

ARTICLE 3.

The nationals of all the High Contracting Parties shall have equal liberty of access and entry for any reason or object whatever to the waters, fjords and ports of the territories specified in Article 1; subject to the observance of local laws and regulations, they may carry on there without impediment all maritime, industrial, mining and commercial operations on a footing of absolute equality.

They shall be admitted under the same conditions of equality to the exercise and practice of all maritime, industrial, mining or commercial enterprises both on land and in the territorial waters, and no monopoly shall be established on any account or for any enterprise whatever.

Notwithstanding any rules relating to coasting trade which may be in force in Norway, ships of the High Contracting Parties going to or coming from the territories specified in Article 1 shall have the right to put into Norwegian ports on their outward or homeward voyage for the purpose of taking on board or disembarking passengers or cargo going to or

coming from the said territories, or for any other purpose.

It is agreed that in every respect and especially with regard to exports, imports and transit traffic, the nationals of all the High Contracting Parties, their ships and goods shall not be subject to any charges or restrictions whatever which are not borne by the nationals, ships or goods which enjoy in Norway the treatment of the most favoured nation; Norwegian nationals, ships or goods being for this purpose assimilated to those of the other High Contracting Parties, and not treated more favourably in any respect.

No charge or restriction shall be imposed on the exportation of any goods to the territories of any of the Contracting Powers other or more onerous than on the exportation of similar goods to the territory of any other Contracting Power (including Norway) or to any other destination.

ARTICLE 4.

All public wireless telegraphy stations established or to be established by, or with the authorisation of, the Norwegian Government within the territories

may be conducted in the said territories.

ARTICLE 6.

Subject to the provisions of the present Article, acquired rights of nationals of the High Contracting Parties shall be recognised.

Claims arising from taking possession or from occupation of land before the signature of the present Treaty shall be dealt with in accordance with the Annex hereto, which will have the same force and effect as the present Treaty.

ARTICLE 7.

With regard to methods of acquisition, enjoyment and exercise of the right of ownership of property, including mineral rights, in the territories specified in Article 1, Norway undertakes to grant to all nationals of the High Contracting Parties treatment based on complete equality and in conformity with the stipulations of the present Treaty.

Expropriation may be resorted to only on grounds of public utility and on payment of proper compensation.

Subject to international obligations arising out of a state of war, owners of landed property shall always be at liberty to establish and use for their own purposes wireless telegraphy installations, which shall be free to communicate on private business with fixed or moving wireless stations, including those on board ships and aircraft.

ARTICLE 5.

The High Contracting Parties recognise the utility of establishing an international meteorological station in the territories specified in Article 1, the organisation of which shall form the subject of a subsequent Convention.

Conventions shall also be concluded laying down the conditions under which scientific investigations

ARTICLE 8.

Norway undertakes to provide for the territories specified in Article 1 mining regulations which, especially from the point of view of imposts, taxes or charges of any kind, and of general or particular labour conditions, shall exclude all privileges, monopolies or favours for the benefit of the State or of the nationals of any one of the High Contracting Parties, including Norway, and shall guarantee to the paid staff of all categories the remuneration and protection necessary for their physical, moral and intellectual welfare.

Taxes, dues and duties levied shall be devoted exclusively to the said territories and shall not exceed what is required for the object in view.

So far, particularly, as the exportation of minerals is concerned, the Norwegian Government shall have the right to levy an export duty which shall not exceed 1% of the maximum value of the minerals exported up to 100,000 tons, and beyond that quantity the duty will be proportionately diminished. The value shall be fixed at the end of the navigation season by calculating the average free on board price

obtained.

Three months before the date fixed for their coming into force, the draft mining regulations shall be communicated by the Norwegian Government to the other Contracting Powers. If during this period one or more of the said Powers propose to modify these regulations before they are applied, such proposals shall be communicated by the Norwegian Government to the other Contracting Powers in order that they may be submitted to examination and the decision of a Commission composed of one representative of each of the said Powers. This Commission shall meet at the invitation of the Norwegian Government and shall come to a decision within a period of three months from the date of its first meeting. Its decisions shall be taken by a majority.

ARTICLE 9.

Subject to the rights and duties resulting from the admission of Norway to the League of Nations, Norway undertakes not to create nor to allow the establishment of any naval base in the territories specified in Article 1 and not to construct any fortifi-

(条一四・政六)

cation in the said territories, which may never be used for warlike purposes.

