

N° 2317.

BULGARIE ET HONGRIE

Traité de conciliation et d'arbitrage.
Signé à Budapest, le 22 juillet
1929.

BULGARIA AND HUNGARY

Treaty of Conciliation and Arbitra-
tion. Signed at Budapest, July 22,
1929.

¹ TRADUCTION. — TRANSLATION.No. 2317. — TREATY ² OF CONCILIATION AND ARBITRATION BETWEEN BULGARIA AND HUNGARY. SIGNED AT BUDAPEST, JULY 22, 1929.

French official text communicated by the Bulgarian Chargé d'Affaires at Berne and the Resident Minister, Head of the Hungarian Delegation accredited to the League of Nations. The registration of this Treaty took place April 21, 1930.

HIS MAJESTY THE KING OF THE BULGARS and HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY, being desirous of strengthening the ties of friendship which unite Bulgaria and Hungary and of settling as far as possible by conciliation or arbitration any disputes that may arise between the two countries, have resolved to conclude a Treaty for this purpose and have appointed as their Plenipotentiaries the following :

HIS MAJESTY THE KING OF THE BULGARS :

M. Stoyan PETROFF-TCHOMAKOFF, Bulgarian Chargé d'Affaires at Budapest ;

HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY :

M. Louis WALKO, Royal Hungarian Minister for Foreign Affairs ;

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

Article 1.

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

This provision does not apply to questions relating to the right of sovereignty or to disputes which, by their nature, affect the interests of third Powers.

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 2.

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

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 Sofia, March 21, 1930.

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 3.

The conciliation shall be entrusted to a permanent Conciliation Commission, which shall be set up within six months of the date of the entry into force of the present Treaty.

It shall consist of three members, who shall be appointed as follows: the High Contracting Parties shall each appoint one commissioner and a substitute to replace the commissioner when prevented from attending 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 the above-mentioned period of six months, the president of the Commission has not been appointed owing to the failure of the Parties to agree, the President of the Permanent Court of International Justice shall be asked to make this appointment.

All the members of the Commission are appointed for three years as from the appointment of the President. They are reeligible.

Article 4.

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 5.

The task of the Conciliation Commission shall be to elucidate the question in dispute, to collect with that object all useful 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 time-limit 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 of the date on which the Commission shall have been notified of the dispute.

Article 6.

Failing any special provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in every case must provide for the hearing of both parties. 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 Convention¹ of October 18, 1907, for the Pacific Settlement of International Disputes.

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

Article 7.

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

Article 8.

The work of the Conciliation Commission shall not be public unless a decision to the contrary has been taken by the Commission with the consent of the High Contracting Parties.

Article 9.

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 the Parties, and may request that all persons whose evidence appears to them useful shall be heard.

The Commission on its side shall 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 10.

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

Article 11.

The High Contracting Parties undertake to facilitate the work of the Conciliation Commission and, particularly, to supply it to the greatest possible extent with all relevant documents and information, and 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 12.

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.

The competent court to decide upon the dispute shall be the Permanent Court of International Justice, unless the Parties have agreed to have recourse under a special agreement to an arbitral tribunal set up for the purpose.

Article 13.

In the second case mentioned in Article 12, paragraph 2, 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 agreed upon between themselves.

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

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

Article 14.

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

Article 15.

The award given by the Court or by the special arbitral tribunal shall be executed by the Parties in good faith.

Article 16.

During the procedure of conciliation or arbitration the High Contracting Parties shall refrain 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.

Any disputes which may arise concerning the interpretation or execution of the present Treaty shall, in the absence of agreement to the contrary, be submitted direct to the Permanent Court of International Justice.

Article 19.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Sofia as soon as possible.

The Treaty shall come into force on the thirtieth day following the exchange of ratifications. It is concluded for a period of five years from the date of its entry into force. Unless denounced at least one year before the expiry of this period, it shall remain in force for a further period of five years and similarly thereafter.

In faith whereof, the Plenipotentiaries have signed the present Treaty.

Done at Budapest on July 22, 1929.

S. PETROFF-TCHOMAKOFF.
L. WALKO.