

N° 1684.

DANEMARK ET FRANCE

Traité d'arbitrage. Signé à Paris, le
5 juillet 1926.

DENMARK AND FRANCE

Arbitration Treaty. Signed at Paris,
July 5, 1926.

¹ TRADUCTION. — TRANSLATION.No. 1684. — ARBITRATION TREATY² BETWEEN DENMARK AND FRANCE. SIGNED AT PARIS, JULY 5, 1926.

French official text communicated by the Danish Chargé d'Affaires a. i. at Berne. The registration of this Treaty took place April 18, 1928.

HIS MAJESTY THE KING OF DENMARK AND ICELAND and THE PRESIDENT OF THE FRENCH REPUBLIC,

Inspired by the cordial and friendly relations uniting their respective countries,

Taking into consideration the Arbitration Convention³ concluded at Copenhagen on August 9, 1911, between Denmark and France,

Desiring to substitute therefor an arrangement ensuring henceforward, in conformity with the principles laid down in the Covenant of the League of Nations, the pacific settlement of all differences and disputes of whatever nature which may arise between the two countries,

Have resolved to conclude a Treaty with that object and have appointed as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

M. Herman Anker BERNHOFT, His Envoy Extraordinary and Minister Plenipotentiary at Paris ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. Aristide BRIAND, Deputy, Prime Minister and Minister for Foreign Affairs,

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

Article 1.

The High Contracting Parties reciprocally undertake in every case to settle by pacific means, and in accordance with the procedure laid down in the present Treaty, all conflicts or disputes of whatever nature which may arise between Denmark and France and which it may not have been possible to settle by the normal methods of diplomacy.

Article 2.

All disputes of whatever kind between the High Contracting Parties which it may not have been possible to settle amicably by the normal methods of diplomacy shall be submitted for decision on

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 Paris, April 4, 1928.

³ *British and Foreign State Papers*, Vol. 104, page 906.

either to an arbitral tribunal or to the Permanent Court of International Justice, as laid down hereinafter.

Disputes for the settlement of which a special procedure is laid down in other conventions in force between the High Contracting Parties shall be settled in conformity with the provisions of those conventions.

Article 3.

Before any resort is made to arbitral procedure or to procedure before the Permanent Court of International Justice, the dispute shall be submitted, with a view to amicable settlement, to a permanent international commission, styled the *Permanent Conciliation Commission*, constituted in accordance with the present Treaty.

Article 4.

In the case of a dispute the occasion of which, according to the municipal law of one of the Parties, falls within the competence of the national courts of the Parties, the matter in dispute shall not be submitted to the procedure laid down in the present Treaty until a judgment with final effect has been pronounced within a reasonable time by the competent national judicial authority.

Article 5.

The Permanent Conciliation Commission mentioned in Article 3 shall be composed of five members, who shall be nominated as follows: the High Contracting Parties shall each appoint a commissioner, chosen from among their respective nationals, and shall jointly nominate the other three commissioners from among the nationals of third Powers; these three commissioners shall be of different nationalities, and the High Contracting Parties shall nominate the President of the Commission from among them.

The commissioners are appointed for three years, and their mandate is renewable. Their appointment shall continue until they are replaced, and in any case until the completion of any work in hand at the time of the expiry of their mandate.

Vacancies which occur as a result of death or resignation or for any other cause shall be filled within the shortest possible time in the manner prescribed for appointments.

Article 6.

The Permanent Conciliation Commission shall be constituted within three months from the entry into force of the present Convention.

If the appointment of the commissioners to be jointly nominated should not have taken place within that period or, in the case of the filling of a vacancy, within three months from the time when the vacancy occurs, Her Majesty the Queen of the Netherlands shall, in the absence of any other agreement, be requested to make the necessary nominations.

Article 7.

The Permanent Conciliation Commission shall be informed by means of a request addressed to the President by the two Parties acting in agreement or, in the absence of such agreement, by either of the Parties.

The request, after giving a summary account of the subject of the dispute, shall contain an invitation to the Commission to take all necessary measures with a view to arriving at an amicable settlement.

If the request is made by only one of the Parties, that Party shall notify it without delay to the other.

Article 8.

Within fifteen days from the date when the Permanent Conciliation Commission shall have been notified of the dispute, either Party may, for the examination of the particular dispute, substitute for its commissioner a person possessing special competence in the matter.

The Party making use of this right shall immediately inform the other Party ; the latter shall in that case be entitled to take similar action within fifteen days from the date when the notification reaches it.

Article 9.

The Permanent Conciliation Commission shall elucidate the questions in dispute ; with that object it shall collect all necessary information, by enquiry or otherwise, and it shall endeavour to bring the Parties to an agreement. After examining the case, it may inform the Parties of the terms of settlement which it considers suitable, and lay down a period within which they are to make their decision.

