

N° 2834.

**BELGIQUE
ET LUXEMBOURG**

Traité de conciliation, d'arbitrage et
de règlement judiciaire. Signé à
Bruxelles, le 17 octobre 1927.

**BELGIUM
AND LUXEMBURG**

Treaty of Conciliation, Arbitration
and Judicial Settlement. Signed at
Brussels, October 17, 1927.

¹ TRADUCTION, — TRANSLATION.

No. 2834. — TREATY ² OF CONCILIATION, ARBITRATION AND JUDICIAL SETTLEMENT BETWEEN BELGIUM AND THE GRAND DUCHY OF LUXEMBURG. SIGNED AT BRUSSELS, OCTOBER 17, 1927.

French official text communicated by the Minister of State, President of the Government of the Grand Duchy of Luxemburg, and the Belgian Minister for Foreign Affairs. The registration of this Treaty took place October 12, 1931.

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBURG and
 HIS MAJESTY THE KING OF THE BELGIANS,
 Relying on the relations of good neighbourhood and the economic, intellectual and moral ties which fortunately unite the Grand Duchy of Luxemburg and Belgium,
 Being equally desirous of avoiding anything which might affect their reciprocal friendship and wishing to apply to all disputes which may arise between the two countries the methods of pacific settlement in accordance with right and justice which are in conformity with the principles of the Covenant of the League of Nations,

Have resolved to conclude a treaty for this purpose and have appointed as their Plenipotentiaries :

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBURG :

M. BECH, Minister of State, President of the Government ;

HIS MAJESTY THE KING OF THE BELGIANS :

M. E. VANDERVELDE, His Minister for Foreign Affairs.

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

Article I.

The High Contracting Parties undertake to settle by pacific means in accordance with the methods laid down in the present Treaty, all disputes and conflicts of whatever nature which may arise in future between the Grand Duchy of Luxemburg and Belgium, and which it has not been possible to settle by the normal methods of diplomacy.

Disputes for the solution of which a method of pacific settlement was provided in the Economic Convention shall be settled in accordance with the provisions of the present Treaty, which shall be applied even when these disputes relate to events prior to the conclusion thereof.

¹ Traduit par le Secrétariat de la Société de Nations, à titre d'information.

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

² The exchange of ratifications took place at Luxemburg, October 9, 1931.

The arbitration clauses appearing in the Belgo-Luxemburg Economic Union Convention shall therefore no longer be applicable.

The procedure provided for therein shall nevertheless be continued in cases which may be in progress at the date on which the present Treaty is signed.

Article II.

Any dispute the subject of which under the municipal law of one of the Parties comes within the jurisdiction of the national courts of that Party shall not be submitted to any of the procedure provided for in the present Treaty until final judgment has been given within a reasonable period by the competent national judicial authority.

Article III.

Prior to any procedure before arbitrators or the Permanent Court of International Justice, the dispute shall, at the request of either Party, be submitted for amicable settlement to a permanent international commission, styled the "Permanent Conciliation Commission", constituted in accordance with the present Treaty.

Article IV.

The Permanent Conciliation Commission referred to in Article III shall consist of three members, who shall be appointed as follows: the High Contracting Parties shall each appoint one commissioner from among their respective nationals.

The third commissioner, selected jointly from among the nationals of a third Power, shall act as President of the Commission.

The commissioners shall be appointed for five years; their term of office shall be renewable. They shall remain in office until they are replaced, and in any case until the completion of the work on which they are engaged at the moment of the expiration of their term of office.

Vacancies occurring as the result of death, resignation or any other reason shall be filled as speedily as possible in the manner fixed for appointments.

Article V.

The Permanent Conciliation Commission shall be constituted within three months after the entry into force of the present Convention.

Should the third commissioner to be selected jointly not be appointed within this period, or in the case of the filling of a vacancy, within three months from the date on which the seat became vacant, the President of the Swiss Confederation shall, in the absence of any other agreement, be requested to make the necessary appointments.

Article VI.

The Permanent Conciliation Commission shall be informed by an application addressed to the President by the two Parties acting in agreement or, failing such agreement, by one or other of the Parties.

The application, after giving a summary account of the subject of the dispute, shall contain an invitation to the Commission to proceed to any measures likely to bring about an amicable settlement.

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

Article VII.

Within a period of fifteen days from the date on which the Permanent Conciliation Commission has been informed of the dispute, either of the Parties may, for the examination of this dispute, replace its commissioner by a person possessing special competence in the matter.

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 a period of fifteen days from the date on which it receives the notification.

Article VIII.

The task of the Permanent Conciliation Commission shall be to elucidate the questions in dispute, to collect for this purpose all relevant information by enquiry or otherwise, and to endeavour to bring the Parties to an agreement. It may, after considering the question, indicate to the Parties the terms of the agreement which appear suitable to it, and give them a period in which to take a decision.

At the end of its proceedings the Commission shall draw up a report stating, as the case may be, that the Parties have come to an agreement and, if necessary, the conditions of the agreement, or that it has not been possible to effect a settlement between the Parties.

The work of the Commission shall, unless the Parties agree otherwise, be completed within six months from the date on which the Commission has been informed of the dispute.

Article IX.

