

N° 2841.

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## GRÈCE ET TURQUIE

Traité d'amitié, de neutralité, de conciliation et d'arbitrage, avec protocole. Signés à Ankara, le 30 octobre 1930.

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## GREECE AND TURKEY

Treaty of Friendship, Neutrality, Conciliation and Arbitration, with Protocol. Signed at Ankara, October 30, 1930.

<sup>1</sup> TRADUCTION. — TRANSLATION.N<sup>o</sup> 2841. — TREATY<sup>2</sup> OF FRIENDSHIP, NEUTRALITY, CONCILIATION AND ARBITRATION BETWEEN GREECE AND TURKEY. SIGNED AT ANKARA, OCTOBER 30, 1930.

*French official text communicated by the Permanent Delegate of Greece accredited to the League of Nations. The registration of this Treaty took place November 6, 1931.*

THE PRESIDENT OF THE HELLENIC REPUBLIC and THE PRESIDENT OF THE TURKISH REPUBLIC, anxious to pursue on all occasions a policy of friendship and wishing to affirm their desire to promote the work of world peace and to settle in accordance with the highest principles of Public International Law any disputes that may arise between Greece and Turkey, have resolved to give effect to their common purpose in a Treaty and have appointed as their Plenipotentiaries :

## THE PRESIDENT OF THE HELLENIC REPUBLIC :

His Excellency M. Elefterios K. VENIZELOS, President of the Council of Ministers ;  
His Excellency M. André MICHALAKOPOULOS, Vice-President of the Council of Ministers,  
Minister for Foreign Affairs ;

## THE PRESIDENT OF THE TURKISH REPUBLIC :

His Excellency ISMET Pasha, President of the Council of Ministers, Deputy for Malatya ;  
His Excellency Dr. Tevfik RUSTU Bey, Minister for Foreign Affairs, Deputy for Izmir ;

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

*Article 1.*

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

*Article 2.*

Should one of the High Contracting Parties, despite its pacific attitude, be the object of an aggression by one or more Powers, the other Party undertakes to observe neutrality throughout the dispute.

<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 Athens, October 5, 1931.

*Article 3.*

The High Contracting Parties undertake to submit to the procedure of conciliation provided for in Articles 7 to 19 hereinafter any questions on which they may disagree and which it may not be possible to settle by the normal methods of diplomacy. Should the procedure of conciliation prove unsuccessful, a judicial settlement shall be sought in conformity with Articles 20 to 23 of the present Treaty, unless the Parties agree to have recourse to an arbitral tribunal established in conformity with Articles 55 *et seq.* of the Convention<sup>1</sup> of October 18, 1907, for the Pacific Settlement of International Disputes or to any other agreement existing between them.

*Article 4.*

The provisions of the foregoing Article shall not apply to questions which, in virtue of Treaties in force between the High Contracting Parties, come within the jurisdiction of either Party, or to questions relating to the right of sovereignty. Each of the Parties shall have the right to decide, by means of a declaration in writing, whether a question concerns the right of sovereignty, and if the point is contested, the other Party shall be entitled to have recourse to arbitration or to apply to the Permanent Court of International Justice with a view to deciding the previous question.

The provisions of the foregoing Article shall not apply to disputes arising from facts prior to the present Treaty and belonging to the past.

*Article 5.*

Disputes for the settlement of which a special procedure is provided for by other Conventions in force between the disputing Parties may be settled in conformity with the provisions of such Conventions.

*Article 6.*

In the case of a dispute which, according to the domestic legislation of one of the Parties, comes within the jurisdiction of the judicial or administrative authorities, such Party may oppose the submission of the dispute to the various procedures provided for by the present Treaty until a final decision has been given, within a reasonable time, by the competent authority.

In such a case the Party wishing to have recourse to the procedures provided for by the present Treaty shall be required to notify the other Party of its intention within a period of one year from the date of the above-mentioned decision.

