

N° 1000.

NORVÈGE ET SUÈDE

Echange de notes concernant la prolongation et l'interprétation de la Convention d'arbitrage du 26 octobre 1905. Stockholm, le 23 octobre 1925.

NORWAY AND SWEDEN

Exchange of Notes concerning the Prolongation and the Interpretation of the Arbitration Convention of October 26, 1905. Stockholm, October 23, 1925.

No. 1000.

TEXTE SUÉDOIS. — SWEDISH TEXT.

Textes officiels norvégien et suédois communiqués par le Ministre des Affaires étrangères de Suède et par le Ministre des Affaires étrangères de Norvège. L'enregistrement de cet échange de Notes a eu lieu le 23 novembre 1925.

Norwegian and Swedish official texts communicated by the Swedish Minister for Foreign Affairs and by the Norwegian Minister for Foreign Affairs. The registration of this Exchange of Notes took place November 23, 1925.

AVSKRIFT

ang. fortsatt giltighet av 1925 års svensk-norska skiljedomskonvention m.m.

STOCKHOLM, den 23 oktober 1925.

N : o 155
HP 25.

HERR ENVOYÉ,

I. Såsom Herr Envoyén har sig bekant, stadgas i art. 8 av den mellan Sverige och Norge den 26 oktober 1905 avslutade konventionen¹ angående tvisters hänskjutande till skiljedom, att konventionen skall gälla för tio år, räknat från undertecknandets dag, och förlängas för en lika tidsrymd, därest den ej från någondera sidan uppsäges minst två år före tioårsperiodens utgång.

Kungl.—Majts. regering anser detta stadgande böra så förstås att, då någon uppsägning ej mellankommit, konventionen enligt nämnda artikel skall efter utgången av nu löpande tioårsperiod förbliva gällande under ytterligare en period av tio år och därefter under samma förutsättning allt framgent för tio år i sänder.

Jag skulle vara tacksam erfara huruvida jämväl Kungl. Norska regeringen för sin del ansluter sig till denna uppfattning.

II. Sedan såväl Sverige som Norge avgivit sådan förklaring som avses i art. 36 mom. 2 av stadgan² för den fasta mellanfolkliga domstolen och varigenom sagda domstol erkänts såsom behörig i vissa slag av tvister, kunna givetvis fall tänkas inträffa, då tveksamhet skulle kunna råda därom, huruvida en mellan de båda länderna uppkommen tvist skall hänskjutas till skiljedomsförfarande enligt 1905 års konvention eller till den fasta mellanfolkliga domstolen. Kungl. Majts. regering vill fördenskull föreslå Kungl. Norska Regeringen att, i händelse mellan de båda länderna skulle uppstå någon tvist, tillhörande de kategorier, som angivas i nyssnämnda art. 36 mom. 2 av stadgan för den fasta mellanfolkliga domstolen, ifrågavarande tvist skall hänskjutas till sagda domstol i överensstämmelse med stadgandena i nämnda moment och icke till skiljedomsförfarande enligt 1905 års konvention, dock att vad ovan sagts ej skall avse tvist, vilken enligt särskilt mellan parterna gällande avtal skall hänskjutas till skiljedom.

¹ De Martens, Nouveau Recueil Général de Traités, deuxième série, tome XXXIV, page 702.

² Vol IV, page 379; Vol. XI, page 404; Vol. XV, page 309; Vol. XXIV, page 152 et Vol XXVII, page 916 de ce Recueil.

¹ British and Foreign State Papers, Vol. 98, page 820.

² Vol. VI, page 379; Vol XI, page 404; Vol. XV, page 309; Vol. XXIV, page 152 and Vol. XXVII, page 416 of this Series.

¹ TRANSLATION.

No. 1000. — EXCHANGE OF NOTES BETWEEN THE NORWEGIAN AND SWEDISH GOVERNMENTS CONCERNING THE PROLONGATION AND THE INTERPRETATION OF THE ARBITRATION CONVENTION OF OCTOBER 26, 1905. STOCKHOLM, OCTOBER 23, 1925.

SUBJECT.

*Prolongation of the Arbitration
Convention of 1905 between
Sweden and Norway.*

STOCKHOLM, October 23, 1925.

No. 155.
H. P. 25.

YOUR EXCELLENCY,

I. As you are aware, Article 8 of the Convention concluded between Sweden and Norway on October 26, 1905, regarding the submission of disputes to arbitration provides that the Convention shall remain in force for ten years reckoned from the date of signature, and shall be prolonged for a like period if it is not denounced by either Party at least two years before the expiration of the ten-year period.

The Royal Government considers that this provision should be understood as meaning that, in accordance with the above-mentioned article, the Convention shall, failing denunciation, continue in force for a further period of ten years after the expiration of the ten-year period now current, and thereafter in like manner, on the same condition, for ten years at a time.

I should be grateful if you would inform me whether the Royal Norwegian Government accepts this interpretation.

II. In view of the fact that both Sweden and Norway have made a declaration, as provided in Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice, recognising the said Court as competent in certain categories of disputes, regard must be had to the possibility of doubt arising as to whether a dispute occurring between the two countries is to be submitted to arbitration under the Convention of 1905 or to the Permanent Court of International Justice. The Royal Government accordingly desires to propose to the Royal Norwegian Government that, should any dispute falling within the categories specified in the above-mentioned Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice arise between the two countries, such dispute shall be referred to the said Court in accordance with the provisions of the paragraph in question and not to arbitration under the Convention of 1905, but that this procedure shall not apply to disputes which are to be submitted to arbitration under special agreements in force between the two Parties.

I would venture to request you to be good enough to inform me whether the Royal Norwegian Government is in agreement with the Royal Swedish Government, that the provisions of the Convention in question should be applied in the manner described above.

¹ Translated by the Secretariat of the League of Nations.

III. Lastly, I have the honour to inform you that the Royal Government for its part is prepared to enter forthwith into negotiations with a view to the conclusion of a new general arbitration Convention between the two countries.

I have the honour to be, etc.

(Signed) UNDÉN.

To M. Wollebaek,
Envoy Extraordinary and Minister
Plenipotentiary of His Majesty the
King of Norway,
etc., etc., etc.

NORWEGIAN LEGATION.

STOCKHOLM, *October 23, 1925.*

YOUR EXCELLENCY,

With reference to your letter of to-day's date, I have the honour to inform you that :

I. The Royal Norwegian Government shares the view of the Royal Swedish Government that Article 8 of the Convention concluded between Norway and Sweden on October 26, 1905, regarding the settlement of disputes by arbitration should be understood as meaning that, failing denunciation, the Convention shall, in accordance with the above-mentioned article, continue in force for a further period of ten years after the expiration of the ten-year period now current, and thereafter in like manner, on the same condition, for ten years at a time.

II. The Royal Norwegian Government is also in agreement with the Royal Swedish Government that, should any dispute falling within the categories specified in Article 36, paragraph 2, of the Statutes of the Permanent Court of International Justice arise between the two countries, such dispute shall be submitted to the said Court in accordance with the provisions of the paragraph in question, and not to arbitration under the Convention of 1905, but that this procedure shall not apply to disputes which are to be submitted to arbitration under special agreements in force between the two Parties.

III. The Royal Norwegian Government for its part is also prepared to enter forthwith into negotiations with a view to the conclusion of a new general arbitration Convention between the two countries.

I have the honour, etc.

(Signed) J. W. WOLLEBAEK.

To His Excellency M. UNDÉN,
Minister for Foreign Affairs,
etc., etc., etc.