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FINLANDE ET PAYS-BAS

Traité de conciliation. Signé à Genève, le 9 juin 1928.

**FINLAND
AND THE NETHERLANDS**

Treaty of Conciliation. Signed at Geneva, June 9, 1928.

¹ TRADUCTION. — TRANSLATION.No. 1978. — TREATY OF CONCILIATION ² BETWEEN FINLAND AND THE NETHERLANDS. SIGNED AT GENEVA, JUNE 9, 1928.

French official text communicated by the Netherlands Minister at Berne and the Finnish Minister for Foreign Affairs. The registration of this Treaty took place March 25, 1929.

HER MAJESTY THE QUEEN OF THE NETHERLANDS and THE PRESIDENT OF THE FINNISH REPUBLIC, being desirous of strengthening the ties of friendship which unite the Netherlands and Finland 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 :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Jonkheer Frans BEELAERTS VAN BLOKLAND, Her Minister for Foreign Affairs ;

THE PRESIDENT OF THE FINNISH REPUBLIC :

M. Hjalmar Johan PROCOPÉ, Minister for Foreign Affairs ;

Who, after having communicated 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 High Contracting Parties and which it may not have been possible to settle through 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 Statute of the Permanent Court of International Justice ³ or in conformity with any other international convention in force between the High 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 High 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, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at The Hague, February 8, 1929.

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; Vol. LIV, page 387; Vol. LXIX, page 70; Vol. LXXXII, page 452, and Vol LXXVIII, page 435, of this Series.

Article 2.

The Permanent Conciliation Commission shall be composed of five members.

Each High 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 the case of resignation or death, within two months after the vacancy occurs, the President of the Swiss Confederation shall be requested, if necessary by one of the Parties only, to make the appointment.

Article 3.

The members of the Commission shall be appointed for three years. Their appointment shall not be revoked during the term of their mandate unless the High 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 seat 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 High 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 other 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, the President of the Swiss Confederation 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 other Party.

Article 6.

The task of the Conciliation Commission shall be to examine any dispute which may be submitted to it by the High 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 informed 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 High 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 High Contracting Parties undertake to assist the Commission in its work to the utmost possible extent and more particularly to use such means as are at their disposal under their municipal law to enable the Commission to proceed, on their territory, to summon and hear witnesses or experts and to visit the localities in question. The Commission shall decide whether the production of evidence is to take place at a plenary sitting or before one or more members of the Commission who have been jointly designated.

Article 10.

The deliberations of the 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 Convention ¹ of October 18, 1907, for the Pacific Settlement of International Disputes shall be observed.

Article 12.

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

Article 13.

The Commission shall present its report within six months from the date on which the dispute was submitted to it, unless the High Contracting Parties agree to shorten or extend this time-limit.

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

The Commission shall have the right to extend this period once only. After the procedure has begun the High 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.

When communicating the report, the Commission may suggest that the two Parties shall state, within a period to be indicated in the document itself, whether and to what extent they endorse the findings of the report and accept the proposals contained therein.

The Parties shall decide jointly whether the report shall or shall not be published immediately. Should they not reach an agreement, the Commission may, for special reasons, have it published without delay.

Article 14.

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

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

Article 15.

During the procedure of conciliation the High Contracting Parties shall abstain from all measures which might prejudicially affect the acceptance of the Permanent 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 High 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 Geneva, June 9, 1928.

(L. S.) BEELAERTS VAN BLOKLAND.

(L. S.) HJ. J. PROCOPÉ.