

N° 991.

**ESTHONIE, FINLANDE,
LETTONIE ET POLOGNE**

Convention de conciliation et d'arbitrage, avec Protocole additionnel, signés à Helsingfors, le 17 janvier 1925.

**ESTHONIA, FINLAND,
LATVIA AND POLAND**

Conciliation and Arbitration Convention, with Additional Protocol, signed at Helsingfors, January 17, 1925.

¹ TRADUCTION. — TRANSLATION.No. 991. — CONCILIATION AND ARBITRATION CONVENTION ² BETWEEN ESTHONIA, FINLAND, LATVIA AND POLAND, SIGNED AT HELSINGFORS, JANUARY 17, 1925.

French official text communicated by the Finnish Minister for Foreign Affairs and by the Latvian Ministry for Foreign Affairs. The registration of this Convention took place October 30, 1925.

The REPUBLICS OF : ESTHONIA,
FINLAND,
LATVIA,
and POLAND,

being desirous of promoting the friendly relations existing between them, and having decided to give in their mutual relations the widest possible application to the principle of the settlement of international disputes by pacific means, have decided to conclude a Conciliation and Arbitration Convention. For this purpose they have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE ESTHONIAN REPUBLIC :

M. K. PUSTA, Minister for Foreign Affairs ;

THE PRESIDENT OF THE FINNISH REPUBLIC :

M. Hj. J. PROCOPÉ, Minister for Foreign Affairs ;

THE PRESIDENT OF THE LATVIAN REPUBLIC :

M. S. MEIEROVICS, Minister for Foreign Affairs ;

THE PRESIDENT OF THE POLISH REPUBLIC :

Count A. SKRZYNSKI, Minister for Foreign Affairs ;

being duly authorised thereto, have agreed upon the following articles.

Article 1.

The High Contracting Parties, being desirous of applying in their mutual relations the leading principles laid down in the Covenant of the League of Nations and further elaborated in the Geneva Protocol adopted on October 2, 1924, have decided to use the means provided therein for the pacific settlement of any disputes which might arise between them.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The deposit of ratifications took place at Helsingfors, September 7, 1925.

Article 2.

The High Contracting Parties undertake to submit to a procedure of conciliation or of arbitration any disputes arising between them which it has not been possible to settle within a reasonable time through diplomatic channels. This undertaking shall not, however, apply to questions the legal nature of which makes them subject solely to the domestic legislation of the Party concerned, or to any disputes regarding the territorial status of the High Contracting Parties.

Any dispute capable of being settled in the manner set forth above shall be submitted to a conciliation procedure, unless the Parties to the dispute agree to submit it immediately to arbitration.

Should the report drawn up by the Conciliation Commission, set up in virtue of Article 6 of the present Convention, not have been accepted by all the Parties to the dispute, the said dispute shall be submitted to arbitration if one of the Parties so requests.

Article 3.

If, in accordance with the domestic legislation of one of the High Contracting Parties, the matter in dispute comes within the jurisdiction of the courts, including administrative courts, the defending Party may decline to have the dispute submitted to arbitration or to a procedure of conciliation until such time as a final judgment has been given by the competent judicial authority.

Article 4.

Should recourse to arbitral procedure be provided for by a convention previously concluded, to which only States signatories of the present Convention are Parties, it shall be agreed that any dispute to which this previous convention would apply shall, in accordance with the present Convention, be submitted to a Conciliation or Arbitration Commission by the States between which the dispute has arisen.

Article 5.

It is agreed that the obligations assumed by the High Contracting Parties in virtue of the present Convention shall not in any way restrict their right to submit by common consent any difference which might arise between them to the Permanent Court of International Justice.

Article 6.

Within three months from the date on which the last ratification of the present Convention shall have been deposited, the High Contracting Parties shall establish a Permanent Conciliation Commission composed of four members, each of the Parties appointing one member, and of a Chairman chosen by common agreement from among the nationals of a State not Party to the present Convention. Failing agreement between the Parties, the Chairman shall, at the request of one of the Parties, be appointed by the President of the Permanent Court of International Justice.

Any Party desirous of submitting a dispute to a conciliation procedure shall apply to the Chairman of the Permanent Commission. The latter shall immediately notify the opposing Party or Parties, and shall invite each Party to the dispute to appoint, in addition to the member already appointed by it, another member selected for the purpose from among the nationals of a State not Party to the dispute within a time-limit of six weeks from the day on which the invitation was issued. Should these appointments not have been made within the prescribed time-limit, the additional members shall be appointed by the Chairman.

