

No. 717.

**NORVÈGE ET SUÈDE.**

Convention relative à l'Institution d'une Commission  
de Conciliation, signée à Stockholm le 27 Juin 1924.

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**NORWAY AND SWEDEN.**

Convention concerning the Establishment of a Concilia-  
tion Commission, signed at Stockholm, June 27, 1924.

Texte norvégien.—Norwegian text.

**No. 717.—Convention<sup>(1)</sup> between Norway and Sweden concerning the Establishment of a Conciliation Commission, signed at Stockholm, June 27, 1924.**

*Norwegian and Swedish official texts communicated by the Swedish Minister for Foreign Affairs. The registration of this Convention took place September 8, 1924.*

Hans Majestet Kongen av Sverige og Hans Majestet Norges Konge, som er besjelet av ønsket om å fremme utviklingen av forliksbehandling i internasjonale tvistigheter i en ånd som stemmer med Folkenes Forbunds Pakt, og som herved for sitt vedkommende har villet gjennomføre prinsippene i Forbundets Forsamlings resolusjon av 22 september 1922 om avslutning av konvensjoner om forliksnevnder, er blitt enig om i dette öiemed å avslutte en konvensjon og har til sine befullmektigede opnevnt:

Hans Majestet Kongen av Sverige:

Hans Majestets utenriksminister Hans Excellence Friherre Erik Teodor Marks von Würtemberg;

Hans Majestet Norges Konge:

Hans Majestets overordentlige sendemann og befullmektigede minister i Stockholm Johan Herman Wollebæk,

hvilke, behørig befullmektigede, er kommet overens om følgende artikler:

**ARTIKEL 1.**

De kontraherende parter forplikter sig til å henvise til en fast nevnd. som opprettes på nedenfor angitte måte, til undersøkelse og forliksbehandling alle tvister, av hvilken art de enn måtte være, som ikke innen rimelig tid har kunnet løses ad diplomatisk vei og ikke ifølge vedtektene for den faste domstol for internasjonal rettspleie eller annen overenskomst mellom dem skal underkastes enten nevnte domstols eller en voldgiftsretts avgjørelse.

**ARTIKEL 2.**

Når en tvist som av den ene part er henvist til nevnden av den annen part innbringes for domstolen eller for en voldgiftsrett i henhold til bestemmelser som nevnes i Artikkel 1, skal nevnden utsette behandlingen av tvisten inntil domstolen eller voldgiftsretten har truffet beslutning om kompetansespørsmålet.

**ARTIKEL 3.**

Nevnden skal bestå av fem medlemmer. Hver av partene velger to av disse, av hvilke den ene kan velges blandt statens egne borgere. Det femte medlem, som skal være nevndens formann, skal være av annen nasjonalitet enn nevndens øvrige medlemmer. Formannen velges av partene i forening. Skulde disse ikke kunne bli enige om valget, skal han efter anmodning fra en av partene velges av presidenten for den faste domstol for internasjonal rettspleie eller, hvis

<sup>(1)</sup> The exchange of ratifications took place at Christiania, August 30, 1924.

Nevnden kan anmode generalsekretæren for Folkenes Forbund om sekretariatets bistand når denne måtte være nødvendig for nevnens virksomhet.

#### ARTIKEL 10.

Partene har rett til å opnevne særlige representanter ved nevnden; de skal likeledes være medlemmer mellom dem og nevnden.

#### ARTIKEL 11.

Forhandlingene ved nevnden er ikke offentlige medmindre beslutning derom treffes av nevnden med partenes samtykke.

#### ARTIKEL 12.

Forhandlingene for nevnden er kontradiktoriske.

Nevnden fastsetter iøvrig reglene for forhandlingene, dog saledes at bestemmelsene i titel III i Haagkonvensjonen<sup>(2)</sup> av 18 oktober 1907 angående fredlig bileggelse av internasjonale stridigheter skal anvendes, medmindre nevnden enstemmig beslutter avvikelse fra disse regler.

#### ARTIKEL 13.

Nevndens beslutninger treffes med simpelt flertall når ikke noe annet er bestemt i nevndens konvensjon. Hvert medlem har en stemme, og formannens stemme gjør ved like stemmetal utslaget.

