

N° 3346.

---

**CHILI ET DANEMARK**

Traité de conciliation. Signé à Copenhague, le 23 décembre 1931.

---

**CHILE AND DENMARK**

Treaty of Conciliation. Signed at Copenhagen, December 23, 1931.

TEXTE DANOIS.  
DANISH TEXT.

TEXTE ESPAGNOL.  
SPANISH TEXT.

N<sup>o</sup> 3346. — FORLIGSTRAKTAT<sup>1</sup> MELLEM CHILE OG DANMARK, UNDERTEGNET I KØBENHAVN, DEN 23. DECEMBER 1931.

N<sup>o</sup> 3346. — TRAITÉ DE CONCILIATION<sup>1</sup> ENTRE LE CHILI ET LE DANEMARK. SIGNÉ A COPENHAGUE, LE 23 DÉCEMBRE 1931.

N<sup>o</sup> 3346. — TRATADO DE CONCILIACIÓN<sup>1</sup> ENTRE CHILE Y DINAMARCA. FIRMADO EN COPENHAGUE, EL 23 DE DICIEMBRE DE 1931.

*Textes officiels danois, espagnol et français communiqués par le délégué permanent du Danemark auprès de la Société des Nations. L'enregistrement de ce traité a eu lieu le 10 février 1934.*

*Danish, Spanish and French official texts communicated by the Permanent Delegate of Denmark accredited to the League of Nations. The registration of this Treaty took place February 10, 1934.*

HANS MAJESTÆT KONGEN AF DANMARK OG ISLAND OG PRÆSIDENTEN FOR REPUBLIKEN CHILE, som er besjælet af Ønsket om at udvikle de venskabelige Baand, som forbinder de to Lande, og som er ledet af de Grundsatninger, der indeholdes i Folkeforbundsforsamlingens Beslutning af 22. September 1922 vedrørende Oprettelse af Forligsnævn mellem Staterne, har besluttet at afslutte en Forligstraktat og har i denne Anledning som deres Befuldægtigede udnævnt :

SA MAJESTÉ LE ROI DE DANEMARK ET D'ISLANDE et LE PRÉSIDENT DE LA RÉPUBLIQUE DU CHILI, animés du désir de développer les relations amicales qui unissent les deux pays, s'inspirant des principes de la résolution de l'Assemblée de la Société des Nations en date du 22 septembre 1922, relative à l'institution des Commissions de conciliation entre Etats, ont résolu de conclure un traité de conciliation et ont nommé à cet effet pour leurs plénipotentiaires, à savoir :

SU MAJESTAD EL REY DE DINAMARCA E ISLANDIA Y EL PRESIDENTE DE LA REPÚBLICA DE CHILE, animados del deseo de desarrollar las amistosas relaciones que unen a los dos Países, inspirándose en los principios de la Resolución de la Asamblea de la Sociedad de las Naciones fechada el 22 de Septiembre de 1922, relativa a la institución de las Comisiones de Conciliación entre Estados, han resuelto celebrar un Tratado de Conciliación y han nombrado al efecto sus Plenipotenciarios, a saber :

HANS MAJESTÆT KONGEN AF DANMARK OG ISLAND :  
Sin Udenrigsminister, Dr. Peter MUNCH ;

SA MAJESTÉ LE ROI DE DANEMARK ET D'ISLANDE :  
M. le D<sup>r</sup> Peter MUNCH, son ministre des Affaires étrangères ;

SU MAJESTAD EL REY DE DINAMARCA E ISLANDIA :  
Al Ministro de Relaciones Exteriores Señor Peter MUNCH ;

<sup>1</sup> L'échange des ratifications a eu lieu à Copenhague, le 11 janvier 1934.

<sup>1</sup> The exchange of ratifications took place at Copenhagen, January 11, 1934.

syn til de Forskrifter, som indeholdes i III Afdeling i Haagerkonventionen<sup>1</sup> af 18. Oktober 1907 om fredelig Bilæggelse af mellemfolkelige Stridigheder.

Nævnets Forhandlinger foregaar for lukkede Døre, medmindre Nævnet efter Aftale med Parterne bestemmer andet.

Parterne har Ret til ved Nævnet at udnævne særlige Agenter, som samtidig tjener som Mellemed mellem dem og Nævnet.

#### Artikel 9.

Saafernt ikke andet er bestemt i denne Traktat, skal Forligsnævnets Beslutninger træffes ved simpel Stemmerfærdighed. Hvert Medlem har én Stemme. Dersom ikke alle Medlemmerne er til Stede, er Formandens Stemme afgørende, hvis Stemmerne staaer lige. Nævnet kan ikke træffe Afgørelse vedrørende Stridens Realitet, medmindre alle Medlemmerne er til Stede.

