

N° 3393.

FRANCE ET SUISSE

**Traité de conciliation et d'arbitrage
obligatoire. Signé à Paris, le
6 avril 1925.**

**FRANCE
AND SWITZERLAND**

**Treaty providing for Compulsory
Conciliation and Arbitration.
Signed at Paris, April 6th, 1925.**

¹ TRADUCTION. — TRANSLATION.

No. 3393. — TREATY² BETWEEN FRANCE AND SWITZERLAND
PROVIDING FOR COMPULSORY CONCILIATION AND
ARBITRATION. SIGNED AT PARIS, APRIL 6TH, 1925.

French official text communicated by the Minister for Foreign Affairs of the French Republic and by the Swiss Federal Council. The registration of this Treaty took place April 6th, 1934.

THE PRESIDENT OF THE FRENCH REPUBLIC and THE SWISS FEDERAL COUNCIL,
Being equally convinced of the need for ensuring in all cases the settlement by pacific means
of any disputes that may arise between the two countries,

Considering that the Arbitration Treaty³ concluded between France and Switzerland on
December 16th, 1904, expired on July 14th, 1917,

In view of the ties of friendship and the good neighbourly relations which happily unite the
French nation and the Swiss nation,

Have resolved to conclude a Treaty for the pacific settlement by conciliation or, failing that,
by judicial means or by arbitration, of all disputes that might arise between France and Switzerland
and, for that purpose, have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE FRENCH REPUBLIC :

Monsieur Edouard HERRIOT, President of the Council, Minister for Foreign Affairs ;

THE SWISS FEDERAL COUNCIL :

Monsieur Alphonse DUNANT, Envoy Extraordinary and Minister Plenipotentiary of the
Swiss Confederation in Paris ;

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

Article 1.

All disputes of every kind between the Government of the French Republic and the Swiss
Federal Council which it may not be possible to settle by the normal methods of diplomacy shall,
before any resort is made to procedure before the Permanent Court of International Justice or to

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 Paris, March 23rd, 1934.

³ *British and Foreign State Papers*, Vol. 98, page 464.

arbitration, be submitted, with a view to amicable settlement, to a permanent international commission, styled the Permanent Conciliation Commission, constituted in accordance with the present Treaty.

The High Contracting Parties shall, however, be entitled at any time to agree that any specific dispute shall be settled directly by the Permanent Court of International Justice or by arbitration, without any preliminary recourse to the conciliation procedure mentioned above.

Article 2.

In the case of a dispute which, according to the municipal law of one of the Parties, falls within the competence of the national courts of such Party, the matter in dispute shall not be subjected to the procedure laid down in the present Treaty until a judgment with final effect has been pronounced by the competent national judicial authority.

Article 3.

The Permanent Conciliation Commission mentioned in Article 1 shall be composed of five members, who shall be appointed as follows, that is to say : the High Contracting Parties shall each nominate a commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the three other commissioners from among the nationals of third Powers ; these three commissioners must be of different nationalities, and the High Contracting Parties shall appoint the President of the Commission from among them.

The commissioners shall be appointed for three years, and their mandate shall be 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 or resignation shall be filled within the shortest possible time in the manner fixed for the appointments.

Article 4.

The Permanent Conciliation Commission shall be constituted within three months from the exchange of the ratifications of the present Treaty.

If the appointment of the commissioners to be nominated by common agreement should not have taken place 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, Her Majesty the Queen of the Netherlands shall, in the absence of other agreement, be requested to make the necessary appointments.

Article 5.

The Permanent Conciliation Commission shall be informed by means of a request addressed to the President by the two Parties acting in agreement or, in the absence of such agreement, by one or other of the Parties.

The request, after having given 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 settlement.

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

Article 6.

The task of the Permanent Conciliation Commission shall be to elucidate 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, propose to the Parties the terms of settlement which seem suitable to it, and lay down a period within which they are to make their decision.

At the close of its labours, the Commission shall draw up a report stating, as the case may be, either that the Parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labours of the Commission must, unless the Parties otherwise agree, be terminated within six months from the day on which the Commission shall have been notified of the dispute.

Article 7.

Failing any special provision to the contrary, the Permanent 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 Convention¹ of October 18th, 1907, for the Pacific Settlement of International Disputes.

Article 8.

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

Article 9.

The labours of the Permanent Conciliation Commission shall not be public, except when a decision to that effect has been taken by the Commission with the consent of the Parties.

Article 10.

The Parties shall be represented before 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 that purpose, and request that all persons whose evidence appears to them useful should be heard.

The Commission, on its side, shall be entitled to request oral explanations from the agents, counsel and experts of the two Parties, as well as from all persons it may think useful to summon with the consent of their Government.

Article 11.

Unless otherwise provided in the present Treaty, the decisions of the Permanent Conciliation Commission shall be taken by a majority vote.

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

Article 12.

The High Contracting Parties undertakes to facilitate the labours of the Permanent 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 13.

During the labours of the Permanent Conciliation Commission each commissioner shall receive salary, the amount of which shall be fixed by agreement between the High Contracting Parties, each of which shall contribute an equal share.

Article 14.

In the event of no amicable agreement being reached before the Permanent Conciliation Commission, the dispute shall be submitted to the Permanent Court of International Justice whenever the case in question is one of those provided for in Article 36, paragraph 2, of the Statute¹ of that Court, relating to its jurisdiction. It will be for the Court to decide, if necessary, in accordance with Article 36, paragraph 4, of its Statute, whether it has jurisdiction.

All other disputes shall be settled by means of arbitration in the manner provided for in Article 15 of the present Treaty. Nevertheless, in the case of any disputes for the settlement of which a special arbitration procedure is laid down in other provisions of Conventions in force between the High Contracting Parties, that procedure shall be followed.

Article 15.

The resort to arbitration provided for in Article 14, paragraph 2, shall be governed by the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

Nevertheless, in the absence of agreement between the Parties, the arbitral tribunal shall consist of five members appointed according to the method laid down in Articles 3 and 4 of the present Treaty for the appointment of the Permanent Conciliation Commission.

Article 16.

Should any dispute arise between the High Contracting Parties concerning the application of the present Treaty, such dispute shall be submitted direct to the Permanent Court of International Justice in the manner laid down in Article 40 of the Statute of that Court.

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. LXXXVIII, 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; Vol. CXVII, page 46; Vol. CXXVI, page 430; Vol. CXXX, page 440; Vol. CXXXIV, page 392, of this Series, and page 318 of this Volume.

Article 17.

The present Treaty shall be ratified and the ratifications thereof shall be exchanged in Paris as soon as possible.

Article 18.

The present Treaty shall come into force as soon as the ratifications are exchanged and shall remain in force for ten years from the date on which it comes into force. Unless denounced six months before the expiry of that period, it shall be regarded as renewed for a period of five years, and similarly thereafter.

If, at the time of the expiry of the present Treaty, any proceedings in virtue of this Treaty are pending before the Permanent Conciliation Commission, or before the Permanent Court of International Justice or before an arbitral tribunal, such proceedings shall pursue their course until their completion.

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

Done in Paris, in duplicate, the sixth day of April, one thousand nine hundred and twenty-five.

(L. S.) (Signed) HERRIOT.

(L. S.) (Signed) DUNANT.