

N° 3081.

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**BULGARIE ET NORVÈGE**

Traité de conciliation, d'arbitrage et  
de règlement judiciaire. Signé à  
Sofia, le 26 novembre 1931.

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**BULGARIA AND NORWAY**

Treaty of Conciliation, Arbitration  
and Judicial Settlement. Signed  
at Sofia, November 26, 1931.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 3081. — TREATY <sup>2</sup> OF CONCILIATION, ARBITRATION AND JUDICIAL SETTLEMENT BETWEEN BULGARIA AND NORWAY. SIGNED AT SOFIA, NOVEMBER 26, 1931.

*French official text communicated by the Bulgarian Chargé d'Affaires at Berne and by the Norwegian Minister for Foreign Affairs. The registration of this Treaty took place October 26, 1932.*

HIS MAJESTY THE KING OF THE BULGARIANS and HIS MAJESTY THE KING OF NORWAY,  
 Inspired by the friendly relations which happily unite their respective nations ;  
 Being sincerely desirous of ensuring the settlement by peaceful methods of any differences which may arise between their countries ;  
 Realising that respect for treaty rights or rights under the law of nations is an obligation binding on international tribunals ;  
 Recognising that the rights of any State cannot be modified except with its own consent ;

Considering that all international disputes can be brought to a settlement by a sincere observance of peaceful procedure under the auspices of the League of Nations ;

Holding in high regard the recommendation of the Assembly of the League, contained in the resolution of September 26, 1928, that all States should conclude conventions for the peaceful settlement of international disputes ;

Have decided to embody their common intention in a treaty and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BULGARIANS :

His Excellency M. Nicolas MUCHANOFF, President of the Council and Minister for Foreign Affairs and Public Worship ;

HIS MAJESTY THE KING OF NORWAY :

His Excellency M. Sigurd BENTZON, Envoy Extraordinary and Minister Plenipotentiary at Sofia ;

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

## CHAPTER I.

## PACIFIC SETTLEMENT IN GENERAL.

*Article 1.*

Disputes of any nature arising between the High Contracting Parties which have not been settled by the diplomatic channel shall, subject to the conditions laid down by the present Treaty,

<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 Sofia, October 15, 1932.

be submitted to judicial or arbitral settlement, after previous recourse to the procedure of conciliation which may be either compulsory or optional according to the nature of the case.

*Article 2.*

Disputes for the settlement of which a special procedure is laid down in other conventions between the High Contracting Parties shall be settled in conformity with the regulations of those Conventions. If, notwithstanding, the application of this procedure should not lead to a settlement of the dispute, the provisions of the present Treaty concerning judicial settlement or arbitration shall be applied.

*Article 3.*

1. In the case of a dispute, the occasion of which, according to the municipal law of one of the High Contracting 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 such time as 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 II.

JUDICIAL SETTLEMENT.

*Article 4.*

All disputes in which the Parties are in conflict as to their respective rights shall be submitted to the Permanent Court of International Justice, unless the Parties agree, as provided hereinunder, to have recourse to an Arbitral Tribunal.

It is agreed that the dispute referred to above shall in particular include those covered by Article 36 of the Statute<sup>1</sup> of the Permanent Court of International Justice.

*Article 5.*

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 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 Convention<sup>2</sup> of October 18, 1907, for the Pacific Settlement of International Disputes shall apply in so far as occasion arises. If nothing is laid down in the special agreement as to the rules regarding the substance of the dispute to be followed by the arbitrators, the tribunal shall apply the substantive rules enumerated in Article 38 of the Statute of the Permanent Court of International Justice.

<sup>1</sup> 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 ; Vol. CXXX, page 440, of this Series ; and page 392, of this Volume.

<sup>2</sup> *British and Foreign State Papers*, Vol. 100, page 298.

*Article 6.*

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 months' notice, to bring the dispute by an application direct before the Permanent Court of International Justice.

