

N° 2327.

---

**ESPAGNE ET HONGRIE**

Traité de conciliation, de règlement  
judiciaire et d'arbitrage. Signé à  
Madrid, le 10 juin 1929.

---

**SPAIN AND HUNGARY**

Treaty of Conciliation, Judicial Sett-  
lement and Arbitration. Signed at  
Madrid, June 10, 1929.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 2327. — TREATY <sup>2</sup> OF CONCILIATION, JUDICIAL SETTLEMENT AND ARBITRATION BETWEEN SPAIN AND HUNGARY. SIGNED AT MADRID, JUNE 10, 1929.

*French official text communicated by the Resident Minister, Head of the Hungarian Delegation accredited to the League of Nations. The registration of this Treaty took place May 15, 1930.*

HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY and HIS MAJESTY THE KING OF SPAIN, being desirous of strengthening the ties of friendship existing between Hungary and Spain and of settling, in conformity with the highest principles of international public law, any disputes that may arise between the two countries, have resolved to conclude for this purpose a general Treaty of Arbitration and Conciliation, and have appointed as their Plenipotentiaries :

HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY :

His Excellency Count Stephen BETHLEN, President of the Royal Hungarian Council of Ministers, Hungarian Grand Cross of Merit, Grand Cross of the Order of Pius IV, Grand Cross of the Order of St. Maurice and St. Lazarus, Grand Cross of the Order of "Polonia Restituta" etc., etc. ;

HIS MAJESTY THE KING OF SPAIN :

His Excellency Don Miguel PRIMO DE RIVERA y ORBANEJA, Marquis de Estella, President of His Council of Ministers, Grandee of Spain, Lieutenant-General of the Armies, Grand Cross, with Laurels, of the Royal and Military Order of St. Ferdinand, Knight Grand Cross of the Orders of St. Hermengild, of Military Merit and of Naval Merit, His Acting Gentleman of the Chamber, etc.,

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

*Article I.*

The High Contracting Parties reciprocally undertake to settle by pacific means and in accordance with the methods laid down in the present Treaty any disputes or conflicts, of any nature whatsoever, which may arise between Hungary and Spain, and which it may not have been possible to settle by the normal methods of diplomacy.

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

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

<sup>2</sup> The exchange of ratifications took place at Budapest, March 14, 1930.

## PART I.

*Article 2.*

All disputes of every kind between the High Contracting Parties with regard to which the Parties are in conflict as to their respective rights and which it may not have been possible to settle amicably by the normal methods of diplomacy shall be submitted for decision either to the Permanent Court of International Justice or to an arbitral tribunal.

It is understood that such disputes shall include those enumerated in Article 36 of the Statute<sup>1</sup> of the Permanent Court of International Justice.

*Article 3.*

Before any resort is made to procedure before the Permanent Court of International Justice or before the arbitral tribunal, the dispute may, by agreement between the Parties, be submitted, with a view to amicable settlement, to a permanent international commission styled the Permanent Conciliation Commission, constituted in accordance with the present Treaty.

*Article 4.*

In the case of a dispute the occasion of which, according to the municipal law of one of the Parties, falls within the competence of the national Courts, such Party may oppose the submission of the dispute to the procedure laid down in the present Treaty until a judgment with final effect has been pronounced, within a reasonable time, by the competent national judicial authority.

*Article 5.*

The Permanent Conciliation Commission shall be composed of five members. Each High Contracting Party shall nominate one commissioner of its own choosing, the other three, one of whom shall be President of the Commission, being appointed jointly by the Parties. These three commissioners may not be nationals of the High Contracting Parties, nor may they have their domicile in the territory or be employed in the service of the Contracting Parties. All three must be of different nationalities.

The commissioners shall be appointed for three years. If, on the expiration of the term of office of a member of the Commission, he has not been replaced, his term of office shall be deemed to be renewed for a period of three years; the High Contracting Parties reserve the right, however, upon the expiration of the term of three years, to transfer the functions of President to another of the members of the Commission appointed by agreement.

Any member whose term of office expires while proceedings are still in progress shall continue to take part in the examination of the dispute until the close of such proceedings, even if his successor has been appointed.

A vacancy occurring as the result of the death or retirement of a member of the Conciliation Commission shall be filled for the remainder of the term of office of such member, if possible within the following three months, and in any case as soon as a dispute is submitted to the Commission.

*Article 6.*

The Permanent Conciliation Commission shall be constituted within six months after the ratifications of the present Treaty have been exchanged.

<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 06; Vol. L, page 159; Vol. LIV, page 387; Vol. LXIX, page 70; Vol. LXXII, page 452; Vol. LXXVIII, page 435; Vol. LXXXVIII, page 272; Vol. XCII, page 362; Vol. XCVI, page 180; and Vol. C, page 153, of this Series.

If the nomination of the members to be appointed jointly has not been made within this period or, in the case of the filling of a vacancy, within three months after the vacancy occurs, such nomination shall be entrusted to a third Power designated by the Parties by common agreement. If an agreement is not arrived at on this subject, each Party shall designate a different Power, and the nominations shall be made jointly by the Powers thus designated. If, within two months, these two Powers have not found it possible to agree, they shall each submit as many candidates as there are members to be appointed. The choices of the candidates thus submitted shall be determined by lot.

*Article 7.*

Disputes shall be submitted to the Permanent Conciliation Commission by means of a request addressed to the President by the two Parties acting in agreement.

The request shall give a summary account of the subject of the dispute and shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable settlement.

*Article 8.*

Within fifteen days from the date on which the Commission has been informed of the dispute, either Party may, for the examination of such dispute, replace the permanent member whom it has appointed by a person possessing special competence in the matter. The Party desiring to make use of this right shall immediately inform the other Party. The latter shall be entitled to make use of the same right within fifteen days from the date on which it shall have received notification.