The permanent members of the Commission appointed by the Parties to the dispute, as well as the additional members, shall be convened without delay by the Chairman and shall, together with the latter, constitute the Conciliation Commission for the settlement of the dispute submitted to the conciliation procedure.

Article 7.

The competence of each Conciliation Commission shall be governed by the provisions of the preceding articles.

If one of the States between which a dispute has arisen has submitted it to a procedure of conciliation, and if the opposing Party, pleading the competence of the Permanent Court of International Justice on the grounds that reference of the case to that Court is compulsory for the Parties, has referred the same dispute to the Permanent Court, consideration of the case shall be suspended until the Court shall have determined the questions of competence.

If an application has thus been submitted to the Permanent Court by one of the Parties, the procedure provided for in Article 6 shall be suspended until the Court has given a decision in regard to its competence.

Article 8.

The members of the Permanent Commission shall be appointed for three years. Unless there is an agreement to the contrary between the High Contracting Parties, they may not be relieved of their functions during their term of office. In case of death or retirement of one of the members, the vacancy shall be filled for the remainder of that member's term of office, if possible within two months, and in any case as soon as a dispute shall have been submitted to the Commission.

Article 9.

If, on the expiration of his term of office, one of the members of the Permanent Commission has not been replaced, his term of office shall be regarded as renewed for a further period of three years; if, however, one of the Parties so requests, the Chairman shall cease to hold office at the end of his appointed term.

Any member whose term of office expires while conciliation proceedings are in progress shall continue to take part in the settlement of the dispute until the proceedings are closed, notwithstanding the fact that his successor has already been appointed.

Article 10.

Each Party shall have the right, within 15 days as from the day on which one of the Contracting Parties has referred a dispute to the Commission, to replace for the purpose of dealing with the dispute the permanent member it has appointed by a person possessing special competence in the matter.

Any Party desirous of availing itself of this right shall immediately notify the opposing Party; in such case the latter shall be entitled to take similar steps within 15 days after receiving such notification.

Article 11.

The Commission shall meet at a place appointed by agreement between the Parties or, failing such agreement, at the seat of the League of Nations.

The Commission may, for special reasons, meet at any other place.

Article 12.

The Parties to the dispute shall furnish the Commission with all useful information and shall afford it every assistance in the execution of its duties.

If this is necessary in the interests of its work, the Commission may ask the Secretary-General of the League of Nations for the assistance of the Secretariat.

Article 13.

In proceedings before the Commission all Parties shall be heard.

Unless a decision to the contrary has been unanimously adopted, the provisions contained in Chapters III and IV of the Hague Convention¹ for the Pacific Settlement of International Disputes of October 18, 1907, shall be applied in proceedings before the Commission.

The proceedings shall be public only if the Commission so decides and the Parties agree.

Article 14.

The decisions of the Commission shall be taken by a majority vote. Each member shall have one vote. In case of equal votes the Chairman shall have the casting vote. The Commission shall not take decisions on the substance of the dispute unless all members are present.

Article 15.

The Commission shall draw up a report on the dispute referred to it. The report shall contain a proposal for the settlement of the dispute if circumstances permit and if at least three of the members of the Commission — the Chairman being regarded as a member — agree upon such proposal.

The reasoned opinion of the members who are in the minority shall be recorded in the report.

Article 16.

Subject to the right of the Parties to the dispute to extend this time-limit, the Commission shall complete its work within six months as from the day on which the first meeting of the Commission takes place. Any time during which the work of the Commission is suspended in accordance with the provisions of Article 7 shall not be included in the above-mentioned time-limit.

Article 17.

The report of the Commission shall be signed by the Chairman and shall forthwith be communicated to the Parties to the dispute and to the Secretary-General of the League of Nations.

Article 18.

The Parties whose dispute has been referred to the Commission shall within reasonable time inform each other, as well as the Chairman of the Permanent Commission, whether they accept the findings of the report and the settlement proposed therein.

The Parties to the dispute shall decide, in agreement with one another, whether the Commission's report shall be published immediately. Failing such agreement the Commission may, for special reasons, decide to publish the report.

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

Article 19.

