

N° 731.

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**FINLANDE ET SUÈDE**

Convention relative à l'institution  
d'une Commission de conciliation,  
signée à Stockholm le 27 juin 1924.

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**FINLAND AND SWEDEN**

Convention concerning the Establish-  
ment of a Conciliation Commis-  
sion, signed at Stockholm, June  
27, 1924.

## TEXTE FINNOIS. — FINNISH TEXT.

No. 731. — SOPIMUS<sup>1</sup> SUOMEN JA RUOTSIN VÄLILLÄ SOVINTOLAUTAKUNTIEN ASETTAMISESTA, ALLEKIRJOITETTU TUKHOLMASSA 27 PÄIVÄNÄ KESÄKUUTA 1924.

*Textes officiels finnois, français et suédois, communiqués par les Ministres des Affaires étrangères de Finlande et de Suède. L'enregistrement de cette convention a eu lieu le 18 septembre 1924.*

HÄNEN MAJESTEETTINSA RUOTSIN KUNINGAS ja SUOMEN TASAVALLAN PRESIDENTTI, haluten edistää sovintomenettelyä kansainvälisissä riitaisuuksissa Kansainliiton liittosopimuksen mukaisessa hengessä ja pyrkien täten omasta puolestaan toteuttamaan Kansainliiton yleiskokouksen syyskuun 22 päivänä 1922 tekemää päätöstä, joka koskee sovintolautakuntain asettamista tarkoitettavien sopimusten aikaansaamista, ovat päättäneet tätä varten tehdä keskenään sopimuksen ja ovat valtuutetuikseen määränneet :

HÄNEN MAJESTEETTINSA RUOTSIN KUNINGAS :

Ulkoasiainministerinsä, Hänen Ylhäisyytensä Vapaaherra Erik Teodor MARKS VON WÜRTEMBERGIN ;

ja SUOMEN TASAVALLAN PRESIDENTTI :

Tasavallan Tukholmassa olevan Erikoislähettilään ja Täysivaltaisen Ministerin Tri Werner SÖDERHJELMIN,

jotka, siihen asianmukaisesti valtuutettuina, ovat sopineet seuraavista artikloista :

1 artikla.

Sopimusvaltiot sitoutuvat pyyväiseen lautakuntaan, joka muodostetaan alempana mainitulla tavalla, tutkintaa ja sovintoa varten lykkäämään kaikki riitaisuudet, olkoot mitä laatua tahansa, joita ei kohtuullisessa ajassa ole voitu ratkaista diplomaattista tietä ja joita ei Kansainliiton pysyväisen tuomioistuimen säännön taikka muun niitten kesken voimassa olevan sopimuksen mukaan ole alistettava joko sanotun tuomioistuimen taikka välitysoikeuden ratkaistaviksi.

2 artikla.

Jos riitaisuus, jonka toinen sopimuspuoli on saattanut lautakunnan tutkittavaksi, toisen sopimuspuolen toimesta pannaan vireille tuomioistuimessa taikka välitysoikeudessa sellaisten sopimusmääräysten nojalla, joita 1 artiklassa tarkoitetaan, tulee lautakunnan lykätä riitaisuuden käsittely, kunnes tuomioistuin taikka välitysoikeus on ratkaissut kysymyksen omasta pätevydestään.

<sup>1</sup> L'échange des ratifications a eu lieu à Helsingfors, le 13 septembre 1924.

## TEXTE SUÉDOIS. — SWEDISH TEXT.

No. 731. — KONVENTION<sup>1</sup> MELLAN FINLAND OCH SVERIGE  
ANGÅENDE FÖRLIKNINGSNÄMNDER, UNDERTECKNAD I STOCK-  
HOLM DEN 27. JUNI 1924.

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*Finnish, French and Swedish official texts, communicated by the Finnish and Swedish Ministers for Foreign Affairs. The registration of this Convention took place, September 18, 1924.*

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REPUBLIKEN FINLANDS PRESIDENT OCH HANS MAJESTÄT KONUNGEN AV SVERIGE, vilka äro besjälade av önskan att främja utvecklingen av förlikningsförfarande i internationella tvister i en med akten för Nationernas förbund överensstämmande anda och som därvid velat för sin del förverkliga principerna i förbunds församlingens resolution den 22 september 1922 om avslutande av konventioner rörande förlikningsnämnder, hava överenskommit att i detta syfte avsluta en konvention och hava till sina fullmäktige utsett :

REPUBLIKEN FINLANDS PRESIDENT

Republikens Envoyé Extraordinaire och Ministre plénipotentiaire i Stockholm  
Dr. Werner SÖDERHJELM ;

OCH HANS MAJESTÄT KONUNGEN AV SVERIGE

Sin Minister för Utrikes Ärendena Hans Excellens Friherre Erik Teodor MARKS VON  
WÜRTEMBERG,

vilka, därtill behörigen bemyndigade, överenskommit om följande artiklar :

*Artikel 1.*

De fördragsslutande parterna förplikta sig att till en stående nämnd, som upprättas på sätt nedan sägs, för undersökning och förlikning hänskjuta alla tvister, av vilket slag de vara må, som icke inom skäligen tid kunna lösas på diplomatisk väg och icke enligt stadgan för den fasta mellanfolkliga domstolen eller annan överenskommelse mellan dem skola underkastas antingen sagda domstols eller skiljedomstols avgörande.