Nevnden er beslutningsdyktig hvis samtlige medlemmer er behørig innkalt og formannen samt minst to andre medlemmer er tilstede.

#### ARTIKEL 14.

Nevnden skal avgi betenkning i hver tvist som er henvist til den. Betenkningen skal inneholde et forslag till forlik hvis sakens beskaffenhet dertil gir anledning og minst tre av nevndens medlemmer er enig i sadant forslag.

Avvikende mening innen nevnden skal sammen med begrunnelse for denne angis i betenkningen.

#### ARTIKEL 15.

Nevnden bør avslutte sitt arbeide innen seks måneder å regne fra det tidspunkt tvisten er henvist til den, hvis partene ikke måtte bli enig om forlengelse av denne frist.

I ovennente frist medregnes ikke den tid hvori nevndens virksomhet måtte ha været avbrutt på grunn av bestemmelsen i Artikel 2.

#### ARTIKEL 16.

Nevndens betenkning undertegnes av formannen og skal straks meddeles partene og generalsekretæren for Folkenes Forbund.

Partene forplikter sig til innen rimelig tid å underrette hverandre om hvorvidt de godkjenner betenkningens innhold og antar det forslag till forlik som deri er fremsatt.

Det beror på overenskomst mellom partene om nevndens betenkning skal offentliggjøres straks efter at den er avgitt; dog kan

(<sup>2</sup>) British and Foreign State Papers, Vol. 100, page 298.

n mnden, d r synnerliga sk l f religga, besluta, att bet nkandet  ven utan s dan  verenskommelse skall omedelbart offentligg ras.

#### ARTIKEL 17.

Ers ttning till medlemmarna av n mnden f r deras befattning med en till n mnden h nskjuten tvist utg r s lunda, att vardera parten utbetalar ers ttning till de av honom utsedda medlemmarna och h lften av ers ttningen till ordf randen.

Parterna b ra s ka tr ffa  verenskommelse i syfte att ers ttning skall utg  efter samma grunder till de fr n vardera sidan utsedda medlemmarna.

Vardera parten har att sj lv vidk nnas sina utgifter i anledning av f rfarandet samt h lften av dem, som av n mnden pr vats vara gemensamma.

#### ARTIKEL 18.

Denna konvention skall ratificeras och ratifikationerna skola utv xlas i Kristiania s  snart ske kan. Den tr der i kraft omedelbart efter ratifikationernas utv xlande och g ller fem  r r knat fr n denna tidpunkt. D rest den ej senast sex m nader f re utg ngen av n mnda tidrymd blivit uppsagd, skall den g lla ytterligare fem  r; och skall den allt framgent anses f rl ngd f r en tidrymd av fem  r, om den icke minst sex m nader f re utg ngen av n rmast f reg ende fem rsperiod blivit uppsagd.

Till bekr ftelse h rav hava de respektive fullm ktige underteckna denna konvention och f rsett densamma med sina sigill.

Som skedde i Stockholm, i tv  exemplar, den 27 juni 1924.

(L.S.) E. MARKS VON W RTEMBERG.

Pour copie conforme :

ERIK SJ BORG,  
*Secr taire G n ral.*

#### TRADUCTION.<sup>(1)</sup>

### No. 717.—Convention entre la Norv ge et la Su de relative   l'Institution d'une Commission de Conciliation, sign e   Stockholm le 27 Juin 1924.

Sa Majest  le Roi de Su de et Sa Majest  le Roi de Norv ge, anim s du d sir de favoriser le d veloppement de la proc dure de conciliation des diff rends internationaux dans un esprit conforme au Pacte de la Soci t  des Nations,

D cid s   r aliser, dans les rapports entre les deux  tats, les principes de la r solution de l'Assembl e de la Soci t  des Nations en date du 22 septembre 1922, tendant   l'institution de commissions de conciliation par voie de conventions entre les  tats,

(1) D'apr s l'original en fran ais de la Convention du 27 juin 1924 entre la Finlande et la Su de.

(1) According to the original in French of the Convention of June 27, 1924 between Finland and Sweden.

nevnden, når særlige grunner foreligger, beslutte at betenkningen også uten sådan overenskomst straks skal offentliggøres.