*Article 7.*

1. In the case of disputes covered by Article 4, the Parties shall be entitled, before taking any action before the Permanent Court of International Justice and before any procedure by arbitration, to have recourse to the conciliation procedure provided by the present Treaty.

2. Where recourse has been had to conciliation procedure and such conciliation has failed, neither of the Parties shall be entitled to bring the case before the Permanent Court of International Justice nor to demand the setting up of the Arbitral Tribunal referred to in Article 5 until the expiration of a period of one month from the completion of the work of the Conciliation Commission.

## CHAPTER III.

## CONCILIATION.

*Article 8.*

All disputes between the Parties other than those covered by Article 4 shall be compulsorily submitted to a procedure of conciliation before being dealt with by arbitration.

*Article 9.*

The disputes referred to in the preceding Article shall be submitted to a permanent or special Conciliation Commission set up by the Parties.

*Article 10.*

Upon request by one of the High Contracting Parties to the other, a permanent Conciliation Commission must be set up within a period of six months.

*Article 11.*

In the absence of any agreement by the Parties to the contrary, the Conciliation Commission shall be constituted as follows :

(1) The Commission shall be composed of three members. The High Contracting Parties shall each nominate one Commissioner who may be chosen from among their respective nationals. The third Commissioner shall be appointed by agreement from among the nationals of a third Power. He must not be habitually resident in the territory, nor be in the service, of either Party. He shall act as Chairman of the Commission.

(2) 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 mandate by agreement between the Parties. Either High Contracting Party may however at any time replace the Commissioner whom it has appointed. Even if replaced, the Commissioners shall continue to exercise their functions until the termination of the work in hand.

(3) Vacancies occurring as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

*Article 12.*

If, when a dispute arises, no permanent Conciliation Commission appointed by the Parties is in existence, a special Conciliation Commission for the examination of the dispute shall be constituted within a period of three months from the date on which one of the Parties made an application to the other. Appointments thereto shall be made in accordance with the provisions of the preceding Article, unless the Parties decide otherwise.

*Article 13.*

If within the periods laid down in Articles 10 and 12 the Commissioner to be selected in common has not been appointed, the task of making the appointment shall be entrusted to the President of the Council of the League of Nations for the time being.

*Article 14.*

1. The Conciliation Commission shall be informed by means of a request addressed to the President by the two Parties acting in agreement or, in the absence of such agreement, by one or other of the Parties.

2. The request shall state summarily the subject of the dispute and shall further contain an invitation to the Commission to take all necessary measures with a view to an amicable settlement.

3. If the request emanates from one of the Parties only, notification thereof shall be made without delay by that Party to the other Party.

*Article 15.*

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 shall have the right to 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 such right shall immediately notify the other Party : the latter shall in such case be entitled to take similar action within fifteen days of the day on which it received the notification.

*Article 16.*

1. In the absence of any agreement to the contrary between the Parties, the Commission shall meet at the seat of the League of Nations, or in any other place appointed by the President.

2. The Commission may in any case request the Secretary-General of the League of Nations to assist it in its work.

*Article 17.*

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 18.*

1. In the absence of agreement to the contrary between the Parties, the Conciliation Commission shall lay down its own procedure, which 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 shall be to act as intermediaries between them and the Commission ; they may further be assisted by Counsel and experts appointed by them for the 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 any persons it may think desirable to summon with the consent of their Governments.

*Article 19.*

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 shall not be entitled to take a decision on the substance of the dispute, unless all its members are present.

*Article 20.*

The Parties undertake to facilitate the work of the Conciliation Commission, and in particular 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 allow it to conduct its proceedings in their territory and in accordance with their law, to summon and hear witnesses or experts and to visit the localities in question.

*Article 21.*

1. During the proceedings 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 22.*

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by 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 its proceedings, the Commission shall draw up a minute stating, as the case may be, either that the Parties have come to an agreement with the terms of the agreement (if any), or that it has been impossible to effect a settlement. No mention shall be made in the minute as to whether the Commission's decisions were taken unanimously or by a majority vote.

