

N° 2856.

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ÉTATS-UNIS D'AMÉRIQUE  
ET SUÈDE

Arrangement spécial relatif à l'arbitrage de certaines réclamations.  
Signé à Washington, le 17 décembre 1930.

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UNITED STATES OF AMERICA  
AND SWEDEN

Special Agreement relating to the Arbitration of certain Claims.  
Signed at Washington, December 17, 1930.

No. 2856. — SPECIAL AGREEMENT<sup>1</sup> RELATING TO THE ARBITRATION OF CERTAIN CLAIMS. SIGNED AT WASHINGTON, DECEMBER 17, 1930.

*Texte officiel anglais communiqué par le ministre des Affaires étrangères de Suède. L'enregistrement de cet arrangement a eu lieu le 27 novembre 1931.  
Cet arrangement a été transmis au Secrétariat par le « Department of State » du Gouvernement des Etats-Unis d'Amérique le 12 novembre 1931.*

Whereas, the Government of Sweden has presented to the Government of the United States of America certain claims on behalf of "Rederiaktiebolaget Nordstjernen", a Swedish corporation, for losses said to have been incurred as a result of the alleged detention in ports of the United States of America, in contravention of provisions of treaties in force between Sweden and the United States of America, of the motorship "Kronprins Gustaf Adolf" and the motorship "Pacific" belonging to said Swedish corporation; and

Whereas, the Government of the United States of America has disclaimed any liability to indemnify the Government of Sweden in behalf of the owners of the said motorship, therefore:

HIS MAJESTY THE KING OF SWEDEN and THE PRESIDENT OF THE UNITED STATES OF AMERICA being desirous that this matter of difference between their two Governments should be submitted to adjudication by a competent and impartial Tribunal have named as their respective Plenipotentiaries, that is to say:

HIS MAJESTY THE KING OF SWEDEN:

W. BOSTRÖM, Envoy Extraordinary and Minister Plenipotentiary at Washington; and

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

Henry L. STIMSON, Secretary of State of the United States of America;

Who, after having communicated to each other their respective full powers found in good and due form, have agreed upon the following articles:

*Article I.*

There shall be submitted to arbitration pursuant to the Convention for the Pacific Settlement of International Disputes, signed at The Hague<sup>2</sup>, October 18, 1907, and the Arbitration Convention<sup>3</sup> between Sweden and the United States of America, signed at Washington, October 27, 1928, the following questions:

*First*, Whether the Government of the United States of America detained the Swedish motorship "Kronprins Gustaf Adolf" between June 23, 1917 and July 12, 1918, and the

<sup>1</sup> L'échange des ratifications a eu lieu à Washington, le 1<sup>er</sup> octobre 1931.

<sup>2</sup> DE MARTENS, *Nouveau Recueil général de Traités*, troisième série, tome III, page 360.

<sup>3</sup> Vol. XCI, page 225, de ce recueil.

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

N<sup>o</sup> 2856. — ARRANGEMENT<sup>2</sup> SPÉCIAL RELATIF A L'ARBITRAGE DE CERTAINES RÉCLAMATIONS. SIGNÉ A WASHINGTON, LE 17 DÉCEMBRE 1930.

*English official text communicated by the Swedish Minister for Foreign Affairs. The registration of this Agreement took place November 27, 1931.*

*This Agreement was transmitted to the Secretariat by the Department of State of the Government of the United States of America, November 12, 1931.*

Attendu que le Gouvernement suédois a formulé à l'encontre du Gouvernement des Etats-Unis d'Amérique certaines réclamations, pour le compte de la Société suédoise « Rederiaktiebolaget Nordstjernan », au sujet de pertes qui auraient été encourues du fait que les navires à moteur « Kronprinz Gustaf Adolf » et « Pacific », appartenant à ladite société, auraient été détenus dans certains ports des Etats-Unis d'Amérique, contrairement aux dispositions de traités en vigueur entre la Suède et les Etats-Unis d'Amérique ; et

Attendu que le Gouvernement des Etats-Unis d'Amérique a refusé de reconnaître toute obligation d'indemniser le Gouvernement suédois pour le compte des propriétaires desdits navires à moteur,

SA MAJESTÉ LE ROI DE SUÈDE et LE PRÉSIDENT DES ETATS-UNIS D'AMÉRIQUE, désirant que le différend surgi entre leurs deux gouvernements soit soumis à la décision d'un tribunal compétent et impartial, ont nommé pour leurs plénipotentiaires respectifs :

SA MAJESTÉ LE ROI DE SUÈDE :

M. W. BOSTRÖM, envoyé extraordinaire et Ministre plénipotentiaire à Washington ;

LE PRÉSIDENT DES ETATS-UNIS D'AMÉRIQUE :

M. Henry L. STIMSON, secrétaire d'Etat des Etats-Unis d'Amérique ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, reconnus en bonne et due forme, sont convenus des dispositions suivantes :

*Article premier.*

Seront soumises à l'arbitrage, en exécution de la Convention<sup>3</sup> pour le règlement pacifique des différends internationaux, signée à La Haye, le 18 octobre 1907, et du Traité d'arbitrage<sup>4</sup> entre les Etats-Unis d'Amérique et la Suède, signé à Washington, le 27 octobre 1928 :

*Premièrement* : La question de savoir si le Gouvernement des Etats-Unis d'Amérique a détenu le navire à moteur suédois « Kronprinz Gustaf Adolf », du 23 juin 1917 au

<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 Washington, October 1st, 1931.