#### ARTIKEL 17.

Godtgjørelse til nevndens medlemmer for deres arbeide med en til nevnden henvist tvist utredes således, at hver part utbetaler godtgjørelse til de medlemmer som den selv har valgt og yder halvdelen av godtgjørelsen til formannen.

Partene bør søke å treffe avtale om at godtgjørelsen til de fra hver side valgte medlemmer utredes efter samme satser.

Hver part bærer selv sine egne saksomkostninger og halvdelen av dem som nevnden erklærer for felles.

#### ARTIKEL 18.

Denne konvensjon skal ratifiseres og ratifikasjonene skal utveksles i Kristiania så snart skje kan. Den trer i kraft straks ratifikasjonene er utvekslet og gjelder fem år å regne fra dette tidspunkt. Hvis den ikke er blitt opsagt innen seks måneder for utløpet av nevnte tidsrum, gjelder den ytterligere fem år, og skal fremdeles anses forlenget for femårsperioder hvis den ikke innen seks måneder for utløpet av nærmest foregående femårsperiode er blitt opsagt.

Til bekreftelse herav har de respektive befullmektigede undertegnet denne konvensjon og forsynet den med sine segl.

Utferdiget i Stockholm i to eksemplarer, den 27 juni 1924.

(L.S.) J. H. WOLLEBÆK.

Pour copie conforme :

ERIK SJÖBORG,  
*Secrétaire Général.*

Translation.<sup>(1)</sup>

### **No. 717.—Convention between Norway and Sweden concerning the Establishment of a Conciliation Commission, signed at Stockholm, June 27, 1924.**

His Majesty the King of Sweden and His Majesty the King of Norway, being desirous of promoting the development of the procedure of conciliation in international disputes in accordance with the spirit of the Covenant of the League of Nations, and being desirous of carrying into effect the principles laid down for this purpose in the resolution regarding the conclusion of conciliation Conventions which was adopted by the Assembly of the League of Nations on September 22, 1922, have for this purpose agreed to

<sup>(1)</sup> Traduit par le Secrétariat de la

<sup>(1)</sup> Translated by the Secretariat of the League of Nations.

conclude a Convention, and have appointed as their Plenipotentiaries the following :—

HIS MAJESTY THE KING OF SWEDEN :

His Excellency Baron Erik Teodor Marks von Würtemberg,  
Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF NORWAY :

M. Johan Herman Wollebaek, Envoy Extraordinary and  
Minister Plenipotentiary at Stockholm ;

Who, having been duly provided with full powers for that purpose, have agreed upon the following articles :—

*Article 1.*

The Contracting Parties undertake to refer to a Permanent Commission, to be appointed in the manner set forth below, for investigation and settlement by conciliation, all disputes of any nature whatever which it has not been possible to settle within reasonable time through diplomatic channels, and which should not, under the terms of the Statute of the Permanent Court of International Justice or of any other agreement between the Parties, be submitted either to the Permanent Court or to a court of arbitration.

*Article 2.*

When a dispute, which has been referred to the Commission by one of the Parties, has been brought before the Permanent Court or a court of arbitration by the other Party under the terms of Article 1, the Commission shall postpone its investigation of the dispute until the Permanent Court or the court of arbitration shall have determined the question of competence in the case.

*Article 3.*

The Commission shall be composed of five members. Each Party shall appoint two members, one of which may be a national of the appointing State. The fifth member, who shall act as chairman of the Commission, shall be a national of a State not otherwise represented on the Commission. He shall be appointed jointly by the Parties. Should the Parties be unable to agree, the chairman shall, at the request of one of the Parties, be appointed by the President of the Permanent Court of International Justice, or, should the latter be a national of one of the Contracting States, by the Vice-President of the Court.

The Commission shall be appointed within six months after the ratifications of the present Convention have been exchanged.

*Article 4.*

The members of the Commission shall be appointed for three years. They shall be irremovable during their period of office unless the Parties agree otherwise. In the event of the death or retirement of a member, the vacancy must be filled for the remainder of

his term of office within the next two months if possible, but, in any case, as soon as a dispute has been submitted to the Commission.