ARTICLE 10.

Until the recognition by the High Contracting Parties of a Russian Government shall permit Russia to adhere to the present Treaty, Russian nationals and companies shall enjoy the same rights as nationals of the High Contracting Parties.

Claims in the territories specified in Article 1 which they may have to put forward shall be presented under the conditions laid down in the present Treaty (Article 6 and Annex) through the intermediary of the Danish Government, who declare their willingness to lend their good offices for this purpose.

THE PRESENT TREATY, of which the French and

THE PRESENT TREATY, of which the French and English texts are both authentic, shall be ratified.

Ratifications shall be deposited at Paris as soon as possible.

Powers of which the seat of the Government is outside Europe may confine their action to informing the Government of the French Republic, through their diplomatic representative at Paris, that their

ratification has been given, and in this case, they shall transmit the instrument as soon as possible.

The present Treaty will come into force, in s

far as the stipulations of Article 8 are concerned, from the date of its ratification by all the signatory Powers; and in all other respects on the same date as the mining regulations provided for in that Article.

Third Powers will be invited by the Government

of the French Republic to adhere to the present Treaty duly ratified. This adhesion shall be effected by a communication addressed to the French Government, which will undertake to notify the other Contracting Parties.

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

ties have signed the present Treaty.

Done at Paris, the ninth day of February, 1920,
in duplicate, one copy to be transmitted to the Government of His Majesty the King of Norway, and one deposited in the archives of the French Republic; authenticated copies will be transmitted to the other Signatory Powers.

(Here follow signatures).

附 屬 書

ANNEXE

I

§ 1.

請求の一般的審理手続に關する請求の處理法
本條約署名前既ニ諸國政府ニ提出セラントル一切
ノ土地ノ請求ハ請求者ノ本國政府ヨリ該請求ノ審理
ヲ擔當スル委員ニ對シ本條約實施ノ日より三月ノ期
間内ニ之ヲ通告スベシ右委員ハ必要ナル資格ヲ有ス
ル丁抹國民タル裁判官又ハ法律家ニシテ丁抹國政府
ノ選任ニ係ルセノタルクシ

1° Dans un délai de trois mois à dater de la mise en vigueur du présent Traité, toutes les revendications territoriales qui auraient déjà été formulées auprès des Gouvernements des diverses Puissances antérieurement à la signature du présent Traité devront être notifiées par le Gouvernement du réclamant à un Commissaire chargé d'examiner ces revendications. Ce Commissaire sera un juge ou un jurisconsulte de nationalité danoise possédant les qualités nécessaires et désigné par le Gouvernement danois.

地図の添付
請求審理費用
III 該通告ノ請求地域ノ限界ヲ明確ニスくク田體求地
域ヲ明示スル百萬分一ヲトウサル梯尺ノ地圖ヲナリ
添附スルコトヲ要ス

2° Cette notification devra comprendre une délimitation exacte de l'étendue du terrain revendiqué, et être accompagnée d'une carte, qui sera établie à l'échelle d'au moins 1/1,000,000, et sur laquelle sera indiqué clairement le terrain revendiqué.

III 該通告ノ同體ニ請求審理費用支辨ノ爲請求地域「ハーカー」(百十「トーハル」)ニ付「一」ノ金額ヲ供託スルコトヲ要ス

3° I.a notification devra être accompagné du dépôt de la somme d'un penny (1 d.) par acre (40 ares) de terrain revendiqué, pour couvrir les frais occasionnés par l'examen des revendications.

