

N° 2717.

DANEMARK ET ISLANDE

Convention concernant la procédure
à suivre pour le règlement des
différends. Signée à Tingvalla, le
27 juin 1930.

DENMARK AND ICELAND

Convention regarding the Procedure
to be followed for the Settlement
of Disputes. Signed at Tingvalla,
June 27, 1930.

TEXTE ISLANDAIS. — ISLANDIC TEXT.

N^o 2717. — SAMNINGUR¹ MILLI ÍSLANDS OG DÁNMERKUR UM AÐFERÐINA VIÐ ÚRLAUSN DEILUMÁLA. UNDIRRITAÐ Á ÞINGVÖLLUM 27 JUNI 1930.

Danish and Icelandic official texts communicated by the Permanent Delegate of Denmark accredited to the League of Nations. The registration of this Convention took place June 3, 1931.

HIN KONUNGLEGA ÍSLENZKA OG HIN KONUNGLEGA DANSKA RÍKISSTJÓRN, sem óska eindregið að styðja að því að deilumál milli landanna verði útkljáð með gerð, hafa, með það fyrir augum, orðið ásátt um að ákveða með samningi aðferðina við úrlausn á deilumálum, sem kynnu að rísa milli Íslands og Danmerkur, og hafa útnefnt sem fulltrúa sína :

HIN KONUNGLEGA ÍSLENZKA STJÓRN :

Herra Forsætisráðherra Tryggva ÞÓRHALLSSON.

HIN KONUNGLEGA DANSKA STJÓRN :

Herra Ríkisráðherra Th. STAUNING,

Sem, með gildu umboði, hafa orðið ásáttir um það sem hér fer á eftir.

1. grein.

Réttardeilum sem kynnu að rísa milli Íslands og Danmerkur, sem hægt er að heimfæra undir einhverja þeirra tegunda, sem nefndar eru í 36. gr. 2^a málsgrein í reglugjörð fasta alþjóðadómstólsins, skal, svo framarlega sem ekki hefur tekizt að jafna deilurnar með venjulegum málamiðlunum eða með sáttameðferð í íslensk-dönsku sambandslaganefndinni, vísað til úrlausnar fyrnefnds dómstóls í samræmi við ákvæði reglugjörðarinnar.

Deilur, sem samningsaðilarnir hafa, með öðrum samningum í gildi milli þeirra skuldbundið sig til að útkljá með sérstakri dómseða gjörðardómsmeðferð, sbr. sérstaklega 17. grein íslensk-dönsku sambandslaganna, skulu sæta þeirri meðferð, sem ákvæði þessara samninga mæla fyrir um.

Ágreiningur um skilning á samningi þessum skal úrskurðaður af fasta alþjóðadómstólnum.

2. grein.

Samningsaðilarnir skuldbinda sig til að láta allar aðrar deilur en þær, sem nefndar eru í 1. grein, sæta gjörðardómsmeðferð samkvæmt eftirfarandi ákvæðum. Áður en gjörðardómsmeðferð hefst,

¹ The Protocol provided in Article 12 of the Convention was drawn up on March 24, 1931.

² Vol. VI, page 379; Vol. XI, page 405; Vol. XV, page 305; Vol. XXIV, page 153; Vol. XXVII, page 417; Vol. XXXIX, page 165; Vol. XLV, page 66; Vol. L, page 159; Vol. LIV, page 387; Vol. LXIX, page 70; Vol. LXXII, page 452; Vol. LXXVIII, page 435; Vol. LXXXVIII, page 272; Vol. XCII, page 362; Vol. XCVI, page 180; Vol. C, page 153; Vol. CIV, page 492; Vol. CVII, page 461; Vol. CXI, page 402; and Vol. CXVII, page 46, of this Series.

munu aðilarnir, eftir að hafa borið málið undir íslensk-dönsku sambandslaganefndina, leitast við að vísa málinu til rannsóknar og sáttameðferðar fyrir sérstakri þartil útnefndri sáttanefnd eða sáttasemjara.

Aðilarnir eru ásáttir um, að deilur þær, sem þessi grein fjallar um, skulu leystar á grundvelli réttlætis og sanngirni.

3. grein.

Sé ekki öðruvísi umsamið, skal gjörðardómur sá, er fer með deilumál samkvæmt 2. grein þessa samnings, útnefndur í samræmi við ákvæði IV. þáttar II. kapitula Haagsamþykktarinnar¹ frá 18. október 1907 um jöfnun deilumála milli ríkja með friðsamlegum hætti.

4. grein.

Að svo miklu leyti, sem aðilarnir taka ekki aðra ákvörðun um gjörðardómsmedferð, skulu ákvæðin í IV. þætti III. kapitula Haagsamþykktarinnar frá 18. október 1907 um jöfnun deilumála milli ríkja með friðsamlegum hætti koma til framkvæmda.

Verði slíkt gjörðardómssamkomulag, sem umrædir í nefndri Haagsamþykkt, ekki undirritað áður en 6 mánuðir eru liðnir frá því annar aðilinn bar upp við hinn tilmælum að deiluatriðinu skuli vísa til gjörðari dóms, skal gjörðardómssamkomulagið, samkvæmt ósk annars aðilans, gert á þann hátt, er mælt er fyrir um í 53. og 54. grein nefndrar Haagsamþykktar.

Í þeim tilfellum, að í samningi þessum er vísað til ákvæða Haagsamþykktarinnar, skal ákvæða þessara gætt milli aðilanna, án tillits til þess, hvort samþykkt þessi er gildandi fyrir þá.