*Article 7.*

On the presentation of a request from one Contracting Party to the other, a Permanent Conciliation Commission shall be established within six months following the exchange of the ratifications of the present Treaty.

In the absence of any agreement to the contrary between the Parties, the Conciliation Commission shall be established in the following manner :

1. The Commission shall consist of five members. The Parties shall each nominate one member, chosen from among their respective nationals. The remaining three Commissioners shall be chosen by joint agreement from among the nationals of third

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

Powers. Such persons must be of different nationalities and must not be habitually domiciled in the territory of the Parties or employed in their service. The Parties shall appoint the President of the Commission from among them, and, in the event of disagreement, the President shall be chosen by lot from among the said three Commissioners.

2. The Commissioners shall be appointed for three years and shall be re-eligible. The Commissioners appointed jointly may be replaced during the their term of office by consent of the Parties.

So long as the procedure has not begun, each of the Parties shall be entitled to effect the replacement of its nominee.

3. Vacancies arising as the result of death or resignation or any other impediment shall be filled as soon as possible in accordance with the method established for nominations.

#### *Article 8.*

Should a dispute arise before the Parties have nominated a Permanent Conciliation Commission, a Special Conciliation Commission shall be established to investigate the dispute within a period of three months from the date on which the request is addressed by one Party to the other. Nominations shall be made in conformity with the provisions of the foregoing Article unless otherwise decided by the Parties.

#### *Article 9.*

If the Commissioners to be appointed jointly have not been nominated within the time-limits laid down in Articles 7 and 8, the task of making the necessary appointments shall be entrusted to a third Power chosen by common consent of the Parties and should agreement not be reached in the matter, each Party shall designate a different Power and the appointments shall be made jointly by the Powers thus chosen. Lastly, if within a period of three months these two Powers have not been able to agree, each of them shall present as many candidates as there are members to be appointed. Lots shall be drawn to decide which of the candidates thus presented shall be appointed.

#### *Article 10.*

The dispute shall be brought before the Conciliation Commission by means of a request addressed to the President by both Parties acting in agreement, or, failing agreement, by one or other of the Parties.

The request shall indicate briefly the subject of the dispute and shall invite the Commission to take the necessary measures with a view to arriving at an amicable settlement.

If a request is submitted by only one of the Parties, notification thereof shall be made without delay to the other.

#### *Article 11.*

Within fifteen days from the date on which one of the Parties shall have brought a dispute before the Conciliation Commission, either Party may replace its nominee for the investigation of such dispute by a person possessing special competence in the matter. The Party making use of this right shall immediately notify the other Party, and in that case the latter shall be entitled to take similar action within a period of fifteen days from the date when the notification reaches it.

#### *Article 12.*

The Conciliation Commission shall meet, unless otherwise agreed between the Parties, at a place selected by its President.

*Article 13.*

It shall be the duty of the Conciliation Commission to elucidate the questions in dispute, with that object to collect all relevant information, and to endeavour to effect a settlement between the Parties.

After examination of the case it shall draw up a report containing proposals for the settlement of the dispute.

*Article 14.*

The Conciliation Commission shall establish its own procedure, which shall provide in all cases for both Parties being heard, regard being had, except in the case of a unanimous decision to the contrary, to the provisions of Chapter III of the Hague Convention of October 18, 1907 for the Pacific Settlement of International Disputes.

*Article 15.*

The work of the Conciliation Commission shall not be conducted in public unless, subject to the consent of the Parties, the Commission itself so decides.

*Article 16.*

The Parties shall be represented before the Conciliation Commission by agents, who shall 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 any persons whose evidence they consider desirable 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 their Government's consent.

*Article 17.*

The Parties undertake to facilitate the work of the Conciliation Commission, 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 18.*

The Conciliation Commission shall present its report within four months from the date on which it has been informed of the dispute, unless the Parties agree to extend this period.

A copy of the report shall be sent to each of the Parties.

