

ANNEX 1514.

FREE CITY OF DANZIG.

C.372.1934.VII.

PROVISIONS FOR ARBITRATION CONTAINED IN A CONVENTION RELATING TO SOCIAL INSURANCE CONCLUDED BETWEEN POLAND AND DANZIG, DATED JULY 2ND, 1934.

NOTE BY THE SECRETARY-GENERAL, SUBMITTED TO THE COUNCIL ON SEPTEMBER 8TH, 1934.

Geneva, September 4th, 1934.

A Convention relating to social insurance, dated July 2nd, 1934, has been concluded between Poland and Danzig, which contains the following provision for the settlement of disputes arising thereunder¹

[*Translation.*]

“ *Article 33.*

“ 1. Any differences that may arise in regard to the interpretation or application of the present Convention shall be settled, at the request of either party by the supreme administrative authorities of the two parties by common agreement. Should it prove impossible to arrive in this manner at a solution, the dispute shall be submitted, even if only one party so desires, to an arbitral tribunal to be set up in each particular case in the following manner—that is to say each party to nominate a Judge Assessor, and the President to be nominated by common agreement of both parties. In the event of the two parties not being able to agree on the subject, they shall apply to the High Commissioner of the League of Nations at Danzig to nominate the President of the Arbitral Tribunal.

“ 2. The Arbitral Tribunal shall determine its own procedure.

“ 3. The decisions of the Arbitral Tribunal shall be binding on the social insurance institutions, authorities and courts, and on the persons concerned, without prejudice to Article 39 of the Treaty of November 9th, 1920.

“ 4. Each party shall bear the cost of the remuneration of the Judge Assessor appointed by itself, and one-half of the remuneration of the President, for their respective services. The remaining costs of the proceedings shall be borne in equal parts by the two parties.”

The Convention regulates the manner in which nationals of each party are to benefit from the social insurance institutions of the other party (sickness, accident, invalidity insurance and old-age, invalidity and dependants' insurance of employed persons) and, in general, co-operation between these institutions in the two countries is to be secured.

The High Commissioner has requested the Secretary-General to submit to the Council the question whether he may state that, in general, he has no objections to make to the provisions of the above-quoted article, and that he is prepared, if necessary to appoint the President of the contemplated arbitral tribunal.

A similar case was before the Council at its forty-fifth session on June 13th, 1927.² In that case, an agreement between Danzig and Poland relating to the tobacco monopoly at Danzig provided for the constitution of two arbitral tribunals, of which one was to deal with questions of prices and the other with the question whether action had been taken by Danzig which entitled Poland to denounce the agreement. The agreement also provided that, if necessary the Presidents of the tribunals should be appointed by the Secretariat of the League of Nations. The Council was of opinion that objection should not be taken to the establishment of a special arbitral procedure between Poland and Danzig on such a technical matter, and it agreed that the Secretary-General should accept the function of appointing the Presidents of the arbitral tribunals.

The text of the Convention has been filed in the archives of the Secretariat.
See *Official Journal*, July 1927, page 748.