

N° 1466.

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**POLOGNE ET SUÈDE**

Traité de conciliation et d'arbitrage,  
avec protocole de signature. Signés  
à Stockholm, le 3 novembre 1925.

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**POLAND AND SWEDEN**

Treaty of Conciliation and Arbitra-  
tion, with Protocol of Signature.  
Signed at Stockholm, November  
3, 1925.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 1466. — TREATY OF CONCILIATION<sup>2</sup> AND ARBITRATION BETWEEN POLAND AND SWEDEN. SIGNED AT STOCKHOLM, NOVEMBER 3, 1925.

*French official text communicated by the Polish Delegate accredited to the League of Nations. The registration of this Treaty took place May 7, 1927.*

THE PRESIDENT OF THE POLISH REPUBLIC and HIS MAJESTY THE KING OF SWEDEN, being desirous of further improving the friendly relations which unite the two countries, and being resolved in their mutual relations, to give wide application to the principles by which the League of Nations is inspired, have decided to conclude a Treaty of Conciliation and Arbitration, and for this purpose have appointed as their Plenipotentiaries :

## THE PRESIDENT OF THE POLISH REPUBLIC :

M. Alfred WYSOCKI, Envoy Extraordinary and Minister Plenipotentiary of Poland at Stockholm; and  
M. Juljan MAKOWSKI, Doctor of Laws, Head of Section at the Ministry of Foreign Affairs;

## HIS MAJESTY THE KING OF SWEDEN :

M. Bo Östen UNDÉN, Minister for Foreign Affairs,

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

*Article 1.*

The Contracting Parties undertake to submit to a procedure of conciliation any disputes arising between them which it may not be possible to settle by the normal methods of diplomacy within a reasonable period, and for the solution of which no special procedure has been provided by any other agreement between the Parties.

The Contracting Parties may agree, however, that a dispute should be submitted direct to the Permanent Court of International Justice<sup>3</sup> or to a procedure of arbitration.

*Article 2.*

Should the procedure of conciliation provided by the present Treaty not lead to a settlement, the dispute shall be adjusted as follows.

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

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

<sup>2</sup> The exchange of ratifications took place at Warsaw, March 28, 1927.

<sup>3</sup> 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.

In the case of a question with regard to which the Parties are in conflict as to their respective rights, the matter shall be submitted to the Permanent Court of International Justice, or if one of the Parties so requires, it shall be submitted to the arbitration procedure hereinafter provided for. It is understood that disputes capable of submission to the Permanent Court of International Justice comprise in particular those mentioned in Article 13, paragraph 2, of the Covenant of the League of Nations.

Any question which it has not been possible to settle by conciliation, and which has not been brought before the Permanent Court of International Justice, shall be submitted to arbitration in accordance with the provisions of the present Treaty.

The provisions of the present Article shall not apply to questions which are left by international law to the exclusive competence of one or other of the Parties.

#### *Article 3.*

In the case of a dispute which, under the municipal law of one of the Parties, falls within the competence of the Courts, including the administrative tribunals, that Party may require that the dispute shall not be submitted to the procedure of conciliation or arbitration, until final judgment has been pronounced by the competent judicial authority.

In this case, the request for conciliation must be made within a year at most from the date of such judgment.

#### *Article 4.*

The Permanent Conciliation Commission shall be composed of five members.

Each Contracting Party shall nominate one member of its own choosing, the other three being appointed jointly. The latter may not be nationals of the Contracting States, nor be domiciled in their territory or employed in their service.

The President of the Commission shall be appointed by agreement from among the jointly selected members.

The Commission shall be set up within six months after the ratifications of the present Treaty have been exchanged.

If the appointment of the members to be nominated jointly or of the President is not made within six months from the date of the exchange of ratifications, or in the event of resignation or death, within two months after the vacancy occurs, the President of the Swiss Confederation shall, at the request of either Party, be asked in the absence of any other agreement to make the necessary appointments.

#### *Article 5.*

The members of the Commission shall be appointed for three years. Their appointment shall not be terminated during the period of their mandate unless the Contracting Parties decide otherwise. Should a member die, or resign, or be unable for any other reason to perform his duty, arrangements shall be made to replace him for the remainder of his mandate.

If the mandate of a member selected by joint agreement shall expire and if neither Party is opposed to its renewal, it shall be deemed to be renewed for a further period of three years. Similarly, if on the expiry of the mandate of a member appointed by one of the Parties, no arrangements have been made to replace him, his mandate shall be renewed for three years.

A member whose mandate expires while proceedings are in progress shall continue to take part in the examination of the dispute until the proceedings are terminated.

#### *Article 6.*

Within fifteen days from the date of the notification of a request for conciliation to the Permanent Commission, either Party may replace the member of its own choosing by a person possessing special competence in the matter which forms the subject of the dispute.

The Party which intends to make use of this right shall immediately notify the opposing 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 7.*

The task of the Permanent Conciliation Commission shall be to facilitate, by an impartial and conscientious examination, the settlement of the dispute by elucidating the facts and formulating proposals with a view to settling the case in accordance with the provisions of Article 12 of the present Treaty.

The Commission shall be informed by means of a request addressed to its President by one of the Contracting Parties. Notification of this request shall be made at the same time to the opposing Party by the Party which requests the opening of a procedure of conciliation.

*Article 8.*

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

*Article 9.*

The procedure before the Permanent Conciliation Commission must provide for both Parties being heard.

The Commission shall lay down its own procedure, regard being had, except in the case of a unanimous decision to the contrary, to the provisions of Chapter III of the Hague Convention<sup>1</sup> of October 18, 1907, for the Pacific Settlement of International Disputes.

The deliberations of the Commission shall be held in private, unless the Commission, in agreement with the Parties, decides otherwise.

