THE FRANCO-ITALIAN CONCILIATION COMMISSION
CONSTITUTED UNDER ARTICLE 83 OF THE TREATY OF PEACE WITH ITALY OF FEBRUARY 10th, 1947
A STUDY IN INTERNATIONAL PROCEDURE
By Dr MAARTEN BOS
Member of the Hague Bar (Netherlands)

INTRODUCTION

Article 83, paragraph 1, of the Treaty of Peace, concluded at Paris on February 10th, 1947, between the Allied and Associated Powers and Italy, provided for the submission to »conciliation« of any disputes which may arise in giving effect to Articles 75 and 78 and Annexes XIV, XV, XVI and XVII, part B, of the Treaty.

Pursuant to the same paragraph of Article 83, each of the Allied and Associated Powers will have its own Conciliation Commission with Italy, each Commission consisting of one representative of the Allied or Associated Government concerned and one representative of the Italian Government. If these two representatives are unable to agree on a solution of the dispute within three months after its submission, either Government may ask for the addition to the Commission of a third member selected in the manner indicated in paragraph 1 of Article 83.

Paragraph 3 of this Article requires the Conciliation Commissions to draw up their own Rules of Procedure.

According to Article 83, paragraph 6, the decisions of the majority of the Commissions are binding upon the parties.

In this study, it is proposed to deal with the Franco-Italian Conciliation Commission constituted in 1948 under Article 83 of the aforesaid Peace Treaty of Paris and to give an analysis of its procedural law.

The representative of the French Government on this Commission is Monsieur Guy Périer de Féral, »Préfet de première classe«, and of the Italian Government Signor Antonio Sorrentino, Honorary President of a Section in the Italian State Council. As a third member Dr. Plinio Bolla, a former President of the Swiss Federal
Court, has been elected, with Dr Hans Huber, a former Judge of the same Court, Law Professor in the University of Berne, as a substitute ¹)

This study will cover the Commission's Rules of Procedure, drawn up on June 4th, 1948, and its decisions nos 1 to 100 given between September 22nd, 1948, and July 20th, 1951. The Commission's Rules and its decisions nos 1 to 80 have been published ²)

I am very much indebted to the Franco-Italian Commission for having been authorized by it to examine subsequent, unpublished decisions and to make known the results of my studies in this article.

As will be shown, some useful comparisons can be made with the decisions of the Mixed Arbitral Tribunals set up under the Peace Treaties concluded after the first World War.

The scheme of this article is as follows:

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SECTION I: THE COMMISSION

1. Character — According to Article 83 of the Peace Treaty, the Commission is a Conciliation Commission Conciliation, in the definition of Oppenheim-Lauterpacht, is »the process of settling a dispute by referring it to a commission of persons whose task it is