

N° 2637.

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**CHILI ET POLOGNE**

Traité de conciliation. Signé à Santiago-du-Chili, le 19 octobre 1929.

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**CHILE AND POLAND**

Treaty of Conciliation. Signed at Santiago de Chile, October 19, 1929.

N<sup>o</sup> 2637. — TRAITÉ<sup>1</sup> DE CONCILIATION ENTRE LE CHILI ET LA POLOGNE. SIGNÉ A SANTIAGO DU CHILI, LE 19 OCTOBRE 1929.

*Textes officiels français et espagnol communiqués par le délégué de la Pologne à la Société des Nations. L'enregistrement de ce traité a eu lieu le 12 mars 1931.*

LE PRÉSIDENT DE LA RÉPUBLIQUE DE POLOGNE et LE PRÉSIDENT DE LA RÉPUBLIQUE DU CHILI, animés du désir de développer les relations amicales qui unissent les deux pays s'inspirant des principes de la Résolution de l'Assemblée de la Société des Nations en date du 28 septembre 1923, relative à l'institution des commissions de conciliation entre Etats, ont résolu de conclure un traité de conciliation et ont nommé à cet effet pour leurs plénipotentiaires, à savoir :

LE PRÉSIDENT DE LA RÉPUBLIQUE DE POLOGNE :  
L'envoyé extraordinaire et ministre plénipotentiaire de Pologne au Chili,  
M. Ladislas MAZURKIEWICZ ;

LE PRÉSIDENT DE LA RÉPUBLIQUE DU CHILI :  
Le ministre des Affaires étrangères,  
M. Manuel BARROS CASTAÑÓN ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes :

*Article premier.*

Les Hautes Parties contractantes s'engagent à soumettre à la procédure de conciliation tous

<sup>1</sup> L'échange des ratifications a eu lieu à Varsovie, le 18 décembre, 1930.

TEXTE ESPAGNOL. — SPANISH TEXT.

N<sup>o</sup> 2637. — TRATADO<sup>1</sup> DE CONCILIACIÓN ENTRE CHILE Y POLONIA. FIRMADO EN SANTIAGO DE CHILE, EL 19 DE OCTUBRE DE 1929.

*French and Spanish official texts communicated by the Polish Delegate accredited to the League of Nations. The registration of this Treaty took place March 12, 1931.*

EL PRESIDENTE DE LA REPÚBLICA DE POLONIA y EL PRESIDENTE DE LA REPÚBLICA DE CHILE, animados del deseo de desarrollar las amistosas relaciones que unen a los dos Países, inspirándose en los principios de la Resolución de la Asamblea de la Sociedad de las Naciones fechada el 28 de Septiembre de 1923, relativa a la institución de las Comisiones de Conciliación entre Estados, han resuelto celebrar un Tratado de Conciliación y han nombrado al efecto sus Plenipotenciarios, a saber :

EL PRESIDENTE DE LA REPÚBLICA DE POLONIA :  
al Enviado Extraordinario y Ministro Plenipotenciario de Polonia en Chile  
Señor Ladislas MAZURKIEWICZ ;

EL PRESIDENTE DE LA REPÚBLICA DE CHILE :  
al Ministro de Relaciones Exteriores Señor  
Don Manuel BARROS CASTAÑÓN,

Los cuales, después de haberse comunicado sus Plenos Poderes, encontrados en buena y debida forma, han convenido las disposiciones siguientes :

*Artículo primero.*

Las Altas Partes Contratantes se obligan a someter al procedimiento de conciliación todas

<sup>1</sup> The exchange of ratifications took place at Warsaw, December 18, 1930.

litige conformément aux dispositions de l'article II du présent traité.

La commission sera saisie sur requête adressée à son président par l'une des Parties contractantes.

Notification de cette requête sera faite, en même temps, à la Partie adverse par la Partie qui demandera l'ouverture de la procédure de conciliation.

*Article 7.*

La Commission de conciliation se réunira, sauf accord contraire, au lieu désigné par son président.

*Article 8.*

La procédure devant la Commission de conciliation sera contradictoire.

La Commission réglera elle-même la procédure, en tenant compte, sauf décision contraire, prise à l'unanimité, des dispositions contenues au Titre III de la Convention<sup>1</sup> de La Haye du 18 octobre 1907 pour le règlement pacifique des conflits internationaux.

Les délibérations de la commission auront lieu à huis clos à moins que la commission d'accord avec les Parties n'en décide autrement.

Les Parties ont droit de nommer auprès de la commission des agents spéciaux, qui serviront en même temps d'intermédiaires entre elles et la commission.

*Article 9.*

Sauf dispositions contraires du présent traité les décisions de la Commission de conciliation seront prises à la majorité des voix. Chaque membre disposera d'une voix. Si tous les membres ne sont pas présents, la voix du président sera décisive en cas de partage. La commission ne pourra prendre de décisions portant sur le fond du différend que si tous les membres sont présents.

