

¹ TRADUCTION. — TRANSLATION.No. 3014. — TREATY² OF FRIENDSHIP, CONCILIATION AND ARBITRATION BETWEEN THE HELLENIC REPUBLIC AND THE POLISH REPUBLIC. SIGNED AT WARSAW, JANUARY 4, 1932.

French official text communicated by the Chargé d'Affaires a. i. of the Polish Delegation accredited to the League of Nations. The registration of this Treaty took place August 10, 1932.

THE PRESIDENT OF THE POLISH REPUBLIC and THE PRESIDENT OF THE GREEK REPUBLIC,

Mindful of the strong ties of friendship by which their respective peoples are happily united ;

And being sincerely desirous of ensuring the settlement by pacific modes of procedure of all differences which may arise between their countries ;

Noting that it is incumbent upon international tribunals to respect all rights established by treaty or arising out of the law of Nations ;

Recognising that the rights of each country can only be modified with its consent ;

And being of opinion that by loyal observance, under the auspices of the League of Nations, of pacific modes of procedure it is possible to reach a settlement of all international differences ;

Attaching the highest importance to the recommendation made by the Assembly of the League of Nations in its resolution dated September 26, 1928, to the effect that all countries should conclude conventions for the pacific settlement of international differences ;

Have decided to conclude a treaty for the achievement of their common purpose and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE POLISH REPUBLIC :

His Excellency M. August ZALESKI, Minister for Foreign Affairs ;

THE PRESIDENT OF THE GREEK REPUBLIC :

His Excellency M. Georges LAGOUDAKIS, Envoy Extraordinary and Minister Plenipotentiary of the Greek Republic in Warsaw ;

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

CHAPTER I.

Article 1.

The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

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 Athens, July 2, 1932.

Article 2.

The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

Article 3.

The sincere friendship and constant good understanding which happily prevail between the Polish Republic and the Greek Republic are hereby solemnly confirmed.

CHAPTER II.

PACIFIC SETTLEMENT IN GENERAL.

Article 4.

1. Disputes of every kind which may arise between the High Contracting Parties and which it has not been possible to settle through the usual diplomatic channel within a reasonable period of time, shall be submitted, under the conditions laid down in the present Treaty, to settlement by judicial means or arbitration, preceded according to circumstances as a compulsory or optional measure by recourse to the procedure of conciliation.

2. The above undertaking shall only apply to such differences as may arise after the ratification of the present Treaty with regard to circumstances or facts subsequent to such ratification.

3. Disputes for the settlement of which a special procedure is or shall be laid down in other conventions in force between the Parties shall be settled in conformity with the provisions of those conventions.

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 its judicial or administrative 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 aforementioned decision.

CHAPTER III.

JUDICIAL SETTLEMENT.

Article 6.

1. All disputes relating to a right claimed by one of the High Contracting Parties and contested by the other shall be submitted for decision to the Permanent Court of International Justice or, if either Party so requests, to an arbitral tribunal in the manner hereinafter provided.

2. It is understood that the disputes referred to above include in particular those mentioned in Article 36 of the Statute¹ of the Permanent Court of International Justice.

Article 7.

Whenever a dispute is referred to an arbitral tribunal in conformity with the provisions of Article 6, paragraph 1, the Parties shall draw up a special agreement specifying the matter in dispute, the arbitrators selected and the procedure to be followed. In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention² of October 18, 1907, for the Pacific Settlement of International Disputes shall apply so far as is necessary.

Article 8.

1. In the case of the disputes mentioned in Article 6, before any procedure before the Permanent Court of International Justice or any arbitral procedure, the Parties may agree to have recourse to the conciliation procedure provided for in the present Treaty.

2. In the event of recourse to and failure of conciliation, neither Party may bring the dispute before the Permanent Court of International Justice or call for the constitution of the Arbitral Tribunal referred to in Article 7 before the expiration of one month from the termination of the proceedings of the Conciliation Commission.

CHAPTER IV.

CONCILIATION.

Article 9.

All disputes between the Parties other than the disputes mentioned in Article 6 and subject to the provisions of that Article shall be submitted obligatorily to a procedure of conciliation before they can form the subject of a settlement by arbitration.

Article 10.

The disputes referred to in the preceding Article shall be submitted to a Permanent Conciliation Commission constituted for the purpose within six months of the exchange of the instruments of ratification of the present Treaty.

Article 11.

1. The Permanent Conciliation Commission shall be composed of five members. The Parties shall each nominate one Commissioner who may be chosen from among their respective nationals. The three other Commissioners shall be appointed by agreement from among the nationals of third Powers; they shall be of different nationalities and must not be habitually resident in the territory nor be in the service of the Parties. The Parties shall appoint the president of the commission from among them.

¹ Vol. VI, page 379; Vol. XI, page 405; Vol. XV, page 305; Vol. XXIV, page 153; Vol. XXVII, page 417; Vol. XXXIX, page 165; Vol. XLV, page 96; 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; Vol. C, page 153; Vol. CIV, page 492; Vol. CVII, page 461; Vol. CXI, page 402; Vol. CXVII, page 46; Vol. CXXVI, page 430; and Vol. CXXX, page 440, of this Series.

² *British and Foreign State Papers*, Vol. 100, page 298.

