

N° 2626.

LETONIE ET LITHUANIE

Traité de conciliation et d'arbitrage.

Signé à Kaunas, le 24 novembre
1930.

LATVIA AND LITHUANIA

Treaty of Conciliation and Arbitra-
tion. Signed at Kaunas, Novem-
ber 24, 1930.

¹ TRADUCTION. — TRANSLATION.No. 2626. — TREATY² OF CONCILIATION AND ARBITRATION
, BETWEEN LATVIA AND LITHUANIA. SIGNED AT KAUNAS,
NOVEMBER 24, 1930.

French official text communicated by the Latvian Minister for Foreign Affairs. The registration of this Treaty took place February 23, 1931.

THE PRESIDENT OF THE LATVIAN REPUBLIC, of the one part, and THE PRESIDENT OF THE LITHUANIAN REPUBLIC, of the other part,

Animated by the friendly relations which fortunately exist between Latvia and Lithuania, and desirous of agreeing upon provisions which shall henceforth ensure the peaceful settlement, in accordance with the principles laid down in the Covenant of the League of Nations, of all disputes and conflicts of any kind which may arise between Latvia and Lithuania, have resolved to conclude a treaty for this purpose and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE LATVIAN REPUBLIC :

His Excellency M. Hugo CELMIŅŠ, President of the Council and Minister for Foreign Affairs ;

THE PRESIDENT OF THE LITHUANIAN REPUBLIC :

His Excellency Dr. Dovas ZAUNIUS, 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 reciprocally undertake to settle in all cases by peaceful means and in accordance with the methods laid down in the present Treaty, all disputes or conflicts of every kind which shall arise between Latvia and Lithuania and which it may not have been possible to settle by the normal methods of diplomacy.

Article 2.

All disputes of every kind between the Contracting Parties which it may not have been possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal or to the Permanent Court of International Justice, as hereinafter laid down.

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 Riga, January 5, 1931. Came into force January 20, 1931.

Disputes for the settlement of which a special procedure is laid down in the other Conventions in force between the 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 conciliation commission constituted in accordance with the present Treaty, styled the "Permanent Conciliation Commission".

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 such Party, the 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 appointed as follows: the Contracting Parties shall each appoint two members, of whom one may be chosen from among their respective nationals. The fifth member, appointed by common agreement, shall act as President and must be of a nationality other than that of the other members of the Commission. The fifth member of the Commission may not be domiciled in the territory of the Contracting Parties nor be in their service.

The members of the Commission are appointed for three years; their mandate is renewable. Their appointment shall continue until their replacement and in any case until the termination of the work in hand at the moment of the expiry of their mandate.

Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner laid down for the nominations.

Article 6.

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

If the nomination of the Commissioner to be appointed by common agreement shall not have taken place within the said period or, in the case of the filling of a vacancy, within three months from the time when the seat falls vacant, the President of the Permanent Court of International Justice, or if the latter is a national of one of the Contracting States, the Vice-President of the Court, shall, in the absence of any other agreement, be requested to make the necessary appointment.

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 one or other 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 emanates from only one of the Parties, notification thereof shall be made by that Party without delay to the other.

Article 8.

Within fifteen days from the date on which one of the Contracting Parties shall have brought a dispute before the Permanent Conciliation Commission, either Party may, for the examination of the particular dispute, replace one of the members whom it has appointed by a person possessing special competence in the matter, subject always to the rule set forth in Article 5, paragraph 1, as to the nationality of the members of the Commission. The Party making use of this right shall immediately notify the other Party; the latter shall in that case be entitled to take similar action within fifteen days from the date on which it shall have received notification.

Article 9.

The task of the Permanent Conciliation Commission shall be to elucidate questions in dispute to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the Parties to an agreement. It may, after the case has been examined, inform the Parties of the terms of settlement which seem suitable to it, 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 need be, the terms of the agreement, or that it has been impossible to effect a settlement.

The proceedings of the Commission shall, unless the Parties otherwise agree, be terminated within six months from the day on which the Commission was first 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 provide for both Parties being heard. In regard to enquiries, the Commission, unless it unanimously decides otherwise, 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.

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

Article 12.

The proceedings of the Permanent Conciliation Commission shall not be public, except when 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

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

may, moreover, be assisted by counsel and experts appointed by them for that purpose, and they may request that all persons whose evidence appears to them useful should be heard.

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

Article 14.

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

Article 15.

The Contracting Parties undertake to facilitate the work of the Permanent Conciliation Commission, and in particular to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to enable it to proceed, in their territory and in accordance with their laws, 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 of its members shall receive emoluments the amount of which shall be fixed by mutual agreement between the Contracting Parties, each of whom shall contribute an equal share. The expenses occasioned by the working of the Commission shall also be equally divided.

Article 17.

In the event of no amicable agreement being reached before the Permanent Conciliation Commission, the dispute shall, by common consent, 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 in its Statute, or to an arbitral tribunal under the conditions and according to the procedure laid down in the special agreement.

If the Parties cannot agree on the terms of the special agreement, either of them may, after one month's notice, bring the dispute direct before the Permanent Court of International Justice by means of an application.

GENERAL PROVISION.

Article 18.

In any case, and particularly if the question on which the Parties differ arises out of acts already committed or on the point of commission, the Permanent Conciliation Commission or, if the matter is no longer before this Commission, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, shall, if necessary, indicate within the shortest possible time the provisional measures to be adopted. Each of the Contracting Parties undertakes to comply therewith and to abstain from all measures likely to have consequences prejudicial to the execution of the decision or to the arrangements proposed by the Conciliation Commission, and in general to abstain from any act whatsoever which may aggravate or extend the dispute.

Article 19.

The present Treaty shall remain applicable as between the Contracting Parties even though other Powers also have an interest in the dispute.

Article 20.

The present treaty shall be communicated for registration to the League of Nations in accordance with Article 18 of the Covenant.

Article 21.

The present Treaty shall be ratified. The ratifications shall be exchanged as soon as possible. It shall enter into force on the fifteenth day after the exchange of ratifications and shall be valid for ten years from the date of its entry into force. If it is not denounced six months before the expiration of this term it shall be deemed to be renewed for a period of five years, and similarly thereafter for successive periods of five years.

If on the expiry of the present Treaty any proceedings whatsoever in virtue of the said Treaty shall be pending before the Permanent Conciliation Commission, before an arbitral tribunal or before the Permanent Court of International Justice, these proceedings shall be duly completed.

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

Done in duplicate at Kaunas, the twenty-fourth day of November one thousand nine hundred and thirty.

(L. S.) (Signed) H. CELMINŠ.

(L. S.) (Signed) ZAUNIUS.