

N° 844.

SUÈDE ET SUISSE

Traité de conciliation, signé à Stockholm, le 2 juin 1924.

**SWEDEN
AND SWITZERLAND**

Conciliation Treaty, signed at Stockholm, June 2, 1924.

¹ TRADUCTION. — TRANSLATION.No. 844. — CONCILIATION TREATY² BETWEEN SWEDEN AND SWITZERLAND SIGNED AT STOCKHOLM, JUNE 2, 1924.

French official text communicated by the Swiss Federal Council. The registration of this Treaty took place March 21, 1925.

THE SWISS FEDERAL COUNCIL and HIS MAJESTY THE KING OF SWEDEN, being desirous of strengthening the ties of friendship which unite Switzerland and Sweden and of encouraging in the interests of general peace the development of the procedure of conciliation as applied to international disputes; and

Being determined to give the widest possible application, in the relations between the two countries, to the principles laid down by the Resolution of the Assembly of the League of Nations, dated September 22, 1922, relating to the establishment of commissions of conciliation between States;

Have resolved to conclude a Treaty for this purpose and have appointed as their Plenipotentiaries:

THE SWISS FEDERAL COUNCIL:

M. Henri SCHREIBER, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at Stockholm, and

HIS MAJESTY THE KING OF SWEDEN:

Baron Erik MARKS VON WÜRTEMBERG, Minister for Foreign Affairs,

Who, having communicated their full powers, found in good and due form, have agreed upon the following provisions:

Article 1.

The Contracting Parties undertake to submit to a Permanent Conciliation Commission any disputes that may arise between them and which it may not have been possible to settle through the diplomatic channel, and which shall not be capable of judicial settlement under Article 36, paragraph 2, of the Statute³ of the Permanent Court of International Justice.

Each Contracting Party shall be free to decide at what period the procedure of conciliation may be substituted for diplomatic negotiations.

The Contracting Parties may agree that a dispute which is capable of judicial settlement under Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice shall be previously submitted to the procedure of conciliation.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Stockholm, February 14, 1925.

³ Vol. VI, page 379; Vol. XI, page 404; Vol. XV, page 304; Vol. XXIV, page 152, and Vol. XXVII, page 416 of this Series.

Article 2.

The Permanent Conciliation Commission shall be composed of five members.

Each Contracting Party shall nominate one member of its own choosing, the other three being appointed by joint agreement. The latter may not be nationals of the Contracting States, nor be domiciled in their territory, nor be employed in their service.

The President of the Commission shall be appointed by joint agreement from among the jointly selected members.

The Commission shall be set up within six months after the ratifications of the present Treaty have been exchanged.

If the appointment of the members to be nominated jointly or of the President is not made within six months from the exchange of ratifications or, in the event of resignation or death, within two months after the vacancy occurs, these appointments shall be made at the request of either Party by the President of the Permanent Court of International Justice, or, if the latter is a national of one of the Contracting States, by the Vice-President of the Court.

Article 3.

The members of the Commission shall be appointed for three years. Their appointment shall not be revoked during the term of their mandate, unless the Contracting Parties decide otherwise. In the event of the death or resignation of a member, arrangements shall be made to replace him for the remainder of his mandate.

If the mandate of a member selected by joint agreement shall expire, and if neither Party is opposed to its renewal, it shall be deemed to be renewed for a further period of three years. Similarly, if, on the expiry of the mandate of a member appointed by one of the Parties, no arrangements have been made to replace him, his mandate shall be deemed renewed for three years.

A member whose mandate expires in the course of a procedure shall continue to take part in the examination of the dispute until the procedure is completed.

Article 4.

Within the fortnight following the notification of a request for conciliation to the Permanent Commission, either Party may replace the member of its own choosing by a person possessing special competence in the matter which forms the subject of the dispute.

The Party which intends to make use of this right shall immediately notify the opposing Party. In this case, the latter may make use of the same right within a fortnight after receiving the notification.

Article 5.

The task of the Permanent Conciliation Commission shall be to further the settlement of disputes by an impartial and conscientious examination of the facts and by formulating proposals with a view to settling the case.

The Commission shall be seized of a question by an application addressed to its President by one of the Contracting Parties.

This application shall be notified at the same time to the opposing Party by the Party which is requesting the institution of the procedure of conciliation.

Article 6.

The Commission shall meet at the place chosen by the President, unless there is an agreement to the contrary.

Article 7.

The Contracting Parties shall be entitled to appoint special agents on the Commission, who shall also act as intermediaries between the Parties and the Commission.

Article 8.

The Contracting Parties undertake to give the Commission all possible assistance in its work and, in particular, to employ all the means placed at their disposal by their domestic legislation to enable it to call and hear witnesses or experts within their territory as well as to carry out investigations on the spot.

Article 9.

The deliberations of the Commission shall be held in private, unless, in agreement with the Parties, the Commission decides otherwise.

Article 10.

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 Convention¹ 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 11.

The Commission shall take its decisions by a majority vote of its members, except where otherwise laid down in the present Treaty.

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 12.

The Commission shall make its report within six months from the day on which the dispute is submitted to it, unless the Contracting Parties agree to a curtailment or extension of this period.

The report shall contain the reasoned opinion of the members who form the minority.

A copy of the report shall be sent to each Party.

The report shall not be in the nature of an arbitral award, as regards either the statement of facts or the legal considerations.

The Parties shall decide in agreement with one another whether the Commission's report shall be immediately published.

Article 13.

The Permanent Conciliation Commission shall fix the period within which the Parties will be required to take their decision as regards the Commission's proposal. This period shall not, however, exceed three months.

¹ British and Foreign State Papers, Vol. 100, page 298.

Article 14.

For the actual duration of the procedure, the members of the Conciliation Commission shall receive an allowance to be fixed by arrangement between the Contracting Parties.

Each Party shall bear its own costs and half the costs of the Commission.

Article 15.

During the procedure of conciliation, the Contracting Parties shall abstain from all measures which might prejudicially affect the acceptance of the proposals of the Permanent Conciliation Commission.

Article 16.

The present Treaty shall be ratified and the ratifications shall be exchanged at Stockholm as soon as possible.

The Treaty is concluded for a period of ten years from the date of the exchange of ratifications. Unless denounced at least six months before the expiration of this period, it shall remain in force for a further period of five years, and similarly thereafter.

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

Done in duplicate, at Stockholm, on June 2, 1924.

(L. S.) SCHREIBER.

(L. S.) E. MARKS VON WÜRTEMBERG.