Agreement
between
the United Kingdom and France,
Referring to Arbitration the Case of
VINAYAK DAMODAR SAVARKAR.
Signed at London, October 25, 1910

THE GOVERNMENT OF HIS BRITANNIC MAJESTY AND THE GOVERNMENT OF THE
FRENCH REPUBLIC having agreed, by an exchange of notes dated the 4th and 5th October,
1910, to submit to arbitration, on the one hand, the questions of fact and law raised by the
arrest and restoration to the mail steamer “Morea”, at Marseilles, on the 8th July, 1910, of
the Indian, VINAYAK DAMODAR SAVARKAR, who had escaped from that vessel, on board
of which he was in custody; and on the other hand, the demand of the Government of the
Republic with a view to the restitution to them of Savarkar;

The Undersigned, duly authorised to this effect, have arrived at the following
Agreement: —

Article 1.

An Arbitral Tribunal, composed as hereinafter stated, shall undertake to decide
the following question: —

Should VINAYAK DAMODAR SAVARKAR, in conformity with the rules of
international law, be restored or not be restored by His Britannic Majesty's Government
to the Government of the French Republic?

Article 2.

The Arbitral Tribunal shall be composed of five arbitrators chosen from the
members of the Permanent Court at The Hague. The two Contracting Parties shall settle
the composition of the Tribunal. Each of them may choose as arbitrator one of their
nationals.

Article 3.

On the 6th December, 1910, each of the High Contracting Parties shall forward to
the Bureau of the Permanent Court fifteen copies of its case, with duly certified copies of
all documents which it proposes, to put in. The Bureau will undertake without delay to
forward them to the arbitrators and to each Party: that is to say, two copies for each
arbitrator and three copies for each Party. Two copies will remain in the archives of the
Bureau.

On the 17th January, 1911, the High Contracting Parties will deposit in the same
manner their counter-cases, with documents in support of them.

These counter-cases may necessitate replies, which must be presented within a
period of fifteen days after the delivery of the counter-cases.

The periods fixed by the present Agreement for the delivery of the cases, counter-
cases, and replies may be extended by mutual agreement between the High Contracting Parties.

Article 4.

The Tribunal shall meet at The Hague the 14th February, 1911. Each Party shall be represented by an Agent, who shall serve as intermediary between it and the Tribunal.

The Arbitral Tribunal may, if it thinks necessary, call upon one or other of the agents to furnish it with oral or written explanations, to which the agent of the other Party shall have the right to reply.

It shall also have the right to order the attendance of witnesses.

Article 5.

The Parties may employ the French or English language. The members of the Tribunal may, at their own choice, make use of the French or English language. The decisions of the Tribunal shall be drawn up in the two languages.

Article 6.

The award of the Tribunal shall be given as soon as possible, and, in any case, within thirty days following the date of its meeting at The Hague or that of the delivery of the written explanations which may have been furnished at its request. This period may, however, be prolonged at the request of the Tribunal if the two High Contracting Parties agree.

Done in duplicate at London, October 25, 1910.

(L. S.) E. GREY
(L. S.) PAUL CAMBON
NOTE

Sir Edward Grey to Mr. Paul Cambon. 25 October 1910.

YOUR EXCELLENCY,

With reference to the agreement which we have concluded this day, for the purpose of submitting to arbitration certain matters in connexion with the arrest and restitution of VINAYAK DAMODAR SAVARKAR, at Marseilles, in July last, I have the honour to place on record the understanding that any points which may arise in the course of this arbitration which are not covered by the terms of the Agreement above referred to shall be determined by the provisions of the International Convention for the pacific settlement of International disputes signed at the Hague, on the 18th of October, 1907.

It is further understood that each party shall bear its own expenses and an equal share of the expenses of the Tribunal.

I have the honour, etc.

Signé : E. GREY