#### Artikel 10.

De kontraherende Parter skal forsyne Forligsnævnet med alle nyttige Oplysninger og i enhver Henseende lette det Opfyldelsen af dets Opgave.

#### Artikel 11.

Forligsnævnet skal afgive Beretning i Løbet af seks Maaneder at regne fra den Dag, da det første Møde fandt Sted, medmindre de kontraherende Parter efter fælles

tre III de la Convention<sup>1</sup> de La Haye du 18 octobre 1907 pour le règlement pacifique des conflits internationaux.

Les délibérations de la commission auront lieu à huit clos, à moins que la commission, d'accord avec les Parties, n'en décide autrement.

Les Parties ont droit de nommer auprès de la commission des agents spéciaux, qui serviront en même temps d'intermédiaires entre elles et la commission.

#### Article 9.

Sauf dispositions contraires du présent traité, les décisions de la Commission de conciliation seront prises à la majorité des voix. Chaque membre disposera d'une voix. Si tous les membres ne sont pas présents, la voix du président sera décisive en cas de partage. La commission ne pourra prendre de décisions portant sur le fond du différend que si tous les membres sont présents.

#### Article 10.

Les Parties contractantes fourniront à la Commission de conciliation toutes les informations utiles et lui faciliteront, à tous égards, l'accomplissement de sa tâche.

#### Article 11.

La Commission de conciliation présentera son rapport dans les six mois à compter du jour de sa première réunion, à moins que les Parties contractantes ne décident, d'un com-

ciones contenidas en el Título III de la Convención<sup>1</sup> de La Haya de 18 de Octubre de 1907 para la solución pacífica de los conflictos internacionales.

Las deliberaciones de la Comisión serán secretas, a menos que la Comisión, de acuerdo con las Partes, decida otra cosa.

Las Partes tienen el derecho de nombrar ante la Comisión agentes especiales, que servirán, al mismo tiempo, de intermediarios entre Ellas y la Comisión.

#### Artículo 9.

Salvo disposiciones contrarias del presente Tratado, las decisiones de la Comisión de Conciliación serán tomadas por simple mayoría de votos. Cada miembro tendrá un voto. Si no están presentes todos los miembros, el voto del Presidente será decisivo en caso de empate. La Comisión no podrá tomar decisiones relativas al fondo de la diferencia, sino en caso de estar presentes todos sus miembros.

#### Artículo 10.

Las Partes Contratantes proveerán a la Comisión de Conciliación todas las informaciones útiles y le facilitarán, bajo todos los aspectos, el cumplimiento de su cometido.

#### Artículo 11.

La Comisión de Conciliación presentará su informe dentro de los seis meses contados desde el día de su primera reunión, a menos que las Partes Contratantes no

<sup>1</sup> DE MARTENS, *Nouveau Recueil général de Traités*, troisième série, tome III, page 360.

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

<sup>1</sup> TRADUCTION. — TRANSLATION.

## No. 3346. — TREATY OF CONCILIATION BETWEEN CHILE AND DENMARK. SIGNED AT COPENHAGEN, DECEMBER 23, 1931.

HIS MAJESTY THE KING OF DENMARK AND ICELAND and THE PRESIDENT OF THE REPUBLIC OF CHILE, being desirous of strengthening the friendly relations existing between the two countries and inspired by the principles of the resolution adopted by the Assembly of the League of Nations on September 22, 1922, relating to the setting up of Conciliation Commissions between States, have resolved to conclude a Conciliation Treaty and for that purpose have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

Dr. Peter MUNCH, His Minister for Foreign Affairs ;

THE PRESIDENT OF THE REPUBLIC OF CHILE :

Mr. Enrique WESSEL, Envoy Extraordinary and Minister Plenipotentiary of Chile ;

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

*Article 1.*

The High Contracting Parties undertake to submit to conciliation procedure all disputes which may arise between them and which it may not have been possible to settle, within a reasonable time, by the methods of diplomacy.

Nevertheless, this undertaking shall not apply to questions which, according to international law, fall within the exclusive competence of one Party or to disputes for the solution of which a special procedure is or may hereafter be laid down in other conventions between the Contracting Parties or to disputes relating to the territorial status of the High Contracting Parties.

Should the report drafted by the Conciliation Commission set up in accordance with Article 3 of the present Treaty not be accepted by the two Parties, Article 15 of the Covenant of the League of Nations shall continue to apply, as far as may be necessary.

*Article 2.*

In questions which, according to the municipal law of one of the Parties, fall within the competence of the national judicial authorities, the defendant Party may oppose the submission of such questions to a procedure of conciliation until a judgment with final effect has been pronounced by the competent national Court, except in the case of a denial of justice.