文書等の提出 請求の審理及び調査	<p>四 委員ハ其ノ必要ト認ムル他ノ一切ノ文書、證書又ハ情報ノ提出ヲ請求者ニ求ムルコトヲ得シ</p> <p>五 委員ハ右通告アリタル請求ヲ審理スく之カ爲其ノ必要ト認ムル専門家ノ助力ヲ受ケ且必要ニ應シ實地調査ヲ行フコトヲ得シ</p> <p>六 委員ハ報酬ヘ丁抹國政府及他ノ關係國政府協議シテ之ヲ定ムシ委員ハ其ノ使用ヲ必要ト認ムル補助員ノ報酬ヲ由ラ定ムシ</p>
報告書の作成及 送付	<p>七 請求ノ審理後委員ハ直ニ承認スくキヤヘト認ムル請求ト異議其ノ他ノ事由ノ爲後ニ掲タル仲裁裁判ニ付スくキヤヘト認ムル請求トヲ精細ニ記載シタル報告書ヲ作成スく右報告書ノ謄本ハ該委員之ヲ關係國政府ニ送付スシ</p> <p>八 第三號ニ基ク供託金ヘ額カ請求審理費用ヲ支拂スルニ足ラサル場合ニ於テ委員カ當該請求ヲ理由アリト認ムルトキハ右委員ハ請求者ノ拂込ムキ追加金供託金不足の場合の追加金額の指定期間内に</p> <p>4° La Commissaire pourra requérir des réclamants la production de tous autres documents, actes ou informations qu'il jugerait nécessaires.</p> <p>5° Le Commissaire examinera les revendications ainsi notifiées. A cette fin, il pourra recourir à telle assistance technique qu'il jugerait nécessaire et, le cas échéant, faire procéder à une enquête sur place.</p> <p>6° La rémunération du Commissaire sera fixée d'un commun accord par le Gouvernement danois et les autres Gouvernements intéressés. Le Commissaire fixera lui-même la rémunération des adjoints qu'il jugera nécessaire d'employer.</p> <p>7° Après examen des réclamations, le Commissaire préparera un rapport indiquant avec précision les réclamations qui, d'après lui, doivent être immédiatement reconnues fondées et celles qui, par suite de contestation ou pour toute autre cause, devraient, à son avis, être soumises à l'arbitrage comme il est dit ci-après. Des copies de ce rapport seront transmises par le Commissaire aux Gouvernements intéressés.</p> <p>8° Si le chiffre des sommes déposées en vertu de l'alinéa 3° ne suffit pas à couvrir les frais occasionnés par l'examen des revendications, le Commissaire, si la reven-</p>

「ベヌラッペルゲ」ニ關スル條約
附屬書

中々三

額ヲ直ニ指定スベシ右金額ハ請求者ノ權原カ正當ト
認メラレタル土地ノ面積ニ應シテ決定セラル

超過の場所
合の處置

排他的所
有權を確
保する權
原た權
証書

第三號ニ基ク供託金ノ額カ前記費用ノ額ヲ超過スル
トキハ右差額ハ後ニ掲タル仲裁裁判ノ費用ニ之ヲ充
ツヘシ

九 諸威國政府ハ委員カ正當ト認ムル請求ヲ爲シタル
請求者ニ對シ當該土地ニ對スル排他的所有權ヲ之ニ
確保スベキ有效ナル權原證書ヲ付與スル爲本節第七
號ニ掲タル報告書ノ日附ヨリ三月ノ期間内ニ必要ナ
ル措置ヲ執ルヘン尤モ本條約第一條所掲ノ地域内ニ
於テ既ニ實施セラレ又ハ將來實施セラルベキ法令及
規則ニ從フベク且同條約第八條所掲ノ鑛業法規ヲ留
保ス

追加金額
の払込場
所要する
原合の仮
權書

尤モ本節第八號ニ基キ追加金額ノ拂込ヲ必要スル
場合ハ假權原證書ノ付與ニ止ムベク該證書ハ當該請
求者カ諸威國政府ノ定ムル相當ノ期間内ニ右拂込ヲ
了シタル時ヨリ確定的ト爲ルモノトス

特別の場

第一節所掲ノ委員カ論據ノ如何ヲ問ベ理由アリト認

dication lui paraît fondée, indiquera immédiatement le supplément à verser par le réclamant. Le montant de cette somme sera fixé d'après l'étendue du terrain sur lequel les titres du réclamant auront été reconnus justifiés.

Si le montant des sommes déposées en vertu de l'alinéa 3° venait à dépasser celui desdits frais, le solde en serait

affecté au payement des frais de l'arbitrage prévu ci-après.

9° Dans un délai de trois mois à dater du rapport prévu à l'alinéa 7° du présent paragraphe, le Gouvernement norvégien prendra les mesures nécessaires pour conférer au réclamant dont le Commissaire aura reconnu la réclama-

mation justifiée, un titre valable lui assurant la propriété exclusive sur le terrain en question, d'accord avec les lois et les règlements qui sont ou seront en vigueur dans les régions visées à l'article 1^{er} du présent Traité et sous réserve des règlements miniers visés à l'article 8 dudit Traité.