If in virtue of the provisions of Article 2 a dispute is submitted to arbitration, the Court of Arbitration shall be established by agreement between the Parties.

If the Court of Arbitration is not constituted by agreement between the Parties, the following procedure shall be followed :

Each Party shall appoint two arbitrators, one of whom must be a member of the Permanent Court of Arbitration and must not be a national of the Party concerned. The arbitrators thus appointed shall together elect the President of the Court. In case of equal votes, the duty of appointing a President shall devolve upon the President of the Permanent Court of International Justice.

Article 20.

Should a dispute between the Parties involve recourse to arbitration, the Parties shall, within three months, draw up a special agreement to submit the matter to arbitration, specifying the subject of the dispute and the methods of procedure. In the absence of any compromissorial clauses to the contrary, they shall conform, as regards the arbitral procedure, to the provisions laid down in the Convention for the Pacific Settlement of International Disputes signed at the Hague on October 18, 1907, including Articles 53 and 54, and taking into account Article 83 of the said Convention.

Article 21.

The arbitral award shall be binding. If, however, the award should lay down that a decision by a Court of Justice or by any other authority of one of the High Contracting Parties was wholly or partly incompatible with international law, and if the constitutional law of that Party does not allow of the complete or partial cancellation by administrative measures of the effects of the said decision, the injured Party shall be granted equitable compensation of another kind.

Article 22.

In the course of the conciliation or arbitration procedure, the Parties shall refrain from taking any measures which might compromise the acceptance of the proposal of the Commission or the execution of the award.

Article 23.

Each Party shall pay the allowances of the members of the Commission or of the arbitrators appointed by it, or, in the absence of such appointment, nominated by the Chairman in accordance with Article 6. The Chairman's allowances shall be paid by all the Parties to the dispute in equal shares.

The Parties shall endeavour to arrange that the allowances shall be fixed in accordance with uniform principles.

Each Party shall bear the costs of procedure which it has incurred ; those which the Commission or the Court have declared to be joint costs shall be borne by the Parties in equal shares.

Article 24.

The provisions of the present Convention shall be applicable even to disputes originating in facts existing before the conclusion of this Convention.

Article 25.

It shall be understood that the present Convention shall not in any way modify the obligations assumed by the Signatory States in connection with the Protocol for the Pacific Settlement of International Disputes adopted at Geneva on October 2, 1924.

Article 26.

Any dispute regarding the interpretation of the present Convention shall be submitted to the Permanent Court of International Justice.

Article 27.

The present Convention shall be ratified and the ratifications shall be deposited at Helsinki (Helsingfors), as soon as possible. It shall enter into force as soon as the instruments of ratification have been deposited and shall remain in force for three years as from the date on which the ratifications of all the Signatory States have been deposited. Unless denounced within six months before the expiration of that period, it shall remain in force for a further period of three years and shall thereafter be regarded as renewed for successive periods of three years, unless denounced within six months before the expiration of the preceding period of three years.

Notwithstanding denunciation by one of the High Contracting Parties, the Convention shall remain in force in respect of those Parties which have not denounced it.

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

Done at Helsinki (Helsingfors) in four original copies on January 17, 1925.

(L. S.) (Signed) Z. A. MEIEROVICS.

(L. S.) (Signed) K. R. PUSTA.

(L. S.) (Signed) HJ. J. PROCOPÉ.

(L. S.) (Signed) AL. SKRZYNSKI.

ADDITIONAL PROTOCOL TO THE CONCILIATION AND ARBITRATION CONVENTION.

Communicated by the Finnish Minister for Foreign Affairs.

The Plenipotentiaries appointed by the President of the Republic of Esthonia and by the President of the Republic of Finland, declare in signing the Conciliation and Arbitration Convention between Esthonia, Finland, Latvia and Poland, that the obligations undertaken by Esthonia and Finland in virtue of the said Convention do not modify in any way the declarations by which those States have recognised as obligatory *ipso facto* and without special convention the jurisdiction of the Permanent Court of International Justice in conformity with Article 36 paragraph 2 of the Statute¹ of the Court.

Done at Helsinki (Helsingfors), in four copies, on January 17, 1925.

K. R. PUSTA.

HJ. J. PROCOPÉ.

¹ Vol. VII, page 379; Vol. XI, page 404; Vol. XV, page 304; Vol. XXIV, page 152 and Vol. XXVII, page 416 of this Series.