

N° 2172.

ITALIE ET TURQUIE

Traité de neutralité, de conciliation
et de règlement judiciaire, avec
protocole annexé. Signés à Rome,
le 30 mai 1928.

ITALY AND TURKEY

Treaty of Neutrality, Conciliation
and Judicial Settlement, with An-
nexed Protocol. Signed at Rome,
May 30, 1928.

¹ TRADUCTION. — TRANSLATION.

No. 2172. — TREATY² OF NEUTRALITY, CONCILIATION AND JUDICIAL SETTLEMENT BETWEEN THE KINGDOM OF ITALY AND THE TURKISH REPUBLIC. SIGNED AT ROME, MAY 30, 1928.

French official text communicated by the Italian Minister for Foreign Affairs. The registration of this Treaty took place October 15, 1929.

HIS MAJESTY THE KING OF ITALY and THE PRESIDENT OF THE TURKISH REPUBLIC, being desirous of firmly establishing the ties of friendship existing between the two countries and of contributing to the maintenance of general peace, have decided to conclude a Treaty of Neutrality, Conciliation and Judicial Settlement, and have for this purpose appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF ITALY :

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

THE PRESIDENT OF THE TURKISH REPUBLIC :

His Excellency SUAD BEY, Ambassador Extraordinary and Plenipotentiary of the Turkish Republic accredited to His Majesty the King of Italy ;

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

Article 1.

Each of the High Contracting Parties undertakes not to enter into any agreement of a political or economic nature or into any combination directed against the other.

Article 2.

Should one of the High Contracting Parties, notwithstanding its peaceful attitude, be attacked by a third Power or third Powers, the other Party shall observe neutrality during the whole of the conflict.

Article 3.

The High Contracting Parties undertake to submit to a procedure of conciliation all disputes of any nature whatever which may arise between them, and which it may not have been possible to

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Rome, April 29, 1929.

settle by the normal methods of diplomacy. In the event of the procedure of conciliation proving unsuccessful, a judicial settlement shall be sought. The Protocol hereto annexed lays down the procedure for conciliation and judicial settlement.

The present Article shall not apply to questions which, in virtue of treaties in force between the two High Contracting Parties, come within the jurisdiction of either of them. Furthermore, it shall not apply to questions which, according to international law, relate to the right of sovereignty.

Each of the High Contracting Parties shall, by a written declaration, specify unilaterally whether any question comes under the right of sovereignty.

No question may be submitted to the procedure of conciliation or to arbitration in accordance with the clauses of the annexed Protocol unless it has been previously recognised to be of a nature conforming to the provisions of the present Article.

The arbitral award shall be rendered according to the principles of international law.

Article 4.

Any disputes which may arise as to the interpretation or the execution of the present Treaty shall be submitted direct to the Permanent Court of International Justice¹ at The Hague by a simple request.

Article 5.

The present Treaty shall be ratified as soon as possible and shall enter into force immediately after the exchange of the ratifications, which shall take place at Rome.

It shall remain in force for five years as from the date of the exchange of the instruments of ratification. Unless denounced six months before the expiration of this period, it shall remain in force for a further period of five years.

Done at Rome, on the thirtieth day of May, one thousand nine hundred and twenty-eight, in two copies, both of which shall be authentic and one of which shall be transmitted to each of the signatory States.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty and have thereto affixed their seals.

(L. S.) Benito MUSSOLINI.

(L. S.) SUAD.

PROTOCOL

ANNEXED TO THE TREATY OF NEUTRALITY, CONCILIATION AND JUDICIAL SETTLEMENT BETWEEN THE KINGDOM OF ITALY AND THE TURKISH REPUBLIC.

Article I.

The High Contracting Parties shall establish a Permanent Commission of Conciliation consisting of five members.

Each Party shall appoint one member of its own choosing, the other three being appointed by agreement between the Parties. The three latter members may not be nationals of the

¹ 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; Vol. LIV, page 387; Vol. LXIX, page 70; Vol. LXXII, page 452; Vol. LXXXVIII, page 435; Vol. LXXXVIII, page 272; and Vol. XCII, page 362, of this Series.

Contracting Parties or be domiciled in their territories or be employed in their service. The Parties shall by agreement appoint one of these three members as President.

So long as no proceedings have been begun, either Contracting Party may remove the commissioner selected by it and appoint a successor; it may also withdraw its consent to the appointment of any of the three members appointed jointly. In this case the members whose mandates are terminated shall be replaced without delay.