*Article 5.*

Either of the Parties may, within fourteen days after one of them has submitted a dispute to the Commission, replace one of the members whom it has appointed by a person specially qualified to deal with the particular case before the Commission, subject, however, to the rules laid down in Article 3 with regard to the nationality of members.

If one Party desires to avail himself of this right, it shall at once inform the other Party, which may take a similar step within fourteen days of receiving such notification.

*Article 6.*

If, at the end of his term of office, a member of the Commission has not been replaced, his term shall be considered as renewed for a period of three years. The chairman, however, shall, at the request of one of the Parties, cease to hold office at the end of his appointed term.

If a member's term of office expires in the course of proceedings in connection with a dispute, he shall continue to take part in such proceedings until the dispute has been settled, even if his successor has been appointed.

*Article 7.*

When one of the Parties desires to submit a dispute to the Commission, it shall notify the president. The other Party shall also be informed at once of such notification. The president shall convene the Commission as soon as possible.

The Party which has submitted the dispute to the Commission shall notify the Secretary-General of the League of Nations.

*Article 8.*

The Commission shall meet at the seat of the League of Nations unless, in special cases, the Parties decide otherwise.

*Article 9.*

The Parties shall supply the Commission with all the information which may be useful, and shall in every respect assist it in the accomplishment of its task.

The Commission may apply to the Secretary-General of the League of Nations for the assistance of the Secretariat if it appears that such assistance is necessary to facilitate its task.

*Article 10.*

The Parties shall be entitled to appoint special representatives on the Commission. These representatives shall also act as intermediaries between the Parties and the Commission.

*Article 11.*

Proceedings before the Commission shall not be public unless the Commission so decides and the Parties agree.

*Article 12.*

In proceedings before the Commission both Parties shall be heard.

The Commission shall draw up rules to govern its procedure, subject to the proviso that the regulations laid down in Chapter III of The Hague Convention of October 18, 1907, for the pacific settlement of international disputes shall be applied unless the Commission unanimously agrees to depart from these regulations.

*Article 13.*

The Commission shall take its decisions by a majority vote of its members except where otherwise laid down in the present Convention. Each member shall have one vote, and in case of a tie the president shall have a casting vote.

A quorum shall be constituted if all the members have been duly summoned, and if the president and not less than two other members are present.

*Article 14.*

The Commission shall make a report on each dispute submitted to it. The report shall include a proposal for the settlement of the dispute if a settlement is possible and if at least three members agree to the proposals.

The reasoned opinion of the members who are in the minority shall be recorded in the report.

*Article 15.*

The Commission shall complete its task within six months from the day when the dispute is submitted to it, unless the Parties agree to an extension of this period.

The above period shall not include any time during which the Commission's work is interrupted for reasons arising out of the provisions of Article 2.

*Article 16.*

The Commission's report shall be signed by the president, who shall immediately bring it to the knowledge of the Parties and of the Secretary-General of the League.

The Parties undertake to inform each other within reasonable time as to how far they approve the findings of the report and accept the settlement proposed therein.



The Parties shall decide, in agreement with one another, whether the Commission's report shall be published immediately after it has been issued; in special circumstances, however, the Commission may decide that the report shall be published at once, even in the absence of any such agreement.

*Article 17.*

Each Party shall pay the allowances of the members of the Commission which it has appointed, and shall also pay half of the allowances of the chairman.

The Parties shall endeavour to arrange that the allowances of the members of the Commission on both sides shall be fixed at the same figure.

Each Party shall bear the costs of procedure which it has incurred, and half of those which the Commission may declare to be joint costs.

*Article 18.*

The present Convention shall be ratified and the ratifications shall be exchanged at Christiania as soon as possible. It shall come into force as soon as the instruments of ratification have been exchanged, and shall remain in force for five years from that date. Unless denounced within six months before the expiration of this period, it shall remain in force for a further period of five years and shall thereafter be regarded as renewed for successive periods of five years unless denounced within six months before the expiration of the preceding period of five years.

In faith whereof the Plenipotentiaries have signed the present Convention and thereto affixed their seals.

Done in duplicate, at Stockholm, on June 27, 1924.

E. MARKS VON WÜRTEMBERG.  
(L.S.)

J. H. WOLLEBAEK.  
(L.S.)