

N° 2814.

AUTRICHE ET HONGRIE

Traité d'amitié, de conciliation et
d'arbitrage. Signé à Vienne, le
26 janvier 1931.

AUSTRIA AND HUNGARY

Treaty of Friendship, Conciliation
and Arbitration. Signed at Vienna,
January 26, 1931.

¹ TRANSLATION.

No. 2814. — TREATY OF FRIENDSHIP, CONCILIATION AND ARBITRATION BETWEEN THE REPUBLIC OF AUSTRIA AND THE KINGDOM OF HUNGARY. SIGNED AT VIENNA, JANUARY 26, 1931.

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA and HIS HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY, animated by the earnest desire to strengthen the bond of genuine friendship which happily unites the two countries, have resolved to supplement the Agreement of Arbitration, signed at Budapest on April 10, 1923, in the light of the experience gained since then in the sphere of international arbitration, have, for this purpose, appointed as their Plenipotentiaries :

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA :

Dr. Johann SCHÖBER, Vice-Chancellor and Federal Minister for Foreign Affairs ;

HIS HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY :

Count István BETHLEN, Prime Minister of Hungary ;

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

SECTION I.

CONCILIATION PROCEDURE.

Article 1.

In order to attain the friendly settlement mentioned in Article 1, paragraph 1, of the Agreement of Arbitration of April 10, 1923, the High Contracting Parties undertake to submit all disputes which may arise between them and which cannot be settled within a reasonable time through the diplomatic channel, to a procedure of conciliation in accordance with the provisions of the following Articles.

Article 2.

1. The conciliation procedure shall be entrusted to a Conciliation Committee composed of three Members, who shall be appointed in each individual case in the following manner :

The High Contracting Parties shall each nominate a Commissioner, chosen from among their respective nationals, and shall appoint, by common agreement, the President of the Commission from among the nationals of third States.

2. If within a period of three months from the day on which one of the High Contracting Parties has signified to the other its intention to have recourse to the conciliation procedure, the

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

nomination of the Commissioner of the other Contracting Party or the appointment by common agreement of the President of the Commission, have not taken place, the President of the Swiss Confederation shall be requested to make the necessary appointments.

Article 3.

1. The Conciliation Commission shall be informed by means of an application addressed to the President by the two High Contracting Parties acting in agreement, or, in default thereof, by one or other of the Parties. The application, after giving a summary account of the subject of the dispute, shall contain an invitation to the Commission to take all the necessary measures with a view to arriving at an amicable settlement.

2. If the application emanates from only one of the Parties, notification thereof shall be given without delay by that Party to the other Party.

Article 4.

1. 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. After investigation of the matter, it may communicate to the Parties the terms of the settlement which it considers appropriate, and fix a period within which the Parties are to make their decision.

2. On the conclusion of its work, the Commission shall draw up a Report which shall state, as the case may be, either that the Parties have come to an agreement and, in that event, the terms on which agreement has been reached, or that it has not been possible to bring the Parties to an agreement.

3. Unless the Parties agree otherwise, the work of the Commission must be completed within six months from the date on which it was notified of the dispute.

Article 5.

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, unless it unanimously decides otherwise, shall act in accordance with the provisions of Chapter III (International Commissions of Enquiry) of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

Article 6.

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

Article 7.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the High Contracting Parties.

Article 8.

1. The Parties shall be represented before the 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 they may request that all persons whose evidence appears to them useful should be heard.

2. 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 fit to summon with the consent of their Government.

Article 9.

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

Article 10.

The High Contracting Parties undertake to facilitate the work of the Commission and, in particular, 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 territories and in accordance with their laws to the summoning and hearing of witnesses or experts, and to visit localities in order to carry out enquiries on the spot.

SECTION II.

ARBITRATION PROCEDURE.

Article 11.

1. Should it not be possible to settle the dispute by means of the conciliation procedure, the provisions of Article 1, paragraphs 2, 3, 4 and 5 of the Agreement of Arbitration of April 10, 1923, shall be applied.

2. In such case, if a point of law is in dispute, the Parties shall proceed in accordance with the provisions of the following Articles :

Article 12.

1. In each individual case, the High Contracting Parties shall conclude a special arbitral agreement, which shall clearly indicate the subject of the dispute, the composition and special powers of the arbitral tribunal, and any other conditions mutually agreed upon by them.

2. The arbitral agreement shall be concluded by exchange of notes between the Governments of the High Contracting Parties.

Article 13.

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

Article 14.

The provisions of Article 12 of the present Treaty shall not debar the two Parties from submitting, by common consent and by means of a special arbitration agreement, any dispute of a legal

nature to the Permanent Court of International Justice, under the conditions and according to the procedure laid down by its Statute.

Article 15.

If the special agreement provided for in Articles 12 or 14 has not been drawn up within six months after notification of a request for a judicial decision, either of the Parties shall have the right to bring the dispute direct before the Permanent Court of International Justice by means of an application.

Article 16.

The arbitral award shall be carried out in good faith by the parties.

SECTION III.

GENERAL PROVISIONS.

Article 17.

1. In the case of a dispute the subject of which, according to the municipal law of one of the Parties, falls within the competence of the national courts, the Party in question may object to the submission of the dispute to the procedures of conciliation and arbitration until a final judgment has been pronounced within a reasonable time by the competent judicial authority.

2. A Party desirous of having recourse in such case to the procedure provided for in this Treaty must notify the other Party of its intention within a period of one year after the above-mentioned judgment.

Article 18.

The High Contracting Parties respectively undertake to refrain, during the course of procedure before the Conciliation Commission or the arbitral tribunal, from all measures likely to affect prejudicially the settlement proposed by the conciliation commission or the execution of the arbitral award, and in general, to refrain from any act whatsoever which might aggravate or extend the dispute.

Article 19.

Each of the High Contracting Parties shall pay its own expenses and an equal share of the expenses of the Commission.

Article 20.

Disputes with regard to the interpretation or application of this Treaty, as well as of the Agreement of Arbitration of April 10, 1923, shall be submitted to the arbitral procedure provided for in the present Treaty.

Article 21.

The present Treaty shall be ratified and the ratifications shall be exchanged at Budapest as soon as possible. The Treaty shall enter into force on the fifteenth day after the exchange of ratifications.

Article 22.

Should one of the High Contracting Parties denounce the present Treaty, the denunciation shall not become effective until one year after it has been communicated in writing to the other Contracting Party.

In faith whereof, the Plenipotentiaries of both Parties have signed this Agreement and have thereto affixed their seals.

Done at Vienna, January 26, 1931, in duplicate German and Hungarian texts, both texts being equally authentic.

(L. S.) SCHÖBER, *m. p.*

(L. S.) BETHLEN, *m. p.*