

N° 1294.

ALLEMAGNE ET FRANCE

Convention d'arbitrage, faite à Locarno, le 16 octobre 1925.

GERMANY AND FRANCE

Arbitration Convention, done at Locarno, October 16, 1925.

¹ TRADUCTION. — TRANSLATION.No. 1294. — ARBITRATION CONVENTION² BETWEEN GERMANY AND FRANCE, DONE AT LOCARNO, OCTOBER 16, 1925.

Official text in French. This Convention was registered by the Secretariat, in accordance with its Article 21, on September 14, 1926, the date of its entry into force.

The UNDERSIGNED duly authorised,
Charged by their respective Governments to determine the methods by which, as provided in Article 3 of the Treaty concluded this day between GERMANY, BELGIUM, FRANCE, GREAT BRITAIN and ITALY, a peaceful solution shall be attained of all questions which cannot be settled amicably between Germany and France,
Have agreed as follows :

PART I.

Article 1.

All disputes of every kind between Germany and France with regard to which the Parties are in conflict as to their respective rights, and which it may not be possible to 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 Justice³, as laid down hereafter. It is agreed that the disputes referred to above include in particular those mentioned in Article 13 of the Covenant of the League of Nations.

This provision does not apply to disputes arising out of events prior to the present convention and belonging to the past.

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

Article 2.

Before any resort is made to arbitral procedure or to procedure before the permanent Court of International Justice, the dispute may, by agreement between the Parties, be submitted, with a view to amicable settlement, to a permanent international commission styled *the Permanent Conciliation Commission*, constituted in accordance with the present convention.

¹ Communiquée par le Ministère des Affaires étrangères de Sa Majesté britannique.

¹ Communicated by His Britannic Majesty's Foreign Office.

² The ratifications were deposited at Geneva, September 14, 1926.

³ 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 ; and Vol. L, page 159, of this Series.

Article 3.

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 of such Party, the matter in dispute shall not be submitted to the procedure laid down in the present convention until a judgment with final effect has been pronounced, within a reasonable time, by the competent national judicial authority.

Article 4.

The Permanent Conciliation Commission mentioned in Article 2 shall be composed of five members, who shall be appointed as follows, that is to say: the German Government and the French Government shall each nominate a commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the three other commissioners from among the nationals of third Powers; these three commissioners must be of different nationalities, and the German and French Governments shall appoint the president of the commission from among them.

The commissioners are appointed for three years, and their mandate is renewable. Their appointment shall continue until their replacement and, in any case, until the termination of the work in hand at the moment of the expiry of their mandate.

Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 5.

The Permanent Conciliation Commission shall be constituted within three months from the entry into force of the present convention.

If the nomination of the commissioners to be appointed by common agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months from the time when the seat falls vacant, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointments.

Article 6.

The Permanent Conciliation Commission shall be informed by means of a request addressed to the president by the two Parties acting in agreement or, in the absence of such agreement, by one or other of the Parties.

The request, after having given a summary account of the subject of the dispute, shall contain the invitation to the commission to take all necessary measures with a view to arriving at an amicable settlement.

If the request emanates from only one of the Parties, notification thereof shall be made without delay to the other Party.

Article 7.

Within fifteen days from the date when the German Government or the French Government shall have brought a dispute before the Permanent Conciliation Commission, either Party may, for the examination of the particular dispute, replace its commissioner by a person possessing special competence in the matter.

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

Article 8.

The task of the Permanent Conciliation Commission 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. It may, after the case has been examined, inform the Parties of the terms of settlement which seem suitable to it, and lay down a period within which they are to make their decision.

At the close of its labours the commission shall draw up a report stating, as the case may be, either that the Parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labours of the commission must, unless the Parties otherwise agree, be terminated within six months from the day on which the commission shall have been notified of the dispute.

Article 9.

Failing any special provision to the contrary, the Permanent Conciliation Commission shall lay down its own procedure, which in any case must provide for both Parties being heard. In regard to enquiries the commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (International Commissions of Enquiry) of the Hague Convention¹ of the 18th October, 1907, for the Pacific Settlement of International Disputes.

Article 10.

The Permanent Conciliation Commission shall meet, in the absence of agreement by the Parties to the contrary, at a place selected by its president.

Article 11.

The labours of the Permanent Conciliation Commission are not public, except when a decision to that effect has been taken by the commission with the consent of the Parties.

Article 12.

The Parties shall be represented before the Permanent Conciliation Commission by agents, whose duty it shall be to act as intermediaries between them and the commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose, and request that all persons whose evidence appears to them useful should be heard.

The commission, on its side, shall be entitled to request oral explanations from the agents, counsel and experts of the two Parties, as well as from all persons it may think useful to summon with the consent of their Government.

Article 13.

Unless otherwise provided in the present convention, the decisions of the Permanent Conciliation Commission shall be taken by a majority.

¹ *British and Foreign State Papers*, Vol. 100, page 298.

Article 14.

The German and French Governments undertake to facilitate the labours of the Permanent Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law to the summoning and hearing of witnesses or experts, and to visit the localities in question.

Article 15.

During the labours of the Permanent Conciliation Commission each commissioner shall receive salary, the amount of which shall be fixed by agreement between the German and French Governments, each of which shall contribute an equal share.

Article 16.

In the event of no amicable agreement being reached before the Permanent Conciliation Commission the dispute shall be submitted by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its statute or to an arbitral tribunal under the conditions and according to the procedure laid down by The Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Disputes.

If the Parties cannot agree on the terms of the special agreement after a month's notice one or other of them may bring the dispute before the Permanent Court of International Justice by means of an application.

PART II.

Article 17.

All questions on which the German and French Governments shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy the settlement of which cannot be attained by means of a judicial decision as provided in Article 1 of the present convention, and for the settlement of which no procedure has been laid down by other conventions in force between the Parties, shall be submitted to the Permanent Conciliation Commission, whose duty it shall be to propose to the Parties an acceptable solution and in any case to present a report.

The procedure laid down in Articles 6-15 of the present convention shall be applicable.

Article 18.

If the two Parties have not reached an agreement within a month from the termination of the labours of the Permanent Conciliation Commission the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with Article 15 of the Covenant of the League.

GENERAL PROVISIONS.

Article 19.

In any case, and particularly if the question on which the Parties differ arises out of acts already committed or on the point of commission, the Conciliation Commission or, if the latter has not been notified thereof, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with Article 41 of its statute, shall lay down within the shortest possible time the provisional measures to be adopted. It shall similarly be the duty of the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The German and French Governments undertake respectively to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and, in general, to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 20.

The present Convention continues applicable as between Germany and France, even when other Powers are also interested in the dispute.

Article 21.

The present Convention shall be ratified. Ratifications shall be deposited at Geneva with the League of Nations at the same time as the ratifications of the Treaty concluded this day between Germany, Belgium, France, Great Britain and Italy.

It shall enter into and remain in force under the same conditions as the said Treaty.

The present Convention, done in a single copy, shall be deposited in the archives of the League of Nations, the Secretary-General of which shall be requested to transmit certified copies to each of the two contracting Governments.

Done at Locarno, the sixteenth October, nineteen hundred and twenty-five.

(L. S.) (*Signed*) Gustav STRESEMANN.

(L. S.) (*Signed*) Aristide BRIAND.