

N° 2668.

BULGARIE ET TURQUIE

Traité de neutralité, de conciliation,
de règlement judiciaire et d'arbi-
trage. Signé à Angora, le 6 mars
1929.

BULGARIA AND TURKEY

Treaty of Neutrality, Conciliation,
Judicial Settlement and Arbi-
tration. Signed at Angora, March
6, 1929.

¹ TRADUCTION. — TRANSLATION.

No. 2668. — TREATY² OF NEUTRALITY, CONCILIATION, JUDICIAL SETTLEMENT AND ARBITRATION BETWEEN BULGARIA AND TURKEY. SIGNED AT ANGORA, MARCH 6, 1929.

French official text communicated by the Bulgarian Chargé d'Affaires at Berne. The registration of this Treaty took place April 8, 1931.

BULGARIA, of the one part and TURKEY, of the other part, being desirous of strengthening the traditional ties existing between the Kingdom of Bulgaria and the Turkish Republic and of settling by means of conciliation, judicial settlement and arbitration any disputes which may arise between the two countries, have resolved to conclude a treaty for this purpose and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BULGARIANS :

His Excellency M. Theodore C. PAVLOFF, Bulgarian Envoy Extraordinary and Minister Plenipotentiary at Angora ; and

THE PRESIDENT OF THE TURKISH REPUBLIC :

His Excellency Dr. Tevfik RÜSTÜ Bey, Turkish Minister for Foreign Affairs and Deputy for Smyrna ;

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 not to enter upon any political or economic agreement which is in opposition with Article 1 of the Treaty³ of Friendship concluded between Bulgaria and Turkey on October 18, 1925.

Article 2.

If one of the Contracting Parties is, in spite of its pacific attitude, attacked by one or more other Powers, the other Party shall observe neutrality for the whole duration of the conflict.

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, December 3, 1929.

³ Vol. LIV, page 125, of this Series.

Article 3.

Disputes of every kind which may arise between the High Contracting Parties and which it has not been possible to settle by diplomacy shall be submitted, under the conditions laid down in the present Treaty, to conciliation, judicial settlement or arbitration.

Article 4.

The provisions of Article 3 shall not apply to questions which, in virtue of Treaties in force between the High Contracting Parties, come within the competence of one of them.

They shall not apply to questions relating to sovereign rights.

Each of the High Contracting Parties shall have the right to determine, by means of a written statement, whether a question relates to sovereign rights or not.

Nevertheless, in the event of the other Party disputing the fact that the question relates to sovereignty, it may have recourse to arbitration in order to establish whether the question relates to sovereign rights or not.

Article 5.

1. 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 judicial authorities, the Party in question may object to the matter in dispute being submitted for settlement by the different methods laid down in the present Treaty, until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

2. In such a case, the Party which desires to resort to the procedures laid down in the present Treaty must notify the other Party of its intention within a period of one year from the date of the afore-mentioned decision.

Article 6.

All disputes 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 diplomacy or by conciliation shall be submitted for decision to the Permanent Court of International Justice, unless the Parties have agreed to have recourse to an arbitral tribunal by means of a special agreement and in the conditions enumerated hereunder.

The judicial or arbitral award shall be given in accordance with the principles of international law.

Article 7.

If the Parties agree to submit the disputes mentioned in the preceding Article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the disputes, the arbitrators selected and the procedure to be followed.

In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention¹ of October 18, 1907, for the Pacific Settlement of International Disputes shall apply, with full force of law.

Article 8.

If the Parties fail to agree concerning the special agreement referred to in the preceding Article, or fail to appoint arbitrators, either Party shall be at liberty, after giving three month's notice, to bring the dispute, by an application direct before the Permanent Court of International Justice.

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

Article 9.

If in a judicial sentence or arbitral award it is declared that a judgment or a measure enjoined by a court of law or other authority of one of the Parties to the dispute 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 judgment or measure in question to be annulled, the Parties agree that the judicial sentence or arbitral award shall award the injured Party equitable satisfaction.

Article 10.

1. Subject to the provisions of Article 4, in the case of the disputes mentioned in Article 3, the High Contracting Parties undertake prior to any procedure before the Permanent Court of International Justice or any arbitral procedure, to have recourse to the conciliation procedure provided for in the present Treaty.

2. In the event of recourse to, and failure of, conciliation, and after the expiration of one month from the termination of the proceedings of the Conciliation Commission, the dispute shall be submitted to the Permanent Court of International Justice or the arbitral tribunal mentioned in Article 7.

Article 11.

The disputes referred to in the preceding Article shall be submitted to a special permanent conciliation commission constituted by the Parties.

