

N° 3873.

FINLANDE ET ISLANDE

Convention concernant le règlement
pacifique des différends. Signée à
Thingvellir, le 27 juin 1930.

FINLAND AND ICELAND

Convention regarding the Pacific
Settlement of Disputes. Signed
at Thingveller, June 27th, 1930.

¹ TRANSLATION.

No. 3873. — CONVENTION BETWEEN FINLAND AND ICELAND
REGARDING THE PACIFIC SETTLEMENT OF DISPUTES. SIGNED
AT THINGVELLER, JUNE 27TH, 1930.

THE PRESIDENT OF THE REPUBLIC OF FINLAND and HIS MAJESTY THE KING OF ICELAND AND DENMARK, being desirous of promoting the efforts towards the pacific settlement of international disputes, have for this purpose agreed to conclude a Convention for the pacific settlement of disputes which may arise between Finland and Iceland, and have appointed as their Plenipotentiaries for the conclusion of such a Convention :

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

Monsieur Väinö Pietari HAKKILA, First Vice-President of the Finnish Riksdag, Mayor ;

HIS MAJESTY THE KING OF ICELAND AND DENMARK :

Monsieur Tryggvi THORHALLSON, Prime Minister of Iceland ;

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

Article 1.

Any legal dispute falling within any of the categories specified in Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice which arise between Finland and Iceland, and which it may not have been possible to settle through diplomatic channels, shall be referred for settlement to the said Court in accordance with the provisions of the Statute.

Disputes to which special agreements regarding judicial or arbitral procedure are applicable between the Contracting Parties shall be dealt with in accordance with the provisions of such agreements.

Disputes relating to the interpretation of the present Convention shall be settled by the Permanent Court of International Justice.

Article 2.

The Contracting Parties undertake to refer to the arbitration procedure in accordance with the following provisions all disputes other than those specified in Article 1. Before a dispute is referred to the arbitration procedure, the Parties shall endeavour to agree to refer it to the procedure of investigation and conciliation before a Conciliation Commission specially appointed for the purpose.

If within six months of the date on which either Party has proposed the procedure of investigation and conciliation no agreement has been reached concerning the submission of the dispute to such procedure, and concerning the composition of the Conciliation Commission, the dispute shall, on the request of either Party, be submitted to arbitration.

The Parties agree that the disputes referred to in the present Article shall be settled in accordance with the principles of justice and equity.

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

Article 3.

In the absence of agreement to the contrary between the Parties, the Arbitral Tribunal dealing with the dispute in accordance with Article 2 of the present Convention shall be appointed in conformity with the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, Title IV, Chapter II.

Article 4.

In the absence of agreement to the contrary between the Parties regarding the arbitration procedure, the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, Title IV, Chapter III, shall be applicable.

If a special agreement of the kind mentioned in the said Hague Convention has not been signed within six months after one Party has addressed to the other a request to refer the dispute to arbitration, the special agreement shall be drawn up at the request of either Party in accordance with the provisions of Articles 53 and 54 of the said Hague Convention.

In cases where the present Convention refers to the provisions of the Hague Convention, the latter provisions shall be applied between the Parties regardless of whether the Convention is applicable to them or not.

Article 5.

At the request of either Party the Arbitral Tribunal shall lay down the provisional measures to be taken to protect the rights of that Party in so far as such measures can be taken by administrative means.

Article 6.

The arbitral award shall, if necessary, contain instructions as to the manner in which it is to be carried into effect, especially in respect of the time-limits to be observed.

Article 7.

In the case of questions which, under the legislation of the country against whom an application is made, are amenable to the jurisdiction of the courts, including the administrative tribunals, the Party in question cannot demand that the procedure laid down in Articles 1 or 2 shall be applied before a final decision has been given by the court. In that case the reference of the dispute to a judicial or arbitral procedure shall not take place until one year after such final decision.

Article 8.

If, in a judicial sentence or arbitral award, it is declared that a judgment delivered or a measure enjoined by a judicial or any other authority of one of the two States to the dispute is, either wholly or in part, contrary to international law, and if the constitutional law of that State does not permit, or only partially permits, the consequences of such judgment or measure to be annulled, the Parties agree that the judicial sentence or arbitral award shall grant the injured Party equitable satisfaction in some manner.

Article 9.

The Contracting Parties undertake during the judicial or arbitral procedure to refrain, as far as possible, from all measures likely to react prejudicially upon the execution of the judgment or arbitral award.

The Parties shall conform in good faith to the judgment or arbitral award.

Article 10.

Any disputes which may arise between the Parties as to the interpretation or the execution of a judgment or arbitral award shall, failing any provision to the contrary, be subject to the decision of the court which has given the judgment or arbitral award.

Article 11.

The present Convention shall be ratified, in the case of Finland by the President of the Republic of Finland, and in the case of Iceland by His Majesty the King of Iceland and Denmark, subject to the approval of the Icelandic Althing. The ratifications shall be exchanged at Helsingfors.

Article 12.

The present Convention shall come into force on the date of the exchange of ratifications. It shall be valid for a period of 20 years as from the date of coming into force. Unless it is denounced at least two years before the expiration of that period, it shall be valid for a further period of 20 years, and shall continue to be prolonged for periods of 20 years unless it is denounced at least two years before the expiration of the last 20-year period.

The proceedings in connection with disputes which are the subject of judicial or arbitral procedure under the present Convention at the time when its validity expires shall be completed in accordance with the provisions of the Convention.

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

Done in duplicate at Thingveller, this 27th day of June, 1930.

(L. S.) Tryggvi THORHALLSON.

(L. S.) Väinö HAKKILA.