

N° 1420.

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## FINLANDE ET NORVÈGE

Convention pour le règlement pacifique des différends, avec protocole de signature. Signés à Helsingfors, le 3 février 1926.

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## FINLAND AND NORWAY

Convention for the Pacific Settlement of Disputes, with Protocol of Signature. Signed at Helsingfors, February 3, 1926.

TEXTE FINNOIS.  
FINNISH TEXT.

N<sup>o</sup> 1420.— NORJAN JA SUOMEN VÄLINEN SOPIMUS<sup>1</sup> RIITAI-SUUKSIEN SOVIN-NOLLISESTA RAT-KAISEMISESTA, ALLEKIRJOITET-TU HELSINGISSÄ-3 PÄIVÄNÄ HEL-MIKUUTA 1926.

TEXTE SUÉDOIS.  
SWEDISH TEXT.

N<sup>o</sup> 1420. — KONVEN-TION<sup>1</sup> MELLAN NORGE OCH FIN-LAND ANGÅENDE FREDLIGT AVGÖ-RANDE AV TVIS-TER, UNDERTECK-NAD I HELSING-FORS DEN 3 FEB-RUARI 1926.

N<sup>o</sup> 1420. — CONVEN-TION<sup>1</sup> ENTRE LA NORVÈGE ET LA FINLANDE POUR LE RÈGLEMENT PACIFIQUE DES DIFFÉRENDS. SI-GNÉE A HEL-SINGFORS, LE 3 FÉ-VRIER 1926.

*Finnish, Norwegian, Swedish and French official texts communicated by the Norwegian Minister for Foreign Affairs. The registration of this Convention took place March 19, 1927.*

HÄNEN MAJESTEETTINSA NORJAN KUNINGAS ja SUOMEN TASAVALLAN PRESIDENTTI, haluten edistää pyrkimyksiä kansainvälisten riitaisuuksien sovinnolliseksiratkaisemiseksi, ovat tätä tarkoittaen sekä liittyen siihen sopimukseen<sup>2</sup>, joka molempien valtakuntien välillä on 27 päivänä kesäkuuta 1924 tehty pysyväisen tutkinta- ja sovintolautakunnan asettamisesta, päättäneet tehdä sopimuksen riitaisuuk-sien sovinnollisesta ratkaise-misesta, ja ovat valtuute-tuikseen tällaisen sopimuksen tekoon määränneet :

HÄNEN MAJESTEETTINSA NOR-JAN KUNINGAS :

Herra H. H. BACHKE'N, Hänen Majesteettinsa Eri-koislähettilään ja Täysival-taisen Ministerin Helsin-gissä, ja

HANS MAJESTÄT KONUNGEN AV NORGE och REPUBLIKEN FINLANDS PRESIDENT, vilka äro besjälade av önskan att främja strävandena till av-görande på fredlig väg av mellanstatliga tvister, hava i detta syfte överenskommit att i anslutning till den kon-vention<sup>2</sup> angående upprättan-det av en fast undersöknings- och förlikningsnämnd, som ingåtts mellan de båda rikena den 27 juni 1924, avsluta en konvention angående fredligt avgörande av tvister, och hava till Sina fullmäktige för avslutandet av en sådan kon-vention utsett :

HANS MAJESTÄT KONUNGEN AV NORGE :

Sin Envoyé Extraordinaire et Ministre Plénipoten-tiaire i Helsingfors, Herr H. H. BACHKE och

SA MAJESTÉ LE ROI DE NORVÈGE et LE PRÉSIDENT DE LA RÉPUBLIQUE DE FIN-LANDE, animés du désir de favoriser les efforts tendant au règlement par les voies pacifiques des différends in-ternationaux, sont convenus à cet effet de conclure, en complément de la Convention<sup>2</sup> relative à l'institution d'une commission permanente d'en-quête et de conciliation, con-clue par les deux Etats le 27 juin 1924, une convention pour le règlement pacifique des différends, et ont nommé pour leur plénipotentiaires, savoir :

SA MAJESTÉ LE ROI DE NOR-VÈGE :

M. H. H. BACHKE, son envoyé extraordinaire et ministre plénipotentiaire à Helsinki (Helsingfors); et

<sup>1</sup> The exchange of ratifications took place at Oslo, March 15, 1927.

<sup>2</sup> Vol. XXIX, page 403, of this Series.

tua olevia riitaisuuksia ja joita ei ole voitu ratkaista diplomaattista tietä, kuitenkin vasta sittenkuin pysyvän tutkinta- ja sovintolautakunnan asettamisesta 27 päivänä kesäkuuta 1924 tehdyssä sopimuksessa mainittua tutkinta- ja sovintomenettelyä on niihin sovellutettu ilman että niitä siten on voitu ratkaista.

Välitystuomioistuimen ratkaisussa on niitä sääntöjä, jotka ovat voimassa pysyvän kansainvälisen tuomioistuimen perussäännön 38 artiklan mukaisesti, vastavasti noudatettava.