Toutefois, dans le cas où un versement complémentaire serait nécessaire en vertu de l'alinéa 8° ci dessus, il ne sera délivré qu'un titre provisoire qui deviendra définitif dès que le réclamant aura effectué ledit versement dans tel délai convenable, que pourra fixer le Gouvernement norvégien.

§ 2.

Les réclamations que, pour une raison quelconque, le (參照・註)

メサリン請求ハ次ノ規定ニ從ヒテ處理セラル

裁判手続

仲裁裁判官の選任

一 承認セラルサリン請求ヲ爲シタル請求者ノ本國政府ハ前節第七號ニ掲タル報告書ノ田附ヨリ三月ノ期間内ニ各一名ノ仲裁裁判官ヲ選任ス

裁判長及び書記の選任

委員ハ斯ク構成セラル裁判所ノ裁判長タルク可否同數ノ場合ニハ決定表決權ヲ有ス
ハ本節第一號ニ掲タル書類ノ受理ト裁判所ハ開廷ニ必要ナル手續ノ執行ヲ擔當ス
キ書記一名ヲ選任ス

請求に關する明細な覺書の提出

1° 第一號ニ掲タル書記ノ任命ノ日ヨリ一月ノ期間内ニ請求者ハ其ノ請求ヲ明細ニ記載シタル覺書ヲ各自ノ本國政府ヲ經由シテ右ノ書記ニ送付ス
キ覺書ニハ請求者カ援用セムト欲スルコトアルベキ文書及論證ヲ添附ス

Commissaire, prévu au paragraphe 1^{er}, n'aura pas reconnues fondées, seront réglées d'après les dispositions suivantes:

1° Dans un délai de trois mois à dater du rapport prévu à l'alinéa 7^o du paragraphe précédent, chacun des Gouvernements auxquels ressortissent les réclamants dont les réclamations n'ont pas été admises, désignera un arbitre.

Le Commissaire présidera le tribunal ainsi constitué.

Il aura voix prépondérante en cas de partage. Il désignera un secrétaire chargé de recevoir les documents visés à l'alinéa 2^o du présent paragraphe et de prendre les mesures nécessaires pour la réunion du tribunal.

2° Dans le délai d'un mois à dater de la nomination du secrétaire prévu à l'alinéa 1^o, les réclamants feront parvenir à ce dernier, par l'intermédiaire de leurs Gouvernements respectifs, un mémoire indiquant avec précision leurs revendications, accompagné de tous documents et argumentations qu'ils pourraient désirer faire valoir à l'appui.

3° Dans le délai de deux mois à dater de la nomination du secrétaire prévu à l'alinéa 1^o, le Tribunal se réunira à Copenhague à l'effet d'examiner les revendications qui lui auront été soumises.

4° La langue employée par le Tribunal sera l'anglais.

裁判所の開廷時期

III 裁判所ハ其ノ付託セラル請求ヲ審理スル爲第一號ニ掲タル書記ノ任命ノ日ヨリ二月ノ期間内ニ「ローベルーゲン」ニ開廷ス

裁判所

「ヌムラタケルケ」ニ關ベル條約 附屬書

「ベニッシュベルゲン」ニ關スル條約 附屬書

用語

請求者の
意見陳述
権

裁判費用
の支弁

裁判官、
書記等の
月俸の決
定

裁判所の

ハ關係當事者ニリ由國語ヲ以テ裁判所ニ之ヲ提出スルコトヲ得くシ但シ常ニ英吉利語ノ譯文ヲ添附スルコトヲ要ス

五 請求者ハ希望ヲ表示スルニ於テハ自身又ハ辯護人ヨリ裁判所ニ意見ヲ陳述スルノ権利ヲ有スベク裁判所ハ其ノ必要ト認ムル補充的ノ説明書、文書又ハ論證ノ提出ヲ請求者ニ求ムルコトヲ得くシ

裁判費用
の支弁

六 事件ノ辯論開始前ニ於テ裁判所ハ裁判費用中各當事者ノ分擔額ノ支辨ニ必要ト認ムル金額ノ供託又ハ擔保ヲ當事者ニ求ムルコトヲ要ス裁判所ハ右金額ヲ決定スルニ當リテハ主トシテ請求地域ノ面積ヲ基礎トスヘシ尙裁判所ハ特別ノ費用ヲ要スル事件ニ付テハ供託金ノ追加ヲ當事者ニ求ムルコトヲ得ベシ

七 裁判官ノ報酬額ハ月俸トシ關係國政府之ヲ決定スベク書記及裁判所ノ使用スル其ノ他ノ人員ノ給料ハ裁判長之ヲ決定スベシ

八 本附屬書ノ規定ニ從フノ外裁判所ハ自ラ其ノ手

四三九

Tous documents ou arguments pourront lui être présentés par les parties intéressées dans leur propre langue, mais devront être accompagnés en tout cas d'une traduction en anglais.