The commissioners shall be replaced in the same manner as they were appointed.

For the actual duration of the procedure the jointly appointed members shall receive an allowance, to be fixed by agreement between the Contracting Parties and to be paid by them in equal shares. On the other hand, each Party shall fix and pay the allowance of the commissioner appointed by itself.

The general expenses of the Commission shall be borne by the two Parties in equal shares.

The Commission shall be constituted within six months after the exchange of the ratifications of the Treaty of Neutrality, Conciliation and Judicial Settlement, of which the present Protocol shall for all purposes be an integral part. The Commission shall meet in the place selected by its President.

If the appointment of the members to be nominated jointly is not made within six months from the date of the exchange of the ratifications of the above-named Treaty, or, in the case of replacement, within three months after the vacancy occurs, these appointments shall be made in conformity with Article 45 of the Hague Convention¹ of October 18, 1907, for the Pacific Settlement of International Disputes.

Article 2.

Failing any agreement to the contrary, the procedure of conciliation shall be governed by The Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

Article 3.

A question may be submitted to the Commission of Conciliation by either of the Parties. That Party shall notify its request to the President of the Commission and to the other Party. The Commission, however, may itself offer its services, should its President and two of the members agree thereto.

The Contracting Parties undertake to assist the Commission in its work, as far as possible and in every respect, and in particular, to employ all the means they possess under their respective laws, to invest it with the same powers as their Supreme Courts as regards the calling and hearing of witnesses and experts and the carrying out of investigations on the spot.

Article 4.

It shall be the duty of the Commission of Conciliation to consider the specific questions submitted to it and to embody the results of its enquiry in a special report, the object of which shall be to elucidate questions of fact and thus to facilitate the settlement of the dispute. In its report the Commission shall state the points at issue and shall then make such recommendations as may lead to an agreement between the Parties.

¹ *British and Foreign State Papers*, Vol. 100, page 298.

The Commission shall report within six months from the date on which the dispute is submitted to it, unless the Contracting Parties decide to curtail or extend this period. The report shall be drawn up in triplicate, one copy being sent to each of the Parties and the third being filed in the archives of the Commission.

The Commission shall prescribe a period within which the Parties shall be required to take a decision on its recommendations, and also a period within which the Parties may, in case the procedure of conciliation should prove unsuccessful, submit the dispute to a judicial settlement. These periods may not, however, exceed six months in the case of the first period and three months in the case of the second.

The Commission's report shall not be in the nature of a compulsory final award as regards either the statement of facts or questions of law.

Article 5.

Should the Parties not accept the recommendations of the Commission of Conciliation, either of them may, within a period prescribed by the Commission, request that the dispute be submitted to the Permanent Court of International Justice.

If, in the opinion of the Court, the case is not of a juridical nature, the Parties shall agree to its being settled *ex aequo et bono*.

Article 6.

Nevertheless, the Contracting Parties may agree to refer any dispute to a Court of Arbitration established in conformity with Articles 55 *et seq.* of the Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, or in conformity with any other agreement in force between them.

Article 7.

On the basis of the Statute and the Rules of the Permanent Court of International Justice, the Contracting Parties shall draw up a special agreement (*compromis*) specifying the subject of the dispute, the special jurisdiction conferred upon the Court and any other conditions agreed upon between the Parties.

The special agreement shall be constituted by an exchange of notes between the Governments of the two Contracting Parties and all points contained therein shall be interpreted by the Court of Justice.

If the special agreement is not drawn up within three months from the date on which one of the Parties was requested to submit the matter for judicial settlement, either Party may bring the question before the Court of Justice by a simple request.

Article 8.

The judgment rendered by the Permanent Court of International Justice shall be carried out by the Parties in good faith.

During the procedure of conciliation or the judicial procedure, the Contracting Parties shall abstain as far as possible from any measure which might prejudicially affect the acceptance of the proposals of the Commission of Conciliation or the execution of the judgment of the Permanent Court of International Justice.

Article 9.

If a procedure of conciliation or a judicial procedure is pending at the time of the expiration of the Treaty of Neutrality, Conciliation and Judicial Settlement, it shall pursue its course in accordance with the provisions of the present Protocol or of any other convention which the Contracting Parties may have agreed to substitute therefor.

Done in duplicate at Rome on the thirtieth day of May, one thousand nine hundred and twenty-eight.

Benito MUSSOLINI.

SUAD.