

N° 2388.

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**ESPAGNE ET ISLANDE**

Traité de conciliation, de règlement  
judiciaire et d'arbitrage. Signé à  
Copenhague, le 26 août 1929.

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**SPAIN AND ICELAND**

Treaty of Conciliation, Judicial Sett-  
lement and Arbitration. Signed at  
Copenhagen, August 26, 1929.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 2388, — TREATY <sup>1</sup> OF CONCILIATION, JUDICIAL SETTLEMENT AND ARBITRATION BETWEEN ICELAND AND SPAIN. SIGNED AT COPENHAGEN, AUGUST 26, 1929.

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*French official text communicated by the Permanent Delegate of Denmark accredited to the League of Nations. The registration of this Treaty took place July 14, 1930.*

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HIS MAJESTY THE KING OF ICELAND AND DENMARK and HIS MAJESTY THE KING OF SPAIN, being desirous of strengthening the bonds of friendship existing between Iceland and Spain and of settling, in accordance with the highest principles of public international law, any disputes which may arise between the two countries, have resolved to conclude a Treaty for this purpose and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ICELAND AND DENMARK :

M. Peter Rochegune MUNCH, Doctor of Letters, Danish Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF SPAIN :

M. Vicente Gutierrez DE AGÜERA, His Envoy Extraordinary and Minister Plenipotentiary in Denmark ;

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

*Article I.*

The High Contracting Parties reciprocally undertake to settle by pacific means and in accordance with the methods laid down in the present Treaty, all disputes or conflicts of any nature whatsoever which may arise between Iceland and Spain and which it may not have been possible to settle by the normal methods of diplomacy.

PART I.

*Article II.*

All disputes of every kind between the High Contracting Parties with regard to which the Parties are in conflict as to their respective rights, and which it may not have been possible to

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<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

<sup>2</sup> The exchange of ratifications took place at Copenhagen, July 9, 1930.

settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an Arbitral Tribunal or to the Permanent Court of International Justice.

Disputes for the settlement of which a special procedure is laid down in other conventions in force between the High Contracting Parties shall be settled in conformity with the provisions of those conventions.

#### Article III.

In the case of a dispute the occasion of which, according to the municipal law of one of the Parties, falls within the competence of the national courts, such Party may oppose the submission of the dispute to the procedure laid down in the present Treaty until a judgment with final effect has been pronounced, within a reasonable time, by the competent judicial authority.

#### Article IV.

Before being submitted to the judicial procedure provided for in Article II of the present Treaty, the dispute may, by agreement between the Parties, be submitted with a view to amicable settlement to an International Commission specially constituted for that purpose whose task it shall be to elucidate questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the Parties to an agreement.

If, within six months of the date on which either Party shall have proposed conciliation procedure, agreement has not been reached concerning the submission of the dispute to that means of settlement, the composition of the Conciliation Commission or the details of the procedure, either Party may request that the dispute should be submitted either to an Arbitral Tribunal or to the Permanent Court of International Justice, in accordance with the provisions of Article II of the present Treaty.

#### Article V.

If no request has been made for the submission of the dispute to conciliation procedure, or if the Commission constituted for that purpose has not succeeded in effecting a settlement, and also in the case mentioned in the last paragraph of Article IV, the Parties shall jointly draw up a special agreement for submitting the dispute to the Permanent Court of International Justice or appointing arbitrators. The special agreement shall clearly specify the subject of the dispute, the particular competence that might devolve upon the Permanent Court of International Justice or upon the Arbitral Tribunal and all other conditions decided upon between the Parties. It shall be constituted by an exchange of Notes between the two Governments.

The Permanent Court of International Justice, if requested to give a decision on the dispute, or the arbitral Tribunal appointed for the same purpose, shall respectively be competent to interpret the terms of the special agreement.

If the special agreement is not drawn up within three months of the date on which either Party shall have received a request for judicial settlement, either Party may, after giving one month's notice, bring the dispute by means of an application direct before the Permanent Court of International Justice.

Moreover, the procedure applicable shall be that laid down in the Statute<sup>1</sup> of the Permanent Court of International Justice or, in the case of recourse to an Arbitral Tribunal, that laid down in the Hague Convention<sup>2</sup> of October 18, 1907, for the Pacific Settlement of International Disputes.

<sup>1</sup> 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. LXXII, page 452; Vol. LXXVIII, page 435; Vol. LXXXVIII, page 272; Vol. XCII, page 362; Vol. XCVI, page 180; and Vol. C, page 153, of this Series.

