

N° 3277.

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**LUXEMBOURG ET NORVÈGE**

Traité de conciliation, d'arbitrage et  
de règlement judiciaire. Signé à  
Genève, le 12 février 1932.

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**LUXEMBURG AND NORWAY**

Treaty of Conciliation, Arbitration  
and Judicial Settlement. Signed at  
Geneva, February 12, 1932.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 3277. — TREATY<sup>2</sup> OF CONCILIATION, ARBITRATION AND JUDICIAL SETTLEMENT BETWEEN LUXEMBURG AND NORWAY. SIGNED AT GENEVA, FEBRUARY 12, 1932.

*French official text communicated by the Minister of State, President of the Government of the Grand Duchy of Luxemburg. The registration of this Treaty took place October 18, 1933.*

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBURG and HIS MAJESTY THE KING OF NORWAY :

Prompted by the happy relations of friendship which unite their two countries ;  
Sincerely desirous of promoting in the interests of universal peace the development of the procedures for the pacific settlement of international disputes, and

Desirous of affirming their confidence in the work of the League of Nations ;  
Have resolved to conclude a treaty for these purposes and have appointed as their respective Plenipotentiaries :

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBURG :

M. Joseph BECH, Her Minister of State, President of the Government ;

HIS MAJESTY THE KING OF NORWAY :

M. Erik COLBAN, His Envoy Extraordinary and Minister Plenipotentiary at Luxemburg ;

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

*Article 1.*

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

*Article 2.*

1. All disputes of every kind and of whatever origin 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 either to the arbitral tribunal or to the Permanent Court of International Justice as laid down hereafter.

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

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

<sup>2</sup> The exchange of ratifications took place at Geneva, October 2, 1933.

2. 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, if either Party so request, 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.*

When the subject of the dispute is one which, according to the municipal law of either Party comes within the jurisdiction of the national Courts of that Party, 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 given within a reasonable period by the competent national judicial authority.

*Article 5.*

1. The Permanent Conciliation Commission provided for in Article 3 shall consist of five members who shall be appointed as follows : The High Contracting Parties shall each nominate one Commissioner from among their respective nationals and they shall further appoint, by common agreement, three other Commissioners from among nationals of third Powers. The latter Commissioners must be of different nationalities, and shall not habitually reside in the territory of the Parties nor be in their service. The High Contracting Parties shall designate one of them as President of the Commission.

2. The Commissioners shall be appointed for three years and may be re-appointed. They shall continue to hold office until they are replaced and, in any case, until the completion of any work in hand at the moment of the expiry of their mandate.

3. Any vacancies which may occur owing to death, resignation or any other emergency shall be filled as soon as possible in the manner laid down for the nominations.

*Article 6.*

1. The Permanent Conciliation Commission shall be constituted within three months after the entry into force of the present Treaty.

2. If the appointment of the members of the Permanent Conciliation Commission has not been made within the aforesaid period, or, if a fresh appointment has not been made within three months of the seat becoming vacant, the nominations shall be made at the request of either Party by the President of the Permanent Court of International Justice or, if he is a national of one of the Contracting States, by the Vice-President, or if he is in the same position, by the eldest member of the Court.

*Article 7.*

1. The Permanent Conciliation Commission shall be notified 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.

2. The request shall contain a short statement of the subject of the dispute, followed by an invitation to the Commission to take all necessary steps with a view to arriving at an amicable settlement.

3. If the request emanates from one Party only, it shall be notified forthwith to the other Party.

*Article 8.*

1. Within fifteen days from the date when the Permanent Conciliation Commission shall have been notified of the matter in dispute, either Party may, for the examination of the particular dispute, replace his Commissioner by a person possessing special competence in the matter.

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

*Article 9.*

1. The task of the Permanent Conciliation Commission shall be to elucidate the subjects in dispute, for this purpose to collect all necessary information by means of enquiry or otherwise, and to endeavour to bring the Parties to agreement. It may, after examining the question, propose to the Parties the terms of settlement which it considers suitable and may appoint a period within which they are to make their decision.

2. At the close of its labours, 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 such agreement, or that it has been impossible to effect a settlement.

3. Unless the Parties had agreed otherwise, the proceedings of the Commission must be concluded within six months from the day on which it was notified of the dispute.

*Article 10.*

Failing any special provision to the contrary, the Permanent Conciliation Commission shall lay down its own procedure, which must in all cases provide for both Parties being heard. In regard to enquiries, the Commission shall, unless it unanimously decides otherwise, act in accordance with the provisions of Chapter III (International Commissions of Enquiry) of the Hague Convention<sup>1</sup> of October 18, 1907, for the Peaceful Settlement of International Disputes.

*Article 11.*

Unless otherwise decided by agreement between the Parties, the Permanent Conciliation Commission shall meet at the place appointed by its President.