5° Les réclamants auront le droit, s'ils en expriment le désir, d'être entendus par le Tribunal, soit personnellement, soit par des conseils, et le Tribunal aura le droit de demander aux réclamants toutes explications et tous documents ou argumentation complémentaires qu'il jugerait nécessaires.

6° Avant d'entendre la cause, le Tribunal devra requérir des parties un dépôt ou une garantie de toute somme qu'il pourra juger nécessaire pour payer la part de chaque réclamant dans les dépenses du Tribunal. Pour en fixer le montant, le Tribunal se basera principalement sur l'étendue du terrain revendiqué. Il pourra aussi demander aux Parties un complément de dépôt dans les affaires impliquant des dépenses spéciales.

7° Le chiffre des honoraires des arbitres sera déterminé par mois, et fixé par les Gouvernements intéressés. Le président fixera les appointements du secrétaire et de toutes autres personnes employées par le Tribunal.

(※1回・裁長)

手続制定
権

請求の審
理に当り
考慮すべき事項

續ヲ定ムル充分ナル權能ヲ有ベくシ

裁判所へ請求ノ審理ニ當リ左ノ點ニ付考慮スル

コトヲ要ス

(1) 適用シ得キ國際法ノ法規

(2) 正義及衡平ノ一般原則

(3) 左ノ事情

(4) 請求ノ土地カ請求者又ヘ其ノ前主ニ依リ最初ニ占有セハタル日

(5) 請求カ請求者ノ本國政府ニ通告ヤハタル日

II

(6) 請求者又ヘ其ノ前主カ右請求ノ土地ヲ既發經營セル程度右ニ關シ裁判所ヘ千九百十四年乃至千九百十九年ノ戰爭狀態ニ基キ請求者カ其ノ事業ノ遂行ヲ妨ケタルルニ至リタル事情又ヘ制限ヲ參酌スルコトヲ要ス

le Tribunal aura plein pouvoir pour régler sa propre procédure.

9° Dans l'examen des revendications le Tribunal devra prendre en considération:

- a) Toutes règles applicables du droit des gens;
- b) les principes généraux de justice et d'équité;
- c) les circonstances suivantes:

1) la date à laquelle le terrain revendiqué a été occupé pour la première fois par le réclamant ou ses auteurs;

2) la date à laquelle la revendication a été notifiée au Gouvernement du réclamant;

3) la mesure, dans laquelle le réclamant ou ses auteurs ont développé et exploité le terrain revendiqué par le réclamant. A cet égard, le Tribunal devra tenir compte des circonstances ou des entraves qui, par suite de l'existence de l'état de guerre de 1914 à 1919, ont pu empêcher les réclamants de poursuivre leur réclamation.

10° Toutes les dépenses du Tribunal seront partagées entre les réclamants dans la proportion fixée par le Tribunal. Dans le cas où le montant des sommes déposées selon les stipulations de l'alinéa 6° viendrait à dépasser

剩余额の
処置

十 裁判ノ一切ノ費用ハ裁判所ノ定ムル割合ハ從ヒ請求者間ニ分擔セシメラルヘシ第六號ノ規定ニ依ル供託金ノ額カ裁判費用ノ額ヲ超過スルトキヘ其ノ差額ハ請求ノ承認ヲ受ケタル當事者ニ對シ裁判

「ケンタッカルゲン」ニ關スル條約 附屬書

所ノ衡平ト認ムル割合ニ從ヒ還付セハルク

判定の通

權原証書
の付与

十一 裁判所ヘ其ノ判定ヲ關係國政府ニ及一切ヘ據合ニ於テ諾威國政府ニ通知スくシ

諾威國政府ヘ裁判所ニ依リ請求ノ承認ヲ受ケタル請求者ニ對シ判定受領後三月ノ期間内ニ有效ナル權原證書ヲ付與スル爲必要ナル措置ヲ執ルヘシ尤モ本條約第一條所掲ノ地域内ニ於テ既ニ實施セラレ又ハ將來實施セラルヘキ法令及規則ニ從フベク且同條約第八條所掲ノ鑛業法規ヲ留保ス該權原證書ヘ又請求者カ裁判費用中自己ノ負擔部分ヲ諾威國政府ノ定ムル相當ノ期間内ニ拂込ハタル後ニ非サレハ確定的ト爲ルコトナカルク

celui des frais du Tribunal, le solde en sera remboursé aux personnes dont les réclamations ont été admises, et cela dans la proportion jugée équitable par le Tribunal.

