

**TREATY OF CONCILIATION AND ARBITRATION BETWEEN THE
CZECHOSLOVAK REPUBLIC AND THE AUSTRIAN REPUBLIC, SIGNED
AT VIENNA, MARCH 5, 1926**

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC and THE PRESIDENT OF THE
AUSTRIAN FEDERAL REPUBLIC,

Being desirous of strengthening the friendly relations existing between the two countries,

Being resolved to give the broadest application in their mutual relations to the principles of
the League of Nations, and

Being agreed to ensure the execution of the obligations which have been or may be
assumed with regard to the peaceful settlement of disputes,

Have decided to conclude a treaty of conciliation and arbitration, and have for this purpose
appointed as their Plenipotentiaries:

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC:

Dr. Edvard BENEŠ, Minister for Foreign Affairs of the Czechoslovak Republic;

THE PRESIDENT OF THE AUSTRIAN FEDERAL REPUBLIC:

Dr. Rudolph RAMEK, Federal Chancellor;

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

PART I.

Article 1.

All disputes of every kind between Czechoslovakia and Austria with regard to which the
Parties are in conflict as to their respective rights, and which it may not be possible to
settle amicably by the normal methods of diplomacy shall be submitted for decision either
to the Permanent Court of International Justice, or to an arbitral tribunal, as laid down
hereafter.

Disputes for the settlement of which a special procedure is laid down in other conventions
in force between the High Contracting Parties shall be settled in conformity with the
provisions of those conventions.

Article 2.

Before resort is made to procedure before the Permanent Court of International Justice or
to any arbitral procedure, the dispute may, by agreement between the Parties, 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.

Article 3.

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

Article 4.

The Permanent Conciliation Commission mentioned in Article 2 shall be composed of three members, who shall be appointed as follows: the Czechoslovak Government and the Austrian Government shall each nominate a commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the President from among the nationals of third Powers.

The commissioners are appointed for three years, and their mandate is 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, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 5.

The Permanent Conciliation Commission shall be constituted within six months from the entry into force of the present Treaty.

If the nomination of the President 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, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointment.

Article 6.

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 7.

Within fifteen days from the date when the Czechoslovak Government or the Austrian Government shall have brought a dispute before the Permanent Conciliation Commission, either Party may, for the examination of the particular dispute, replace its commissioner by a person possessing special competence in the matter.

The Party making use of this right shall immediately inform the other Party; the latter shall in that case be entitled to take similar action within fifteen days from the date when the notification reaches it.

Article 8.

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, inform the Parties of 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 9.

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 Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

Article 10.

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 11.

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

Article 12.

The Parties shall be represented before the Permanent Conciliation Commission by agents, whose duty it shall be to act as intermediary between them and the Commission; they may moreover be assisted by counsel and experts appointed by them for that purpose, and may 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 13.

Unless otherwise provided in the present Treaty the decisions of the Permanent Conciliation Commission shall be taken by a majority. Each member shall have one vote; in the event of an equality of votes the President shall have a casting vote.

The Commission may not take decisions bearing on the substance of the dispute unless all the members have been duly convened and unless the President and at least one member are present.

Article 14.

The Czechoslovak and Austrian Governments undertake 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 15.

During the labours of the Permanent Conciliation Commission each commissioner shall receive a salary, the amount of which shall be fixed by agreement between the Czechoslovak and Austrian Governments.

Each Government shall bear its own expenses and an equal share of the common expenses of the Commission.

Article 16.

In the event of no amicable agreement being reached before the Permanent Conciliation Commission the dispute shall be submitted by means of a special agreement to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its Statute.

If the Parties cannot agree on the terms of the special agreement after a month's notice, one or other of them may bring the dispute before the Permanent Court of International Justice by means of an application.

The provisions of the present Article do not affect the right of the Parties to submit the dispute by means of a special agreement to an arbitral tribunal under the conditions and according to the procedure laid down by The Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

PART II.

Article 17.

All questions on which the Czechoslovak and Austrian Governments shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy, the settlement of which cannot be attained by means of a judicial decision as provided in Article 1 of the present Treaty, and for the settlement of which no procedure has been laid down by a Treaty in force between the Parties, shall be submitted to the Permanent Conciliation Commission, whose duty it shall be to propose to the Parties an acceptable solution and in any case to present a report.

The procedure laid down in Articles 6-15 of the present Treaty shall be applicable.

Article 18.

If the two Parties have not reached an agreement within a month from the termination of the labours of the Permanent Conciliation Commission, they shall endeavour to agree to bring the question before the Permanent Court of International Justice with a view to a decision under Article 38, paragraph 2, of the Statute of the Court.

GENERAL PROVISIONS.

Article 19.

The Czechoslovak and Austrian Governments respectively agree to abstain, during the course of proceedings undertaken in virtue of the provisions of the present Treaty, from all measures likely to have a repercussion prejudicial to the execution of the award of the Permanent Court of International Justice or the arrangements proposed by the Permanent Conciliation Commission, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

In any case, and particularly if the question on which the Parties differ arises out of acts committed, or on the point of commission, the Permanent Court of International Justice, acting in conformity with Article 41 of its Statute shall lay down within the shortest possible time the provisional methods to be adopted. The High Contracting Parties undertake to accept such provisional measures.

Article 20.

All disputes relating to the interpretation of the present Treaty shall be submitted to the Permanent Court of International Justice.

Article 21.

The present Treaty shall be ratified and the exchange of ratifications shall take place at Prague as soon as possible.

The Treaty is concluded for a period of ten years from the date of the exchange of ratifications. Unless denounced at least one year before the expiration of this period, it shall remain in force for a further period of ten years and similarly thereafter.

In faith whereof the Plenipotentiaries have signed the present Treaty.

Done at Vienna on March 5, 1926.

(Signed) Dr. Edvard BENEŠ.

(Signed) Dr. RÁMEK.

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