

N° 1496.

PAYS-BAS ET SUISSE

Traité de conciliation. Signé à La
Haye, le 12 décembre 1925.

**THE NETHERLANDS
AND SWITZERLAND**

Treaty of Conciliation. Signed at The
Hague, December 12, 1925.

¹ TRADUCTION. — TRANSLATION.No. 1496. — TREATY² OF CONCILIATION BETWEEN SWITZERLAND AND THE NETHERLANDS. SIGNED AT THE HAGUE, DECEMBER 12, 1925.

French official text communicated by the Swiss Federal Council and the Netherlands Minister at Berne. The registration of this Treaty took place July 1, 1927.

THE SWISS FEDERAL COUNCIL and HER MAJESTY THE QUEEN OF THE NETHERLANDS, being desirous of strengthening the bonds of friendship which unite Switzerland and the Netherlands and of promoting the peaceful settlement by conciliation of any disputes which may arise between the two countries and which cannot be settled in any other manner, have decided to conclude a treaty for that purpose and have appointed as their Plenipotentiaries the following :

THE SWISS FEDERAL COUNCIL :

M. A. DE PURY, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at The Hague :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

His Excellency Jonkheer H. A. van KARNEBEEK, Her Minister for Foreign Affairs ;

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

Article 1.

Any dispute of any nature whatever which may arise between the Contracting Parties and which it may not have been possible to settle by the diplomatic channel within a reasonable period, and which is not capable of judicial or arbitral settlement in accordance with Article 36, paragraph 2, of the Statute³ of the Permanent Court of International Justice or in conformity with any other international convention in force between the Contracting Parties, shall be submitted, at the request of either or both of the Parties, to a permanent conciliation commission for examination and report.

The Contracting Parties may agree that a dispute which is capable of judicial or arbitral settlement shall first be submitted to the procedure of conciliation. If in any dispute of this nature one of the Parties does not accept the Commission's proposals within a reasonable period, either of them may submit the dispute to the Permanent Court of International Justice.

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 The Hague, June 11, 1927.

³ Vol. VI, page 379 ; Vol. XI, page 404 ; Vol. XV, page 304 ; Vol. XXIV, page 152 ; Vol. XXVII, page 416 ; Vol. XXXIX, page 165 ; Vol. XLV, page 96 ; Vol. L, page 159, and Vol. LIV, page 387, of this Series.

Article 2.

The Permanent Conciliation Commission shall be composed of five members.

Each Contracting Party shall appoint one member of its own choosing, the other three being selected by joint agreement. The latter may not be nationals of the Contracting States, nor may they be domiciled in their territory or be or have been employed in their service.

The President of the Commission shall be appointed by joint agreement from among the jointly selected members.

The Commission shall be set up within six months of the exchange of ratifications of the present Treaty.

If the appointment of the members to be nominated jointly or the appointment of the President is not made within six months from the exchange of ratifications, or, in case of resignation or death, within two months after the vacancy occurs, His Majesty the King of Denmark shall be requested, if necessary by one of the Parties only, to make the appointment.

Article 3.

The members of the Conciliation Commission shall be appointed for three years. Their appointment shall not be revoked during the term of their mandate unless the Contracting Parties decide otherwise. In the event of the death or resignation of a member, arrangements shall be made to replace him for the remainder of his mandate.

If the mandate of a member selected by joint agreement shall expire and if neither Party is opposed to its renewal, it shall be deemed to be renewed for a further period of three years. Similarly, if on the expiry of the mandate of a member appointed by one of the Parties, no arrangements have been made by that Party to replace him, his mandate shall be deemed to be renewed for three years.

A member whose mandate expires in the course of a procedure shall continue to take part in the examination of the dispute until the procedure is completed.

Article 4.

The Conciliation Commission shall determine its own meeting place and shall be at liberty to transfer it.

Article 5.

Within a fortnight following the notification of a request for conciliation to the Permanent Conciliation Commission, either of the Contracting Parties may replace the member of its own choosing by a person possessing special competence in the matter which forms the subject of the dispute.

If either Party intends to make use of this right, it shall immediately notify the opposing Party. In this case the latter may make use of the same right within a fortnight after receiving the notification.

Should any member of the Conciliation Commission jointly selected by the Contracting Parties be temporarily prevented from taking part in the Commission's work as a result of illness or for any other reason, the Parties shall if necessary jointly select a substitute, who will sit temporarily in his place.

If the appointment of this substitute is not made within three months from the time when the temporary vacancy occurs, His Majesty the King of Denmark shall be requested by either or both of the Parties to select him.

Either Party may appoint forthwith a substitute to replace temporarily the permanent member of its own choosing, if as a result of illness or for any other reason the latter is temporarily prevented

from taking part in the Commission's work. If either Party intends to make use of this right, it shall immediately notify the opposing Party.

Article 6.

The task of the Conciliation Commission shall be to examine any dispute which may be submitted to it by the Contracting Parties, and to draw up a report, which shall determine the facts of the case and, whenever circumstances permit, shall contain proposals for the settlement of the dispute.

Article 7.

The Conciliation Commission shall be seized of a question by an application addressed to its President by both Contracting Parties or by either of them. In the latter case, the application shall be notified at the same time to the other Party.

Article 8.

The Contracting Parties shall be entitled to appoint to the Conciliation Commission special agents, who will also serve as intermediaries between themselves and the Commission.

Article 9.

The Contracting Parties undertake to assist the Conciliation Commission in its work in all cases and in every respect, and in particular to afford it, through the competent authorities, all judicial assistance.

The Contracting Parties undertake to use such means as are at their disposal under their internal laws to ensure the attendance of witnesses or experts who are in their territory and who have been cited to appear before the Commission. If such witnesses or experts cannot appear before the Commission itself, the Contracting Parties shall have them heard by their own competent authorities.

Article 10.

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

Article 11.

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, unless a unanimous agreement to the contrary is reached, 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.

Article 12.

Except where otherwise laid down in the present Treaty, the Commission shall take its decisions by a majority vote.

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

Article 13.

The Conciliation Commission shall present its report within six months from the date on which the dispute was submitted to it, unless the Contracting Parties agree to shorten or extend this time-limit. The Commission shall have the right to extend this period once only. After the procedure has been begun the Contracting Parties shall not be entitled to shorten it.

The report shall contain the reasoned opinion of the members who form the minority.

A copy of the report shall be sent to each Party.

The report shall not be binding as regards either the statement of facts or the legal considerations.

The Contracting Parties undertake not to publish the report individually without having first consulted each other. The Commission may order the publication of its report unless the two members freely appointed by the Parties object.

Article 14.

For the actual duration of the procedure the members of the Conciliation Commission shall receive an allowance to be fixed by arrangement between the Contracting Parties.

Each Party shall bear its own costs and half the costs of the Commission.

Article 15.

During the procedure of conciliation the Contracting Parties shall abstain from all measures which might prejudicially affect the acceptance of the Conciliation Commission's proposals.

Article 16.

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

The Treaty is concluded for a period of ten years from the exchange of the instruments of ratification. Unless denounced at least six months before the expiration of that period, it shall remain in force for a further period of ten years, and similarly thereafter.

If conciliation proceedings are pending at the time when the present Treaty expires, they shall be continued in accordance with the provisions of the present Treaty or of any other convention which the Contracting Parties may have agreed to substitute therefor.

In faith whereof, the above-mentioned Plenipotentiaries have signed the present Treaty and have thereto affixed their seals.

Done in duplicate at The Hague, December 12, 1925.

(Signed) A. DE PURY.

(Signed) KARNEBEEK.