*Artikel 2.*

Därest tvist, som av ena parten hänskjutits till nämnden, av andra parten anhängiggöres vid domstol eller skiljedomstol på grund av bestämmelser, som avses i art. 1, skall nämnden uppskjuta handläggningen av tvisten i avbidan på domstolens eller skiljedomstolens beslut rörande sin behörighet.

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<sup>1</sup> The exchange of ratifications took place at Helsingfors, September 13, 1924.

*Artikel 9.*

Parterna förbinda sig att tillstålla nämnden alla erforderliga upplysningar samt i övrigt bereda nämnden alla för fullgörande av dess uppdrag erforderliga lättnader.

Nämnden äger att hos Nationernas förbunds generalsekreterare anhålla om sekretariatets bistånd, där detta är för nämndens verksamhet behövtigt.

*Artikel 10.*

Parterna äga rätt att utse särskilda ombud hos nämnden, vilka även skola tjäna såsom mellanhand mellan dem och nämnden.

*Artikel 11.*

Förhandlingarna inför nämnden äro ej offentliga med mindre nämnden med parternas samtycke annorledes beslutar.

*Artikel 12.*

Förfarandet inför nämnden är kontradiktoriskt.

Nämnden skall i övrigt själv fastställa reglerna för förfarandet, dock att bestämmelserna i avdelning III i Haagkonventionen<sup>1</sup> den 18 oktober 1907 för avgörande på fredlig väg av internationella tvister skola tillämpas med mindre nämnden genom enhälligt beslut annorlunda bestämmer.

*Artikel 13.*

Beslut av nämnden fattas med enkel majoritet, där ej annorledes i denna konvention stadgas. Varje medlem äger en röst och ordföranden vid lika röstetal utslagsröst. Nämnden är beslutmässig, om samtliga medlemmar erhållit vederbörlig kallelse till sammanträdet och ordföranden jämte minst två andra medlemmar äro närvarande.

*Artikel 14.*

Nämnden skall avgiva betänkande i varje tvist, som hänskjutits till densamma. Betänkandet skall innehålla ett förslag till förlikning, om sakens beskaffenhet därtill giver anledning och minst tre av nämndens medlemmar förena sig om dylikt förslag.

Avvikande mening inom nämnden skall jämte motivering för densamma angivas i betänkandet.

*Artikel 15.*

Nämnden bör avsluta sitt arbete inom sex månader från det tvisten hänskjutits till nämnden, parterna likväl obetaget att överenskomma om förlängning av denna tidrymd.

I ovannämnda tidrymd inräknas ej tid, varunder nämndens verksamhet varit avbruten på grund av bestämmelserna i art. 2.

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

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 731. — CONVENTION BETWEEN FINLAND AND SWEDEN  
CONCERNING THE ESTABLISHMENT OF A CONCILIATION  
COMMISSION, SIGNED AT STOCKHOLM JUNE 27, 1924.

HIS MAJESTY THE KING of SWEDEN and the PRESIDENT OF THE FINNISH REPUBLIC, being desirous of promoting the development of the procedure of conciliation in international disputes in accordance with the spirit of the Covenant of the League of Nations, and being desirous of carrying into effect the principles laid down in the Resolution regarding the conclusion of conciliation Conventions which was adopted by the Assembly of the League of Nations, on September 22, 1922, have for this purpose agreed to conclude a Convention, and have appointed as their Plenipotentiaries the following :

HIS MAJESTY THE KING OF SWEDEN :

His Excellency Baron Eric Teodor Marks VON WÜRTEMBERG, Minister for Foreign Affairs,

THE PRESIDENT OF THE FINNISH REPUBLIC :

Dr. Werner SÖDERHJELM, Envoy Extraordinary and Minister Plenipotentiary at Stockholm,

who, having been duly appointed with full powers for that purpose, have agreed upon the following articles :

*Article 1.*

The Contracting Parties undertake to refer to a Permanent Commission, to be appointed in the manner set forth below, for investigation and settlement by conciliation, all disputes of any nature whatever which it has not been possible to settle within reasonable time through diplomatic channels and which should not, under the terms of the Statute of the Permanent Court of International Justice or of any other agreement between the Parties, be submitted either to the Permanent Court or to a Court of Arbitration.

*Article 2.*

When a dispute which has been referred to the Commission by one of the Parties has been brought before the Permanent Court or a Court of Arbitration by the other Party under the terms of Article 1, the Commission shall postpone its investigation of the dispute until the Permanent Court or the Court of Arbitration shall have determined the question of competence in the case.