<sup>3</sup> *British and Foreign State Papers*, Vol. 100, page 298.

<sup>4</sup> Vol. XCI, page 225, of this Series.

Swedish motorship " Pacific " between July 1, 1917 and July 19, 1918, in contravention of the Swedish-American Treaties of April 3, 1783 and July 4, 1827.

*Second*, Whether, if the first question be decided in the affirmative, the Government of the United States of America is liable to the Government of Sweden in behalf of the owners of the motorships for damage resulting from such unlawful detention ; and,

*Third*, Should the reply be in the affirmative what pecuniary reparation is due to the Government of Sweden on behalf of the owners of the motorships above mentioned.

#### *Article II.*

The questions stated in Article I shall be submitted for a decision to a sole arbitrator who shall not be a national of either Sweden or the United States of America. In the event that the two Governments shall be unable to agree upon the selection of a sole arbitrator within two months from the date of the coming into force of this Agreement they shall proceed to the establishment of a Tribunal consisting of three members, one designated by His Majesty the King of Sweden, one by the President of the United States of America, and the third, who shall preside over the Tribunal, selected by mutual agreement of the two Governments. None of the members of the Tribunal shall be a national of Sweden or of the United States of America.

#### *Article III*

The procedure in the arbitration shall be as follows :

(1) Within ninety days from the date of the exchange of ratifications of this Agreement, the Agent for the Government of Sweden shall present to the Agent for the Government of the United States of America a statement of the facts on which the Government of Sweden rest the claim against the United States of America, and the demand for indemnity. This statement shall be accompanied by the evidence in support of the allegations and of the demand made ;

(2) Within a like period of ninety days from the date on which this Agreement becomes effective, as aforesaid, the Agent for the Government of the United States of America shall present to the Agent for the Government of Sweden at Washington a statement of facts relied upon by the Government of the United States of America together with evidence in support.

(3) Within sixty days from the date on which the exchange of statements provided for in paragraphs (1) and (2) of this Article is completed each Agent shall present in the manner prescribed by paragraphs (1) and (2) an answer to the statement of the other together with any additional evidence and such argument as they desire to submit.

#### *Article IV.*

When the development of the record is completed in accordance with Article III hereof, the Government of Sweden and the Government of the United States of America shall forthwith cause to be forwarded to the International Bureau at The Hague, for transmission to the Arbitrator or Arbitrators, as the case may be, three complete sets of the Statements, answers, evidence and arguments presented by their respective Agents to each other.

*Article V.*

Within thirty days from the delivery of the record to the Arbitrator or Arbitrators in accordance with Article IV, the Tribunal shall convene at Washington for the purpose of hearing oral arguments by Agents or Counsel, or both, for each Government.

*Article VI.*

When the Agent for either Government has reason to believe that the other Government possesses or could obtain any document or documents which are relevant to the claim but which have not been incorporated in the record such document or documents shall be submitted to the Tribunal at the request of the Agent for the other Government and shall be available for inspection by the demanding Agent. In agreeing to arbitrate the claim of the Kingdom of Sweden in behalf of " Rederiaktiebolaget Nordstjernan " the Government of the United States of America does not waive any defense which was available prior to the concluding of the Agreement.

*Article VII.*

The decision of the Tribunal shall be made within two months from the date on which the arguments close, unless on the request of the Tribunal the Parties shall agree to extend the period. The decision shall be in writing.

The decision of the majority of the members of the Tribunal, in case a sole Arbitrator is not agreed upon, shall be the decision of the Tribunal.

The language in which the proceedings shall be conducted shall be English.

The decision shall be accepted as final and binding upon the two Governments.

*Article VIII.*

Each Government shall pay the expenses of the presentation and conduct of its case before the Tribunal ; all other expenses which by their nature are a charge on both Governments, including the honorarium for the Arbitrator or Arbitrators, shall be borne by the two Governments in equal moieties.

*Article IX.*

This Special Agreement shall be ratified in accordance with the constitutional forms of the Contracting Parties and shall take effect immediately upon the exchange of ratifications, which shall take place at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed this Special Agreement and have hereunto affixed their seals.

Done in duplicate at Washington this seventeenth day of December, nineteen hundred and thirty.

(Signed) W. BOSTRÖM. (L. S.)

(Signed) Henry L. STIMSON. (L. S.)

Pour copie conforme :

au Ministère des Affaires étrangères,  
Stockholm, le 20 novembre 1931.

*Le Chef a. i. des Archives :*

Einar Hedin.