

N° 2952.

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**PAYS-BAS  
ET YOUGOSLAVIE**

Traité de règlement judiciaire, d'arbitrage et de conciliation. Signé à La Haye, le 11 mars 1931.

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**THE NETHERLANDS  
AND YUGOSLAVIA**

Treaty of Judicial Settlement, Arbitration and Conciliation. Signed at The Hague, March 11, 1931.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 2952. — TREATY<sup>2</sup> OF JUDICIAL SETTLEMENT, ARBITRATION AND CONCILIATION BETWEEN THE NETHERLANDS AND THE KINGDOM OF YUGOSLAVIA. SIGNED AT THE HAGUE, MARCH 11, 1931.

*French official text communicated by the Permanent Delegate of the Kingdom of Yugoslavia accredited to the League of Nations and the Netherlands Minister at Berne. The registration of this Treaty took place May 2, 1932.*

HIS MAJESTY THE KING OF YUGOSLAVIA and HER MAJESTY THE QUEEN OF THE NETHERLANDS, being desirous of strengthening the ties of friendship existing between the Kingdom of Yugoslavia and the Netherlands and of furthering the pacific settlement, in all cases, of disputes and conflicts of any kind that 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 YUGOSLAVIA :

M. Bochko CHRISTITCH, His Envoy Extraordinary and Minister Plenipotentiary accredited to Her Majesty the Queen of the Netherlands ;

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Jonkheer Frans BEELAERTS VAN BLOKLAND, Her Minister for Foreign Affairs ;

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

*Article 1.*

The High Contracting Parties reciprocally undertake in no case to endeavour to settle otherwise than by pacific means and in accordance with the methods laid down in the present Treaty differences or disputes of any kind which may arise between the Kingdom of Yugoslavia and the Netherlands and which it may not have been possible to settle within a reasonable period by the normal methods of diplomacy.

*Article 2.*

All disputes, of any kind, relating to a right alleged by one of the High Contracting Parties and contested by the other, which it may not have been possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision to the Permanent Court of International

<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 The Hague, April 2, 1932.

Justice or to an arbitral tribunal, as provided hereinafter. It is understood that the disputes referred to above include in particular those mentioned in Article 13 of the Covenant of the League of Nations.

Disputes for the solution of which a special procedure is provided for in other Conventions in force between the High Contracting Parties shall be settled in accordance with the provisions of such Conventions.

#### Article 3.

Before any recourse is had to procedure before the Permanent Court of International Justice or to any arbitral procedure, the dispute may, by agreement between the Parties, be submitted with a view to amicable settlement to a permanent international commission, styled the Permanent Conciliation Commission, constituted in accordance with the present Treaty.

#### Article 4.

If, in the case of one of the disputes referred to in Article 2, the two Parties have not had recourse to the Permanent Conciliation Commission, or if that Commission has not succeeded in bringing about a settlement between them, the dispute shall be submitted jointly under a special agreement, either to the Permanent Court of International Justice, which shall deal with the dispute subject to the conditions and in accordance with the procedure laid down in its Statute<sup>1</sup>, or to an arbitral tribunal which shall deal with it subject to the conditions and in accordance with the procedure laid down by the Hague Convention<sup>2</sup> of October 18, 1907, for the Pacific Settlement of International Disputes.

If the Parties fail to agree as to the choice of a Court, the terms of the special agreement, or in the case of arbitral procedure, the appointment of arbitrators, either Party shall be at liberty, after giving one month's notice, to bring the dispute, by an application, direct before the Permanent Court of International Justice.

#### Article 5.

A dispute the occasion of which, according to the municipal law, falls within the competence of the national courts of one of the Parties, may not be submitted to the procedure laid down in the present Treaty, until a judgment possessing the force of *res judicata* has been pronounced, within a reasonable time, by the competent national judicial authority.

#### Article 6.

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 grant the injured Party equitable satisfaction.

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<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. LXXXVIII, 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 ; and Vol. CXXVI, page 430, of this Series.

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

*Article 7.*

All questions on which the High Contracting Parties may differ without being able to reach an amicable solution by the normal methods of diplomacy, which cannot be submitted for decision as provided in Article 2 of the present Treaty, and for the settlement of which no procedure has been provided by any treaty or convention in force between the two Parties, shall be referred to the Permanent Conciliation Commission, which shall be required to propose an acceptable solution to the Parties and in all cases to submit a report to them.

Failing agreement between the Parties on the request to be made to the Commission, either Party shall be entitled to submit the question direct to the said Commission on the expiry of one month's notice.

In all cases, if there is a conflict between the Parties as to whether or no the dispute is of the nature of a legal dispute within the meaning of Article 2, and hence liable to be settled by a decision, such conflict shall, before any procedure is instituted before the Permanent Conciliation Commission, be submitted for a decision of the Permanent Court of International Justice by agreement between the High Contracting Parties, or, in the absence of an agreement, on the request of either Party.