*Article 10.*

Les Parties contractantes fourniront à la Commission de conciliation toutes les informations utiles et lui faciliteront, à tous égards, l'accomplissement de sa tâche.

<sup>1</sup> DE MARTENS, *Nouveau Recueil général de Traités*, troisième série, tome III, page 360.

las disposiciones del artículo II del presente Tratado.

Ella se avocará la cuestión a solicitud de una de las Partes dirigida al Presidente.

Al mismo tiempo, se notificará esta solicitud a la Parte contraria por la Parte que pida la iniciación del procedimiento conciliatorio.

*Artículo 7.*

La Comisión de Conciliación se reunirá, salvo acuerdo en contrario, en el lugar designado por su Presidente.

*Artículo 8.*

El procedimiento ante la Comisión de Conciliación será contradictorio.

La Comisión reglamentará por sí misma el procedimiento, teniendo en cuenta, salvo decisión en contrario, adoptada por unanimidad, las disposiciones contenidas en el Título III de la Convención<sup>1</sup> de La Haya de 18 de Octubre de 1907 para la solución pacífica de los conflictos internacionales.

Las deliberaciones de la Comisión serán secretas, a menos que la Comisión, de acuerdo con las Partes, decida otra cosa.

Las Partes tienen el derecho de nombrar ante la Comisión agentes especiales, que servirán, al mismo tiempo, de intermediarios entre Ellas y la Comisión.

*Artículo 9.*

Salvo disposiciones contrarias del presente Tratado, las decisiones de la Comisión de Conciliación serán tomadas por simple mayoría de votos. Cada miembro tendrá un voto. Si no están presentes todos los miembros, el voto del Presidente será decisivo en caso de empate. La Comisión no podrá tomar decisiones relativas al fondo de la diferencia, sino en caso de estar presentes todos sus miembros.

*Artículo 10.*

Las Partes Contratantes proveerán a la Comisión de Conciliación todas las informaciones útiles y le facilitarán, bajo todos los aspectos, el cumplimiento de su cometido.

<sup>1</sup> *British and Foreign State Papers*, Vol. 100, page 298.

Il entrera en vigueur le trentième jour après l'échange des ratifications et aura une durée de trois ans.

S'il n'est pas dénoncé six mois avant son échéance il sera censé être renouvelé pour une nouvelle période de trois ans et ainsi de suite.

En foi de quoi les plénipotentiaires ont signé le présent traité et y ont apposé leurs cachets.

Fait à Santiago du Chili, en double exemplaire, en langue française et espagnole, le dix-neuf octobre mil neuf cent vingt-neuf.

Władysław MAZURKIEWICZ.  
Manuel BARROS.

Entrará en vigor treinta días después del canje de las ratificaciones y tendrá una duración de tres años.

Si no es denunciado seis meses antes de su término, se entenderá renovado por un nuevo período de tres años y así sucesivamente.

En fé de lo cual, los Plenipotenciarios firman el presente Tratado y ponen en él sus sellos.

Hecho en Santiago de Chile, en doble ejemplar, en francés y español, el diecinueve de Octubre de mil novecientos veintinueve.

Władysław MAZURKIEWICZ.  
Manuel BARROS.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 2637. — TREATY OF CONCILIATION BETWEEN CHILE AND POLAND. SIGNED AT SANTIAGO DE CHILE, OCTOBER 19, 1929.

THE PRESIDENT OF THE REPUBLIC OF POLAND and PRESIDENT OF THE REPUBLIC OF CHILE, being desirous of strengthening the friendly relations existing between the two countries and inspired by the principles of the Resolution of the Assembly of the League of Nations of September 28, 1923, relating to the setting up of Conciliation Commissions between States, have resolved to conclude a Conciliation Treaty and for this purpose have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE REPUBLIC OF POLAND :

M. Ladislas MAZURKIEWICZ, Polish Envoy Extraordinary and Minister Plenipotentiary in Chile ;

THE PRESIDENT OF THE REPUBLIC OF CHILE :

M. Manuel BARROS CASTAÑÓN, Minister for Foreign Affairs ;

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

*Article I.*

The High Contracting Parties undertake to submit to conciliation procedure all disputes which may arise between them and which it may not have been possible to settle, within a reasonable time, by the normal methods of diplomacy.

<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.

Nevertheless, this undertaking shall not apply to questions which, according to international law, fall within the exclusive competence of one Party or to disputes for the solution of which a special procedure is or may hereafter be laid down in other conventions between the Contracting Parties or to disputes relating to the territorial status of the High Contracting Parties.

Should the report drafted by the Conciliation Commission set up in accordance with Article 3 of the present Treaty not be accepted by the two Parties, Article 15 of the Covenant of the League of Nations shall continue to apply, as far as may be necessary.

