

No. 8765

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
SWITZERLAND**

**Treaty for conciliation, judicial settlement and arbitration
(with annexes). Signed at London, on 7 July 1965**

Official texts: English and French.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
21 September 1967.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
SUISSE**

**Traité de conciliation, de règlement judiciaire et
d'arbitrage (avec annexes). Signé à Londres, le 7
juillet 1965**

Textes officiels anglais et français.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
21 septembre 1967.*

No. 8765. TREATY ¹ FOR CONCILIATION, JUDICIAL SETTLEMENT AND ARBITRATION BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE SWISS CONFEDERATION. SIGNED AT LONDON, ON 7 JULY 1965

The Government of the United Kingdom of Great Britain and Northern Ireland and the Swiss Federal Council ;

Being desirous of strengthening the ties of friendship which unite the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation and of furthering, in the general interest of peace, the development of the procedures leading to the peaceful settlement of international disputes ;

Have agreed as follows :

CHAPTER I

THE PRINCIPLE OF PEACEFUL SETTLEMENT OF DISPUTES

Article 1

(1) The Contracting Parties undertake to submit to a procedure of conciliation all disputes, of any nature whatsoever, which may arise between them and which may not have been settled within a reasonable time by diplomacy.

(2) If the procedure of conciliation has failed, a dispute may be submitted in accordance with the relevant provisions of this Treaty either to judicial settlement or to arbitration.

(3) The Contracting Parties may however at any time agree that a particular dispute shall be referred directly to judicial settlement or, if the dispute is of a legal nature, to arbitration, without prior recourse to the procedure of conciliation.

¹ Came into force on 9 February 1967, the date of the exchange of the instruments of ratification at Berne, in accordance with article 40.

CHAPTER II
CONCILIATION

Article 2

(1) The Contracting Parties shall establish a Permanent Conciliation Commission (hereinafter referred to as “ the Commission ”) composed of five members.

(2) The Contracting Parties shall each appoint a Commissioner, who may be chosen from among their respective nationals. The Contracting Parties shall jointly appoint the three other Commissioners from among the nationals of third States. These three Commissioners must be of different nationalities. They shall not be habitually resident in the territory of the Contracting Parties, nor be employed in their service.

(3) The President of the Commission shall be appointed by agreement between the Contracting Parties from among the jointly appointed Commissioners.

Article 3

(1) The Commissioners shall be appointed for three years. Their appointments shall continue until their replacement and, in any event, until the termination of the work in hand at the expiry of their term of office. If it is intended to replace a Commissioner at the end of any period of three years, he shall be given at least six months' prior notice of such intention. A Commissioner who has not been given such notice shall be deemed to have been appointed for another period of three years, and so on.

(2) 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 original appointments.

(3) If any member of the Commission is unable to participate in the work of the Commission as a result of illness or any other circumstance, the Contracting Party or Parties, which appointed him, shall designate a substitute, who shall temporarily take his place.

Article 4

Each of the Contracting Parties may replace the Commissioner chosen by it by someone possessing special competence in the matter in dispute. If either Contracting Party intends to do so, it shall inform the other Contracting Party of its intention at the time of the application for conciliation or not later than fifteen days after receipt of the notification of such application, as the

case may be. Either Contracting Party may then, within six weeks, replace its own Commissioner, if it so desires.

Article 5

(1) The Commission shall be set up within six months after the exchange of instruments of ratification of this Treaty.

(2) If any of the Commissioners to be jointly appointed are not appointed within the time-limit provided for in paragraph (1) of this Article or, in the case of replacement under paragraph (2) of Article 3, within three months from the date on which the seat became vacant, the task of making the necessary appointments may be entrusted to the President of the International Court of Justice at the request of either Contracting Party. Should the President be prevented from acting or be a national of either of the Contracting Parties, the task shall be entrusted to the Vice-President of the Court. If the latter is prevented from acting, or is a national of either of the Contracting Parties, the next senior Judge of the Court, who is not a national of either of the Contracting Parties, shall proceed to make these appointments.

(3) Should the Commissioners to be appointed by each of the Contracting Parties not be appointed within the time-limit provided for in paragraph (1) of this Article or, in the case of replacement under paragraph (2) of Article 3, within three months from the date on which the seat became vacant, the Commissioners shall be appointed in accordance with the procedure laid down in paragraph (2) of this Article.

(4) If the President of the Commission is not appointed by the Contracting Parties within two months following the constitution of the Commission or (when a vacancy has arisen) the reconstitution of the Commission, he shall be appointed in accordance with the procedure laid down in paragraph (2) of this Article.

Article 6

(1) Disputes shall be brought before the Commission by means of an application addressed to the President by one of the Contracting Parties. That Contracting Party shall at the same time inform the other of the application.

(2) The application, 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.

Article 7

The Commission shall, after hearing the agents of the Contracting Parties, lay down the rules of procedure to be followed in each particular case. The

rules of procedure shall be consistent with the provisions of this Treaty and shall ensure that at all stages of the proceedings the Contracting Parties have equal opportunity to present their cases. Moreover, the rules of procedure set out in Annex I to this Treaty shall be followed unless the Commission, with the consent of the Contracting Parties, otherwise decides.

Article 8

In the absence of agreement to the contrary between the Contracting Parties, the Commission shall meet at the place chosen by its President.

Article 9

(1) The Contracting Parties shall be represented before the Commission by agents whose duty shall be to act as intermediaries between them and the Commission. The agents may, moreover, be assisted by counsel, experts and staff appointed by them for that purpose and may request that all persons whose evidence appears to them useful should be heard.

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

Article 10

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

(2) A question of procedure may, if the Commission is not sitting and provided that the question is of an urgent nature, be decided by the President.

Article 11

The Contracting Parties shall facilitate the work of the 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 summon and hear witnesses or experts and to visit the localities in question.