11° Les décisions du Tribunal seront communiquées par ce dernier aux Gouvernements intéressés, et dans tous les cas au Gouvernement norvégien.

Le Gouvernement norvégien, dans un délai de trois mois après qu'il aura reçu une décision, prendra les mesures nécessaires pour conférer aux réclamants, dont les revendications auront été admises par le Tribunal, des titres valables conformément aux lois et règlements, qui sont ou seront en vigueur dans les régions visées à l'article 1^{er} du présent Traité, et sous réserve des règlements ministériels, dont il est parlé à l'article 8 dudit Traité. Toutefois, les titres ne deviendront définitifs que lorsque le demandeur aura versé sa quote-part des frais du Tribunal, dans tel délai convenable que pourra fixer le Gouvernement norvégien.

III

§ 3.

第一節第一條ニ從ヒ委員ニ通告セラレサリシ請求又ハ委員ノ承認ヲ得ヌ第二節ニ從ヒ裁判所ニ付託セラレサリシ請求ヘ終局的ニ消滅シタルヤホト看做ナルク

Toute réclamation qui n'aura pas été notifiée au Commissaire conformément à l'alinéa 1^{er} du paragraphe 1^{er}, ou qui, n'ayant pas été admis par lui, n'aura pas été soumise au Tribunal conformément au paragraphe 2, sera considérée comme définitivement éteinte.

前兩節に從
規定期定な
い請求

ANNEX.

1.

(1) Within three months from the coming into force of the present Treaty, notification of all claims to land which had been made to any Government before the signature of the present Treaty must be sent by the Government of the claimant to a Commissioner charged to examine such claims. The Commissioner will be a judge or jurisconsult of Danish nationality possessing the necessary qualifications for the task, and shall be nominated by the Danish Government.

(2) The notification must include a precise delineation of the land claimed and be accompanied by a map on a scale of not less than 1/1,000,000 on which the land claimed is clearly marked.

(3) The notification must be accompanied by the deposit of a sum of one penny for each acre (40 ares) of land claimed, to defray the expenses of the examination of the claims.

(4) The Commissioner will be entitled to require from the claimants any further documents or information which he may consider necessary.

(5) The Commissioner will examine the claims so notified. For this purpose he will be entitled to avail himself of such expert assistance as he may consider necessary, and in case of need to cause investigations to be carried out on the spot.

(6) The remuneration of the Commissioner will be fixed by agreement between the Danish Government and the other Governments concerned. The Commissioner will fix the remuneration of such assistants as he considers it necessary to employ.

(7) The Commissioner, after examining the claims, will prepare a report showing precisely the claims which he is of opinion should be recognised at once and those which, either because they are disputed or for any other reason, he is of opinion should be submitted to arbitration as hereinafter provided. Copies of this report will be forwarded by the Commissioner to the Governments concerned.

(8) If the amount of the sums deposited in accordance with clause (3) is insufficient to cover the expenses of the examination of the claims, the Commissioner will, in every case where he is of opinion that a claim should be recognised, at once state what further sum the claimant should be required

to pay. This sum will be based on the amount of the land to which the claimant's title is recognised.

If the sums deposited in accordance with clause (3) exceed the expenses of the examination, the balance will be devoted to the cost of the arbitration hereinafter provided for.

(9) Within three months from the date of the report referred to in clause (7) of this paragraph, the Norwegian Government shall take the necessary steps to confer upon claimants whose claims have been recognised by the Commissioner a valid title securing to them the exclusive property in the land in question, in accordance with the laws and regulations in force or to be enforced in the territories specified in Article 1 of the present Treaty, and subject to the mining regulations referred to in Article 8 of the present Treaty.

In the event, however, of a further payment being required in accordance with clause (8) of this paragraph, a provisional title only will be delivered, which title will become definitive on payment by the claimant, within such reasonable period as the Norwegian Government may fix, of the further sum required of him.

