

N° 1561.

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## HONGRIE ET ITALIE

Traité d'amitié, de conciliation et d'arbitrage, avec protocole y annexé. Signés à Rome, le 5 avril 1927.

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## HUNGARY AND ITALY

Treaty of Friendship, Conciliation and Arbitration, with Protocol annexed thereto. Signed at Rome, April 5, 1927.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 1561. — TREATY<sup>2</sup> OF FRIENDSHIP, CONCILIATION AND ARBITRATION BETWEEN HUNGARY AND ITALY. SIGNED AT ROME, APRIL 5, 1927.

*French official text communicated by the Italian Minister for Foreign Affairs and the Chargé d'Affaires a. i. of the Hungarian Delegation accredited to the League of Nations. The registration of this Treaty took place November 1, 1927.*

HIS MAJESTY THE KING OF ITALY and HIS MOST SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY, having noted the concordance of numerous interests common to both nations, and being desirous of establishing a basis of sincere friendship between their States, and of combining their efforts with a view to the maintenance of peace and order, so as to give to the two peoples a fresh guarantee of future development, have agreed to conclude for this purpose the present treaty of friendship, conciliation and arbitration, and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ITALY :

His Excellency the Chevalier Benito MUSSOLINI, Head of the Government, Prime Minister and Secretary of State, Minister and Secretary of State for Foreign Affairs ;

HIS MOST SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY :

His Excellency Count Stephen BETHLEN, President of the Royal Hungarian Council of Ministers ;

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

*Article 1.*

There shall be constant peace and perpetual friendship between the Kingdom of Italy and the Kingdom of Hungary.

*Article 2.*

The High Contracting Parties undertake to submit to a procedure of conciliation, or, if necessary, to arbitration, all disputes of any nature whatever which may arise between them and which it may not have been possible to settle within a reasonable time by the methods of diplomacy.

This provision does not apply to disputes arising out of events prior to the present Treaty and belonging to the past.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

<sup>2</sup> The exchange of ratifications took place at Rome, August 8, 1927.

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 3.*

Failing conciliation, each of the High Contracting Parties may request that the dispute be submitted to arbitration, provided that the dispute is of a legal nature.

*Article 4.*

The rules regarding the procedure of conciliation and arbitration are laid down in a protocol of procedure annexed to the present Treaty.

*Article 5.*

The present Treaty shall be ratified and the instruments of ratification shall be exchanged at Rome 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 Rome, the fifth day of April, one thousand nine hundred and twenty-seven.

(L. S.) Benito MUSSOLINI.

(L. S.) BETHLEN István.

PROTOCOL

ANNEXED TO THE TREATY OF FRIENDSHIP, CONCILIATION AND ARBITRATION BETWEEN ITALY AND HUNGARY, AND GOVERNING THE PROCEDURE OF CONCILIATION AND ARBITRATION.

*Article 1.*

In the case of a dispute which according to the domestic legislation of one of the Contracting Parties comes within the jurisdiction of the Courts of that Party, the defendant Party may oppose the submission of the dispute to a procedure of conciliation or arbitration until a final judgment has been given by the competent judicial authority. In this case the request for conciliation must be made within a year at most from the date of such judgment.

*Article 2.*

The conciliation shall be entrusted to a Conciliation Commission consisting of three members, who shall be appointed in each particular case as follows: The High Contracting Parties shall

each appoint one Commissioner chosen from among their respective nationals and shall appoint the President of the Commission by common agreement from among the nationals of third Powers.

If within three months of the date when one of the Contracting Parties shall have notified to the other its intention of resorting to the procedure of conciliation, the Commissioner of the opposing Party has not been nominated or the President of the Commission has not been appointed by common agreement between the High Contracting Parties, the President of the Swiss Confederation shall be asked to make the necessary appointments.

*Article 3.*

The Conciliation Commission shall be informed by means of a request addressed to the President by the two High Contracting 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 an 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 by that Party to the other Party.

*Article 4.*

The task of the Conciliation Commission shall be to elucidate the 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 it deems suitable, and lay down a period within which they are to take their decision.

At the close of its work the Commission shall draw up a report stating, as the case may be, either that the Parties have come to an agreement and, if so, the terms of the agreement, or that the Parties have been unable to agree.

The work of the Commission must, unless the Parties agree otherwise, be terminated within six months from the date on which the Commission shall have been notified of the dispute.

*Article 5.*

Failing any special provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in every case must provide for both Parties being heard. In regard to enquiries, the Commission, unless it unanimously decides otherwise, shall act in accordance with the provisions of Chapter III (International Commissions of Enquiry) of the Hague Convention<sup>1</sup> of October 18, 1907, for the Pacific Settlement of International Disputes.

*Article 6.*

The Conciliation Commission shall meet, in the absence of agreement by the High Contracting Parties to the contrary, at a place selected by its President.

*Article 7.*

The work of the Conciliation Commission shall not be public, except when a decision to that effect has been taken by the Commission with the consent of the High Contracting Parties.

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<sup>1</sup> *British and Foreign State Papers*, Vol. 100, page 298.

*Article 8.*

The Parties shall be represented before the Conciliation Commission by agents whose duty it shall be to act as intermediaries between the Parties and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for the purpose, and may request that all persons whose evidence appears to them useful shall be heard.

The Commission shall on its side 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 9.*

Unless otherwise provided in the present Protocol, the decisions of the Conciliation Commission shall be taken by a majority vote.

*Article 10.*

The High Contracting Parties undertake to facilitate the labours of the 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 enable it to proceed, in their territory and in accordance with their laws, to the summoning and hearing of witnesses or experts and to visit the localities in question.

*Article 11.*

In each particular case, the High Contracting Parties shall draw up a special agreement, stating clearly the subject of the dispute, the composition and particular competence of the tribunal, and any other conditions fixed between themselves.

The special agreement shall be established by an exchange of notes between the Governments of the Contracting Parties.

*Article 12.*

In the absence of agreement to the contrary, the arbitral procedure shall be governed by Articles 51-85, of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

*Article 13.*

The provisions of Article 3 of the Treaty of Friendship, etc. do not affect the right of the Parties to submit a legal dispute by means of a special agreement to the Permanent Court of International Justice under the conditions and according to the procedure laid down in its Statute<sup>1</sup>.

*Article 14.*

If the special agreement provided for in Article 11 or 13 is not drawn up within six months following the notification of a request for arbitration, either Party may bring the dispute before the Permanent Court of International Justice by a simple request.

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<sup>1</sup> Vol. VI, page 379; Vol. XI, page 404; Vol. XV, page 304; Vol. XXIV, page 152; Vol. XXVII, page 416; Vol. XXXIX, page 165; Vol. XLV, page 96; Vol. L, page 159; and Vol. LIV, page 387, of this Series.

*Article 15.*

The award given by the Tribunal shall be executed by the Parties in good faith.

*Article 16.*

During the procedure of conciliation or arbitration the High Contracting Parties shall abstain from all action or measures which might prejudicially affect the acceptance of the proposals of the Conciliation Commission or the execution of the award.

*Article 17.*

Each Party shall bear its own costs and half the costs of the procedure of conciliation or arbitration.

*Article 18.*

In the absence of agreement to the contrary, any disputes which may arise with regard to the interpretation or the application of the present Treaty shall be submitted direct to arbitration.

ROME, *the fifth day of April, One thousand nine hundred and twenty-seven.*

BENITO MUSSOLINI.

BETHLEN István.