*Article 10.*

Unless otherwise provided in the present Treaty, the decisions of the Permanent Conciliation Commission shall be taken by a majority. Each member, including the President, shall have one vote.

If all the members are not present, the President shall, in the case of an equality of votes, have a casting vote. The Commission may not take decisions on the substance of the dispute unless all the members are present.

*Article 11.*

The Contracting Parties shall supply the Permanent Conciliation Commission with all relevant information, and shall assist it in every respect, and as far as possible in the accomplishment of its task.

*Article 12.*

The Permanent Conciliation Commission shall make its report within six months from the day on which the dispute is submitted to it, unless the Contracting Parties agree to a curtailment or extension of this period.

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

The report shall if necessary contain a proposal for settling the dispute.

The report shall contain the opinion of the members who form the minority, accompanied by a statement of the reasons on which it is based.

A copy of the report, signed by the President, shall be sent to each Party.

The report of the Commission shall not be in the nature of an arbitral award, either in respect of the statement of facts or in respect of the legal considerations.

#### *Article 13.*

The Permanent Conciliation Commission shall fix the period within which the Parties will be required to take their decision as regards the Commission's proposal. This period shall not, however, exceed three months.

#### *Article 14.*

If a dispute is submitted to arbitration under the provisions of Articles 1 and 2 of the present Treaty, the Arbitral Tribunal shall be established by agreement between the Parties.

If the Tribunal is not constituted by agreement between the Parties within a period of three months from the date on which one of the Parties shall have submitted a request for arbitration to the other, the following procedure shall be adopted.

Each Party shall appoint two arbitrators, one of whom must be chosen from the list of members of the Permanent Court of Arbitration at the Hague and must not be a national of the Party concerned. The arbitrators thus appointed shall together elect the President of the Tribunal. In the case of an equality of votes, the President of the Swiss Confederation shall, at the request of either of the Parties and in the absence of any agreement to the contrary, be asked to make the necessary appointment.

#### *Article 15.*

Should the necessity for arbitration or a procedure before the Permanent Court of International Justice arise, the Contracting Parties undertake to conclude within three months from the date on which one of the Parties shall have submitted the request for arbitration to the other, a special agreement clearly defining the subject of the dispute, the method of procedure, if necessary, and any other conditions agreed upon between them.

In the absence of any clauses in the agreement to the contrary, they shall conform, as regards the arbitral procedure, to the provisions of the Convention signed at the Hague on October 18, 1907, for the Settlement of International Disputes, or to the provisions in the Statute of the Permanent Court of International Justice.

#### *Article 16.*

The arbitral award shall be binding and shall be executed in good faith by the Parties.

If, however, it is established in the award that a decision by a Court of law or any other authority of one of the Contracting Parties was wholly or partly at variance with international law, and if the constitutional law of that Party does not allow of the complete or partial cancellation by administrative measures of the effects, of the said decision, the injured Party shall be granted equitable compensation of another kind.

#### *Article 17.*

For the actual duration of the procedure of conciliation or arbitration the permanent members of the Conciliation Commission jointly appointed, and of the Arbitral Tribunal, shall receive an allowance to be fixed by the Contracting Parties.

Each Party shall bear its own costs and half the costs of the Commission, and of the Tribunal, including the allowances provided under paragraph 1.

*Article 18.*

During the procedure of conciliation or arbitration, the Contracting Parties shall refrain from all measures which might prejudicially affect the acceptance of the proposals of the Permanent Conciliation Commission, or the execution of the arbitral award.

*Article 19.*

In case of dispute regarding the meaning or scope of the arbitral award, the Tribunal which has given it may be called upon to interpret it, at the request of one of the Parties.

*Article 20.*

In so far as the present Treaty or other Conventions existing between the Contracting Parties, contain no provisions regarding the time-limits or other details connected with the procedure of conciliation or arbitration, the Permanent Conciliation Commission or the Arbitral Tribunal shall itself be fully competent to decide as to the necessary provisions.

*Article 21.*

Any dispute regarding the interpretation of the present Treaty or of a special agreement arrived at by the Contracting Parties in virtue of the present Treaty shall be submitted to the Permanent Court of International Justice.

*Article 22.*

The present Treaty shall be ratified by the President of the Polish Republic, with the assent of the Polish Parliament, and by His Majesty the King of Sweden, with the approval of the Riksdag. The exchange of ratifications shall take place at Warsaw as soon as possible.

The Treaty shall come into force on the thirtieth day after the exchange of ratifications, and shall be valid for three years. If not denounced six months before the end of this period, it shall remain in force for a further period of three years, and so on.

In faith whereof the Plenipotentiaries have signed the present Treaty.

Done at Stockholm in duplicate on November the third, One thousand nine hundred and twenty-five.

(L. S.) (—) Alfred WYSOCKI.

(L. S.) (—) UNDÉN.

(L. S.) (—) Dr. J. MAKOWSKI.

## PROTOCOL OF SIGNATURE

On proceeding this day to sign the Treaty of Conciliation and Arbitration, the Contracting Parties agree that, should Poland later ratify the Optional Clause in Article 36 of the Statute of the Permanent Court of International Justice, the said Court instead of the Tribunal provided for under the Treaty shall thereafter be competent in all disputes covered by the aforementioned clause.

It is, however, agreed that this obligation is subject to the same reservations, and shall be valid for the same period as the Polish Government's adhesion to the Optional Clause in question.

In faith whereof the Plenipotentiaries have signed the present Protocol.

Done at Stockholm in duplicate on November the third, One thousand nine hundred and twenty-five.

(—) Alfred WYSOCKI.

(—) UNDÉN.

(—) Dr J. MAKOWSKI.