### 3 artikla.

Elleivät riitapuolet toisin sovi, on välitystuomioistuin, joka käsittelee riitaisuutta tämän sopimuksen 2 artiklan mukaisesti, asetettava kansainvälisten riitaisuuksien sovinnollisesta ratkaisemisesta 18 päivänä lokakuuta 1907 tehdyn Haagin sopimuksen<sup>1</sup> IV osaston II luvussa olevien määräysten mukaisesti.

### 4 artikla.

Mikäli riitapuolet välitystuomiomenettelyyn nähden eivät toisin sovi, on kansainvälisten riitaisuuksien sovinnollisesta ratkaisemisesta 18 päivänä lokakuuta 1907 tehdyn Haagin sopimuksen IV osaston III luvussa olevia määräyksiä siinä suhteessa noudatettava, ellei tässä sopimuksessa toisin säädetä.

Ellei sellaista välityskirjaa, jota sanottu Haagin sopimus tarkoittaa, ole allekirjoitettu kuuden kuukauden kuluessa siitä kuin toinen riitapuoli on toiselle esittänyt vaatimuksen

nedanstående bestämmelser, dock först sedan tvisten underkastats det i konventionen den 27 juni 1924 angående upprättandet av en fast undersöknings- och förlikningsnämnd omhandlade undersöknings och förlikningsförfarande, utan att därigenom hava vunnit sin lösning.

Vid skiljedomstolens avgöranden skola de regler, som gälla enligt artikel 38 i stadgan för den fasta mellanfolkliga domstolen, finna motsvarande användning.

### Artikel 3.

Därest parterna ej annorlunda överenskomma, skall skiljedomstol för behandling av tvist jämlikt art. 2 i denna konvention tillsättas i enlighet med bestämmelserna i Haagkonventionen<sup>1</sup> den 18 oktober 1907 för avgörandet på fredlig väg av internationella tvister, avdelning IV, kap. II.

### Artikel 4.

I den mån parterna i fråga om skiljedomsförfarandet ej annorlunda överenskomma, skola bestämmelserna i Haagkonventionen den 18 oktober 1907 för avgörandet på fredlig väg av internationella tvister, avdelning IV, kap. III, därvid lända till efterrättelse, såframt icke i denna konvention annorlunda stadgas.

Därest sådant skiljeavtal som avses i sagda Haagkonvention ej undertecknats inom sex månader efter det ena parten till den andra framfört yrkande om tvists hän-

et qui n'auront pu être réglés par la voie diplomatique, toutefois seulement après qu'ils auront été soumis, sans avoir pu être réglés par cette voie, à la procédure d'enquête et de conciliation prévue dans la Convention du 27 juin 1924, concernant l'institution d'une Commission permanente d'enquête et de conciliation.

Les règles de l'article 38 du Statut de la Cour permanente de Justice internationale trouveront l'application correspondante dans les décisions du tribunal arbitral.

### Article 3.

Sauf accord contraire des Parties, le tribunal arbitral à établir, pour l'examen d'un des différends visés à l'article 2 de la présente convention, sera constitué conformément aux dispositions du titre IV, chapitre II de la Convention<sup>1</sup> de La Haye, du 18 octobre 1907, pour le règlement pacifique des conflits internationaux.

### Article 4.

En tant que les Parties ne seront pas convenues du contraire, relativement à la procédure d'arbitrage, les dispositions du titre IV, chapitre III, de la Convention de La Haye, du 18 octobre 1907, pour le règlement pacifique des conflits internationaux, seront, sauf disposition contraire de la présente convention, applicables à ladite procédure.

Si, dans un délai de six mois à dater du jour où l'une des Parties aura adressé à l'autre une demande tendant à soumettre le différend à l'arbitrage, le compromis visé par

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

<sup>1</sup> TRADUCTION. — TRANSLATION.

## No. 1420. — CONVENTION BETWEEN NORWAY AND FINLAND FOR THE PACIFIC SETTLEMENT OF DISPUTES. SIGNED AT HELSINGFORS, FEBRUARY 3, 1926.

HIS MAJESTY THE KING OF NORWAY and THE PRESIDENT OF THE REPUBLIC OF FINLAND, being desirous of promoting efforts for the pacific settlement of international disputes, have agreed for this purpose to supplement the Convention concerning the establishment of a Permanent Commission of Enquiry and Conciliation, concluded between the two countries on June 27, 1924, by a Convention for the pacific settlement of disputes, and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF NORWAY :

M. H. H. BACHKE, His Envoy Extraordinary and Minister Plenipotentiary at Helsingfors ;  
and

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

D<sup>r</sup> E. N. SETÄLÄ, Minister for Foreign Affairs ;

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

*Article 1.*

Any legal dispute arising between the Contracting Parties, which it is has not been possible to settle by diplomacy, shall be submitted for judgment to the Permanent Court of International Justice, in accordance with the provisions of the Statute of the said Court.

