

N° 1123.

ESTHONIE ET SUÈDE

**Convention de conciliation, signée à
Reval, le 29 mai 1925.**

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**Conciliation Convention, signed at
Reval, May 29, 1925.**

¹ TRADUCTION. — TRANSLATION.No. 1123. — CONCILIATION CONVENTION² BETWEEN ESTHONIA AND SWEDEN, SIGNED AT REVAL, MAY 29, 1925.

French official text communicated by the Esthonian and Swedish Ministers for Foreign Affairs. The registration of this Convention took place March 15, 1926.

HIS MAJESTY THE KING OF SWEDEN and THE CHIEF OF STATE OF THE ESTHONIAN REPUBLIC, being desirous of promoting the development of the procedure of conciliation in international disputes in accordance with the spirit of the Covenant of the League of Nations, and of carrying into effect the principles laid down with this object in the resolution regarding the conclusion of conciliation Conventions which were adopted by the Assembly of the League of Nations on September 22, 1922, have for this purpose agreed to conclude a Convention, and have named as their Plenipotentiaries :

HIS MAJESTY THE KING OF SWEDEN :

Monsieur Ulf TORSTEN UNDÉN, His Envoy Extraordinary and Minister Plenipotentiary at Tallinn ;

THE CHIEF OF STATE OF THE ESTHONIAN REPUBLIC :

Monsieur Charles Robert PUSTA, Minister for Foreign Affairs ;

Who, being duly authorised for the purpose, have agreed on the following articles :

Article 1.

The Contracting Parties undertake to refer to a Permanent Commission, to be appointed in the manner set forth below, for investigation and settlement by conciliation, all disputes of any nature whatever which it has not been possible to settle within reasonable time through diplomatic channels, and which cannot, under the terms of the Statute of the Permanent Court of International Justice or of any other agreement between the Parties, be submitted either to the Permanent Court or to a court of arbitration.

Article 2.

When a dispute, which has been referred to the Commission by one of the Parties, has been brought before the Permanent Court or a court of arbitration by the other Party under the terms of Article 1, the Commission shall postpone its investigation of the dispute until the Permanent Court or the court of arbitration shall have determined the question of competence in the case.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Reval, February 25, 1926.

Article 3.

In the case of a dispute which, in accordance with the domestic legislation of either of the High Contracting Parties, falls within the jurisdiction of the courts, including administrative courts, the defending Party may decline to accept any procedure of enquiry or conciliation until such times as final judgment has been given on the dispute by the competent legal authorities.

Article 4.

The Commission shall be composed of five members. Each Party shall appoint two members, one of whom may be a national of the appointing State. The fifth member, who shall act as Chairman of the Commission, shall be a national of a State not otherwise represented on the Commission. He shall be appointed jointly by the Parties. Should the Parties be unable to agree the Chairman shall, at the request of one of the Parties, be appointed by the President of the Permanent Court of International Justice, or, should the latter be a national of one of the Contracting States, by the Vice-President of the Court.

The Commission shall be appointed within six months after the ratifications of the present Convention have been exchanged.

Article 5.

The members of the Commission shall be appointed for three years. They shall not be removable during their period of office unless the Parties agree otherwise. In the event of the death or retirement of a member, the vacancy must be filled for the remainder of his term of office within the next two months if possible, but, in any case, as soon as a dispute has been submitted to the Commission.

Article 6.

Either of the Parties may, within fifteen days after one of them has submitted a dispute to the Commission, replace one of the members whom it has appointed by a person specially qualified to deal with the particular case before the commission, subject, however, to the rules laid down in Article 4 with regard to the nationality of members.

If one Party desires to avail itself of this right, it shall at once inform the other Party, which may take a similar step within fourteen days of receiving such notification.

Article 7.

If, at the end of his term of office, a member of the Commission has not been replaced, his term shall be considered as renewed for a period of three years. The Chairman, however, shall at the request of one of the Parties, cease to hold office at the end of his appointed term.

If a member's term of office expires in the course of proceedings in connection with a dispute, he shall continue to take part in such proceedings until the dispute has been settled, even if his substitute has been appointed.

Article 8.

When one of the Parties desires to submit a dispute to the Commission, it shall notify the Chairman. The other Party shall also be informed at once of such notification. The Chairman shall convene the Commission as soon as possible.

The Party which has submitted the dispute to the Commission shall notify the Secretary-General of the League of Nations.

Article 9.

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

Article 10.

The Parties shall supply the Commission with all relevant information, and shall assist it in every way in the accomplishment of its task.

The Commission may apply to the Secretary-General of the League of Nations for the assistance of the Secretariat should such assistance be required.

Article 11.

The Parties shall be entitled to appoint special representatives on the Commission. These representatives shall also act as intermediaries between the Parties and the Commission.

Article 12.

Proceedings before the Commission shall not be public unless a decision to that effect is taken by the Commission with the consent of the Parties.

Article 13.

In proceedings before the Commission both Parties shall be heard.

The Commission shall draw up rules to govern its procedure, subject to the proviso that the regulations laid down in Chapter III of The Hague Convention¹ of October 18, 1907, for the pacific settlement of international disputes shall be applied unless the Commission unanimously agrees to depart from these regulations.

Article 14.

Unless otherwise provided in the present Convention the Commission shall take its decisions by a majority vote of its members. Each member shall have one vote, and in the case of an equal number of votes being given, the Chairman shall have a casting vote.

A quorum shall be constituted if all the members have been duly summoned and if the Chairman and not fewer than two other members are present.

Article 15.

The Commission shall make a report on each dispute submitted to it. The report shall include a proposal for the settlement of the dispute if a settlement is possible and if at least three members agree to the proposal.

The opinion of the members who are in the minority together with a statement of the reasons for this opinion shall be recorded in the report.

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

Article 16.

The Commission shall complete its task within six months from the day when the dispute is submitted to it, unless the Parties agree to an extension of this period.

The above period shall not include any time during which the Commission's work is interrupted for reasons arising out of the provisions of Article 2.

Article 17.

The Commission's report shall be signed by the Chairman, who shall immediately bring it to the knowledge of the Parties and of the Secretary-General of the League.

The Parties undertake to inform each other within a reasonable time whether they accept the findings of the report and the settlement proposed therein.

The Parties shall decide, in agreement with one another, whether the Commission's report shall be published immediately. Nevertheless, even in the absence of such agreement, the Commission may proceed to the immediate publication of the report if it takes a decision to that effect by a vote of all its members or of all its members with a single exception.

Article 18.

Each Party shall pay the allowances of the members of the Commission which it has appointed, and shall also pay half of the allowances of the Chairman.

The Parties shall endeavour to arrange that the allowances of the members of the Commission on both sides shall be fixed at the same figure.

Each Party shall bear the costs of the proceedings which it has incurred, and half of those which the Commission may declare to be joint costs.

Article 19.

The present Convention shall be ratified and the ratifications shall be exchanged at Tallinn as soon as possible. It shall come into force as soon as the instruments of ratifications have been exchanged, and shall remain in force for five years from that date. Unless denounced within six months before the expiration of this period, it shall remain in force for a further period of five years and shall thereafter be regarded as renewed for successive periods of five years unless denounced within six months before the expiration of the preceding period of five years.

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

Done in duplicate, at Tallinn, on May 29, 1925.

(L. S.) UNDÉN.

(L. S.) C. R. PUSTA.