At the close of its proceedings the Commission shall draw up a report stating, as the case may be, either that the parties have come to an agreement and, if necessary the terms of the agreement, or that it has been impossible to effect a settlement.

The proceedings of the Commission must, unless the Parties agree otherwise, be terminated within six months from the day on which the Commission is notified of the dispute.

Article 10.

Failing any special provision to the contrary, the Permanent Conciliation Commission shall lay down its own procedure, which in any case must enable both Parties to be heard. In regard to enquiries, the Commission, unless it unanimously decides to the contrary, shall act in accordance with the provisions of Chapter III (International Commissions of Enquiry) of the Hague Convention¹ of October 18, 1907, for the Pacific Settlement of International Disputes.

Article 11.

In the absence of an agreement by the Parties to the contrary, the Permanent Conciliation Commission shall meet at a place selected by its President.

Article 12.

The proceedings of the Permanent Conciliation Commission shall not be public, unless a decision to that effect has been taken by the Commission with the consent of the Parties.

Article 13.

The Parties shall be represented before the Permanent Conciliation Commission by agents, whose duty it shall be to act as intermediaries between them and the Commission ; they may further be assisted by counsel and experts appointed by them for that purpose, and may request that all persons whose evidence appears to them useful should be heard.

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

The Commission on its side shall be entitled to request oral explanations from the agents counsel and experts of the respective Parties, as well as from all persons whom it may think desirable to cite with the consent of their Governments.

Article 14.

Except where otherwise provided in the present Treaty, the decisions of the Permanent Conciliation Commission shall be taken by a majority.

Article 15.

The High Contracting Parties undertake to facilitate the work of the Permanent Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, and also to enable them, by the means at their disposal, to proceed in their territory and in accordance with their law to summon and hear witnesses or experts and to visit the localities in question.

Article 16.

During the proceedings of the Permanent Conciliation Commission each Commissioner shall receive a fee, the amount of which shall be fixed by agreement between the High Contracting Parties, each of which shall contribute an equal share. Expenses incidental to the working of the Commission shall likewise be equally divided.

Article 17.

Should no amicable agreement be reached before the Permanent Conciliation Commission, the dispute shall be submitted by means of a special agreement either to the Permanent Court of International Justice, under the conditions and according to the procedure laid down by the Statute of that Court, or to an arbitral tribunal, under the conditions and according to the procedure laid down by the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

If the Parties cannot reach an understanding as to the terms of the special agreement, either of them may, after a month's notice, bring the dispute before the Permanent Court of International Justice direct by means of an application.

GENERAL PROVISIONS

Article 18.

In any case, and more particularly if the question on which the Parties differ arises out of acts already committed or on the point of commission, the Conciliation Commission or, if the latter is no longer cognisant thereof the arbitral tribunal, or the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute¹, shall, if necessary, prescribe as soon as possible

¹ Vol. VI, page 379; Vol. XI, page 404; Vol. XV, page 304; Vol. XXIV, page 152; Vol. XXVII, page 416; Vol. XXXIX, page 165; Vol. XLV, page 96; Vol. L, page 159; Vol. LIV, page 387, and Vol. LXIX, page 70, of this Series.

the provisional measures to be adopted. Both High Contracting Parties undertake to accept such measures, to abstain from all measures likely to have a prejudicial effect upon the execution of the decision or upon the arrangements proposed by the Conciliation Commission and, in general, to abstain from any act whatever which may aggravate or extend the dispute.

Article 19.

The present Treaty shall remain applicable as between the High Contracting Parties even when other Powers are also interested in the dispute.

Article 20.

The present Treaty shall be registered with the League of Nations, in conformity with Article 18 of the Covenant.

Article 21.

The present Treaty shall be ratified. The instruments of ratification shall be exchanged at Paris. It shall come into force as from the exchange of the instruments of ratification, and, in regard to relations between Denmark and France shall replace the Arbitration Convention concluded at Copenhagen on August 9, 1911. It shall be valid for a period of ten years as from its coming into force. Unless denounced six months prior to the expiry of this period, it shall be deemed to be renewed for a period of five years, and shall be similarly renewable thereafter.

If at the date of expiry of the present Treaty, proceedings of any kind undertaken in virtue thereof are pending before the Permanent Conciliation Commission, an arbitral tribunal or the Permanent Court of International Justice, such proceedings shall pursue their course until their completion.

In faith whereof the aforementioned Plenipotentiaries have signed the present Treaty.

Done at Paris in duplicate, July 5, 1926.

(L. S.) H. A. BERNHOFT.

(L. S.) Ari. BRIAND.