*Article 2.*

In questions which, according to the municipal law of one of the Parties, fall within the competence of the national courts, the defendant Party may oppose the submission of these questions to the procedure of conciliation until a judgment with final effect has been pronounced by the competent national Court, except in the case of a denial of justice.

In such a case, the application for conciliation must be made within a period of one year at the latest from the date of the final decision.

*Article 3.*

Within six months after the exchange of the ratifications of the present Treaty, the Contracting Parties shall set up a permanent Conciliation Commission composed of five members.

Each Party shall designate two members : one from amongst its own nationals and the other from amongst the nationals of a third State. The two Parties shall jointly designate the President of the Commission from amongst the nationals of a third State. In the absence of agreement between the Parties, he shall be designated at the request of the Parties by the President of the Swiss Federal Council, if the latter agrees to do so.

The members of the Commission, including its President, shall be appointed for three years.

*Article 4.*

In the event of the death or resignation of one of the members of the Conciliation Commission, steps shall be taken to replace him for the remainder of his term of office, if possible within three months and in any case as soon as a dispute has been submitted to the Commission.

Should one of the members of the Conciliation Commission be temporarily prevented from taking part in the work of the Commission as a result of illness or for any other reason, the Party which appointed him shall designate a substitute to take his place temporarily.

On the expiration of the term of office of a member of the Commission, it must be expressly renewed by the Party which appointed him. The functions of the President shall cease at the end of his term of office. Nevertheless the two Parties may jointly renew his term of office for a further period of three years.

A member whose term of office expires during a case shall continue to take part in the examination of the dispute until the case is terminated, even if his successor has been designated.

*Article 5.*

Within fifteen days from the date on which one of the Contracting Parties has brought a dispute before the Conciliation Commission, either Party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

The Party making use of this right shall immediately notify the other Party ; the latter shall in such case be entitled to take similar action within fifteen days from the date on which the notification reaches it.

*Article 6.*

The task of the Conciliation Commission shall be to elucidate the questions in dispute by means of an impartial and conscientious enquiry and to submit proposals with a view to the settlement of the dispute in accordance with the provisions of Article 11 of the present Treaty.

Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by one of the Contracting Parties.

The Party applying for conciliation procedure shall immediately notify the other Party that it has made such application.

*Article 7.*

In the absence of agreement to the contrary, the Conciliation Commission shall meet at the place selected by its President.

*Article 8.*

The procedure before the Conciliation Commission shall provide for both parties being heard.

The Commission shall lay down its own procedure, and, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Part III of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

The work of the Commission shall not be conducted in public unless the Commission decides otherwise with the consent of the Parties.

The Parties have the right to appoint special agents to represent them before the Commission who shall, at the same time, act as intermediaries between them and the Commission.

*Article 9.*

In the absence of any provisions to the contrary in the present Treaty, the decisions of the Conciliation Commission shall be taken by a majority vote. Each member shall have one vote. If all the members are not present, the President shall, in the case of an equal number of votes, have a casting vote. The Commission may only take decisions relating to the substance of the dispute if all the members are present.

*Article 10.*

The Contracting Parties shall supply the Conciliation Commission with all relevant information and shall facilitate its work in all respects.

*Article 11.*

The Conciliation Commission shall submit its report within six months from the date of its first meeting, unless the Contracting Parties jointly decide to shorten or extend this period.

The report shall, if necessary, include a proposal for the settlement of the dispute if at least three of the members of the Commission, the President being regarded as a member, agree upon such proposal.

The report shall contain the opinion of the minority, accompanied by a statement of the reasons on which the opinion is based.

A copy of the report, signed by the President, shall be transmitted to each of the Parties.

The Commission's report shall not be in the nature of an arbitral or judicial award, either as regards the interpretation of the facts or as regards the legal considerations.

*Article 12.*

The Parties shall inform each other and also the President of the Permanent Conciliation Commission, within a reasonable period which shall, in no case, exceed three months, whether they accept the conclusions of the report and the proposals contained therein.

The Parties shall jointly decide whether the Commission's report shall be published.

*Article 13.*

During the conciliation proceedings, the members of the Permanent Conciliation Commission, including the President, shall receive emoluments, the amount of which shall be fixed by the Contracting Parties.

Each Party shall bear its own costs and an equal share of the costs of the Commission, including the emoluments provided for in paragraph 1.

*Article 14.*

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

It shall come into force on the thirtieth day after the exchange of ratifications and shall remain in force for three years.

If it is not denounced six months before its expiration, it shall be deemed to be renewed for further successive periods of three years.

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

Done at Santiago de Chile, in duplicate French and Spanish texts, October the nineteenth, one thousand nine hundred and twenty-nine.

Wladyslaw MAZURKIEWICZ.

Manuel BARROS.