Article 12.

On a request being sent by one of the Contracting Parties to the other Party, a permanent conciliation commission shall be constituted within a period of six months.

Article 13.

Conciliation procedure shall be entrusted to a conciliation commission composed of three members, to be appointed as follows: the High Contracting Parties shall each nominate one commissioner from among their respective nationals and shall jointly appoint the President of the Commission from among the nationals of third Powers. The Commissioners shall be appointed for three years. They shall be re-eligible. The commissioner appointed jointly may be replaced during the course of his term of office by agreement between the Parties. Either Party may, however, at any time replace the commissioner whom it has itself appointed. Even if replaced, the commissioners shall continue to exercise their functions until the termination of the work in hand.

Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for appointments.

Article 14.

If, when a dispute arises, no permanent conciliation commission appointed by the Parties is in existence, a special commission shall be constituted for the examination of the dispute in accordance with the conditions of appointment laid down in the preceding Article, unless the Parties decide otherwise.

Article 15.

If, within a period of three months from the date on which one of the High Contracting Parties has notified the other of its intention of resorting to conciliation procedure, the nomination of the commissioner of the other Party or the joint designation by the High Contracting Parties of the President of the Commission has not been effected, the President of the Swiss Confederation shall be requested to make the necessary appointments.

Article 16.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two Parties, acting in agreement, or, in default thereof, by one or other of the Parties.

2. The application, after giving 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 solution.

3. 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 17.

1. Within fifteen days from the date on which a dispute has been brought by one of the Parties before a permanent conciliation commission, either Party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The Party making use of this right shall immediately notify the other Party; the latter shall in such a case be entitled to take similar action within fifteen days from the date on which it has received notification.

Article 18.

In the absence of agreement to the contrary between the Parties, the Conciliation Commission shall meet at the place selected by the President.

Article 19.

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 Parties.

Article 20.

1. In the absence of agreement 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 decides unanimously to the contrary, shall act in accordance with the provisions of Part III of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

2. 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 desirable shall be heard.

3. The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of both Parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

Article 21.

In the absence of agreement to the contrary between the Parties, the decisions of the Conciliation Commission shall be taken by a majority vote, and the Commission may only take decisions on the substance of the dispute if all its members are present. Nevertheless, the High Contracting Parties must when duly notified of the meetings of the Commission, be represented by their commissioner, or, should he be prevented from attending, by a substitute appointed subject to the conditions laid down in Article 17.

Article 22.

The 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 enable it to proceed in their territory and in accordance with their law, to the summoning and hearing of witnesses or experts, and to carry out enquiries on the spot.

Article 23.

1. During the proceedings of the Commission, each of the Commissioners shall receive emoluments the amount of which shall be fixed by agreement between the Parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same manner.

Article 24.

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. It may, after the case has been examined, inform the Parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.

2. At the close of the 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 need be, the terms of the agreement, or that it has been impossible to effect a settlement. No mention shall be made in the report as to whether the Commission's decisions were taken unanimously or not.

3. The proceedings of the Commission must, unless the Parties otherwise agree, be terminated within six months from the date on which the Commission shall have been given cognisance of the dispute.

Articles 25.

The Commission's report shall be communicated without delay to the Parties. The Parties shall decide whether it shall be published.

Article 26.

1. If the Parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, either of them may ask that the dispute be submitted to the Permanent Court of International Justice, which shall deal with the case in accordance with the principles of international law.

2. If in the opinion of the Court, the dispute is not of a legal nature, the Parties agree that the Court may decide *ex aequo et bono* in so far as there is no rule of international law applicable to the dispute.

Article 27.

1. The Parties undertake to abstain from all measures likely to react prejudicially on the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission, and in general to abstain from any action which might aggravate or extend the dispute.

2. If the dispute is brought before the Conciliation Commission, the latter may recommend to the Parties the adoption of such provisional measures as it considers suitable.

Article 28.

Disputes relating to the interpretation or application of the present Treaty shall be submitted to the Permanent Court of International Justice.

Article 29.

1. The present Treaty shall be ratified and the ratifications shall be exchanged at Sofia.

2. The Treaty shall be concluded for a period of five years as from the date of the exchange of ratifications.

3. Unless it is denounced at least six months before the expiration of these periods, it shall remain in force for further successive periods of five years.

4. Notwithstanding denunciation by one of the Contracting Parties, all proceedings pending at the expiration of the current period of the Treaty shall be duly completed.

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

Done in duplicate at Angora, March the sixth one thousand nine hundred an twenty-nine.

(Signed) TH. PAVLOFF.

(Signed) DR. T. RÜSTÜ.