The report shall not be in the nature of an arbitral award, as regards either the statement of facts or the legal considerations or findings.

*Article 19.*

The Conciliation Commission shall fix the time-limit within which the Parties shall have to take a decision with regard to the proposals for a settlement contained in its report. Such time-limit shall not exceed three months.

*Article 20.*

For the actual duration of the procedure each of the joint nominees shall receive an allowance, the amount of which shall be fixed by the Parties and which shall be paid by the latter in equal shares. On the other hand, each Party shall fix and bear the cost of the allowance of its own nominee.

The general expenses entailed by the work of the Commission shall be shared equally by both Parties.

*Article 21.*

If the Commission's recommendations are not accepted by both Parties, each Party shall have the right to submit the dispute to the Permanent Court of International Justice within the time-limit fixed by the Commission's report.

Should the Court be of opinion that the dispute is not of a juridical nature, the Parties shall agree to settle it *ex aequo et bono*, if no rule of international law can be applied to it.

*Article 22.*

In each particular case the Contracting Parties shall draw up a special agreement specifying clearly the subject of the dispute, the particular competence which might devolve on the Permanent Court of International Justice, and any other conditions fixed between themselves.

The special agreement shall be drawn up by an exchange of notes between the Governments of the Contracting Parties and shall be interpreted in all points by the Permanent Court. If the text of the special agreement has not been drawn up within three months from the date on which one of the Parties has been notified of a request for judicial settlement, either Party may bring the question before the Permanent Court by a simple application.

*Article 23.*

Should the Permanent Court of International Justice find that a decision of a court of law or other authority of one of the Contracting Parties is wholly or partly at variance with international law, and should the constitutional law of that Party not allow, or only inadequately allow the cancellation of the effects of such decision, the Parties agree that equitable satisfaction shall be given to the injured Party by the judgment of the Court.

*Article 24.*

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

Any difficulties that may arise with regard to its interpretation shall be decided by the Permanent Court, to which the matter may be referred by either of the Parties by means of a simple application.

*Article 25.*

During the procedure of conciliation or the judicial procedure, the Contracting Parties shall refrain from any measures that might prejudicially affect the acceptance of the Conciliation Commission's proposals or the execution of the judgment of the Permanent Court of International Justice.

*Article 26.*

If at the date of the expiry of the present Treaty conciliation procedure or judicial procedure is pending, it shall follow its course in conformity with the provisions of the present Treaty or of any other Convention that the Parties may have agreed to substitute therefor.

*Article 27.*

Any disputes that may arise as to the interpretation or the execution of the present Treaty, including such as relate to the character of the disputes, shall be submitted direct to the Permanent Court of International Justice by simple application.

*Article 28.*

The present Treaty shall be ratified at the earliest possible date and shall come into force immediately after the exchange of ratifications. It is concluded for a period of five years as from the date of its coming into force. If it is not denounced six months before the expiry of that period, it shall be deemed to be renewed for a second period of five years, and similarly thereafter.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Treaty.

Done at Ankara, October 30, 1930.

(Signed) E. K. VENIZELOS.

(Signed) ISMET.

(Signed) A. MICHALAKOPOULOS.

(Signed) T. RUSTU.

## PROTOCOL.

The two High Contracting Parties, inspired by the principles which have led them to sign the Convention of Friendship and Arbitration of to-day's date, and desirous of preventing any unnecessary increase in their expenditure on naval armaments and of keeping pace with one another in the limitation of their respective forces, with due regard to the conditions particular to each of the said States, undertake to effect no order, acquisition or construction of war units or armaments, without having notified the other Party six months previously, so that both Governments may thus be enabled if necessary to prevent any competition in the sphere of naval armaments by means of a friendly exchange of views and of explanations on either side in a spirit of perfect sincerity.

ANKARA, *October 30, 1930.*

(Signed) E. K. VENIZELOS.

(Signed) ISMET.

(Signed) A. MICHALAKOPOULOS.

(Signed) T. RUSTU.