

N° 2705.

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**HONGRIE ET LETTONIE**

Traité de conciliation et d'arbitrage.

Signé à Riga, le 13 août 1930.

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**HUNGARY AND LATVIA**

Treaty of Conciliation and Arbitration. Signed at Riga, August 13, 1930.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 2705. — TREATY<sup>2</sup> OF CONCILIATION AND ARBITRATION BETWEEN HUNGARY AND LATVIA. SIGNED AT RIGA, AUGUST 13, 1930.

*French official text communicated by the Latvian Minister for Foreign Affairs and the Resident Minister, Head of the Hungarian Delegation accredited to the League of Nations. The registration of this Treaty took place May 19, 1931.*

THE PRESIDENT OF THE LATVIAN REPUBLIC and HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY, desirous of strengthening the ties of friendship which unite Latvia 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 with this object, and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE LATVIAN REPUBLIC :

His Excellency M. Hugo CELMIŅŠ, Prime Minister and Minister for Foreign Affairs ;

HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY :

Dr. Michel JUNGERTH, His Chargé d'Affaires at Riga ;

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

*Article 1.*

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

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

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.*

Should the dispute, under the municipal law of one of the Contracting Parties, fall within the competence of the national Courts of that Party, the defendant Party may object to its being

<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, April 28, 1931.

submitted to conciliation or arbitration procedure pending a decision with final effect by the competent judicial authority. In such case, the request for conciliation shall be made within one year at latest from the date of the aforementioned decision.

*Article 3.*

The task of conciliation shall be entrusted to a Conciliation Commission consisting of three members, who shall be appointed for each individual case as follows : the High Contracting Parties shall each appoint one Commissioner chosen from among their respective nationals, and shall jointly appoint the President of the Commission from among the nationals of third Powers.

If, within three months of the date on which one of the High Contracting Parties shall have notified the other of its intention to resort to conciliation procedure, the Commissioner of the other Party, or the President of the Commission to be chosen jointly by the High Contracting Parties, has not been appointed, the President of the Swiss Confederation shall be requested to make these appointments.

*Article 4.*

The dispute shall be brought before the Conciliation Commission by means of an application addressed to the President by the two High Contracting Parties acting in agreement or, failing agreement, by either of the Parties. The application shall contain a brief indication of the subject of the dispute, followed by an invitation to the Commission to take the necessary measures with a view to a settlement by conciliation.

If the application is submitted by one only of the Parties, that Party shall notify the second Party thereof without delay.

*Article 5.*

It shall be the duty of the Conciliation Commission to elucidate the questions in dispute, to collect all relevant information with that object, by enquiry or otherwise, and to endeavour to effect a settlement between the Parties. The Commission, after examining the case, may inform the Parties of the terms of settlement which it deems suitable, giving them a certain period within which to give their decision.

On the conclusion of its proceedings, the Commission shall draw up a report stating, as the case may be, that the Parties have come to an agreement and, if necessary, giving the terms of such agreement, or that it has been found impossible to effect a settlement between the Parties.

The proceedings of the Commission, unless otherwise agreed between the Parties, shall be concluded within six months of the date on which the dispute was submitted to the Commission.

*Article 6.*

Failing any special stipulation to the contrary, the Conciliation Commission shall determine its own procedure, which shall always provide for both Parties being heard. In the matter of enquiries, the Commission, unless it unanimously decides otherwise, shall proceed in conformity with the provisions of Part III (International Commissions of Enquiry), of The Hague Convention<sup>1</sup> of October 18, 1907, for the Pacific Settlement of International Disputes.

*Article 7.*

Unless otherwise agreed between the High Contracting Parties, the Conciliation Commission shall meet at the place selected by its President.

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

*Article 8.*

The proceedings of the Conciliation Commission shall not be conducted in public unless, with the consent of the High Contracting Parties, the Commission itself so decides.

*Article 9.*

The Parties shall be represented before the Conciliation Commission by agents, who shall act as intermediaries between them and the Commission ; the Parties may, moreover, be assisted by counsel and experts appointed by them for that purpose, and may request that any persons whose evidence they consider of value shall be heard.

The Commission, for its part, shall have the right to request oral explanations from the agents, counsel and experts of both Parties, and from such persons as it may think fit to summon, subject to the consent of their Governments.

*Article 10.*

Except as otherwise provided in the present Treaty, 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 in particular to supply it, to the best of their ability, with all relevant documents and information and to use the means at their disposal to enable it, in their territory and in accordance with their laws, to summon and hear witnesses or experts and to carry out enquiries on the spot.

*Article 12.*

Failing a settlement by conciliation, either of the High Contracting Parties may request that the case be submitted to arbitration, provided that the dispute in question is of a legal character.

*Article 13.*

The High Contracting Parties shall, in each individual case, draw up a special agreement setting forth clearly the subject of the dispute, the composition and special powers of the tribunal, and any other conditions decided upon between them.

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

*Article 14.*

Unless otherwise stipulated, 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 15.*

The provisions of Article 12 of the present Treaty shall not affect the right to submit a legal dispute, under a special agreement, to the Permanent Court of International Justice, subject to the conditions and in conformity with the procedure laid down in the Statute of the Court.

*Article 16.*

If the special agreement provided for in Article 13 or 15 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 application.

*Article 17.*

The Parties shall execute in good faith the award pronounced by the Tribunal.

*Article 18.*

The High Contracting Parties shall abstain, while the conciliation or arbitration procedure is in progress, from any act or measure liable to prejudice the acceptance of the Conciliation Commission's proposals or the execution of the award.

*Article 19.*

Each of the Parties shall defray its own costs and half the costs of the conciliation and arbitration procedure.

*Article 20.*

Disputes that may arise concerning the interpretation or execution of the present Treaty shall, unless otherwise agreed, be submitted direct to arbitration.

*Article 21.*

The present Treaty shall be ratified, and the exchange of ratifications shall take place at Budapest as soon as possible.

The Treaty is concluded for a period of ten years, dating from the exchange of ratifications. If it has not been denounced at least one year before the expiry of that 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 Riga, August 13, 1930.

(L. S.) (Signed) H. CELMIŅŠ, *m. p.*

(L. S.) (Signed) Dr. M. JUNGERTH, *m. p.*