

N° 111.

CHILI ET SUÈDE

Convention concernant l'institution
d'une Commission permanente
d'Enquête et de Conciliation, si-
gnée à Stockholm, le 26 mars
1920.

CHILE AND SWEDEN

Convention concerning the establish-
ment of a Permanent Enquiry and
Conciliation Commission, signed
at Stockholm on March 26, 1920.

¹TRADUCTION — TRANSLATION.

NO. III. — CONVENTION BETWEEN SWEDEN AND CHILE CONCERNING THE ESTABLISHMENT OF A PERMANENT ENQUIRY AND CONCILIATION COMMISSION², SIGNED AT STOCKHOLM ON MARCH 26, 1920.

Official French text communicated by the Swedish Minister for Foreign Affairs, and by the delegates of Chile to the League of Nations. The registration of this Convention took place on May 10, 1921.

HIS MAJESTY, THE KING OF SWEDEN, AND HIS EXCELLENCY, THE PRESIDENT OF THE REPUBLIC OF CHILE, being desirous of strengthening the friendly relations uniting their two countries, and of furthering the cause of universal peace, have decided to conclude a treaty for this purpose, and have therefore appointed the following plenipotentiaries :

FOR HIS MAJESTY THE KING OF SWEDEN :

HIS EXCELLENCY BARON E. PALMSTIERNA, Minister for Foreign Affairs.

FOR HIS EXCELLENCY THE PRESIDENT OF THE CHILIAN REPUBLIC :

DON AUGUSTIN EDWARDS, Envoy Extraordinary, and Minister Plenipotentiary at Stockholm :

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

Article premier.

Any dispute of any description which may henceforward arise between the Government of H. M. the King of Sweden and the Government of the Republic of Chile, and which it may not have been possible to settle through diplomatic channels, or which shall not have been submitted for judicial decision either to a court of arbitration, or to the Permanent Court of International Justice to be established by the League of Nations, shall be submitted for investigation by a Permanent Commission to be established in accordance with the following Article. Before having carried out the above mentioned provisions neither of the Parties may, in accordance with Article 15 of the Covenant of the League of Nations, submit the dispute to the Council of the League.

Article 2.

The Commission shall be composed of five members. Each State shall appoint two members, one from amongst its own nationals, the other from amongst the nationals of a third State. The

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 Stockholm on May 3, 1921.

fifth member, who shall act as President shall belong to a third State not otherwise represented on the Commission. He will be appointed by agreement between the High Contracting Parties.

In the event of their not being able to agree, he will be appointed, at the request of one of the parties, by the Permanent Court of Justice of the League of Nations, and until the latter shall have entered upon its duties, by the President of the Swiss Federal Council.

In addition, the provisions contained in Article 45 of the Hague Convention of 1907 relating to the peaceful settlement of international disputes, and which provide for cases where it has not been possible to arrive at an agreement, either between the parties or between the judges appointed by them, with regard to the choice of a supreme arbitrator, will be applied.

The Commission shall be established not later than six months after the exchange of ratifications of the present Convention.

Article 3.

The members of the Commission are appointed for three years. In the absence of any Convention to the contrary, between the two Governments, they shall be irremovable during their term of office. In the event of the death or the retirement of a member, the vacancy must be filled within the next two months for the remainder of his term of office, and in any case this must be done as soon as any dispute has been submitted to the Commission.

Article 4.

☞ If at the end of his term of office, a member of the Commission has not been replaced, his term of office shall be considered as renewed for a period of three years.

A member whose mandate expires during the course of the proceedings in connection with a dispute, shall remain in office until the close of the proceedings, in spite of the fact that his successor has been nominated.

On the request of one of the High Contracting Parties the President of the Commission shall cease to hold office at the end of his appointed term, but not, however, in the course of any proceedings.

Article 5.

When one of the two Contracting States desires that a dispute which has arisen between them shall be submitted to the Commission, it shall notify both the opposing Party and the President of the Commission. The latter shall convene the Commission as soon as possible.

Article 6.

The Commission shall also be able on its own initiative to offer its services with a view to the opening of proceedings of enquiry. Its decision on the matter is valid only if unanimous. It shall be communicated to the two Parties. It shall be void if neither of the Parties submits the dispute to the Commission as a result of such decision.

Article 7.

The Commission shall meet at the place fixed by its President. Nevertheless should it think it necessary, in view either of a visit to the spot or of other considerations likely to assist the enquiry, it may transfer part of its work to a place other than that at which it has met. It shall likewise be allowed to instruct its President or certain of its members to carry out part of the enquiry elsewhere. Should these instructions be given to members other than the President, the

number of those chosen from among the Commissioners designated by one of the two Governments shall be equal to that of the Commissioners nominated by the other.

Article 8.

The High Contracting Parties undertake to supply the Commission with all information which may be of value to it, in connection with the enquiry and the drawing up of its report, and to facilitate the accomplishment of its task in every way.

Article 9.

The Parties shall have the right to send representatives to the Commission.

Article 10.

The President of the Commission shall be able to question the Parties. Should one Party refuse to reply, it shall be placed on record.

Article 11.

Proceedings before the Commission shall only be public if the Parties agree thereto, and if the Commission consents.

Article 12.

The Commission shall render a report on each dispute which has been submitted to it. It shall likewise submit, if necessary, a scheme for the settlement of the dispute.

Article 13.

The High Contracting Parties reserve full liberty of action as far as concerns the dispute submitted to the Commission for enquiry, once its report has been presented, but the provisions of the Covenant of the League of Nations shall always be adhered to.

Article 14.

Save as provided in Article 6, the decisions of the Commission shall be taken by a majority. Every member shall have one vote, the President having a casting vote in case of a tie. The opinion of the minority of the members, with their reasons, shall be put on record in the report.

Article 15.

The reports of the Commission shall be signed by the President, and shall be communicated without delay to the Parties and to the permanent Secretariat of the League of Nations.

Article 16.

In the absence of any Convention between the Parties extending this period, the Commission shall complete its task within four months dating from the day when the President shall have received the notice provided for in Article 5.

Article 17.

Before the settlement of a dispute, the report of the Commission shall only be published by one of the Parties provided that the opposing Party consents thereto. In the case of special circumstances, however, even if there should be no Convention whatever between the Parties, the Commission shall be free to order the immediate publication of its report.

Article 18.

Each of the Parties shall pay the salaries of the members of the Commission appointed by them, and provide half the President's salary.

The Parties shall endeavour to come to an understanding, in order that the salaries of the members of the Commission on both sides shall be fixed at the same figure. Furthermore, each Party shall pay their own costs of proceedings, and half of those that the Commission shall declare to be joint charges.

Article 19.

The present Convention shall be ratified and the ratifications shall be exchanged at Stockholm as soon as possible. It shall enter into force immediately after the exchange of ratifications. It shall have a duration of five years, dating from the exchange of ratifications. If it has not been denounced at least six months before the end of this period, it shall remain in force during a new period of five years, and shall thus be considered as renewed each time for five years unless it is denounced at least six months before the end of the preceding period of five years.

If faith whereof the Plenipotentiaries on both sides have signed this present Treaty and have thereto set their seal.

Done at Stockholm, March 26, 1920.

(Signed) ERIK PALMSTIERNA.

(Signed) AUGUSTIN EDWARDS.
