

N° 3299.

BRÉSIL ET POLOGNE

Traité de conciliation. Signé à Rio-
de-Janeiro, le 27 janvier 1933.

BRAZIL AND POLAND

Treaty of Conciliation. Signed at
Rio de Janeiro, January 27, 1933.

¹ TRADUCTION. — TRANSLATION.No. 3299. — TREATY OF CONCILIATION² BETWEEN BRAZIL AND POLAND. SIGNED AT RIO DE JANEIRO, JANUARY 27, 1933.

French official text communicated by the Polish Delegate accredited to the League of Nations. The registration of this Treaty took place November 22, 1933.

THE PRESIDENT OF THE REPUBLIC OF POLAND and THE HEAD OF THE PROVISIONAL GOVERNMENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL, being desirous of strengthening the friendly relations existing between the two countries and of promoting the cause of general peace, have resolved to conclude a Conciliation Treaty and for this purpose have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE POLISH REPUBLIC :

Dr. Tadée ST. GRABOWSKI, Envoy Extraordinary and Minister Plenipotentiary of Poland in Brazil ;

THE HEAD OF THE PROVISIONAL GOVERNMENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL :

Dr. Afranio DE MELLO FRANCO, Minister for Foreign Affairs ;

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

Article I.

The High Contracting Parties undertake to submit to conciliation procedure all disputes which may arise between them and which it may not have been possible to settle within a reasonable time through the diplomatic channel.

Each of the Contracting Parties shall be free to decide at what moment conciliation procedure may be substituted for diplomatic negotiations.

Disputes for the settlement of which a special procedure is or shall in future be laid down in other Conventions between the Contracting Parties shall be dealt with in accordance with the provisions of those Conventions.

Article II.

Except in the case of an obvious denial of justice, the procedure laid down in the present Treaty shall not apply to disputes between a national of one of the Contracting Parties and the

¹ Traduit par le Secrétariat de la Société des 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 Warsaw, October 13, 1933.

other State, when the judges and courts of the latter are, in virtue of the laws of that State, competent to deal with the disputes in question.

Article III.

Within six months after the exchange of the ratifications of the present Treaty, the Contracting Parties shall set up a Permanent Conciliation Commission composed of five members.

Each Party shall designate two members, one from amongst its own nationals and the other from amongst the nationals of a third State. The two Contracting Parties shall jointly designate the President of the Commission from amongst the nationals of a third State. In the absence of agreement between the Parties, he shall be designated, at the request of the Parties, by the President of the United States of America, if the latter agrees to do so.

The members of the Commission, including its President, shall be appointed for three years. They shall be re-eligible. Their term of office must be expressly renewed by the Party which appointed them.

Article IV.

In the event of the death or resignation of one of the members of the Conciliation Commission, steps shall be taken to replace him for the remainder of his term of office, if possible within three months, and in any case as soon as a dispute has been submitted to the Commission.

Should one of the members of the Conciliation Commission be temporarily prevented from taking part in the work of the Commission as a result of illness or for any other reason, the Party which appointed him shall designate a substitute to take his place temporarily.

The functions of the President shall cease at the end of his term of office. Nevertheless, the two Parties may jointly renew his term of office for a further period of three years.

A member whose term of office expires while a case is in progress shall continue to take part in the examination of the dispute until the case is terminated, even if his successor has been designated.

Article V.

Within fifteen days from the date on which one of the Contracting Parties has brought a dispute before the Conciliation Commission, either Party may for the examination of the particular dispute replace its own 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 avail itself of the same right within fifteen days from the date on which the notification reaches it.

Article VI.

The task of the Conciliation Commission shall be to facilitate the settlement of the dispute by elucidating the questions of fact by means of an impartial and conscientious enquiry and by submitting proposals with a view to the settlement of the dispute in accordance with the provisions of the present Treaty.

Disputes shall be brought before the Commission by means of an application addressed to the President by one of the Contracting Parties.

The Party applying for conciliation procedure shall at the same time notify the other Party that it has made such application.

Article VII.

In the absence of agreement to the contrary, the Conciliation Commission shall meet at Washington.

Article VIII.

The procedure before the Conciliation Commission shall provide for both Parties being heard. The Commission shall lay down its own procedure, taking into account, unless it decides unanimously to the contrary, the provisions of Part III of the Hague Convention¹ of October 18, 1907, for the Pacific Settlement of International Disputes.

The proceedings of the Commission shall take place in private unless the Commission decides otherwise in agreement with the Parties.

The Parties shall have the right to appoint to the Commission special agents who shall at the same time act as intermediaries between them and the Commission.

Article IX.

In the absence of any provisions to the contrary in the present Treaty, the decisions of the Conciliation Commission shall be taken by a majority vote. Each member shall have one vote. If all the members are not present, the President shall, in the case of the votes being equally divided, have a casting vote. The Commission may only take decisions relating to the substance of the dispute if all the members are present.

Article X.

The Contracting Parties shall supply the Conciliation Commission with all relevant information and shall facilitate its work in all respects.

Article XI.

The Conciliation Commission shall submit its report within six months from the date of its first meeting, unless the Contracting Parties jointly decide to shorten or extend this period.

The report shall, if necessary, include proposals for the settlement of the dispute, if at least three of the members of the Commission, the President being regarded as a member, agree upon such proposals.

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

A copy of the report, signed by the President, shall be transmitted to each of the Parties.

The Commission's report shall not be in the nature of an arbitral or judicial award, either as regards the statement of the facts or as regards the legal considerations.

Article XII.

The Parties shall inform each other and also the President of the Commission within a reasonable period, which shall in no case exceed three months, whether they accept the conclusions of the report and the proposals contained therein.

The Parties shall jointly decide whether the Commission's report shall be published.

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

Article XIII.

During the actual period of the conciliation proceedings, the members of the Permanent Commission, including the President, shall receive emoluments, the amount of which shall be fixed by the Contracting Parties.

Each Party shall defray its own costs and an equal share of the costs of the Commission, including the emoluments provided for in paragraph 1.

Article XIV.

The present Treaty shall be ratified as soon as possible, and the instruments of ratification shall be exchanged at Warsaw.

It shall come into force on the thirtieth day after the exchange of ratifications and shall remain in force for three years.

If it is not denounced six months before its expiration, it shall be deemed to be renewed for further successive periods of three years.

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

Done at Rio de Janeiro in duplicate, the twenty-seventh day of January, one thousand nine hundred and thirty-three.

(L. S.) (*Signed*) TH. ST. GRABOWSKI.

(L. S.) (*Signed*) A. DE MELLO FRANCO.