In the absence of any special stipulation to the contrary, the Permanent Conciliation Commission shall itself lay down its procedure, which in any case shall provide for both Parties being heard. With regard to enquiries, the Commission, unless it unanimously decides to the contrary, shall act in accordance with the provisions of Chapter III (International Commissions of Enquiry) of the Hague Convention¹ of October 18, 1907, for the Pacific Settlement of International Disputes.

Article X.

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

Article XI.

The proceedings of the Permanent Conciliation Commission shall not be public unless a decision to that effect is taken by the Commission with the assent of the Parties.

Article XII.

The Parties shall be represented on the Permanent 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 the purpose and may ask that all persons whose evidence they may consider useful should be heard.

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

The Commission on its side shall have the right to ask for oral explanations from the agents, counsel and experts of the two Parties, and from all persons whom it may think desirable to summon with the consent of their Governments.

Article XIII.

In the absence of any provision to the contrary in the present Treaty, the decisions of the Permanent Conciliation Commission shall be taken by a majority vote.

Article XIV.

The High Contracting Parties undertake to facilitate the work of the Permanent Conciliation Commission and, in particular, to supply it to the fullest possible extent with all relevant documents and information, and to use the means at their disposal to enable it to proceed in their territory, and according to their laws, to the summoning and hearing of witnesses or experts, and to make investigations on the spot.

Article XV.

During the proceedings of the Permanent Conciliation Commission each of the commissioner shall receive emoluments, the amount of which shall be fixed by common consent between the High Contracting Parties, who shall each defray half this amount. The expenses arising from the working of the Commission shall also be equally divided.

Article XVI.

All disputes relating to any right whatsoever alleged by one of the Parties and contested by the other, and in particular disputes coming within one of the categories mentioned in Article 13 of the Covenant of the League of Nations, which it has not been possible to settle within a reasonable time by the normal methods of diplomacy or by the procedure of conciliation, shall be submitted for decision to the Permanent Court of International Justice unless the Parties agree to resort to arbitration as provided for in Articles XVII, XVIII, XIX and XX of the present Treaty.

The Parties shall endeavour to come to an understanding on the terms of a special agreement. Failing such an understanding, either of them shall have the right to bring the matter before the Court by a unilateral application.

Article XVII.

All disputes other than those referred to in Article XVI which may arise between the Contracting Parties and which cannot be settled within a reasonable time by the normal methods of diplomacy or by the procedure of conciliation, shall, in the absence of a special agreement, be submitted for decision to an arbitral tribunal at the request of one of the Parties only.

Article XVIII.

In the event of a difference as to the nature of the dispute, this preliminary question shall, in the absence of agreement on any other procedure, be submitted to the Permanent Court of International Justice, and the judgment of the Court, given by summary procedure, shall be final.

Article XIX.

The arbitral tribunal referred to in Article XVII shall be constituted for each individual case. It shall consist of five members. It shall be constituted in the following manner :

The request for the constitution of the tribunal shall contain the name of the one of the arbitrators ; a second arbitrator shall be appointed by the other Contracting Party ; the other three arbitrators, including the President, shall be appointed by agreement between the Parties.

If the arbitral tribunal is not constituted within one month after the request, the remaining appointments shall be made by the President of the Swiss Confederation on the application of one of the Parties only.

Article XX.

When an arbitral tribunal has been constituted as provided in the previous Article, the Contracting Parties shall endeavour to conclude a special agreement regarding the subject of the dispute and the details of the procedure.

Failing agreement between the Parties, either of them shall have the right, on giving one month's notice, to bring the dispute direct before the arbitral tribunal by means of an application.

Article XXI.

In all cases, and particularly if the question with regard to which the Parties are at issue arises from acts already committed or on the point of being committed, the Conciliation Commission or, if the dispute is no longer before the latter, the arbitral tribunal or the Permanent Court of International Justice deciding in accordance with Article 41 of its Statute¹, shall, if necessary, indicate at the earliest possible date the provisional measures which must be adopted ; each of the High Contracting Parties undertakes to comply therewith, to refrain from anything which might be likely to re-act prejudicially on the execution of the decision to be arrived at or the arrangements, to be proposed by the Conciliation Commission and, in general, not to proceed to any act of any nature whatsoever which might aggravate or extend the dispute.

Article XXII.

The present Treaty shall continue to be applicable between the High Contracting Parties even if other Powers also have an interest in the dispute.

Article XXIII.

The present Treaty shall be communicated for registration to the League of Nations in accordance with Article 18 of the Covenant.

Article XXIV.

The present Treaty shall be ratified.

It shall enter into force immediately on the exchange of the ratifications. It shall remain in force for ten years as from the date of its entry into force. If it is not denounced six months before the expiration of this period, it shall be regarded as renewed for a period of five years, and similarly thereafter.

¹ 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 96 ; 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.

If on the expiration of the present Treaty any proceedings which are being conducted under this Treaty are pending before the Permanent Conciliation Commission, before an arbitral tribunal or before the Permanent Court of International Justice, the Treaty shall continue to be applicable in regard to the dispute until the latter is finally settled.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Treaty.

Done at Brussels, in duplicate, October 17, 1927.

E. VANDERVELDE.

Jos. BECH.