

N° 2357.

---

**SUISSE  
ET TCHÉCOSLOVAQUIE**

Traité de conciliation, de règlement  
judiciaire et d'arbitrage. Signé à  
Genève, le 20 septembre 1929.

---

**SWITZERLAND  
AND CZECHOSLOVAKIA**

Treaty of Conciliation, Judicial  
Settlement and Arbitration. Signed  
at Geneva, September 20, 1929.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 2357. — TREATY<sup>2</sup> OF CONCILIATION, JUDICIAL SETTLEMENT AND ARBITRATION BETWEEN SWITZERLAND AND CZECHOSLOVAKIA. SIGNED AT GENEVA, SEPTEMBER 20, 1929.

*French official text communicated by the Swiss Federal Council and the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations. The registration of this Treaty took place June 24, 1930.*

THE SWISS FEDERAL COUNCIL and THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC, being desirous of strengthening the ties of friendship existing between the two countries and of contributing to the maintenance of general peace by applying to the fullest extent, in the relations between the two countries, the principles embodied in the Covenant of the League of Nations, particularly in Article 13 thereof, and founding themselves on Article 21 of that Covenant,

Have decided to conclude a General Treaty of Conciliation, Judicial Settlement and Arbitration and, for that purpose, have appointed as their Plenipotentiaries :

THE SWISS FEDERAL COUNCIL :

M. Giuseppe MOTTA, Federal Councillor, Head of the Federal Political Department ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Edvard BENEŠ, Minister for Foreign Affairs ;

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

*Article 1.*

All disputes of every kind with regard to which the Contracting 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 the Permanent Court of International Justice, or to an arbitral tribunal, as laid down hereinafter.

It is understood that the disputes referred to above include in particular those mentioned in Article 36 of the Statute<sup>3</sup> of the Permanent Court of International Justice.

*Article 2.*

If, according to the municipal law of one of the Parties, the occasion of the dispute falls within the competence of the judicial or administrative authorities of such Party, the matter in dispute

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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

<sup>2</sup> The exchange of ratifications took place at Berne, June 7, 1930.

<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 ; Vol. LIV, page 387 ; Vol. LXIX, page 70 ; Vol. LXXII, page 452 ; Vol. LXXXVIII, page 435 ; Vol. LXXXVIII, page 272 ; Vol. XCII, page 362 ; Vol. XCVI, page 180 ; and Vol. C, page 153, of this Series.

shall not be submitted for settlement by the methods laid down in the present Treaty until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

In such a case, the Party which desires to resort to the procedures laid down in the present Convention must notify the other Party of its intention within a period of one year from the date of the aforementioned decision.

#### *Article 3.*

Before any resort is had to procedure before the Permanent Court of International Justice or to arbitration, the dispute shall, at the request of either Party, be submitted with a view to amicable settlement to a permanent commission styled the "Permanent Conciliation Commission".

#### *Article 4.*

The Permanent Conciliation Commission shall be composed of five members and shall be constituted as follows: The Contracting Parties shall each appoint a commissioner of its own choosing, and shall appoint, by agreement, the other three commissioners and, from among the latter, the President of the Commission. These three commissioners may not be nationals of the Parties, nor may they have their domicile in the territory or be employed in the service of the Parties. They must all three be of different nationality.

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 appointments.

Should one of the members of the Conciliation Commission jointly designated be temporarily unable to take part in the work of the Commission owing to illness or any other circumstance, the Parties shall appoint a substitute by agreement to take his place for the time being. If such appointment has not been made within three months from the date on which the seat became temporarily vacant, the procedure laid down in Article 5 of the present Treaty shall be followed.

#### *Article 5.*

The Conciliation Commission shall be constituted within six months from the entry into force of the present Treaty.

If the appointment of the commissioners to be designated by common agreement should not have been made 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 appointments shall be made in conformity with the procedure laid down in Article 45 of the Hague Convention<sup>1</sup> of October 18th, 1907, for the Pacific Settlement of International Disputes.

#### *Article 6.*

Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President of the Commission by the two Parties acting in agreement, or, in default thereof, by one or other of the Parties.

The application, after giving 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 solution.

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

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

*Article 7.*

Within fifteen days from the date on which the Conciliation Commission has received an application for conciliation, either Party may replace its own commissioner by a person possessing special competence in the matter which forms the subject of the dispute. The Party making use of this right shall immediately notify the other Party; the latter shall in such case be entitled to take similar action within fifteen days from the date on which the notification reaches it.

Either Party shall be entitled to appoint a substitute forthwith to replace temporarily the permanent member designated by it if such member is prevented for a time by illness or any other circumstance from taking part in the Commission's work.

*Article 8.*

The task of the Conciliation Commission shall be to elucidate the 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 the period within which they are to make their decision.

At the close of its proceedings, the Commission shall draw up a *procès-verbal* stating, as the case may be, either that the Parties have come to an agreement, and, if necessary, the terms of the agreement, or that it has been impossible to effect a settlement.

