

N° 1364.

LITHUANIE ET SUÈDE

Convention relative à l'institution
d'une commission de conciliation.
Signée à Kaunas (Kovno), le 11
juin 1925.

LITHUANIA AND SWEDEN

Convention concerning the Estab-
lishment of a Conciliation Com-
mission. Signed at Kaunas (Kovno),
June 11, 1925.

¹ TRADUCTION. — TRANSLATION.

No. 1364. — CONVENTION² BETWEEN LITHUANIA AND SWEDEN CONCERNING THE ESTABLISHMENT OF A CONCILIATION COMMISSION. SIGNED AT KAUNAS (KOVNO), JUNE 11, 1925.

French official text communicated by the Swedish Minister for Foreign Affairs and the Permanent Delegate of Lithuania accredited to the League of Nations. The registration of this Convention took place November 11, 1926.

HIS MAJESTY THE KING OF SWEDEN and THE PRESIDENT OF THE LITHUANIAN 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, in their mutual relations, the principles laid down for this purpose in the resolution regarding the conclusion of inter-State conciliation Conventions which was adopted by the Assembly of the League on September 22nd, 1922, have for this purpose agreed to conclude a Convention, and have appointed as their Plenipotentiaries the following :

HIS MAJESTY THE KING OF SWEDEN :

M. Ulf Torsten UNDÉN, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Sweden at Kovno ; and

THE PRESIDENT OF THE LITHUANIAN REPUBLIC :

M. Voldemaras CARNECKIS, Minister for Foreign Affairs ;

Who, having been duly provided 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 by diplomacy and which, under the terms of the Statute³ of the Permanent Court of International Justice or of any other agreement between the Parties, cannot be submitted either to the Permanent Court or to a Court of arbitration.

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, October 29, 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 ; Vol. L, page 159, and Vol. LIV, page 387, of this Series.

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 whom may be a national of the appointing State. The fifth member, who shall act as 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 period 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 the next two months, if possible, 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 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 chairman. The other Party shall also be informed at once of such notification. The chairman 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 of the Secretariat, if it requires such assistance.

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 Convention¹ of October 18th, 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 the case of an equality of votes the chairman shall have a casting vote. The Commission may take valid decisions if all the members have been duly summoned, and if the chairman and not fewer than two other members are present.

Article 14.

The Commission shall report on every 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.

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

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 whether they approve the findings of the report and accept the settlement proposed therein.

The Parties shall decide by mutual agreement 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 such an agreement.

Article 17.

Each Party shall pay the allowances of the members of the Commission which it has appointed, and shall also pay half of 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 shall be ratified and the ratifications shall be exchanged at Stockholm 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 Kaunas, on June 11, 1925.

(L. S.) UNDÉN,

*Envoy Extraordinary and Minister Plenipotentiary
of His Majesty the King of Sweden.*

(L. S.) V. CARNECKIS,

Minister for Foreign Affairs.