*Article 8.*

The Permanent Conciliation Commission provided for in the present Treaty shall be composed of five members who shall be appointed as follows : the High Contracting Parties shall each nominate one member from among their respective nationals and shall jointly appoint the three other members from among the nationals of third Powers ; these three members must be of different nationalities, and the High Contracting Parties shall appoint the President of the Commission from among them.

The Commissioners shall be appointed for three years and their mandate shall be renewable. Their appointment shall continue until their replacement, and, in any case, until the completion of the work in hand at the moment of the expiry of their mandate.

Vacancies which may occur as the result of death, resignation, or any other cause — permanent or temporary — shall be filled as rapidly as possible, and in any case within three months, in the manner laid down for the nominations.

*Article 9.*

The Permanent Conciliation Commission shall be constituted within six months from the exchange of ratifications of the present Treaty.

If the nomination of the members to be appointed by joint agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months of the date on which the seat fell vacant, the President of the Swiss Confederation shall, in the absence of any other agreement, be requested to make the necessary appointments.

*Article 10.*

The Permanent Conciliation Commission shall be informed by means of a request addressed to the President in the conditions laid down by Articles 3 or 7, as the case may be.

The request, after having given 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 settlement.

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

*Article 11.*

Within fifteen days from the date on which one of the High Contracting Parties has brought a dispute before the Permanent Conciliation Commission, either Party may, for the examination of such dispute, replace the member whom it has appointed by a person possessing special competence in the matter.

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

*Article 12.*

The task of the Permanent Conciliation Commission shall be to elucidate 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 it deems appropriate and lay down a period within which they are to make their decision.

At the close of these proceedings, the Commission shall draw up a report stating the result, a copy of which shall be transmitted to each of the Parties.

The Parties shall in no case be bound by the considerations of fact or law or other considerations adopted by the Commission.

Subject to the provisions of Article 7, paragraph 3, the proceedings of the Commission must, unless the Parties otherwise agree, be terminated within six months from the date on which the dispute was brought before the Commission.

*Article 13.*

In the absence of special stipulations to the contrary, the Permanent 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 14.*

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

*Article 15.*

The proceedings of the Permanent Conciliation Commission shall not be public, except when a decision to that effect has been taken by the Commission with the consent of the Parties.

The High Contracting Parties undertake not to publish the result of the proceedings of the Commission without previously consulting one another.

*Article 16.*

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

The Commission on its side shall be entitled to demand verbal explanations from the agents, counsel and experts of the two Parties, as well as from all persons it may think useful to summon with the consent of their Government.

*Article 17.*

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

The Commission shall only be entitled to take decisions relating to the substance of the dispute if all its members have been duly convened and if at least all the members chosen jointly are present.

*Article 18.*

The High Contracting Parties undertake to facilitate the work of the Permanent Conciliation Commission, and in particular to ensure it the assistance of their competent authorities, to supply it as far as possible with all the relevant documents and information, and to take the necessary steps to allow it to proceed in their territory to the summoning and hearing of witnesses and to visit the localities in question.

*Article 19.*

During the proceedings of the Permanent Conciliation Commission, each Commissioner shall receive emoluments, the amount of which shall be fixed by agreement between the High Contracting Parties, each of whom shall contribute an equal share.

*Article 20.*

In all cases 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, as the case may be, shall lay down within the shortest possible time the provisional measures to be adopted. The Permanent Conciliation Commission may also, if necessary, adopt this course after agreement between Parties.

Each of the High Contracting Parties undertakes to abstain from all measures likely to react prejudicially upon the execution of the decision or upon the arrangements proposed by the Permanent Conciliation Commission and, in general, to abstain from any sort of action whatsoever that might aggravate or extend the dispute.

*Article 21.*

The present Treaty shall remain applicable as between the High Contracting Parties, even if other Powers also have an interest in the dispute.

*Article 22.*

In the event of any dispute arising between the High Contracting Parties as to the application of the present Treaty, such dispute shall be submitted to the Permanent Court of International Justice in accordance with the procedure laid down in Article 4, paragraph 2.

*Article 23.*

The present Treaty shall be ratified and the ratifications shall be exchanged at the Hague as soon as possible.

*Article 24.*

The present Treaty shall come into force immediately upon the exchange of ratifications and shall remain in force for ten years dating from its entry into force. Unless denounced six months before the expiration of that period, it shall be regarded as renewed by tacit agreement for a fresh period of five years and similarly thereafter.

If, at the time of the expiration of the present Treaty, any proceedings are pending in virtue of the present Treaty before the Permanent Conciliation Commission, the Permanent Court of International Justice or the Arbitral Tribunal, such proceedings shall pursue their course until their completion.

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

Done at The Hague, in duplicate, March 11, 1931.

(L. S.) Bochko CHRISTITCH, *m. p.*

(L. S.) BEELAERTS VAN BLOKLAND, *m. p.*