Each of the Parties reserves the right to appoint immediately a substitute to replace for the time being the permanent member appointed by it if he is temporarily prevented by illness or any other cause from taking part in the work of the Commission.

Should any member of the Conciliation Commission jointly appointed by the High Contracting Parties be temporarily unable to take part in the Commission's work through illness or for any other reason, the Parties shall jointly appoint a substitute, who will sit temporarily in his place. If such substitute is not appointed within one month from the date on which the temporary vacancy occurs, the provisions of Article 6 of the present Treaty shall apply.

*Article 9.*

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

At the close of its proceedings the Commission shall draw up a report stating, as the case may be, either that the Parties have come to an agreement and, if necessary, the terms of the agreement, or that it has been impossible to effect a settlement.

The proceedings of the Commission must, unless the Parties otherwise agree, be terminated within six months from the day on which the Commission was notified of the dispute.

If it has not been possible to effect a settlement between the Parties, the Commission may, unless the two Commissioners freely appointed by the Parties oppose this procedure, order a report to be published immediately, setting forth the opinion of each of the members of the Commission.

*Article 10.*

Failing any special provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both Parties being heard. In regard to enquiries,

the Commission shall, unless it unanimously decides otherwise, 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 11.*

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

*Article 12.*

The proceedings 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 Parties.

*Article 13.*

The Parties shall be represented before the Conciliation Commission by agents, whose duty it shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose, and may request that all persons whose evidence appears to them useful should 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 14.*

Unless otherwise provided in the present Treaty, the decisions of the Conciliation Commission shall be taken by a majority. In the event of an equality of votes, the President shall have a casting vote.

*Article 15.*

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, as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law to the summoning and hearing of witnesses or experts, and to visit the localities in question.

*Article 16.*

During the proceedings of the Conciliation Commission each Commissioner shall receive remuneration, the amount of which shall be fixed by agreement between the High Contracting Parties.

Each Government shall pay its own expenses and shall contribute an equal share to the joint expenses of the Commission, the remuneration provided for in paragraph 1 being included in these joint expenses.

*Article 17.*

Failing agreement to bring the dispute before the Permanent Conciliation Commission and should such an agreement be arrived at, in the event of no amicable settlement being reached before

---

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

the Permanent Conciliation Commission, the dispute shall be submitted, by a special agreement, either to the Permanent Court of International Justice under the conditions and according to the procedure laid down in its Statute, or to an arbitral tribunal under the conditions and according to the procedure laid down in the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

If the special agreement has not been drawn up within six months from the day on which one of the Parties was notified of the request for judicial settlement, either Party may, on the expiry of one month's notice, bring the dispute direct before the Permanent Court of International Justice by means of an application.

The Permanent Court of International Justice called upon to give a decision regarding the dispute, or the arbitral tribunal appointed for the same purpose, shall respectively be competent to interpret the terms of the special agreement.

## PART II.

### *Article 18.*

All questions on which the Governments of the two High Contracting Parties differ without being able to reach an amicable solution by the normal methods of diplomacy and the settlement of which cannot be sought by a decision as provided in Article 2 of the present Treaty, and for the settlement of which a procedure has not already been laid down in a treaty or convention in force between the Parties, shall be submitted to the Permanent Conciliation Commission.

The procedure laid down in Articles 7 to 16 of the present Treaty shall be applicable.

If the Parties cannot agree on the request to be made to the Commission, either Party shall nevertheless be entitled, on the expiry of one month's notice, to submit the question direct to the Permanent Conciliation Commission.

If the request emanates from one of the Parties only, that Party shall notify the request forthwith to the other Party.

## GENERAL PROVISIONS.

### *Article 19.*

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 accordance with the provisions of such conventions.

### *Article 20.*

During the course of the conciliation procedure, or the procedure of judicial settlement, or the arbitration procedure, the High Contracting Parties shall refrain from all measures which might prejudicially affect the acceptance of the proposals of the Conciliation Commission, or the execution of the judgment of the Permanent Court of International Justice, or the award of the arbitral tribunal. For this purpose, the Conciliation Commission, the Court of Justice and the arbitral tribunal shall, if necessary, lay down the provisional measures to be adopted.

### *Article 21.*

Should the Permanent Court of International Justice or the arbitral tribunal find that a decision of a Court of law or of any other authority of either High Contracting Party is wholly or in part

contrary to international law, and if the constitutional law of that Party does not permit or only partially permits the consequences of the decision in question to be annulled by administrative action, the judicial decision or arbitral award should indicate the nature and extent of the compensation to be granted to the injured Party.

*Article 22.*

Any disputes which may arise as to the interpretation or the execution of the present Treaty shall, in the absence of agreement to the contrary, be submitted direct to the Permanent Court of International Justice by means of a simple request.

*Article 23.*

The present Treaty shall be ratified by His Serene Highness the Regent of the Kingdom of Hungary, with the approval of the Hungarian Parliament, and by His Majesty the King of Spain, after the formalities required by existing Spanish procedure have been completed. The instruments of ratification shall be exchanged at Budapest as soon as possible.

*Article 24.*

The present Treaty shall come into force on the date of the exchange of ratifications and shall remain in force for ten years as from that date. Unless denounced six months before the expiration of that period, it shall be deemed to be renewed for a period of ten years, and similarly thereafter.

If, at the time of the expiration of the present Treaty, proceedings of conciliation, judicial settlement or arbitration are pending, they shall pursue their course until their completion.

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

Done at Madrid in duplicate, June 10, 1929.

(L. S.) (Signed) Count BETHLEN.

(L. S.) (Signed) General PRIMO DE RIVERA.