

No. 4646

**AUSTRIA, BELGIUM, DENMARK, FRANCE,
FEDERAL REPUBLIC OF GERMANY, etc.**

**European Convention for the peaceful settlement of disputes.
Done at Strasbourg, on 29 April 1957**

Official texts: English and French.

Registered on 26 January 1959 by the Council of Europe on behalf of the Contracting Parties, in accordance with resolution (54) 6 of the Committee of Ministers of the Council of Europe adopted on 3 April 1954.

**AUTRICHE, BELGIQUE, DANEMARK, FRANCE,
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, etc.**

**Convention européenne pour le règlement pacifique des
différends. Faite à Strasbourg, le 29 avril 1957**

Textes officiels anglais et français.

Enregistrée le 26 janvier 1959 par le Conseil de l'Europe agissant au nom des Parties contractantes, conformément à la résolution (54) 6 du Comité des Ministres du Conseil de l'Europe adoptée le 3 avril 1954.

No. 4646. EUROPEAN CONVENTION¹ FOR THE PEACEFUL SETTLEMENT OF DISPUTES. DONE AT STRASBOURG, ON 29 APRIL 1957

The Governments signatory hereto, being Members of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its Members;

Convinced that the pursuit of peace based upon justice is vital for the preservation of human society and civilisation;

Resolved to settle by peaceful means any disputes which may arise between them,

Have agreed as follows :

CHAPTER I

JUDICIAL SETTLEMENT

Article 1

The High Contracting Parties shall submit to the judgement of the International Court of Justice all international legal disputes which may arise between them including, in particular, those concerning :

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

¹ In accordance with article 41, the Convention came into force on 30 April 1958, the date of deposit of the second instrument of ratification with the Secretary-General of the Council of Europe. Below is the list of States on behalf of which the instruments of ratification were deposited, indicating the dates of deposit and the dates of entry into force of the Convention :

<i>State</i>	<i>Date of deposit</i>	<i>Date of entry into force</i>
Norway	27 March 1958	30 April 1958
Sweden	30 April 1958	30 April 1958
(Not bound by Chapter III of the Convention)		
Netherlands	7 July 1958	7 July 1958
For the Kingdom in Europe, Surinam, the Netherlands Antilles and Netherlands New Guinea (not bound by Chapter III of the Convention).		

Article 2

1. The provisions of Article 1 shall not affect undertakings by which the High Contracting Parties have accepted or may accept the jurisdiction of the International Court of Justice for the settlement of disputes other than those mentioned in Article 1.
2. The parties to a dispute may agree to resort to the procedure of conciliation before that of judicial settlement.

Article 3

The High Contracting Parties which are not parties to the Statute of the International Court of Justice shall carry out the measures necessary to enable them to have access thereto.

CHAPTER II

CONCILIATION

Article 4

1. The High Contracting Parties shall submit to conciliation all disputes which may arise between them, other than disputes falling within the scope of Article 1.
2. Nevertheless, the parties to a dispute falling within the scope of this Article may agree to submit it to an arbitral tribunal without prior recourse to the procedure of conciliation.

Article 5

When a dispute arises which falls within the scope of Article 4, it shall be referred to a Permanent Conciliation Commission competent in the matter, previously set up by the parties concerned. If the parties agree not to have recourse to that Commission, or if there is no such Commission, the dispute shall be referred to a special Conciliation Commission, which shall be set up by the parties within a period of three months from the date on which a request to that effect is made by one of the parties to the other party.

Article 6

In the absence of agreement to the contrary between the parties concerned, the Special Conciliation Commission shall be constituted as follows :

The Commission shall be composed of five members. The parties shall each nominate one Commissioner, who may be chosen from among their respective nationals. The three other Commissioners, including the President, shall be chosen by agreement from among the nationals of third States. These three Commissioners shall be of different nationalities and shall not be habitually resident in the territory nor be in the service of the parties.

Article 7

If the nomination of the Commissioners to be designated jointly is not made within the period provided for in Article 5, the task of making the necessary nominations shall be entrusted to the Government of a third State, chosen by agreement between the parties, or, failing such agreement being reached within three months, to the President of the International Court of Justice. Should the latter be a national of one of the parties to the dispute, this task shall be entrusted to the Vice-President of the Court or to the next senior judge of the Court who is not a national of the parties.

Article 8

Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 9

1. Disputes shall be brought before the Special Conciliation Commission by means of an application addressed to the President by the two Parties acting in agreement or, in default thereof, by one or other of the parties.
2. The application, after giving 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 solution.
3. If the application emanates from only one of the parties, the other party shall, without delay, be notified of it by that party.

Article 10

1. In the absence of agreement to the contrary between the parties, the Special Conciliation Commission shall meet at the seat of the Council of Europe or at some other place selected by its President.
2. The Commission may at all times request the Secretary-General of the Council of Europe to afford it his assistance.

Article 11

The work of the Special Conciliation Commission shall not be conducted in public unless the Commission with the consent of the parties so decides.

Article 12

1. In the absence of agreement to the contrary between the parties, the Special Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, subject to

the provisions of this Convention, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Part III of the Hague Convention for the Pacific Settlement of International Disputes of 18th October 1907.¹

2. The parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between them and the Commission; they may be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable shall be heard.

3. The Commission shall be entitled to request oral explanations from the agents, counsel and experts of both parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

Article 13

In the absence of agreement to the contrary between the parties, the decisions of the Special Conciliation Commission shall be taken by a majority vote and, except in relation to questions of procedure, decisions of the Commission shall be valid only if all its members are present.

Article 14

The parties shall facilitate the work of the Special Conciliation Commission and, in particular, shall supply it to the greatest possible extent with all relevant documents and information. They shall 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 15

1. The task of the Special Conciliation Commission shall be to elucidate the 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, inform the parties of the terms of settlement which seem suitable to it and lay down the period within which they are to make their decision.

2. At the close of its proceedings, the Commission shall draw up a *procès-verbal* 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. No mention shall be made in the *procès-verbal* of whether the Commission's decisions were taken unanimously or by a majority vote.

¹ *British and Foreign State Papers*, Vol. 100, p. 298, and League of Nations, *Treaty Series*, Vol. LIV, p. 435, and Vol. CXXXIV, p. 453.