*Article 12.*

The deliberations of the Permanent Conciliation Commission shall be held in private unless the Commission decides otherwise with the consent of the Parties.

*Article 13.*

1. 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, moreover, be assisted by counsel and experts appointed by them for that purpose and may claim a hearing for any persons whose evidence they may consider useful.

2. The Commission on its part may request oral explanations from the agents, counsel or experts of the two Parties, as also from any other persons whom it may think fit to summon with the consent of their respective Governments.

<sup>1</sup> *British and Foreign State Papers*, Vol. 100, page 298.

*Article 14.*

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

*Article 15.*

The High Contracting Parties undertake to give the Permanent Conciliation Commission every possible assistance in its work and, in particular, to supply it to the greatest possible extent with all relevant documents and information, and to employ all means at their disposal to enable the Commission, in their respective territories and in accordance with their internal laws, to cite and take the evidence of the witnesses and of experts and to visit the localities in question.

*Article 16.*

Each of the Commissioners shall receive an allowance for the actual duration of the proceedings of the Permanent Conciliation Commission ; the amount of this allowance shall be fixed by agreement between the High Contracting Parties, by whom it shall be borne in equal shares. The expenditure entailed by the operations of the Commission shall also be shared equally.

*Article 17.*

1. If the Parties agree to submit the dispute directly to arbitration, or if the Parties have failed to effect a conciliation of their interests by means of the conciliation procedure provided for in the present Treaty, 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 in accordance with the procedure laid down in its Statute<sup>1</sup>, or to an arbitral tribunal under the conditions and in accordance with the procedure laid down in the Hague Convention of October 18, 1907, for the Peaceful Settlement of International Disputes.

2. If the Parties fail to agree concerning the special agreement, either Party shall be at liberty, after giving one month's notice, to bring the dispute by an application direct before the Permanent Court of International Justice.

*Article 18.*

1. If nothing is laid down in the special agreement or no special agreement has been made, the arbitral tribunal or the Permanent Court of International Justice shall apply the principles of law laid down in particular in Article 38 of the Statute of the Permanent Court of International Justice.

2. If the Court or the arbitral tribunal is of opinion that the dispute is not justiciable, the Court or tribunal shall have the powers of friendly mediators and shall make a settlement which shall be binding on the Parties.

*Article 19.*

If, after proceedings before an arbitral tribunal, one of the Parties claims that the arbitrators' award is void, such Party may, failing agreement between the Parties and within forty days of the date of the award claimed to be void, submit this fresh dispute to the Permanent Court of International Justice whose judgment shall be obtained and delivered in accordance with the ordinary rules of the procedure in force before the Court.

<sup>1</sup> Vol. VI, page 379 ; Vol. XI, page 405 ; Vol. XV, page 305 ; Vol. XXIV, page 153 ; Vol. XXVII, page 417 ; 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. LXXXVIII, page 435 ; Vol. LXXXVIII, page 272 ; Vol. XCII, page 362 ; Vol. XCVI, page 180 ; Vol. C, page 153 ; Vol. CIV, page 492 ; Vol. CVII, page 461 ; Vol. CXI, page 402 ; Vol. CXVII, page 46 ; Vol. CXXXVI, page 430 ; Vol. CXXX, page 440 ; and Vol. CXXXIV, page 392, of this Series.

*Article 20.*

1. The Court, or any other tribunal seized of the matter, shall decide if and to what extent the disputed decision suffers from a defect affecting its validity and to what extent it is void of binding force.

2. The points to be referred back for arbitration or judicial proceedings with a view to a decision on their merits shall also be determined. It may be decided that in view of the partial nullity of an award, the whole of the two Parties' claims will have to be referred back for judgment on the merits of the case.

3. If, within three months of the publication of the judgment in the nullity proceedings, the Parties have failed to conclude a new special agreement, either of them shall be entitled to submit the substance of the question, by means of an application, to the Permanent Court of International Justice.

*Article 21.*

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 Conciliation Commission or, if the matter is no longer before the latter, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, shall lay down, if necessary and within the shortest possible time, the provisional measures to be adopted; the High Contracting Parties undertake respectively to accept such measures and to abstain from all measures likely to aggravate or extend the dispute.

*Article 22.*

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

*Article 23.*

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

*Article 24.*

1. The present Treaty shall be ratified. The ratifications shall be exchanged at Geneva.

2. It shall come into force as soon as the ratifications have been exchanged. It shall be valid for ten years reckoned from the date on which it comes into force. Unless it is denounced six months before the expiry of this period, it shall be considered as renewed for a period of 5 years and similarly thereafter.

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

In faith whereof, the above-mentioned plenipotentiaries have signed the present Treaty.

Done at Geneva in duplicate, the twelfth day of February, one thousand nine hundred and thirty-two.

(Signed) Jos. BECH.

(Signed) Erik COLBAN.