

N° 1072.

JAPON ET SUISSE

Traité de règlement judiciaire, signé
à Tokio, le 26 décembre 1924.

JAPAN AND SWITZERLAND

Treaty regarding Judicial Settlement,
signed at Tokio, December 26,
1924.

¹ TRADUCTION. — TRANSLATION.

No. 1072. — TREATY² BETWEEN JAPAN AND SWITZERLAND REGARDING JUDICIAL SETTLEMENT, SIGNED AT TOKIO, DECEMBER 26, 1924.

*French official text communicated by the Imperial Japanese Government and the Swiss Federal Council.
The registration of this Treaty took place February 6, 1926.*

THE SWISS FEDERAL COUNCIL and HIS MAJESTY THE EMPEROR OF JAPAN, being desirous of strengthening still further the ties of friendship which unite Switzerland and Japan and of settling as far as possible by judicial means any disputes arising between the two countries which are capable of such a settlement, and acting in the spirit of Article 13 of the Covenant of the League of Nations, have resolved to conclude a Treaty for this purpose, and have appointed as their Plenipotentiaries :

THE SWISS FEDERAL COUNCIL :

M. Alfred BRUNNER, Swiss Chargé d'Affaires in Japan ;

HIS MAJESTY THE EMPEROR OF JAPAN :

Baron Kijuro SHIDEHARA, Jusammi, Imperial Order of the First Class of the Rising Sun, Minister for Foreign Affairs ;

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

Article 1.

All disputes of a legal nature which may arise between the High Contracting Parties and which it may not have been possible to settle by diplomacy or by any other means of conciliation shall be submitted for judicial settlement.

Either of the High Contracting Parties may, however, decline to submit for judicial settlement any dispute in which it considers its vital interests, independence or honour to be at stake or which it deems may affect the interests of third Powers.

Article 2.

Disputes which are capable of judicial settlement within the meaning of the present Treaty shall be submitted to the Permanent Court of International Justice.

The High Contracting Parties may agree in any individual case to bring the dispute before the Chamber for summary procedure of the Permanent Court of International Justice.

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 Tokio, December 19, 1925.

They may also agree to submit the dispute to an arbitral tribunal constituted by joint agreement. In the latter case, and subject to any arrangement to the contrary, the provisions of the present Treaty shall apply *mutatis mutandis* to the arbitral procedure.

Article 3.

In every case the High Contracting Parties shall, before applying to the Permanent Court of International Justice, draw up, in conformity with the Statute and Rules of the Permanent Court of International Justice, a special agreement (*compromis*) stating clearly the subject of dispute, the particular competence that might devolve upon the Court, and any other conditions fixed between themselves.

The agreement shall be constituted by an exchange of notes between the Governments of the High Contracting Parties.

All points contained therein shall be interpreted by the Permanent Court of International Justice.

Article 4.

The judgment given by the Permanent Court of International Justice shall be executed by the Parties in good faith.

During the judicial procedure the High Contracting Parties shall as far as possible abstain from all measures which might prejudicially affect the execution of the judgment to be given by the Permanent Court of International Justice.

Article 5.

The present Treaty shall be ratified. The instruments of ratification shall be exchanged at Tokio as soon as possible.

The Treaty is concluded for a period of five years from the date of the exchange of ratifications. Unless denounced six months before the expiration of this period, it shall remain in force for one year from the date on which either of the Contracting Parties notifies the other of its intention to terminate it.

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

Done in duplicate at Tokio, December 26, 1924.

(L. S.) (Signed) A. BRUNNER.

(L. S.) (Signed) K. SHIDEHARA.