The proceedings of the Commission must, unless the Parties otherwise agree, be terminated within six months from the date on which the Commission shall have been given cognisance of the dispute.

*Article 9.*

In the absence of agreement to the contrary between the Parties, the 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 Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

*Article 10.*

In the absence of agreement to the contrary between the Parties, the Conciliation Commission shall meet at the place selected by its President.

*Article 11.*

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the Parties.

*Article 12.*

The Parties shall be represented before the 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 may request that all persons whose evidence appears to them desirable shall be heard.

The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of both Parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

*Article 13.*

Subject to the provisions of Article 9 of the present Treaty, the decisions of the Conciliation Commission shall be taken by a majority vote.

The Commission may not take a decision on the substance of the dispute unless all the members have been duly summoned and the President and at least two other members are present.

*Article 14.*

The Parties undertake to facilitate the work of the 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 proceedings of the Commission, each Commissioner shall receive emoluments the amount of which shall be fixed by agreement between the Contracting Parties.

Each Party shall pay its own expenses and shall pay half the joint expenses of the Commission.

*Article 16.*

In the event of no amicable agreement being reached before the Conciliation Commission the dispute shall be submitted by means of a special agreement to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its Statute.

If the Parties cannot agree on the terms of the special agreement, either of them may, on the expiration of one month's notice, bring the dispute direct before the Court of International Justice by means of an application.

Nevertheless, the Parties shall be entitled at any time to agree that the dispute shall be submitted to an arbitral tribunal under the conditions and according to the procedure laid down in the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

*Article 17.*

All disputes, other than those referred to in Article 1, which may arise between the Contracting Parties and which it is not possible to settle, in a reasonable time, by the normal methods of diplomacy, shall be submitted to the Permanent Conciliation Commission. In that case, the procedure provided for in Articles 6 to 15 of the present Treaty shall apply.

*Article 18.*

In the event of no agreement being reached between the Parties, the dispute shall, at the request of either Party, be submitted for decision to an arbitral tribunal which, in the absence

of agreement to the contrary between the Parties, shall consist of five members appointed for each particular case according to the method laid down in Articles 4 and 5 of the present Treaty for the constitution of the Conciliation Commission.

Nevertheless, the Parties reserve the right to submit the dispute, by common agreement, to the Permanent Court of International Justice, which shall give a decision *ex aequo et bono*.

#### Article 19.

Should recourse be had to arbitration between the Contracting Parties, the latter undertake to conclude, within three months from the date on which either Party shall have addressed to the other a request for arbitration, a special agreement concerning the subject of the dispute and the details of the procedure.

If this special agreement cannot be concluded within the time stipulated above, resort must be had instead to the procedure laid down in Chapter IV of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

If the dispute is submitted to the Permanent Court of International Justice, the procedure laid down in the provisions of the Statute of the said Court shall apply.

#### Article 20.

The Parties undertake to refrain during the course of any procedure opened in virtue of the provisions of the present Treaty from all measures likely to affect prejudicially either the execution of the judicial or arbitral decision or the arrangements proposed by the Permanent Conciliation Commission, and, in general, to refrain from any act whatsoever which might aggravate or extend the dispute.

In all cases, and particularly if the question on which the Parties differ arises out of acts already committed or on the point of being committed, the Court of Justice or arbitral tribunal constituted by common agreement shall lay down within the shortest possible time the provisional measures to be adopted. The Parties undertake to conform to the provisional measures thus laid down.

If the dispute is brought before the Conciliation Commission, the latter may recommend to the Parties the adoption of such provisional measures as it considers suitable.

#### Article 21.

If, in a judicial decision or arbitral award, it is declared that a decision given or a measure enjoined by a court of law or any other authority of one of the Parties to the dispute is wholly or in part contrary to international law, and if the constitutional law of that Party does not permit or only partially permits the consequences of the decision or measure in question to be annulled, the Parties agree that the judicial decision or arbitral award shall grant the injured Party equitable satisfaction.

#### Article 22.

The provisions of the present Treaty shall not apply to disputes arising out of events prior to its entry into force and belonging to the past.

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

*Article 23.*

All disputes relating to the interpretation and application of the present Treaty shall be submitted to the Permanent Court of International Justice by a simple application.

*Article 24.*

The present Treaty shall be ratified as early as possible and the instruments of ratification shall be exchanged at Berne.

The Treaty is concluded for a period of ten years reckoned from the date of the exchange of ratifications. Unless denounced six months before the expiry of that period, it shall remain in force for a further period of ten years, and similarly thereafter.

If a procedure for conciliation or a judicial procedure is pending at the time of the expiry of the present Treaty, it shall pursue its course in conformity with the provisions of the present Treaty or of any other convention which the Parties may have agreed to substitute therefor.

In faith whereof the Plenipotentiaries have signed the present Treaty.

Done in duplicate at Geneva, the twentieth day of September, one thousand nine hundred and twenty-nine.

(Signed) MOTTA.

(Signed) BENEŠ.