Disputes for the settlement of which the Contracting Parties have undertaken, under other conventions in force between them, to have recourse to a special judicial or arbitral procedure, shall be dealt with in accordance with the terms of such agreements.

The present Convention shall apply even in cases where a dispute arises out of occurrences which took place before the conclusion of the Convention.

Any divergence of views regarding the interpretation and the application of the present Convention shall be settled by the Permanent Court of International Justice.

*Article 2.*

The Contracting Parties undertake to submit to arbitration, in accordance with the ensuing provisions, all disputes other than legal disputes and which it has not been possible to settle by diplomacy, on condition that they have first been subjected to the procedure of enquiry and conciliation provided for in the Convention of June 27, 1924, concerning the establishment of a Permanent Commission of Enquiry and Conciliation, and that it has not been found possible to settle them by this means.

The rules contained in Article 38 of the Statute of the Permanent Court of International Justice shall *mutatis mutandis* mutandis to the decisions of the Arbitral Tribunal.

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

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

*Article 3.*

Except where otherwise provided by agreement between the Parties, an Arbitral Tribunal to deal with disputes under Article 2 of the present Convention shall be constituted in conformity with the provisions of List IV, Chapter II, of The Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

*Article 4.*

Unless the Parties have agreed otherwise, and except where otherwise provided in the present Convention, the arbitration procedure shall be governed by the provisions of List IV, Chapter III of The Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

In case the arbitration agreement provided for in The Hague Convention shall not have been signed within six months from the date on which one of the Parties has proposed to the other the submission of the dispute to arbitration, the said agreement shall, at the request of either of the Parties, be drawn up by the Arbitral Tribunal.

In cases in which the present Convention refers to provisions of The Hague Convention, the said provisions shall be applicable between the Parties, even if The Hague Convention has ceased to be binding on the two Parties or on either of them.

*Article 5.*

The Arbitral Tribunal may, at the request of either of the Parties, indicate the provisional measures to be taken in order to safeguard the rights of that Party, provided, however, that such measures can be taken by administrative action.

*Article 6.*

The arbitral award shall, when circumstances require, specify the manner in which it is to be carried out, in particular, as regards the time limits to be observed.

*Article 7.*

With regard to questions which, under the laws of the country against which an application is made, are within the competence of the courts, including the administrative courts, the Party concerned may not demand application of the procedure laid down in Article 1 or Article 2 until the final judgment has been given by the competent court. In such a case the dispute must be sent for adjudication by judicial or arbitral procedure within one year at most from the date of the final judgment.

*Article 8.*

If the judicial decision or arbitral award declares that the ruling or order of a judicial or other authority of either of the two States is 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 the said ruling or order to be annulled, the Parties agree that the Party injured by the judicial decision or arbitral award shall be granted suitable compensation of another kind.

*Article 9.*

The Contracting Parties undertake to refrain as far as possible during the course of the judicial or arbitral procedure from any action likely to have a prejudicial effect on the execution of the judicial decision or arbitral award.

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

*Article 10.*

Any dispute arising between the Parties regarding the interpretation or execution of the judicial or arbitral award shall, in the absence of an agreement to the contrary, be submitted for settlement to the tribunal which gave the decision or award.

*Article 11.*

The present Convention has been drawn up in the Norwegian, Finnish, Swedish and French languages. In all questions relating to its interpretation the French text shall be authentic.

The present Convention shall be ratified, and the ratifications shall be exchanged at Oslo.

*Article 12.*

The present Convention shall come into force on the date of the exchange of the instruments of ratification. It shall be valid for twenty years from the aforesaid date. Unless it is denounced at least two years before the expiration of that period, it shall remain in force for a further period of twenty years, and shall thereafter be considered as prolonged for successive periods of twenty years, unless it has been denounced at least two years before the expiration of the preceding period.

If, at the time when the present Convention ceases to be valid, proceedings in respect of a dispute are pending before a judicial or arbitral tribunal in virtue of the present Convention, such dispute shall be disposed of in accordance with the provisions of the Convention.

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

Done in duplicate at Helsinki (Helsingfors) on February 3, 1926.

(L. S.) (Signed) H. H. BACHKE.

(L. S.) (Signed) E. N. SETÄLÄ.

## PROTOCOL OF SIGNATURE.

When proceeding, on this day, to sign a Convention between Norway and Finland for the pacific settlement of disputes, the undersigned, being duly authorised for the purpose, have agreed that the Convention of June 27, 1924, concerning the establishment of a Permanent Commission of Enquiry and Conciliation shall remain in force, notwithstanding the provisions of Article 18 of the said Convention, so long as the Convention for the pacific settlement of disputes, signed on this day, shall remain valid.

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

Done in duplicate at Helsinki (Helsingfors), February 3, 1926.

(L. S.) (Signed) H. H. BACHKE.

(L. S.) (Signed) E. N. SETÄLÄ.