of Nations" if Soviet Russia were not first consulted.

The ideal solution is some such union or understanding between Poland and Lithuania as M. Hymans labored so hard to bring about. It is tolerably certain, however, that Poland will not evacuate Vilna. Lithuania might perhaps acquiesce in the Allies giving to Poland a clear title to Vilna in return for the cession of a portion of the southeastern Lithuanian territory now occupied by Poland, coupled with a satisfactory title to Memel. But it is difficult to prophesy.

The status of Fiume, where passions ran equally high, has at last been settled. If a solution of the status of Memel is found, as a result of American diplomacy and sympathy, we shall not only have added greatly to our country's good name in this troubled corner of Europe, but an important forward step will have been taken in the interests of peaceful coöperation and economic recovery.
RUSSIA AT THE CROSS-ROADS

By Boris Bakhmeteff

The extent of human life is but a point; Its substance is in perpetual flux.

—Marcus Aurelius.

The word in vogue today regarding Russia is “evolution.” That impulses toward recovery are at work appears to be a generally accepted fact, but there is less unanimity in interpreting the import of the movement, in particular in defining the very nature of the “evolution.” It is often assumed that the original creed is being abandoned and that there is a drift toward more moderate doctrines. The process, when viewed in this light, might indeed be termed the “evolution of Bolshevism.” The fault of such a diagnosis lies in confusing cause and effect. A change for the better in Russia is an indisputable fact. The country is recovering from the epidemic, albeit slowly, and is exhibiting signs of hopeful vitality. The revival, however, is not to be credited to a varying in the dogma of the Communist party. Communism has not tempered its essence. It has only adapted itself to circumstances. The “shift” is a temporary expedient, adopted to weather a passing condition, and not an abnegation of principle dictated by evolution of conviction.

It is only fair to say that the Communists themselves have never tried to mask the main issue. “We are revolutionists from head to foot,” said Trotsky, addressing the Ukrainians in April, 1923; “revolutionists we were; revolutionists we are; revolutionists we shall remain until the very end.”

The real source of change in Russia is life,—life conquering regardless and in spite of the Communist rule,—life asserting itself through common sense, through economic law, and the habits of human nature. The process can be best described as “assertion of life.” Just as a convalescing organism overpowers the noxious bacilli by the infinite resources of the recuperating cells, so Russia gives evidence of an “evolution of life” contrary to the “evolution of Bolshevism.” It is not Communism repentant, taking the lead in a promising transformation. Communism, impenitent, is forced to yield to life triumphant.

The analysis of Russia’s internal situation should begin in the