2. The Commissioners shall be appointed for three years. They shall be re-eligible. Provided that proceedings have not been instituted either Party may at any time replace the Commissioner whom it has appointed. Each Party shall moreover be entitled to withdraw its consent to the appointment of the President.

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

Article 12.

If the appointment of the Commissioners to be designated jointly is not made within the period provided for in Article 10, the making of the necessary appointments shall be entrusted to a third Power, chosen by agreement between the Parties, or, in case of disagreement, the President of the Swiss Confederation shall be asked to make the appointments.

Article 13.

1. Disputes shall be brought before the Permanent 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 the 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, the other Party shall without delay be notified by it.

Article 14.

1. Within fifteen days from the date on which a dispute has been brought by one of the Parties before the 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 case be entitled to take similar action within fifteen days from the date on which it received the notification.

Article 15.

In the absence of agreement to the contrary between the Parties, the Permanent Conciliation Commission shall meet at the place selected by its President; such place shall not be situated in the territory of either Party.

Article 16.

1. The task of the Permanent 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.

2. After examining, the case it shall draw up a report formulating proposals for the settlement of the dispute.

Article 17.

1. The procedure before the Permanent Conciliation Commission shall provide for both Parties being heard.

2. The Commission shall lay down its own procedure, due regard being had, unless it unanimously decides to the contrary, to the provisions of Part III of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

3. The proceedings of the Conciliation Commission shall be held *in camera* unless the Commission, in agreement with the Parties, decides otherwise.

4. The Parties shall be entitled to appoint as their representatives before the Commission agents, counsel and experts, who shall at the same time act as intermediaries between them and the Commission, and also to request that all persons whose evidence appears to them desirable shall be heard.

5. 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.

6. 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, in accordance with their law, to allow it to proceed to the summoning and hearing of witnesses or experts and to visit the localities in question.

7. 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.

Article 18.

1. The Conciliation Commission shall submit its report within four months of the date of its first meeting, unless the Parties agree to curtail or to prolong this period.

2. A copy of the report shall be transmitted to each of the Parties. The report shall not have the character of an arbitral award as regards either the statement of facts or the legal considerations.

3. The Conciliation Commission shall determine the period within which the Parties shall be required to pronounce upon the proposals for settlement embodied in the report. Such period shall not exceed two months.

Article 19.

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.

CHAPTER V.

SETTLEMENT BY ARBITRATION.

Article 20.

If the Parties have not reached an agreement within a month of the termination of the proceedings of the permanent Conciliation Commission, or in the circumstances mentioned in Article 6, paragraph 1, the question shall be brought before an Arbitral Tribunal which, unless the Parties agree otherwise, shall be constituted in the manner indicated below.

Article 21.

The Arbitral Tribunal shall consist of five members. The Parties shall each nominate one member, who may be chosen from among their respective nationals. The two other Arbitrators and the Chairman shall be chosen by common agreement from among the nationals of third Powers; they must be of different nationalities and must not be habitually resident in the territory nor be in the service of the Parties.

Article 22.

1. If the appointment of the members of the Arbitral Tribunal is not made within a period of three months from the date on which one of the Parties requested the other Party to constitute an Arbitral Tribunal, a third Power, chosen by agreement between the Parties, shall be requested to make the necessary appointments.

2. If no agreement is reached on this point, each Party shall designate a different Power, and the appointments shall be made in concert by the Powers thus chosen.

3. If within a period of three months these two Powers have not been designated, or if the Powers designated have been unable to reach an agreement, the President of the Swiss Confederation shall, at the request of either of the Parties, be asked to make the necessary appointments.

Article 23.

1. The Parties shall draw up a special agreement determining the subject of the dispute and the details of procedure.

2. In the absence of sufficient particulars in the special agreement concerning the points mentioned in the preceding paragraph, the provisions of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes shall apply so far as is necessary.

CHAPTER VI.

GENERAL PROVISIONS.

Article 24.

1. In all cases where a dispute forms the object of arbitration or judicial proceedings, and particularly if the question on which the Parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal shall lay down within the shortest possible time the provisional measures to be adopted. The Parties to the dispute shall be bound to accept such measures.

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

Article 25.

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 injured Party shall be granted equitable satisfaction of another kind.

Article 26.

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

Article 27.

1. The present Treaty shall be ratified and the instruments of ratification exchanged at Athens as soon as possible. It shall enter into force on the thirtieth day after such exchange.
2. The Treaty is concluded for a period of five years dating from the exchange of ratifications.
3. If it has not been denounced at least six months before the expiration of this period, it shall remain in force for further successive periods of five years.
4. Notwithstanding denunciation by one of the High Contracting Parties, all proceedings pending at the expiration of the current period of the Treaty shall be completed.

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

Done at Warsaw, January 4, 1932, in two copies.

(—) August ZALESKI.

(—) G. LAGOUDAKIS.

ADDITIONAL PROTOCOL.

Should Poland subsequently ratify the Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice, recourse shall only be had to an Arbitral Tribunal under Article 6 by agreement between the Parties.

Failing such agreement, the Permanent Court of International Justice shall retain its jurisdiction in all disputes falling within the scope of the clause in question. It is understood that, failing special agreement to the contrary between the two Parties, this obligation shall be subject to the same reservations and shall remain in force for the same period as the accession of Greece and Poland to the Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice.

WARSAW, *January 4, 1932.*

(—) August ZALESKI.

(—) G. LAGOUDAKIS.