3. In the absence of any agreement to the contrary between the Parties, the Commission must complete its task within six months of the date on which the dispute was brought to its notice.

*Article 23.*

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

## CHAPTER IV.

## SETTLEMENT BY ARBITRATION.

*Article 24.*

If the Parties have not agreed within a period of one month from the termination of the work of the Conciliation Commission to which the preceding paragraphs relate, the question shall be submitted to an Arbitral Tribunal which, in the absence of any agreement to the contrary between the Parties, shall be constituted in the manner laid down below.

*Article 25.*

The Arbitral Tribunal shall consist of three members. The Parties shall each nominate one member, who may be chosen from among their respective nationals. The Chairman shall be chosen by common agreement from among the nationals of a third Power. He must not be habitually resident in the territory, nor be in the service, of the Parties.

*Article 26.*

If within three months the Parties have not been able to agree on the choice of a Chairman, he shall be appointed by the President of the Permanent Court of International Justice. If the latter is prevented, or is a subject of one of the Parties, the appointment shall be made by the Vice-President. If the latter is prevented, or is a subject of one of the Parties, the appointment shall be made by the oldest member of the Court who is not a subject of either of the Parties.

*Article 27.*

Vacancies occurring as the result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

*Article 28.*

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

*Article 29.*

In the absence of sufficient particulars in the special agreement concerning the points mentioned in the preceding Article, the provisions of the Hague Convention of October 18 1907, for the Pacific Settlement of International Disputes shall apply as occasion arises.

*Article 30.*

Failing the conclusion of a special agreement within a period of three months from the date on which the Tribunal was constituted, the dispute may be brought before the Tribunal by an application by one or other of the Parties.

*Article 31.*

In the absence of any provision in the special agreement, or in the absence of a special agreement, the Tribunal shall apply the substantive rules enumerated in Article 38 of the Statute of the Permanent Court of International Justice. In so far as there are no such rules applicable to the dispute, the Tribunal shall decide *ex aequo et bono*.

## CHAPTER V.

## GENERAL PROVISIONS.

*Article 32.*

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

3. The Parties undertake to abstain from all measures likely to act 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 action whatsoever which may aggravate or extend the dispute.

*Article 33.*

If in a judicial sentence or arbitral award it is declared that a judgment or 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 the said 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 grant the injured person equitable satisfaction.

*Article 34.*

1. The present Treaty shall be applicable as between the High Contracting Parties, even though a third Power has an interest in the dispute.

2. In conciliation procedure the Parties may invite a third Power to intervene.



3. If a third Power considers that its legal interests are involved in a dispute which is being dealt with under the judicial or arbitral procedure, it may address to the Permanent Court of International Justice or to the Arbitral Tribunal an application for permission to intervene. The decision shall rest with the Court or the Tribunal.

4. In cases involving the interpretation of a Convention to which States other than the Parties to the dispute are parties, the Registrar of the Permanent Court of International Justice or the Arbitral Tribunal shall notify such States without delay.

Any such State shall be entitled to intervene, and shall in that event be bound by the interpretation adopted in the judgment.

*Article 35.*

Disputes relating to the interpretation or application of the present Treaty, including those concerning the classification of disputes, shall be submitted to the Permanent Court of International Justice.

*Article 36.*

The present Treaty, which is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take action at any time with a view to safeguarding effectively the peace of the world.

*Article 37.*

1. The present Treaty shall be ratified, and the exchange of ratifications shall take place at Sofia.

It shall be registered at the Secretariat of the League of Nations.

2. The Treaty shall be 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 end of this period, it shall remain in force for further successive periods of five years.

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 at Sofia, November 26, 1931, in two copies.

(s) N. MOUCHANOFF.

(s) Sigurd BENTZON.