5. grein.

Að ósk annars aðilans skal gjörðardómurinn mæla fyrir um þær bráðabirgarádstafanir, sem ber að gera til þess að vernda réttarstöðu þessa sama aðila, svo framarlega sem hægt er að gera þessar ráðstafanir með framkvæmdarathöfnum.

6. grein.

Sé ástæða til þess talin skal í dómsorði gjörðardómsins tekið fram, hvernig dómnum skuli fullnægt, einkanlega að því er snertir þá fresti sem gæta ber.

7. grein.

Að því er snertir málefni, sem samkvæmt löggjöf þess lands, sem krafan er á hendur gjörð, eiga að sæta úrlausn dómstóls, hérmeð einnig taldir umboðsstjórnar-dómar, getur hlutaðeigandi aðili ekki krafist, að aðferð sú, sem nefnd er í 1. eða 2. grein, verði viðhöfð, áður en endanleg dómsniðurstaða er fengin. Í slíku tilfalli skal málinu vísað til dóms eða gjörðardóms í síðasta lagi ári eftir að málinu hafði verið ráðið þannig til lykta.

8. grein.

Ef að því er lýst yfir í uppkveðnum dómi eða gjörðardómi, að ákvörðun eða framkvæmd dóms eða annars yfirvalds annarshvors ríkisins fari að einhverju leyti eða öllu í bága við

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

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1 TRANSLATION.

No. 2717. — CONVENTION BETWEEN DENMARK AND ICELAND REGARDING THE PROCEDURE TO BE FOLLOWED FOR THE SETTLEMENT OF DISPUTES. SIGNED AT TINGVALLA, JUNE 27, 1930.

THE ROYAL DANISH GOVERNMENT and THE ROYAL ICELANDIC GOVERNMENT, being desirous of contributing to the development of the settlement by arbitration of international disputes, have decided, with this object in view, to conclude a convention concerning the method of settlement of any disputes which might arise between Denmark and Iceland and have designated as their Plenipotentiaries :

THE ROYAL DANISH GOVERNMENT :

M. Th. STAUNING, President of the Council ;

THE ROYAL ICELANDIC GOVERNMENT :

M. Tryggvi ÞÓRHALLSSON, Prime Minister ;

Who, being duly provided with full powers, have agreed on the following provisions :

Article 1.

Any legal dispute arising between Denmark and Iceland which falls within one of the categories specified in Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice and which it is not possible to settle by diplomacy or by the conciliation procedure of the Dano-Icelandic Commission, shall be submitted to the conciliation procedure of the said Court, in accordance with the provisions of the said Statute.

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 (see § 17 of the Act of Union between Denmark and Iceland) shall be dealt with in accordance with the terms of such conventions.

Any divergence of views regarding the interpretation of the present Convention shall be submitted to 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 those mentioned in Article 1. Before submitting a case to arbitration, the Parties, after having referred the matter to the Dano-Icelandic Commission, shall have recourse to the procedure of enquiry and conciliation by a conciliation body or by a mediator appointed for the purpose.

The Parties agree that disputes referred to in the present Article shall be settled in accordance with the principles of law and equity.

¹ Translated by the Secretariat of the League of Nations, for information.

Article 3.

Except where otherwise provided by agreement between the Parties, the arbitral tribunal to which disputes shall be submitted under Article 2 of the present Convention, shall be constituted in conformity with the provisions of Part 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, the arbitration procedure shall be governed by the provisions of Part IV, Chapter III of The Hague Convention of October 18, 1907, for the pacific settlement of international disputes.

In case the special 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 notified to the other its wish to submit the dispute to arbitration, the said special agreement shall, at the request of either of the Parties, be drawn up in the manner prescribed in Articles 53 and 54 of the said Hague Convention.

In cases in which the present Convention refers to provisions of The Hague Convention, the said provisions shall be applicable between the Parties whether the said Convention is in force between them or not.

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, in so far as 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, especially as regards the time-limits to be observed.

Article 7.

With regard to questions which, under the laws of the country against which claim is made, are within the competence of the judicial or administrative authorities, the Party concerned may not demand the application of the procedure laid down in Article 1 or in Article 2 until a final decision has been given by the competent authority. In such a case the appeal for judicial settlement must be made within one year from the date of the said decision.

Article 8.

If the judicial decision or the arbitral award declares that any ruling or order of a judicial or 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 said ruling or order to be annulled, the Parties agree that the Party injured by the judicial decision or arbitral award shall be granted fair compensation.

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 solemnly undertake to carry out the judicial decision or arbitral award.

Article 10.

Any disputes arising between the Parties regarding the interpretation or execution of a judicial decision or arbitral award shall, in the absence of an agreement to the contrary, be settled by the tribunal which rendered the decision or award.

Article 11.

The present Convention is subject to the approval of the Danish Rigsdag and the Icelandic Alting.

Article 12.

The present Convention shall come into force when it has received the sanction of the Danish Rigsdag and the Icelandic Alting and has been ratified by the two Governments. This ratification shall be drawn up in the form of a Protocol.

The present Convention shall be valid for twenty years from the date of its coming into force. 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 finally disposed of in accordance with the provisions of the Convention.

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

Done in duplicate at Tingvalla, June 27, 1930.

(Signed) Th. STAUNING.

(Signed) Tryggvi ÞÓRHALLSSON.