

N° 2264.

DANEMARK ET HAITI

Traité d'arbitrage et de conciliation.
Signé à Washington, le 5 avril
1928.

DENMARK AND HAITI

Treaty of Arbitration and Concilia-
tion. Signed at Washington, April
5, 1928.

¹ TRADUCTION. — TRANSLATION.

No. 2264. — TREATY² OF ARBITRATION AND CONCILIATION BETWEEN DENMARK AND HAITI. SIGNED AT WASHINGTON, APRIL 5, 1928.

French official text communicated by the Permanent Delegate of Denmark accredited to the League of Nations. The registration of this Treaty took place January 31, 1930.

HIS MAJESTY THE KING OF DENMARK AND ICELAND and THE PRESIDENT OF THE REPUBLIC OF HAITI, considering the Statute of the Permanent Court of International Justice and the Optional Clause concerning Article 36, paragraph 2, of the said Statute³, desirous of ensuring the peaceful settlement, in accordance with the principles established by the Covenant of the League of Nations, of all disputes and difficulties of any nature whatsoever which may arise between Denmark and Haiti, have decided to conclude a Treaty for that purpose and have appointed as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

M. Constantin BRUN, His Envoy Extraordinary and Minister Plenipotentiary at Washington, D. C. ;

THE PRESIDENT OF THE REPUBLIC OF HAITI :

M. Hannibal PRICE, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Haiti at Washington, D. C. ;

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

Article I.

The High Contracting Parties undertake to submit to the Permanent Court of International Justice all differences and all disputes between Denmark and Haiti which it has not been possible to settle through the diplomatic channel or by the procedure for conciliation mentioned in Article 2.

Disputes for the settlement of which a special procedure is provided by other Conventions in force between the High Contracting Parties shall be settled in accordance with the provisions of the said Conventions.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Washington, December 4, 1929.

³ 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 ; Vol. LXIX, page 70 ; Vol. LXXII, page 452 ; Vol. LXXVIII, page 435 ; Vol. LXXXVIII, page 272 ; Vol. XCII, page 362 ; and Vol. XCVI, page 180, of this Series.

Article 2.

Should a dispute arise between Denmark and Haiti which it has not been possible to settle within a reasonable period of time through the diplomatic channel, the High Contracting Parties undertake to submit it for investigation and conciliation to a Commissioner appointed by mutual agreement between the High Contracting Parties.

Should it not be possible to arrive at such an agreement within six months as from the date on which one of the Parties addressed an invitation to that effect to the other Party, the Commissioner shall be appointed, at the request of one of the Parties, by the President of the Permanent Court of International Justice, or should he be a national of one of the High Contracting Parties by the Vice-President, or, if necessary, by the senior member of the Court who is not a national of one of the High Contracting Parties.

Article 3.

The Commissioner shall himself lay down the procedure and shall submit a report, including, if required, a proposal for the settlement of the dispute.

Unless the Parties agree otherwise, the work of the Commissioner must be completed within six months dating from his appointment.

Article 4.

Failing agreement between the Parties on the basis of the Commissioner's report, and after three months' notice has been given, either Party shall be entitled to bring the matter by simple application before the Permanent Court of International Justice, which shall give a decision in accordance with the rules contained in its Statute.

The Parties agree that disputes which in the opinion of the Court are not of a juridical character may be settled by the Court according to the principles of law and equity.

Article 5.

In the case of a dispute the subject of which according to the municipal law of one of the Parties falls within the competence of the national Courts, including the administrative tribunals, of that Party, the said dispute shall not be submitted to any of the procedures provided for by the present Treaty until a final decision has been given by the competent national judicial authority.

Article 6.

Should the award of the Court declare that a decision or measure of the judicial authorities or any other authority of either of the two States is wholly or in part contrary to international law, and should the constitutional law of that State not permit or only partially permit the consequences of the decision or measure in question to be annulled, the Parties agree that the injured Party shall be awarded equitable satisfaction of another kind.

Article 7.

Any disputes which may arise with regard to the interpretation or execution of the present Treaty shall be submitted direct to the Permanent Court of International Justice by simple application.

Article 8.

The present Treaty shall be ratified. The ratifications shall be exchanged at Washington, D. C.

It shall come into force as soon as the instruments of ratification have been exchanged and shall remain in force for ten years from that date. Unless it is denounced six months before the expiration of this period, it shall be regarded as renewed for a period of five years, and similarly thereafter.

If, upon the expiration of the present Treaty, any procedure in virtue of this Treaty is pending before the Commissioner, or before the Permanent Court of International Justice, it shall pursue its course until its final completion.

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

Done at Washington, D. C. , April 5, 1928.

(L. S.) C. BRUN.

(L. S.) H. PRICE.