Claims which for any reason the Commissioner referred to in clause (1) of the preceding paragraph has not recognised as valid will be settled in accordance with the following provisions:

(1) Within three months from the date of the report referred to in clause (7) of the preceding paragraph, each of the Governments whose nationals have been found to possess claims which have not been recognised will appoint an arbitrator.

The Commissioner will be the President of the Tribunal so constituted. In cases of equal division of opinion, he shall have the deciding vote. He will nominate a Secretary to receive the documents referred to in clause (2) of this paragraph and to make the necessary arrangements for the meeting of the Tribunal.

(2) Within one month from the appointment of the Secretary referred to in clause (1) the claimants concerned will send to him through the intermediary of their respective Governments statements indicating precisely their claims and accompanied by such documents and arguments as they may wish to submit in support thereof.

(3) Within two months from the appointment of the Secretary referred to in clause (1) the Tribunal

shall meet at Copenhagen for the purpose of dealing with the claims which have been submitted to it.

(4) The language of the Tribunal shall be English. Documents or arguments may be submitted to it by the interested parties in their own language, but in that case must be accompanied by an English translation.

(5) The claimants shall be entitled, if they so desire, to be heard by the Tribunal either in person or by counsel, and the Tribunal shall be entitled to call upon the claimants to present such additional explanations, documents or arguments as it may think necessary.

(6) Before the hearing of any case the Tribunal shall require from the parties a deposit or security for such sum as it may think necessary to cover the share of each party in the expenses of the Tribunal. In fixing the amount of such sum the Tribunal shall base itself principally on the extent of the land claimed. The Tribunal shall also have power to demand a further deposit from the parties in cases where special expense is involved.

(7) The honorarium of the arbitrators shall be calculated per month, and fixed by the Governments concerned. The salary of the Secretary and any other

persons employed by the Tribunal shall be fixed by the President.

(8) Subject to the provisions of this Annex the Tribunal shall have full power to regulate its own procedure.

(9) In dealing with the claims the Tribunal shall take into consideration:

- (a) any applicable rules of International Law;
- (b) the general principles of justice and equity;
- (c) the following circumstances:

(i) the date on which the land claimed was first occupied by the claimant or his predecessors in title;

(ii) the date on which the claim was notified to the Government of the claimant;

(iii) the extent to which the claimant or his predecessors in title have developed and exploited the land claimed. In this connection the Tribunal shall take into account the extent to which the claimants may have been prevented from developing their undertakings by conditions or restrictions resulting from the war of 1914-1919.

(10) All the expences of the Tribunal shall be divided among the claimants in such proportion as the

Tribunal shall decide. If the amount of the sums paid in accordance with clause (6) is larger than the expenses of the Tribunal, the balance shall be returned to the parties whose claims have been recognised in such proportion as the Tribunal shall think fit.

(11) The decisions of the Tribunal shall be communicated by it to the Governments concerned, including in every case the Norwegian Government.

The Norwegian Government shall within three months from the receipt of each decision take the necessary steps to confer upon the claimants whose claims have been recognised by the Tribunal a valid title to the land in question, in accordance with the laws and regulations in force or to be enforced in the

territories specified in Article 1, and subject to the mining regulations referred to in Article 8 of the present Treaty. Nevertheless, the titles so conferred will only become definitive on the payment by the claimant concerned, within such reasonable period as the Norwegian Government may fix, or his share of the expenses of the Tribunal.

3.

Any claims which are not notified to the Commissioner in accordance with clause (1) of paragraph 1, or which not having been recognised by him are not submitted to the Tribunal in accordance with paragraph 2, will be finally extinguished.

(仮訳)

「スピツベルゲン」鉱業法規

MINING ORDINANCE FOR SPITSBERG

(SVALBARD).

第一章 総則

CHAPTER I.

Introductory provisions.

1.