In such a case, the application for conciliation must be made within a period of one year at the latest from the date of the final judgment.

<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.

*Article 3.*

Within six months after the exchange of the ratifications of the present Treaty, the Contracting Parties shall set up a Permanent Conciliation Commission composed of five members.

Each Party shall designate two members : one from amongst its own nationals and the other from amongst the nationals of a third State. The two Parties shall jointly designate the President of the Commission from amongst the nationals of a third State. In the absence of agreement between the Parties, he shall be designated at the request of the Parties by the President of the Swiss Federal Council, if the latter agrees to do so.

The members of the Commission, including its President, shall be appointed for three years.

*Article 4.*

In the event of the death or resignation of one of the members of the Conciliation Commission, arrangements shall be made to replace him for the remainder of his term of office, if possible within three months of his death or resignation and in any case as soon as a dispute has been submitted to the Commission.

Should one of the members of the Conciliation Commission be temporarily prevented from taking part in the work of the Commission through illness or for any other reason, the Party which appointed him shall designate a substitute to take his place temporarily.

On the expiration of the term of office of a member of the Commission, such term of office must be expressly renewed by the Party which appointed him. The functions of the President shall cease at the end of his term of office. Nevertheless, the two Parties may jointly renew his term of office for a further period of three years.

A member whose term of office expires while proceedings are pending shall continue to take part in the examination of the dispute until such proceedings are terminated, even if his successor has been designated.

*Article 5.*

Within fifteen days from the date on which one of the Contracting Parties has brought a dispute before the Conciliation Commission, either Party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

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

*Article 6.*

The task of the Conciliation Commission shall be to facilitate the solution of the dispute by elucidating, through an impartial and conscientious enquiry, the questions of fact, and by making proposals with a view to the settlement of the dispute in accordance with the provisions of Article 11 of the present Treaty.

Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by one of the Contracting Parties.

The Party applying for the institution of conciliation procedure shall simultaneously notify the other Party that it has made such application.

*Article 7.*

In the absence of agreement to the contrary, the Conciliation Commission shall meet at such place as its President may select.

*Article 8.*

The procedure before the Conciliation Commission shall provide for both parties being heard.

The Commission shall lay down its own procedure, acting, unless it decides unanimously to the contrary, in accordance with the provisions of Part III of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

The proceedings of the Commission shall be conducted in private, unless the Commission decides otherwise with the consent of the Parties.

The Parties shall have the right to appoint, to represent them before the Commission, special agents, who shall at the same time act as intermediaries between them and the Commission.

*Article 9.*

In the absence of any provisions to the contrary in the present Treaty, the decisions of the Conciliation Commission shall be taken by a majority vote. Each member shall have one vote. If all the members are not present, and if the number of votes cast is equally divided, the President shall have a casting vote. The Commission may take decisions relating to the substance of the dispute only if all its members are present.

*Article 10.*

The Contracting Parties shall supply the Conciliation Commission with all relevant information and shall in all respects facilitate the accomplishment of its task.

*Article 11.*

The Conciliation Commission shall submit its report within six months from the date of its first meeting, unless the Contracting Parties jointly decide to curtail or extend such period.

The report shall if necessary contain a proposal for the settlement of the dispute if at least three of the members of the Commission, the President being regarded as a member, agree upon such proposal.

The report shall contain the opinion of any minority, accompanied by a statement of the reasons on which the opinion is based.

A copy of the report, signed by the President, shall be transmitted to each of the Parties.

The Commission's report shall not be in the nature of an arbitral or judicial award, either as regards the interpretation of the facts or as regards the legal considerations.

*Article 12.*

The Parties shall inform each other and also the President of the Permanent Conciliation Commission, within a reasonable period, which shall in no case exceed three months, whether they accept the conclusions of the report and the proposals contained therein.

The Parties shall jointly decide whether the Commission's report shall be published.

*Article 13.*

During the conciliation proceedings, the members of the Permanent Conciliation Commission, including the President, shall receive emoluments, the amount of which shall be fixed by the Contracting Parties.

Each Party shall bear its own costs and an equal share of the costs of the Commission, including the emoluments provided for in the preceding paragraph.

*Article 14.*

The present Treaty shall be ratified as soon as possible and the instruments of ratification thereof shall be exchanged at Copenhagen.

It shall come into force on the thirtieth day after the exchange of ratifications and shall remain in force for three years.

If it is not denounced six months before its expiration, it shall be deemed to be renewed for a further period of three years, and so on.

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

Done at Copenhagen, in duplicate Danish, French and Spanish texts, on December 23, 1931.

(L. S.) P. MUNCH.

(L. S.) H. L. WESSEL.