*Article 3.*

The Commission shall be composed of five members. Each Party shall appoint two members, one of which may be a national of the appointing State. The fifth member, who shall act as

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

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

Chairman of the Commission, shall be a national of a State not otherwise represented on the Commission. He shall be appointed jointly by the Parties. Should the Parties be unable to agree, the Chairman shall, at the request of one of the Parties, be appointed by the President of the Permanent Court of International Justice or, should the latter be a national of one of the Contracting States, by the Vice-President of the Court.

The Commission shall be appointed within six months after the ratifications of the present Convention have been exchanged.

*Article 4.*

The members of the Commission shall be appointed for three years. They shall be irremovable during their term of office unless the Parties agree otherwise. In the event of the death or retirement of a member, the vacancy must be filled for the remainder of his term of office, within, if possible, the next two months, but in any case as soon as a dispute has been submitted to the Commission.

*Article 5.*

Either of the Parties may, within fifteen days after one of them has submitted a dispute to the Commission, replace one of the members whom it has appointed by a person specially qualified to deal with the particular case before the Commission, subject, however, to the rules laid down in Article 3 with regard to the nationality of members.

If one Party desires to avail itself of this right, it shall at once inform the other Party, which may take a similar step within fifteen days of receiving such notification.

*Article 6.*

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. The Chairman, however, shall, at the request of one of the Parties, cease to hold office at the end of his appointed term.

If a member's term of office expires in the course of proceedings in connection with a dispute, he shall continue to take part in such proceedings until the dispute has been settled, even if his successor has been appointed.

*Article 7.*

When one of the Parties desires to submit a dispute to the Commission, it shall notify the President. The other Party shall also be informed at once of such notification. The President shall convene the Commission as soon as possible.

The Party which has submitted the dispute to the Commission shall notify the Secretary-General of the League of Nations.

*Article 8.*

The Commission shall meet at the seat of the League of Nations unless, in special cases, the Parties decide otherwise.

*Article 9.*

The Parties shall supply the Commission with all the information which may be useful and shall in every respect assist it in the accomplishment of its task.

The Commission may apply to the Secretary-General of the League of Nations for the assistance if the Secretariat if it appears that such assistance is necessary to facilitate its task.

*Article 10.*

The Parties shall be entitled to appoint special representatives on the Commission. These representatives shall also act as intermediaries between the Parties and the Commission.

*Article 11.*

Proceedings before the Commission shall not be public unless the Commission so decides and the Parties agree.

*Article 12.*

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 the regulations laid down in Chapter III of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes shall be applied, unless the Commission unanimously agrees to depart from these regulations.

*Article 13.*

The Commission shall take its decisions by a majority vote of its members except where otherwise laid down in the present Convention.

Each member shall have one vote, and in case of a tie the President shall have a casting vote.

A quorum shall be constituted if all the members have been duly summoned and if the President and not less than two other members are present.

*Article 14.*

The Commission shall make a report on each dispute submitted to it. The report shall include a proposal for the settlement of the dispute, if a settlement is possible, and if at least three members agree to the proposals. The reasoned opinion of the members who are in the minority shall be recorded in the report.

*Article 15.*

The Commission shall complete its task within six months from the day when the dispute is submitted to it, unless the Parties agree to an extension of this period.

The above period shall not include any time during which the Commission's work is interrupted for reasons arising out of the provisions of Article 2.

*Article 16.*

The Commission's report shall be signed by the President, who shall immediately bring it to the knowledge of the Parties and of the Secretary-General of the League.

The Parties undertake to inform each other, within reasonable time, as to how far they approve the findings of the report and accept the settlement proposed therein.

The Parties shall decide, in agreement with one another, whether the Commission's report shall be published immediately after it has been issued ; in special circumstances, however, the Commission may decide that the report shall be published at once, even in the absence of any such agreement.

*Article 17.*

Each Party shall pay the allowances of the members of the Commission which it has appointed and shall also pay half the allowances of the Chairman.

The Parties shall endeavour to arrange that the allowances of the members of the Commission on both sides shall be fixed at the same figure.

Each Party shall bear the costs of procedure which it has incurred and half of those which the Commission may declare to be joint costs.

*Article 18.*

The present Convention is drafted in Swedish, Finnish and French. In any questions concerning its interpretation the French text shall be authoritative.

The present Convention shall be ratified and the ratifications exchanged at Helsingfors as soon as possible. It shall come into force as soon as the instruments of ratification have been exchanged and shall remain in force for five years from that date. Unless denounced within six months before the expiration of this period, it shall remain in force for a further period of five years and shall thereafter be regarded as renewed for successive periods of five years, unless denounced within six months before the expiration of the preceding period of five years.

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

Done in duplicate, at Stockholm, June 27, 1924.

(Signed) (L. S.) MARKS VON WÜRTEMBERG.

(Signed) (L. S.) SÖDERHJELM.