適用地域
 本の鉱業法規は、熊島並びに東経十度から三十五度まで及び北緯七十四度から八十一度までの間にあるすべての島、特に西スピツベルゲン島、北東島、ベーレンツ島、ヒッカ島、ウイック諸島(コング・カールス・ランデ)、希望島(ホーペン)及びプリンス・チャーチルズみやわ並びにこれらに属する大小のすべての島及び岩礁を含むスピツベルゲン(スヴァルバード)群島全体に適用される。

11

1 石炭、鉱油その他の鉱物及び鉱業又は採石業の対象である岩石の鉱床を探鉱し、獲得し、及び開発する権利は、本の鉱業法規の規定に従うるを条件とし、かつ、課税その他の点に関しては平等条件で、

The present Mining Ordinance shall apply to the entire Archipelago of Spitsbergen (Svalbard), comprising, with Bear Island, all the islands situated between 10° and 35° longitude East of Greenwich and between 74° and 81° latitude North, especially West Spitsbergen, North-East Land, Barents Island, Edge Island, Wiche Islands (Kong Karls Land), Hope Island (Hopen) and prince Charles Foreland, together with all islands great or small and rocks appertaining thereto.

2.

1. The right of searching for and acquiring and exploiting natural deposits of coal, mineral oils and other minerals and rocks which are the object of mining or quarrying, subject to the observance of the provisions of this Mining

ホールウエーの外次に掲げねぬのと區別。

Ordinance and on equal terms with regard to Taxation and
in other respects belongs, in addition to the Norwegian
State, to:

- a スピッツベルゲン条約を批准したか又はハルヌリ
加入した國のすべての國民
- b 前記の國のいやれかにおいて、住所を有し、か
い、合法的に設立せている余社

余社は、その取締役会がその本部を有する國、
その住所を有するもののみなれる。

- 2 ある人又は余社がここに定める条件を満たして、
るところとは、鉱山長官の要求により、その者又
は余社の母國の權限のある衙門の正式宣誓書によつ
て證明されなければならぬ。ホールウエー以外の
衙門の場合には、その衙門の資格は、該國における
ホールウエーの公使館若しくは領事館により、又
はホールウエーにある該國の公使館若しくは領事
館によつて證明されなければならない。
- 3 ある鉱物又は岩石が第一項に掲げる性質のものや
あるかどうかに關する紛争は、鉱山長官の報知に基
いて政府の關係省が最終的に解決する。

- 2. That a person or a company fulfil the conditions
here stipulated, must at the demand of the Commissioner
of Mines be verified through a proper affidavit of a
competent authority in their home country, and the compe-
tency of such authority if it is not a Norwegian authority,
must be certified by a Norwegian Legation or Consulate
in the country concerned, or by the Legation or Consulate
in Norway of such country.
- 3. Any dispute as to whether a mineral or rock is of
such nature as mentioned, sub Section 1, shall be finally
settled by the Government Department concerned on report
of the Commissioner of Mines.

1 ノールウヨー又はスピツツベルゲン(スヴァルバ
ーク)に住所又は恒久的居所を有しない人及び取締
役会がその本部をノールウヨー又はスピツツベルゲ
ン(スバルベード)に有しない会社は、第一節に
掲げる権利を獲得し及び行使するためには、ノール
ウヨー又はスピツツベルゲン(スバルベード)に
恒常に居住する代理人でその姓名、地位及び住所
を鉱山長官に報告し、かつ、スピツツベルゲン(ス
バルベード)における採鉱、鉱区又は探掘作業に
関するおいかる事件について、法廷において及び関
係当局に対し自己を代表する権限を与えたものな
く有しなければならぬ。

2 ノの要件を満たさない場合には、鉱山長官の事務
所の所在地の下級裁判所の判事は、利害関係者の要
求により、代理人を指名することがである。ノの代
理人は、当事者が他の代理人を任命したことを届け
出るまで、第一項に掲げる権能を有する。

1. Persons who have no domicile, nor any permanent place of residence in Norway or in Spitsbergen (Svalbard), and Companies, the Boards of which have not: their seat in Norway or in Spitsbergen (Svalbard), in order to be able to acquire and exercise the rights mentioned in Paragraph 2, must have an attorney permanently resident in Norway or in Spitsbergen (Svalbard), whose name, position and place of residence have been reported to the Commissioner of Mines, and who is empowered to represent them in Court and towards the authorities in all cases concerning searchings, claims or mining operations in Spitsbergen (Svalbard).

2. Upon a failure to comply with this requirement, the Judge of the Inferior Court, at the place where the Commissioner of Mines has his office, at the request of any one interested, may name an attorney. Such attorney shall have the same authority as mentioned sub Section 1, until the party concerned reports the appointment of another attorney.

4.

1 ノの鉱業法規に従つて一定の期間内にノールウヨ
ークに對して行わなければならぬ申請は、その

「スルラシタルゲン」鉱業法規