<sup>2</sup> *British and Foreign State Papers*, Vol. 100, page 298.

## PART II.

*Article VI.*

All questions on which the Governments of the two High Contracting Parties may differ without being able to reach an amicable solution by the normal methods of diplomacy, the settlement of which cannot be sought by a judgment as provided in Article II of the present Treaty, and for the settlement of which no procedure has been laid down in a treaty or convention in force between the Parties may, by agreement between the Parties, be submitted, with a view to a friendly settlement, to a Commission specially set up for that purpose.

*Article VII.*

If within six months of the date on which either Party has, in virtue of Article VI, proposed conciliation procedure, agreement has not been reached concerning the submission of the dispute to that means of settlement, the composition of the Conciliation Commission or the details of the procedure, and also when the submission of the dispute to conciliation procedure has not been requested or when a Commission set up for that purpose has not succeeded in effecting a settlement, the dispute shall, on the request of either Party, be submitted for decision to an Arbitral Tribunal which, in the absence of any other agreement between the Parties, shall be composed of five members appointed for each particular case. The Contracting Parties shall each freely appoint one arbitrator and shall jointly designate the other three, from among whom the President of the Commission shall be chosen. This Arbitral Tribunal shall, in such a case, have the powers of a friendly arbitrator and shall prescribe the terms of a settlement that shall be binding on the Parties.

*Article VIII.*

If the appointment of the members of the Arbitral Tribunal to be designated jointly is not made within a period of three months from the date on which one of the Parties shall have addressed to the other the request for arbitration, each Contracting Party shall designate, in addition to the arbitrator freely appointed in virtue of Article VII, a further arbitrator who shall not, however, be one of its own nationals. The fifth arbitrator, who shall also be President of the Arbitral Tribunal, shall be appointed, on the request of either Party, by the President of the Permanent Court of International Justice, or, if the latter is a national of one of the Contracting States, by the Vice-President or by the oldest member of the Court who is not a national of either Contracting State.

*Article IX.*

Should recourse be had to arbitration between the Contracting Parties, the latter undertake to conclude, within a period of three months from the date on which one of the Parties shall have addressed to the other a request for arbitration, a special agreement concerning the subject of the dispute and the details of the procedure.

If this agreement cannot be concluded within the time stipulated, resort shall be had instead to the procedure laid down in Chapter IV of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes, and the recourse to arbitration shall, in such cases, be governed by the provisions of that Convention.

## GENERAL PROVISIONS.

*Article X.*

Should the Permanent Court of International Justice or the Arbitral Tribunal find that a decision by a court of law or any other authority of either of the Contracting Parties is wholly or in part

contrary to international law, and if the constitutional law of that Party does not permit, or only partially permits, the consequences of the decision in question to be annulled by administrative action, the judicial decision or arbitral award shall indicate the nature and extent of the compensation to be granted to the injured Party.

*Article XI.*

During the procedure of conciliation or the judicial or arbitral procedure, the Contracting Parties shall refrain from all measures which might affect the acceptance of the proposals of the Conciliation Commission or the execution of the judgment of the Permanent Court of International Justice or the award of the Arbitral Tribunal. For this purpose the Conciliation Commission, the Court of Justice or the Arbitral Tribunal shall, if necessary, lay down the provisional measures to be adopted.

*Article XII.*

Any disputes which may arise as to the interpretation or the execution of the present Treaty shall, in the absence of agreement to the contrary, be submitted direct to the Permanent Court of International Justice by means of a simple request.

*Article XIII.*

The present Treaty shall be ratified. The instruments of ratification shall be exchanged at Copenhagen as soon as possible.

The present Treaty shall come into force on the date of the exchange of the ratifications and, as regards relations between Iceland and Spain, shall replace the Arbitration Convention concluded at Madrid on December 1, 1905. It shall be valid for a period of ten years as from that date. Unless it is denounced six months before the expiration of that period, it shall be deemed to be renewed for further successive periods of ten years.

If, at the time of the expiration of the present Treaty, proceedings relating to conciliation, settlement or arbitration are pending, they shall pursue their course until their completion, in accordance with the provisions of the present Treaty.

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

Done at Copenhagen in duplicate on August 26, 1929.

*For Iceland :*

(L. S.) P. MUNCH.

*For Spain :*

(L. S.) VICENTE GUTIERREZ DE AGÜERA.